

MOVING AWAY FROM CRIMINALIZATION, THEORIZING A  
MODEL OF SEX WORK IN THE UNITED STATES

by

LARA LOUISA WILKNISS

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Approved: Dr. Yvette Saavedra  
Primary Thesis Advisor

The Nordic Model of sex work is a legislative approach to sex work regulation in which the purchase of sex is criminalized while the act of selling sex is decriminalized. The primary goal of this approach is to reduce demand by clients and ultimately abolish the industry.

Through an analysis of the historical criminalization of sex work, the contemporary industry's structure, and the institutional discrimination sex workers face, this thesis evaluates whether the Nordic Model is a viable approach to sex work regulation in the United States. It asks: How did Progressive Era anxieties shape and continue to influence sex work regulation in the U.S.? How do race, class, sexuality, gender identity, and immigration status affect conditions for sex workers? Is it feasible to apply the Nordic Model of sex work to the U.S. context? Are alternative models, such as legalization or decriminalization, better suited to the U.S. context?

In the U.S., the Nordic model does not account for racial and gender inequities, economic disparities, and the socio-historical impacts of Progressive Era policies that perpetuate cycles of poverty and incarceration for marginalized communities and reinforce white supremacist nationalist ideals. I argue that the Nordic Model is unsuitable for the U.S. due to its roots in sex work abolition, lack of recognition of the socio-historical landscape of the U.S., and its failure to protect sex workers' rights, safety, and well-being. Ultimately proposing a model rooted in Intersectional Socialist Feminism, implementing Critical Race Theory and Queer-Trans abolitionist values, that recognizes the unique history of the U.S. sex trade, whilst prioritizing the rights, safety, and well-being of sex workers.

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## Introduction

As sex work becomes more acceptable and accessible in the United States with online platforms, such as OnlyFans, and a shift in societal attitudes, it is plausible to project a transition toward a non-criminalized model. Any proposed model must consider the country's unique sociohistorical context and prioritize sex workers' rights, safety, and well-being.

To move toward a more just and effective policy framework, it is essential to clearly define *sex work* as the consensual exchange of sexual services or performances for money or goods. In this thesis I focus on street-based sex work, which refers to the visible and often criminalized solicitation of clients in public or semi-public spaces, such as sidewalks, parks, and street corners. This form of sex work is frequently subject to policing and legal regulation and is often associated with heightened vulnerability to violence, exploitation, and surveillance. I intentionally exclude online sex work and other forms of erotic labor such as pornography, stripping, or camming, as these involve different dynamics of labor, privacy, and legal regulation. This thesis focuses specifically on evolving attitudes toward sex work, rather than sex or sexuality more broadly, in order to examine how perceptions of morality, labor, and criminality have influenced how policymakers, reformers, and the public interpret sex workers' roles and rights.

Participation in sex work is frequently mischaracterized as inherently degrading, and sex workers are often portrayed as passive victims. Such perceptions obscure the diversity of experience within the sex industry and erase the autonomy many workers exercise. In the U.S., people enter sex work under a range of circumstances shaped by economic necessity, structural inequality, and personal agency.

While able-bodied women from various racial and ethnic backgrounds make up the majority of sex workers, men, queer individuals, immigrants, and individuals with disabilities are significantly represented. The current criminalization of sex work in the United States

fosters an environment of exploitation, violence, and insecurity, forcing sex workers to operate in unsafe conditions without legal protections or access to critical resources. As laborers, sex workers deserve a federal model that ensures their safety, health, and human rights while acknowledging their agency. A successful model must protect their rights and mitigate the vulnerabilities workers face due to stigma, discrimination, and criminalization.

I decided to take a closer look at the Nordic Model because it's currently one of the most influential frameworks for sex work regulation worldwide. Its core principles are likely to shape any future moves toward non-criminalized models in the U.S. These principles are already being tested in the United States, most notably at the state level.

First implemented in Sweden in 1999, the model is based on the idea that sex work is a form of gender-based violence and should be eradicated by targeting buyers rather than sellers. Under this framework, the purchase of sex and third-party profiteering, such as pimping or brothel management, are criminalized. This approach promises to reduce demand for commercial sex and protects individuals from exploitation, framed as a feminist policy that dismantles the structural power imbalances that fuel the sex trade. However, the Nordic Model fails to account for the realities of consensual sex work, increasing the risks and vulnerabilities that sex workers face by forcing the industry further underground.

Furthermore, its focus on reducing demand rather than harm and its failure to account for the U.S. socio-historical context make it an unsuitable approach for the United States. As the model gains traction in non-Nordic countries, including Canada, Northern Ireland, and France, and begins influencing U.S. policy discussions, it is essential to critically evaluate its effectiveness and suitability within the American socio-historical context.

This thesis explores the extent to which the Nordic Model of sex work applies to the contemporary U.S. context by examining how societal and cultural changes from the late nineteenth and early twentieth centuries have influenced the current perceptions and

criminalization of sex work and sex workers. Firstly, it explains how the Nordic Model works in both Nordic and non-Nordic countries and examines the theoretical perspectives and data that support and oppose its implementation. Secondly, it details the history of the criminalization and policing of sex work in the United States from the Progressive Era during the turn of the twentieth century to the present, taking particular interest in how the dynamics of gender and race played into this policing. Third, it examines the difficulties of applying the Nordic Model to the U.S., analyzing supporting and opposing views on its implementation. Additionally, it explores alternative models of sex work, such as legalization and decriminalization. Ultimately, it proposes an approach to sex work regulation rooted in Intersectional Socialist Feminism, Critical Race Theory, and Queer-Trans abolitionist principles.

The model of socialism I propose is rooted in a transformative, justice-oriented tradition informed by Critical Race Theory and Queer-Trans abolition. Unlike traditional Marxist socialism that centers class struggle and redistribution, my framework recognizes the intersecting systems of capitalism, white supremacy, cis-hetero-patriarchy, and carceral violence that shape the conditions sex workers face in the United States. This vision of socialism utilizes abolitionist frameworks that recognize carceral systems are not broken but function as intended by maintaining racial and economic hierarchies stemming from a significant moment in U.S history, the Progressive Era.<sup>1</sup> Drawing on mutual aid, community, and self-determination, my Intersectional Socialist Feminist model emphasizes the importance of collective care and grassroots solutions to criminalization and punitive control.<sup>2</sup> Queer-trans abolition is a vital addition to my proposed for sex work regulation

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<sup>1</sup> Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press, 2007. 188, 190. <https://cominsitu.wordpress.com/wp-content/uploads/2018/08/gilmore-ruth-wilson-golden-gulag-2007.pdf>.

<sup>2</sup> Dean Spade, *Mutual Aid: Building Solidarity in This Crisis (and the Next)* (New York: Verso Books, 2020), 92.

because it rejects the carceral systems that have historically criminalized, pathologized, and marginalized sex workers, particularly those who are Black, brown, queer, trans, disabled, and undocumented. Queer-trans abolition seeks to dismantle systems that enforce conformity and punish difference, instead of aligning sex work with state systems that have historically exerted power based on race, class, gender, sexuality, and immigration status. It challenges the use of surveillance, policing, and punishment as safety measures, recognizing that these systems perpetuate violence rather than prevent it.<sup>3</sup> Queer-trans abolition draws from radical traditions of mutual aid, community accountability, and collective survival.<sup>4</sup> By centering autonomy, self-determination, and liberation over assimilation and control, queer-trans abolition not only offers a critique of current sex work regulatory models, but a transformative vision for a world where sex work is not criminalized or regulated through domination. A system where sex workers' safety, well-being, and human rights are supported through justice, care, and collective power.

I argue that applying the Nordic Model to the U.S. is not feasible because the model has proven ineffective on three fronts. Firstly, in the countries where it has been implemented, the Nordic Model has failed at its main goal of curbing demand for sex work. Secondly, the model's assumption that all sex workers need liberation effectively disregards consensual participation in the industry. If the model treated sex workers as workers instead of victims, it would aim to regulate and normalize the industry, emphasizing health, safety, and labor rights. Lastly, the model cannot account for socio-historical systems of power that influence the sex industry in the United States, such as institutional and systemic

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<sup>3</sup> Marquis Bey, *Black Trans Feminism* (Durham, NC: Duke University Press, 2022) 4.  
Spade, *Mutual Aid: Building Solidarity in This Crisis*, 29.

Karma Chávez, *The Borders of AIDS: Race, Quarantine, and Resistance* (Seattle: University of Washington Press, 2021) 9.

<sup>4</sup> Bey, *Black Trans Feminism*, 23.

Spade, *Mutual Aid: Building Solidarity in This Crisis*, 40.

Chávez, *The Borders of AIDS: Race, Quarantine, and Resistance*, 166.

discrimination along the lines of race, class, sexuality, gender identity, and immigration status. Without acknowledging the intersecting systems of oppression, the model fails to address the root causes of danger in the industry. Using an intersectional feminist analysis influenced by Queer-Trans Abolition, this thesis argues for a model of sex work that addresses the socio-historical systems of power and ultimately protects the rights, safety, and well-being of sex workers in the United States.

## Project Description

In the United States sex work criminalization has historically been influenced by gender and sexual ideals driven by ideologies of morality and social purity. As societal attitudes evolve and online platforms make sex work more acceptable and accessible, a new model of sex work in the United States is on the horizon. It becomes important to assess if the most popular model, the Nordic Model, is the right one for implementation. Despite international recognition as a feminist achievement, the Nordic Model does not function as promised. With sex work abolitionist roots, the model promises to decrease the demand in the sex industry, but research shows that there has been no significant decrease in demand in the countries in which it has been implemented.<sup>5</sup> In addition, scholars have found that partial decriminalization makes the industry more dangerous for sex workers, forcing them to lower their prices and standards.<sup>6</sup>

Given the United States' unique socio-historical relationship with sex work and the controversies surrounding the Nordic Model, it is crucial to critically examine its applicability to the U.S. context. By conducting an intersectional feminist analysis of the feasibility of the Nordic Model to the U.S. sex industry, my work seeks to contribute to the literature by proposing alternative models shaped by Queer-Trans abolition that address the historical and intersectional complexities of sex work in the United States.

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<sup>5</sup> Don Kulick, "Talk Delivered at Beijing Plus Ten Meetings on the 'Swedish Model,'" *Global Rights*, (2005) 3.

<sup>6</sup> Ine Vanwesenbeeck, "Sex Work Criminalization Is Barking up the Wrong Tree." *Archives of Sexual Behavior* 46, no. 6 (2017): 1631–1640, <https://doi.org/10.1007/s10508-017-1008-3>.

Andrea J. Ritchie and Delores Jones-Brown, "Policing Race, Gender, and Sex: A Review of Law Enforcement Policies." *Women & Criminal Justice* 27, no. 1 (2017): 21–50. 40, 41, 42, <https://doi.org/10.1080/08974454.2016.1259599>.

## Methodology

For this project, I used a methodology based on intersectional feminist theory influenced by Queer-Trans Abolition. This approach explores how the intersecting categories of race, gender, class, immigration status, and sexuality are shaped by power structures, institutions, and systemic forces, like capitalism, patriarchy, and white supremacy, and in turn create unique experiences of oppression and privilege.<sup>7</sup> This framework prioritizes the voices and experiences of marginalized sex workers that continue to be ignored. Using this approach, I critically examine how power structures and societal norms influence the regulation of sex work. I offer crucial insights into the broader sociopolitical context that shapes sex work regulation within the United States. By applying this framework, I aim to develop inclusive and equitable policy recommendations that address the varied needs of sex workers. Employing an Intersectional feminist and Queer-Trans Abolitionist approach, I analyze both the positive and negative outcomes of various regulatory models, explore systemic issues such as racism and sexism, and propose solutions that promote justice and equity. Additionally, I assess the effectiveness of the Nordic Model where it has been implemented, its potential applicability to the U.S., and its impact on diverse groups within the sex work industry. I use comparative research, critiques, and feminist theoretical frameworks to explore and propose alternate strategies for identifying a suitable model of sex work in the U.S. This methodology acknowledges its unique socio-historical relationship with the industry and focuses on workers' rights, safety, and well-being.

In Chapter One, *The Nordic Model*, I provide a comprehensive literature review and analysis of the model's theoretical foundations, goals, implementation, and outcomes in both

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<sup>7</sup> Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." *Stanford Law Review* 43, no. 6 (July 1991): 1241, 1299 <https://doi.org/10.2307/1229039>. Ange-Marie Hancock, "The Activist Roots of Intersectionality," in *Intersectionality: An Intellectual History*, online ed., Oxford Academic, New York: Oxford University Press, 2016), 56, <https://doi.org/10.1093/acprof:oso/9780199370368.003.0002>.

Nordic and non-Nordic countries. This review offers a foundation for my broader study by identifying existing scholarship, highlighting gaps in prior research, and preventing duplication of analysis. Drawing on peer-reviewed journal articles, books, policy reports, and secondary data, I examine how the model impacts sex workers at the intersections of race, class, gender identity, and immigration status. This intersectional feminist analysis focuses on the intended goals of the model versus its actual outcomes, revealing both successes and discrepancies.

In Chapter Two, *Sex Work in the United States*, I trace the evolution of sex work regulation in the United States. Utilizing historical analysis, I examine how Progressive Era social anxieties and criminalization of the industry are still prevalent in the current regulatory approaches to sex work in the U.S. Creating this connection, I show how criminalization increases the dangers for workers in the sex industry. Analyzing secondary sources such as historical and ontological studies, and scholarship that examine the shifting dynamics of gender, race, immigration, and sexuality during the Progressive Era I show how laws, forced eugenic practices, racist ideologies, and overall White Anglo-Saxon Protestant anxieties led to the criminalization of sex work during that period as well as its long-term impacts on the sex industry in the United States. Historical analysis is crucial to understanding the unique relationship the United States has with the sex industry.

In the second half of Chapter Two, I investigate the realities of the sex industry in the present day and the effects of criminalization in the United States. I provide evidence of how criminalization increases the dangers of the industry and disproportionately affects workers due to their intersecting identities to support my claim that criminalization in any form, including partial criminalization, is not the solution to improving the industry. My investigation includes statistical data on sex work, crime rates, interviews with sex workers, and public health outcomes from countries that have implemented the Nordic Model, sourced

from existing qualitative and quantitative studies, reports, and databases. Key sources of secondary data include studies on the impacts of sex work criminalization and decriminalization, and public health data on sexually transmitted infections (STIs) and violence against sex workers. By analyzing these sources, I aim to provide an evidence-based evaluation of the effects of criminalization on sex workers in the United States.

In Chapter 3, *The Limits of the Nordic Model and Feminist Alternatives for the U.S. Context*, I examine the potential application of the Nordic Model to the U.S. sex industry, exploring both its theoretical appeal and its practical limitations. Using a comparative analysis grounded in historical context and contemporary realities, I assess the challenges of implementing the Nordic Model in the United States. This includes evaluating its goals, such as reducing demand for sex work and improving safety and health outcomes for sex workers, and analyzing its socioeconomic impacts, particularly on marginalized communities. Drawing from both supporting and opposing perspectives, I conclude that the Nordic Model is ultimately unsuitable for the U.S. context, as it fails to meet its own objectives and does not align with my criteria for enhancing safety, rights, and well-being for sex workers within the nation's unique socio historical landscape.

Building on this critique, I explore alternative frameworks for sex work regulation through an intersectional feminist lens. Using critical discourse analysis, case studies, and comparative evaluation, I examine the diverse and conflicting feminist perspectives on sex work, with particular attention to how legalization and decriminalization impact those most affected by systemic inequalities. Recognizing that sex work is shaped by broader structures like capitalism, patriarchy, and white supremacy, I analyze how regulatory models either uphold or challenge these systems. While outlining the strengths and limitations of each approach, I argue that no single model is sufficient. Instead, I advocate for ongoing research, inclusive policy development, and a commitment to protecting sex workers' rights and well-

being. This chapter bridges theory and practice to reimagine a more just and equitable approach to sex work regulation in the U.S.

In chapter 4, *An Intersectional Socialist Feminist, Critical Race Theorist, and Queer-Trans Abolitionist Model of Sex Work*, I utilize a critical theoretical framework grounded in Intersectional Socialist Feminism, influenced by Critical Race Theory and Queer-Trans Abolition theory, to propose a transformative model for sex work regulation in the U.S. This model is rooted in social justice research and informed by historical, legal, and sociopolitical analysis. It draws on qualitative insights from sex worker advocacy, policy critiques, and abolitionist scholarship to center the lived experiences of marginalized sex workers. Rather than relying on traditional empirical or quantitative methods, this approach uses theoretical synthesis and critical policy analysis to challenge dominant carceral logics and foreground intersectional oppressions such as racism, capitalism, patriarchy, xenophobia, and transphobia. Through this lens, the chapter constructs a visionary framework for sex work regulation that is based in decriminalization, labor protections, and community-based care, and is informed by historical context and the radical potential of collective liberation.

## Chapter 1: The Nordic Model

Praised as a feminist achievement, the Nordic Model of sex work is a framework aimed at reducing demand for the sex industry. Based on the simple principle of supply and demand, the Nordic Model criminalizes the purchase of sex by clients and the handling of workers by third parties, pimps, and managers in hopes of curbing the demand in the sex trade, therefore “freeing” sex workers.<sup>8</sup> The exact legal wording on the model enacted in Sweden states, “Anyone who for remuneration procures a temporary sexual relationship will be guilty – if their action is not punishable by some other offense according to the penal code – of purchasing sexual services, and will be sentenced to fines or prison for not more than six months”.<sup>9</sup> Grounded in the belief that all sex work is exploitative and that sex workers require liberation, the Nordic Model asserts that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children are commodities that can be bought, sold, and sexually exploited.<sup>10</sup>

The Nordic Model is a distinct product of the socio-historical context of Nordic nations, where progressive social policies and feminist movements of the 1960s and 1970s gave rise to a unique approach to gender, sexuality, and labor.<sup>11</sup> While the model aligns with the values of these countries, its applicability beyond them has been widely contested. Additionally, critics of the Nordic Model highlight its ambiguous legal language, its philosophical underpinnings that prioritize sex-work abolition over harm reduction, and its unintended consequences for sex workers, including increased risks of violence, diminished access to support services, and intensified stigma. Moreover, I found that the model's

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<sup>8</sup> Gunilla Ekberg, “The Swedish Law That Prohibits the Purchase of Sexual Services.” *Violence Against Women* 10, no. 10 (October 2004): 1187–1218. <https://doi.org/10.1177/1077801204268647>.

<sup>9</sup> Don Kulick, “Talk Delivered at Beijing Plus Ten Meetings on the ‘Swedish Model,’” (2005) 1.

<sup>10</sup> Ekberg, “The Swedish Law That Prohibits the Purchase of Sexual Services, 1189,.

<sup>11</sup> Sven-Axel Månsson, “The History and Rationale of Swedish Prostitution Policies.” *Dignity: A Journal of Analysis of Exploitation and Violence* 2, no. 4 (2017): Article 1, 2.

heteronormative framework excludes the realities of male, non-binary, and transgender sex workers while failing to address intersecting oppressions such as race, gender and class.

In this chapter, I explore the historical origins of the Nordic Model of sex work, analyzing its socio-historical and cultural context. I examine the criticisms and controversies surrounding the model's implementation and ultimately argue that, as a unique product of the historical, cultural, social, and political values of Nordic Nations, the Nordic Model is ill-suited for broader application to different socio-historical contexts. Additionally, I critique the model's goal of sex work abolition and lack of recognition of sex workers' agency.

Despite its international recognition, I claim that the Nordic Model falls short of delivering an inclusive and effective framework for protecting sex workers' rights, safety, and well-being and addressing the socio-historical complexities of the sex industry.

### *Historical Context*

To fully understand the development of the Nordic Model, it is essential to examine the social and cultural understandings of gender and sexuality leading up to its formation. The Nordic Model is intricately linked to the socio-historical contexts of Nordic nations, which have long been at the forefront of progressive social policies and gender equality measures. This social progressiveness has uniquely shaped their approaches to issues of sexuality, labor rights, and social justice. Consequently, the Nordic Model represents a distinct approach to advancing gender equality and addressing issues of sexual exploitation, shaped by the unique historical and cultural contexts of Nordic societies.

The Nordic Model of sex work is intricately tied to the feminist efforts of the 1960s and 1970s in countries that emphasized gender equality and social welfare policies, such as Sweden. This discourse emphasized equal rights for all individuals, regardless of gender, encompassing the right to work, equal pay, and freedom from violence and abuse.<sup>12</sup> My

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<sup>12</sup> Månsson, "The History and Rationale of Swedish Prostitution Policies," 1, 3.

analysis of the shifting societal understandings of gender and sexuality during this period in Sweden revealed a transition from restrictive norms to more permissive views on sexual expression and gender identity.<sup>13</sup> This cultural shift provided fertile ground for the emergence of policies like the Nordic Model. The evolving societal norms were further reflected in significant legal changes, such as the legalization of pornography and the subsequent debates on sex offense legislation beginning in 1971.<sup>14</sup> Additionally, Nordic feminism was uniquely integrated with state structures and welfare policies, emphasizing social reforms within a cooperative political culture.<sup>15</sup>

Unlike in countries such as the United States, Nordic countries saw state structures and welfare policies emerge that emphasized social reforms within a cooperative socio-political culture.<sup>16</sup> Thus, the Nordic model is the result of a unique approach to gender equality and sexuality shaped by the historical context, values, and policies of Nordic countries. However, as a distinct product of socio-cultural understandings of gender and sexuality in Nordic countries, the Nordic Model cannot address these complex intersections of oppression that affect other countries like the United States.

### *Critiques and Controversies*

Stemming from a homogenized, ethnically white nation, the Nordic Model is a product of specifically white, Western constructions of gender and sexuality. The model's framing of sex work as inherently exploitative and incompatible with gender equality reflects a particular feminist tradition rooted in white, middle-class norms that universalize the experiences of white womanhood and heteronormative sexuality.<sup>17</sup> This version of state

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<sup>13</sup> Månsson, "The History and Rationale of Swedish Prostitution Policies," 1, 5.

<sup>14</sup> Månsson, "The History and Rationale of Swedish Prostitution Policies," 1, 5.

<sup>15</sup> Månsson, "The History and Rationale of Swedish Prostitution Policies," 1, 4.

<sup>16</sup> Månsson, "The History and Rationale of Swedish Prostitution Policies," 1, 5.

<sup>17</sup> Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," 1250.

Hancock, "The Activist Roots of Intersectionality," 69.

feminism relies on a binary, CIS normative understanding of gender that centers the protection of women through paternalistic interventions, often positioning women as victims and men as perpetrators. While Nordic countries have gained a reputation for progressive attitudes toward sexuality, this liberalism remains constrained by respectability politics that exclude sex work from “acceptable” forms of sexual expression.<sup>18</sup> Furthermore, these gender and sexual norms emerged in nations with limited racial and cultural diversity, which allowed white, Nordic experiences to be constructed as the universal standard. While immigration to these countries has increased in recent decades, their histories lack the entrenched racial hierarchies, legacies of slavery, and institutionalized racism that characterize countries like the United States. Consequently, race and immigration were not factors in the Nordic Model’s development during the 1960s and 70s, further illustrating that it is a regulatory approach shaped by white universalist ideas of gender and sexuality.

Additionally, Critics argue that the Nordic Model's formulation and enforcement pose significant challenges to its success in providing a safe and effective framework for addressing sex work. These critiques of the Nordic Model focus on the model’s formulation, its criminalization aspects, and the effectiveness of its implementation in Nordic Countries. The vague wording of the Nordic Model makes it extremely difficult to enforce, complicating the distinction between legal and illegal activities, particularly regarding the purchase of sexual services.<sup>19</sup> The lack of clarity around key terms, "remuneration," "procure," "temporary," and "sexual relationship”, makes it difficult to determine what constitutes illegal behavior. For instance, remuneration is defined broadly to include non-monetary exchanges like narcotics, alcohol, or luxury goods, raising questions about whether expensive gifts or

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<sup>18</sup> Vicki L. Eaklor, *Queer America: A GLBT History of the 20th Century*. Westport, CT: Greenwood Press, 2008, 107.

<sup>19</sup> Kulick, “Talk Delivered at Beijing Plus Ten Meetings on the ‘Swedish Model,’” 1, 2.

dinner at an expensive restaurant could be considered payment.<sup>20</sup> Similarly, the term "procure" becomes murky in cases where third parties arrange or facilitate social outings involving sex workers without direct financial exchange.<sup>21</sup> "Temporary" sexual relationships are also a confusing concept, bringing into question whether regular clients with long-standing arrangements are criminalized.<sup>22</sup> Also the concept of a "sexual relationship" is extremely difficult to define. This ambiguity hinders law enforcement efforts and may inadvertently undermine the model's intended goals.

Moreover, critics argue that the law's impact on sex workers was not a central consideration during its conception. The Nordic Model enforces a state-sanctioned view that defines sex work as a form of gendered violence that must be eliminated. This perspective prioritizes the abolition of sex work over improving conditions and safety for those currently in the industry. As a result, the model has led to harmful consequences for sex workers, including heightened vulnerability, reduced access to support services, and increased police harassment. In regions where the model has been implemented, sex workers have been forced to accept riskier clients, face greater exposure to sexually transmitted infections such as HIV, and experience growing disconnection from social services.<sup>23</sup>

The model's philosophical foundation has also raised ethical concerns, particularly in its reliance on respectability politics.<sup>24</sup> By criminalizing the purchase of sex and framing all involvement in sex work as coercive, the Nordic Model not only fails to acknowledge the agency of sex workers but also reinforces a moralistic view of sexuality that seeks to separate "acceptable" sexual behavior from "deviant" practices.<sup>25</sup> This approach, stigmatizes sex work

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<sup>20</sup> Kulick, "Talk Delivered at Beijing Plus Ten Meetings on the 'Swedish Model,'" 2.

<sup>21</sup> Kulick, "Talk Delivered at Beijing Plus Ten Meetings on the 'Swedish Model,'" 2.

<sup>22</sup> Kulick, "Talk Delivered at Beijing Plus Ten Meetings on the 'Swedish Model,'" 2.

<sup>23</sup> Kulick, "Talk Delivered at Beijing Plus Ten Meetings on the 'Swedish Model,'" 6.

<sup>24</sup> Eaklor, *Queer America: A GLBT History of the 20th Century*, 107.

<sup>25</sup> Clare Sears, *Arresting Dress: Cross-Dressing, Law, and Fascination in Nineteenth-Century San Francisco*, 5, 60.

as inherently immoral and incompatible with gender equality, further marginalizing sex workers. In turn, this marginalization limits their access to legal protections and support services, as the model positions them outside the bounds of socially sanctioned forms of labor, limiting their access to legal protections and support services.<sup>26</sup> The emphasis on protecting "good" women and maintaining a "respectable" social order ultimately disregards the agency and lived realities of sex workers, reducing their rights and dignity to the lens of victimhood rather than recognizing their autonomy and labor rights.

In formulating my critique, I found that Ekberg's definition of sex workers that are in need of liberation is narrowly limited to female-identifying individuals engaged in heterosexual sex work. By highlighting that achieving social equality for women and girls necessitates rejecting the commodification and sexual exploitation of females assigned at birth, the Nordic Model assumes that sex workers in need of liberation and protection are only a portion of the sex worker population. This gendered perspective situates the model firmly within a heteronormative framework, prioritizing the experiences of female sex workers in heterosexual contexts while overlooking the diverse realities of sex work beyond this binary. Male, non-binary, and transgender sex workers face unique challenges and forms of discrimination that are often exacerbated by legislation rooted in a heteronormative perspective. Specifically, transgender sex workers and sex workers of color experience heightened levels of violence and marginalization.<sup>27</sup> By failing to address the needs and rights of all sex workers, the Nordic Model ultimately falls short of offering an inclusive and comprehensive approach to the complexities of the sex work industry.

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Michael A. Rembis, *A. Defining Deviance: Sex, Science, and Delinquent Girls, 1890–1960*. Urbana: University of Illinois Press, 2011, 35, 87.

Natalia Lira, *Laboratory of Deficiency: Sterilization and Confinement in California*, 20, 94, 95.

<sup>26</sup> Kulick, "Talk Delivered at Beijing Plus Ten Meetings on the 'Swedish Model,'" 6.

<sup>27</sup> Tess McGee, *Sex Work, Race, and Bias: Exploring Police Violence and Misconduct against Transgender People in the United States*. Master's thesis, University of Oklahoma, 2023. 8, <https://shareok.org/handle/11244/337594>.

Additionally, the criminalization aspect of the Nordic Model is at odds with public health and human rights principles. Criminalization contributes to framing commercial sex as immoral and, therefore, unlawful, further fueling stigma and eroding societies' humanization of sex workers, exacerbating social exclusion and discrimination. This marginalization is compounded by intersecting factors such as race, gender identity, and immigration status, which disproportionately affect marginalized communities within the sex industry.<sup>28</sup> Studies indicate that criminalization increases the risk of violence, sexually transmitted infections (STIs), and other health hazards among sex workers. Deering et al. (2014) reviewed 42 international studies on sexual and physical violence against sex workers and calculated that the risk of violence was amplified up to seven times among sex workers with criminalization-related experiences.<sup>29</sup> *The Lancet* published systematic reviews of 87 studies on sex workers' HIV risk and found that the criminalization of sex work increased the risk of STI/HIV infection, as well as physical and sexual violence.<sup>30</sup>

Criminalization at any level has proven to be an ineffective solution for social issues. When activities like drug use or sex work are criminalized, these activities are not eradicated, but rather, they are moved further underground. This makes them increasingly dangerous and harder to regulate and control, which leads to increased criminal activity and higher levels of violence and exploitation.<sup>31</sup> Furthermore, criminalization deters individuals who are part of these underground communities from seeking resources. In the case of sex work, criminalization makes it difficult for sex workers to seek protection or report crimes without fear of arrest. Additionally, it discourages them from accessing healthcare services, leading to higher rates of sexually transmitted infections.<sup>32</sup>

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<sup>28</sup> Ritchie and Jones-Brown, "Policing Race, Gender, and Sex: A Review of Law Enforcement Policies," 31.

<sup>29</sup> Vanwesenbeeck, "Sex Work Criminalization Is Barking up the Wrong Tree," 1633.

<sup>30</sup> Vanwesenbeeck, "Sex Work Criminalization Is Barking up the Wrong Tree," 1633

<sup>31</sup> Vanwesenbeeck, "Sex Work Criminalization Is Barking up the Wrong Tree," 1633.

<sup>32</sup> Vanwesenbeeck, "Sex Work Criminalization Is Barking up the Wrong Tree," 1634.

Along with detrimental effects on individual health and safety, it has been proven that sex work criminalization does not work because sex workers still do.<sup>33</sup> Sex work will remain a career path for many people as long as structural conditions such as gender injustice, poverty, and gendered labor markets exist.<sup>34</sup> For instance, in countries where the Nordic Model has been adopted, it remains difficult to find empirical evidence that the model has achieved its goal of abolishing sex work or improving the lived experiences of sex workers.

There is no convincing evidence that levels of prostitution in Sweden have decreased since the law was introduced in 1999. According to the model parameters, its success can be measured by how much it has decreased demand. However, scholars have found that while the official government inquiry claims street-based sex work has been halved, sex work has merely moved indoors and online, indicating that the overall demand for sex work has not diminished but has instead shifted locations.<sup>35</sup> In addition, the Swedish government has used selective and distorted evidence to justify the Nordic Model as successful.<sup>36</sup> While some proponents of the law argue that it has been successful in reducing levels of sex work, particularly street sex work, it's important to note that street sex work is easier to measure than indoor or online sex work.

Not only has the Nordic Model been unsuccessful according to its sex work abolitionist parameters, but the model has also increased dangers for workers. In Sweden, the model has resulted in a drop in clients willing to buy sex publicly, increased competition

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<sup>33</sup> Vanwesenbeeck, "Sex Work Criminalization Is Barking up the Wrong Tree," 1638.

<sup>34</sup> Vanwesenbeeck, "Sex Work Criminalization Is Barking up the Wrong Tree," 1638.

<sup>35</sup> Lauren Bullock, "Exporting Sexköpslagen: Sweden, Sex Work, and the Moral Stakes of Externalizing Feminist Policy." *Sexuality Research and Social Policy* 21, no. 2 (July 25, 2023): 503–13. <https://doi.org/10.1007/s13178-023-00855-7>.

<sup>36</sup> Bullock, "Exporting Sexköpslagen: Sweden, Sex Work, and the Moral Stakes of Externalizing Feminist Policy," 506.

among workers, and a rise in sexual violence.<sup>37</sup> In non-Nordic countries such as Northern Ireland, sex workers have conveyed that with fewer clientele, they face price drops and desperation. This has led to the erosion of their boundaries and, therefore, increased the risk of harm.

The Nordic Model's formulation and implementation reveal significant shortcomings that undermine its goals. The model's ambiguous legal language creates enforcement challenges, while its sex work abolitionist stance prioritizes eradicating sex work over safeguarding the rights, safety, and agency of sex workers. By framing sex work as inherently exploitative and criminalizing clients, the model reinforces sex workers' stigma, marginalization, and vulnerability, particularly for those from marginalized communities. Additionally, the model's criminalization approach has been linked to increased risks of violence, health hazards, and social exclusion of sex workers. These outcomes underscore the model's inability to address the structural conditions, such as poverty, gender inequality, and systemic discrimination, that sustain the sex industry. As critics highlight, any effective and equitable approach to sex work must prioritize harm reduction, public health, and the voices and needs of sex workers themselves, moving beyond punitive measures to foster meaningful, inclusive solutions.

### *Conclusion*

The Nordic Model is a distinct product of the socio-cultural understandings of gender and sexuality in Nordic countries, making it inapplicable to countries that do not share a similar socio-historical context. My research into the period of the model's creation found no evidence that race or immigration played a role in its development or implementation. Designed with a predominantly white Nordic perspective on gender and sexuality, the Nordic

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<sup>37</sup> Jay Levy and Pye Jakobsson, "Sweden's Abolitionist Discourse and Law: Effects on the Dynamics of Swedish Sex Work and the Lives of Sweden's Sex Workers," *Criminology & Criminal Justice* 14, no. 5 (2014): 7.

Model cannot be universally applied to countries that are socially, culturally, and politically structured by the intersections of race, class, gender, sexuality, and immigration. While Nordic countries have seen increased immigration in recent decades, their histories lack the same levels of racial and ethnic diversity, as well as the legacies of slavery, segregation, and systemic racism that have profoundly shaped countries like the United States.

Popular critiques of the Nordic Model focus on issues with the wording of the model that resulted in legislative ambiguities. The terms that structure the model, "remuneration," "procure," "temporary," and "sexual relationship", are difficult to define and categorize. Therefore, the model's vague wording creates difficulties in interpretation and enforcement.

Additionally, sex work regulations that focus on abolition rather than the immediate needs of sex workers cannot be successful when it comes to increasing the safety of the sex industry. Instead of focusing on providing sex workers with resources and support to improve their current conditions, the Nordic Model emphasizes an idealized end goal of abolishing the sex trade. This can lead to a lack of practical measures that address the everyday challenges faced by sex workers, such as protection from violence, access to medical care, and economic stability.

Moreover, the lack of recognition of sex workers' autonomy can lead to a range of adverse outcomes. Sex-work abolitionist stance exacerbates social isolation and discrimination against sex workers, limiting their access to essential services such as healthcare, legal support, and housing.<sup>38</sup> The assumption that all sex work is inherently harmful also overlooks the diverse experiences and motivations of individuals in the sex industry. Some sex workers may choose this profession willingly and find it empowering.

An evaluation of the Nordic Model's implementation reveals that it does not function as promised. In the countries where this model has been implemented, such as Sweden, there

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<sup>38</sup> Kulick, "Talk Delivered at Beijing Plus Ten Meetings on the 'Swedish Model,'" 6.

is no comprehensive evidence that the Model has directly correlated to the decrease in demand for the sex industry. While official government inquiries claim that street-based sex work has been halved, studies indicate that sex work has merely shifted indoors and online.<sup>39</sup> This shift suggests that the overall demand for sex work has not diminished but has instead moved to less visible platforms, which are harder to monitor and therefore to punish.

Furthermore, the ramifications of the Nordic Model include increased risks for sex workers. In Sweden, reduced public demand has led to heightened competition among sex workers, lowering prices and potentially compromising safety.<sup>40</sup> Similar concerns arise in non-Nordic contexts like Northern Ireland, where reduced clientele has driven some sex workers to accept more dangerous clients out of economic necessity, thereby increasing vulnerability.

Overall, I found that the Nordic Model fails to succeed according to its goal of sex work abolition and fails to protect sex worker safety. While the Nordic Model aims to eliminate the sex trade by criminalizing the purchase of sexual services, it fails to recognize the rights, well-being, and agency of sex workers and does not adequately address the diverse needs of the sex worker population. Its gendered perspective overlooks the experiences of male, non-binary, and transgender sex workers, resulting in a narrow approach that lacks inclusivity. Despite its international praise as an effective policy, the model's implementation has not led to a significant decrease in the demand for sex work but rather has led to a shift to less visible forms. Additionally, the vague legislative wording complicates enforcement and interpretation, further undermining the model's effectiveness. Ultimately, the Nordic Model's primary goal of eradicating sex work comes at the expense of the safety, rights, and well-

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<sup>39</sup> Bullock, "Exporting Sexköpslagen: Sweden, Sex Work, and the Moral Stakes of Externalizing Feminist Policy," 507.

<sup>40</sup> Levy Jakobsson, "Sweden's Abolitionist Discourse and Law: Effects on the Dynamics of Swedish Sex Work and the Lives of Sweden's Sex Workers," 8.

being of sex workers, highlighting the need for a more comprehensive and inclusive approach.

Given its narrow cultural origins, exclusionary gender framework, and failure to protect sex workers, the Nordic Model is not a viable approach for implementation in the United States. Rooted in white, homogenous, and state-centered feminism, the model does not translate to the U.S. context, where sex work regulation has been shaped by a deeply racialized, economically unequal, and historically punitive legal system. To assess the model's limitations, it is essential to examine the socio-historical context of sex work regulation in the United States, where systems of race, gender, class, and morality intersect to control and criminalize marginalized populations.

## Chapter 2: Sex Work in The United States

The criminalization of sex work in the United States is deeply rooted in the anxieties and social transformations of the Progressive Era, a period marked by rapid industrialization, urbanization, and shifting cultural norms at the turn of the twentieth century. During this period, White Anglo-Saxon Protestant (WASP) ideals emerged as the dominant framework for defining morality, gender, and sexuality. Amid growing demands for women's suffrage, increased immigration, and the rising visibility of non-normative gender and sexuality, white middle-class Progressive reformers intensified efforts to control behaviors and populations they viewed as deviant. Framing their interventions through the lenses of eugenics and criminalization, they reinforced rigid hierarchies of race, class, and gender, disproportionately targeting immigrants, white ethnic women, women of color, working-class people, especially women, and those involved in sex work. The criminalization of sex work served not only as a reflection of moral panic but also as a calculated means of upholding white supremacy, patriarchy, and heteronormativity. These early regulatory efforts continue to shape contemporary policies, sustaining cycles of poverty, incarceration, and systemic inequality that disproportionately affect marginalized communities.

### *History of Sex Work Regulation in the United States*

The criminalization of sex work in the United States can be traced back to the late nineteenth and early twentieth centuries, also known as the Progressive Era. During this era, social regulations such as the ideal of domesticity and its division of the public and private sphere, and the importance of sex as a means of procreation were central to regulating social and sexual behavior. Progressive reformers, many of whom were White Anglo-Saxon Protestant middle-class women, mobilized around moral reform campaigns that emphasized Victorian ideals of rigid gender roles, sexual modesty, and the sanctity of the "traditional"

family.<sup>41</sup> Women's suffrage, increased immigration, and the growing visibility of non-normative sexual behavior, defined through its challenge to the gendered and classed expectations of heteronormative society, were perceived as threats to this moral and social order.<sup>42</sup>

To manage these threats to dominate middle-class WASP culture, Progressives worked to define and police bodies, casting immigrants, poor women, and anyone who deviated from heteronormative gender and sexual norms as deviant. This logic of normativity and deviance served to reinforce White Protestant identity and moral authority by contrasting it with the racialized, gendered, and classed behaviors of immigrants, working-class peoples, and those labeled as sexually immoral.<sup>43</sup> Despite reformers' efforts the Progressive Era saw a broadening of gender roles, sexuality, and increased immigration from Southeastern Europe and Eastern Asia.

In the late nineteenth century, gender roles expanded as women began to assert more influence in public and political spheres, advocating for rights and participating in social reforms. From the 1890s to the early 1920s, the Women's Suffrage movement made significant strides, including the election of the first congresswoman, Jeannette Rankin, in 1917 and the ratification of the nineteenth amendment in 1920.<sup>44</sup> Developments such as these disrupted the entrenched gender hierarchy that had long confined women to the domestic sphere, legitimizing their participation in governance and signaling broader changes in

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<sup>41</sup> Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885–1920* (Chapel Hill: University of North Carolina Press, 1995) 2, 16, 19.

Sears, *Arresting Dress: Cross-Dressing, Law, and Fascination in Nineteenth-Century San Francisco*, 5, 45.

<sup>42</sup> George Chauncey, ““Lots of Friends at the YMCA: Rooming Houses, Cafeterias and Other Gay Social Centers.” In *Gay New York*, (New York: Basic Books, 1994) 157.

<sup>43</sup> Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States*, 4, 39, 49, 108, 118, 129.

Sears, *Arresting Dress: Cross-Dressing, Law, and Fascination in Nineteenth-Century San Francisco*, 45, 47, 49, 51.

<sup>44</sup> Murrill, *The Nineteenth Amendment and Women's Suffrage. Part 4, The Progressive Era and Ratification*, 2023.

societal understandings of gendered power. The expanding roles of women in civic life also challenged assumptions about femininity, authority, and sexual propriety, particularly as women began entering higher education, the workforce, and leadership positions in reform movements.<sup>45</sup>

Additionally, discussions around sexuality became more open, with early sex education efforts and the promotion of sexual health. Feminist activists such as Margaret Sanger advocated for access to contraception and reproductive rights, challenging societal norms surrounding women's sexuality and autonomy. However, it is important to note Sanger's eugenic motivation of controlling the reproduction of women of color.<sup>46</sup> This push for greater sexual autonomy for women paralleled the gradual emergence of romantic friendships and a more visible queer community.

While non-normative sexuality and gender remained largely stigmatized as well as criminalized, there were emerging spaces for queer communities to exist, gather, and organize in rural and urban areas.<sup>47</sup> During the nineteenth century, the lack of a clear conceptual framework for homosexuality enabled what scholars' term "assumed heterosexuality," which allowed queer individuals, particularly queer women, to explore their identities under the guise of normative relationships. Romantic friendships between female individuals were accepted by kin and community because they were believed to be temporary and transitional, not a challenge to the eventual expectation of heterosexual marriage.<sup>48</sup> In Black communities, where the post-Civil War era produced higher mortality rates for men and necessitated economic independence for women, female-headed households became

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<sup>45</sup> Murrill, *The Nineteenth Amendment and Women's Suffrage. Part 4, The Progressive Era and Ratification*, 2023.

<sup>46</sup> Linda Gordon, *Woman's Body, Woman's Right: Birth Control in America*. New York: Penguin Books, 2015. 120, <https://archive.org/details/womansbodywomans0000gord>.

<sup>47</sup> Chauncey, "Lots of Friends at the YMCA: Rooming Houses, Cafeterias and Other Gay Social Centers," 157, 163.

<sup>48</sup> Karen Hansen, "'No Kisses Is Like Youres': An Erotic Friendship between Two African-American Women during the Mid-Nineteenth Century," *Gender & History* 7, no. 2 (1995): 167, 170.

more common. This normalization of women's independence enabled queer Black women to privately explore their sexuality beyond the limits of assumed heterosexuality.

In parallel white middle-class communities saw a deeply structured “female world” of affection and intense same-sex relationships.<sup>49</sup> Women’s diaries and letters from the eighteenth through nineteenth centuries reveal a robust culture of long-lived, emotionally rich, and at times sensual female friendships that were socially acceptable and often persisted across lifespans, even through marriage and geographic separation.<sup>50</sup> These relationships were not seen as deviant but rather as integral to women’s emotional lives, grounded in gender-segregated social structures that enabled close bonds between mothers, daughters, sisters, and friends.<sup>51</sup> In such a context, romantic friendships offered women a space for emotional intimacy and possible sexual expression, subtly challenging the boundaries of heteronormativity without necessarily appearing to do so on the surface.

During the early twentieth century, industrialization and urbanization created new opportunities for queer individuals to build community. For instance, in his ground-breaking book *Gay New York*, historian George Chauncey shows how cafeterias, apartments, bars, and boarding houses like the YMCA became sites of same-sex connection, as long as patrons adhered to unspoken expectations of discretion and cisgender presentation.<sup>52</sup> The continuation of assumed heterosexuality protected these spaces by allowing owners to “turn a blind eye,” enabling cisgender white gay men to safely navigate and build queer networks. However, these same binary understandings of gender and racial biases excluded many, including visibly queer people especially gender non-conforming and trans women of color,

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<sup>49</sup> Carroll Smith-Rosenberg, “The Female World of Love and Ritual: Relations between Women in Nineteenth-Century America,” *Signs* 1, no. 1 (Autumn 1975): 9.

<sup>50</sup> Smith-Rosenberg, “The Female World of Love and Ritual: Relations between Women in Nineteenth-Century America,” 4, 12.

<sup>51</sup> Smith-Rosenberg, “The Female World of Love and Ritual: Relations between Women in Nineteenth-Century America,” 13, 17, 18, 23, 24.

<sup>52</sup> Chauncey, “Lots of Friends at the YMCA: Rooming Houses, Cafeterias and Other Gay Social Centers,” 163.

limiting the defined queer community to those who could fit within the contours of gender normativity.

During this era, the United States also experienced a significant increase in immigration, with more than 12 million people migrating to the United States between 1908 and 1932.<sup>53</sup> This rise in immigration from Southeastern Europe and Eastern Asia brought diverse cultural practices and beliefs into the urban centers that were in conflict with White Anglo-Saxon Protestant cultural values and practices. Many immigrant communities introduced more fluid family structures, women's labor outside the home, and visible non-heteronormative behaviors that defied Victorian gender roles and sexual respectability.<sup>54</sup> To counteract the perceived destabilization of White Anglo-Saxon Protestant cultural norms, Progressives engaged in moral reforms that promoted restrictive immigration laws, criminalized behaviors associated with non normative sexuality, and advanced eugenic practices such as forced sterilization.<sup>55</sup>

One of the most potent targets of Progressive moral reform was prostitution. Anti-prostitution advocacy during this period disproportionately targeted marginalized women through discriminatory enforcement practices and moralistic social hygiene campaigns. Progressive ideas of deviance gained traction in the political arena, resulting in increased government scrutiny of gender and sexual behaviors. Progressive reformers were especially focused on using social norms and the legal system to eradicate prostitution, which they viewed as a societal vice threatening the nuclear family and public morality. WASPs

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<sup>53</sup> Michael J. Greenwood and Zachary Ward, "Immigration Quotas, World War I, and Emigrant Flows from the United States in the Early 20th Century." *Explorations in Economic History* 55 (January 2015): 76. <https://doi.org/10.1016/j.eeh.2014.05.001>.

<sup>54</sup> Sears, *Arresting Dress: Cross-Dressing, Law, and Fascination in Nineteenth-Century San Francisco*, 85, 89. Rembis, *Defining Deviance: Sex, Science, and Delinquent Girls*, 35, 87.

Lira, *Laboratory of Deficiency: Sterilization and Confinement in California*, 77, 93.

<sup>55</sup> Sears, *Arresting Dress: Cross-Dressing, Law, and Fascination in Nineteenth-Century San Francisco*, 111, 116, 117, 118.

Rembis, *Defining Deviance: Sex, Science, and Delinquent Girls*, 35, 37, 39.

Lira, *Laboratory of Deficiency: Sterilization and Confinement in California*, 20, 48, 94, 95.

strategically sought to redefine normative gender roles, circulating multiple rules and assumptions dictating how men and women were expected to behave, look, feel, and think.<sup>56</sup> Women who engaged in sex work were seen as failures of womanhood, immoral, diseased, and corrupting. Laws were enacted and enforced to punish those involved in prostitution and eliminate what was perceived as a moral and social vice threatening the stability of families and communities. Eventually, this Progressive infiltration led to the embedding of moral judgments into federal law with the Mann Act of 1910, a federal regulation aimed at combating prostitution by criminalizing the interstate transportation of women for immoral purposes. Social hygienists, steeped in eugenic and purity discourses, played a key role in regulating sexuality, driving campaigns against venereal disease that emphasized surveillance and control over women's bodies.<sup>57</sup> Their influence infiltrated government policies, shaping initiatives aimed at controlling and purifying society's moral fabric.

Anti-prostitution advocacy during this period disproportionately targeted marginalized women through discriminatory enforcement practices and moralistic social hygiene campaigns. Southeastern European white women, Latina, Black, and Asian women bore the brunt of these efforts, as racial and gendered stereotypes informed both public opinion and legal policy. Ethnic white women from Southeastern Europe, particularly working-class immigrants and their daughters in urban centers like Chicago, New York, and Cleveland, were subjected to surveillance and reform, though under a different racialized logic. Progressive reformers, who were middle- and upper-class White Anglo-Saxon Protestants, viewed immigrants from Italy, Poland, Russia, and other non-Northern European countries as racially inferior.<sup>58</sup> Therefore immigrants from Southeastern Europe were considered "not quite white" biologically, and culturally, making them morally suspect. In

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<sup>56</sup> Sears, *Arresting Dress: Cross-Dressing, Law, and Fascination in Nineteenth-Century San Francisco*, 5.

<sup>57</sup> Sears, *Arresting Dress: Cross-Dressing, Law, and Fascination in Nineteenth-Century San Francisco*, 53, 58.

<sup>58</sup> Rembis, *Defining Deviance: Sex, Science, and Delinquent Girls*, 32, 50, 104, 105.

addition to being considered racially inferior, ethnic white women were highly visible in public life as laborers. Mainly working in factories, domestic service, and sometimes sex work. Their presence in the public sphere defied the dominant ideal of white womanhood, which emphasized purity, domesticity, and submissiveness.<sup>59</sup> Therefore, Progressive reformers viewed these women as “morally deficient” and more likely to be sexually promiscuous. Reformers used terms such as “feeble-minded” and “morally deficient” to confine ethnic white women in institutions such as state training schools, where they could be rehabilitated into domestic laborers and mothers.<sup>60</sup>

In urban centers like Chicago, working-class white women who transgressed gender norms were also institutionalized and sterilized. Their participation in public life and non-marital sexual behavior was framed as evidence of deviance and mental defect.<sup>61</sup> Eugenicists and reformers sought to confine these women, using juvenile delinquency laws and mental health diagnoses to pathologize gender and sexual nonconformity. Through these gendered and racialized regimes of control, Progressive reformers used medical authority, carceral systems, and spatial exclusion to discipline the bodies and behaviors of those they saw as unfit for citizenship and reproduction.

Latina women, especially immigrants from Mexico and Puerto Rico, faced economic hardship, language barriers, and discriminatory policies that made them vulnerable to both exploitation and criminalization. They were frequently racialized as “hypersexual” and “exotic,” framing them as inherently immoral and justifying their surveillance and arrest.<sup>62</sup>

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<sup>59</sup> Rembis, *Defining Deviance: Sex, Science, and Delinquent Girls, 1890–1960*, 14, 20, 129.

<sup>60</sup> Rembis, *Defining Deviance: Sex, Science, and Delinquent Girls, 1890–1960* (Urbana: University of Illinois Press, 2011) 20, 31, 135, 141.

<sup>61</sup> Rembis, *Defining Deviance: Sex, Science, and Delinquent Girls*, 4, 20, 21, 23.

<sup>62</sup> Miroslava Chávez-García, “Tu Peor Es Nada: Gender, Courtship, and Marriage,” in *Migrant Longing: Letter Writing Across the U.S.-Mexico Borderlands* (Chapel Hill: University of North Carolina Press, 2018), 163.

In 20th-century Southern California, Mexican-origin populations were labeled as inherently criminal, hyper fertile, and sexually deviant. The sexuality of Mexican-origin women was constructed as a public health and moral threat, often leading to their institutionalization and sterilization under the guise of protecting society.<sup>63</sup> Sex delinquency, such as premarital sex or out-of-wedlock pregnancy, was medicalized as a symptom of disability, tying poverty and reproductive behavior to mental defectiveness.<sup>64</sup> Alongside Mexican-origin women, Mexican-origin men were criminalized and institutionalized based on fabricated assessments of low intelligence and criminality, often measured through biased tools like the Stanford-Binet IQ test.<sup>65</sup>

Asian women, particularly Chinese immigrants, were also disproportionately targeted due to the longstanding association of Chinese communities with vice. Laws such as the Page Act (1875) and the Chinese Exclusion Act (1882) codified racist and xenophobic ideas into immigration policy, further restricting Asian women's mobility and rights while portraying them as vectors of sexual immorality.<sup>66</sup>

In the West, racialized populations became primary targets for these intersecting systems of control. Chinese immigrants in San Francisco were associated with prostitution and seen as morally corrupt due to racialized hygiene discourses. Chinatown was framed as a site of filth and vice, leading to increased policing and discriminatory laws such as the Page Act (1875) and the Chinese Exclusion Act (1882).<sup>67</sup> Slumming tours and public health campaigns positioned Chinese neighborhoods as dangerous and contagious, naturalizing ideas of racial inferiority and sexual deviance. Similarly, Chinese men were feminized and

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<sup>63</sup> Lira, *Laboratory of Deficiency: Sterilization and Confinement in California*, 19, 20.

<sup>64</sup> Lira, *Laboratory of Deficiency: Sterilization and Confinement in California*, 20, 77, 93.

<sup>65</sup> Lira, *Laboratory of Deficiency: Sterilization and Confinement in California*, 121, 123, 124, 126.

<sup>66</sup> Hiroyuki Matsubara, "Stratified Whiteness and Sexualized Chinese Immigrants in San Francisco: The Report of the California Special Committee on Chinese Immigration in 1876." *American Studies International* 41, no. 3 (2003): 38, 41, 42, 46.

<sup>67</sup> Sears, *Arresting Dress: Cross-Dressing, Law, and Fascination in Nineteenth-Century San Francisco*, 85, 89, 111.

accused of effeminacy, while Chinese women were hypersexualized and linked to prostitution.<sup>68</sup>

Moreover, Black women endured stereotypes of inherent hypersexuality and moral deviance rooted in the legacy of slavery and used to justify their continued marginalization. In the aftermath of slavery and under the enduring oppression of Jim Crow segregation, Black women were systematically excluded from the formal labor market or confined to the most exploitative forms of domestic labor.<sup>69</sup> These controlling images not only reinforced social stigma but also legitimized their criminalization, denying them protection, agency, and legitimacy within both Black and white communities. In this way, the convergence of racial capitalism, patriarchal norms, and carceral logics worked to punish Black women for attempting to navigate and survive a society that persistently excluded them.<sup>70</sup>

The criminalization of sex work thus became a strategic mechanism for upholding racial, gender, and class hierarchies under the guise of protecting public morality. Eugenicists and Progressives sought to manage the reproduction and behaviors of marginalized populations by medicalizing differences. Eugenic logic extended to young women labeled as “delinquent,” who were disproportionately targeted for surveillance and institutionalization based on their sexual behavior. Juvenile reform systems in cities like Los Angeles increasingly policed immigrant girls’ sexuality under the guise of protecting morality, linking female sexual expression to social decline, and justifying their incarceration in reform schools.<sup>71</sup> Deviant bodies, especially those of working-class, immigrant, female-identifying, and racialized individuals, were pathologized as disabled through pseudoscientific

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<sup>68</sup> Sears, *Arresting Dress: Cross-Dressing, Law, and Fascination in Nineteenth-Century San Francisco*, 116, 117.

<sup>69</sup> Traci G. Lilley, Crystal S. Leon, and Amy E. Bowler, “The Same Old Arguments: Tropes of Race and Class in the History of Prostitution from the Progressive Era to the Present,” *Social Justice* 46, no. 4 (158) (2019): 36.

<sup>70</sup> Lilley, Leon, and Bowler, “The Same Old Arguments: Tropes of Race and Class in the History of Prostitution from the Progressive Era to the Present,” 41.

<sup>71</sup> Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States*, 42, 43, 47, 118, 129, 146 157.

frameworks like “feeble-mindedness.” These labels justified institutionalization and sterilization, particularly in Southern California and Chicago.<sup>72</sup> State institutions became key sites of both eugenic sterilization and moral regulation.<sup>73</sup> These institutions, often surrounded by literal and symbolic boundaries, functioned to exclude and contain those deemed a threat to the social body, particularly young women whose sexuality challenged white, middle-class ideals of purity and propriety. This legacy continues to shape contemporary policies and policing practices, disproportionately targeting marginalized communities, including Latina, Black, and Asian women, queer, as well as transgender individuals.

### *Contemporary Sex Work in the U.S.*

In the contemporary U.S. sex industry, sex workers come from diverse backgrounds and circumstances, and their involvement can vary widely based on factors such as socioeconomic status, gender identity, age, and immigration status. Policing practices surrounding sex work in the United States give an insight into the intersectional lives of sex workers and who are the most targeted because of that. From the data collected, a concerning pattern of disproportionately targeted communities is highlighted. Research emphasizes how race, gender, class, and immigration status intersect to influence the policing of sex work. Discriminatory police tactics, such as racial profiling, contribute to the over-representation of Latina and Black sex workers, particularly women, among those targeted for sex work offenses.<sup>74</sup> Moreover, transgender individuals, especially transgender women of color, are unequally harassed for their involvement in sex work. The intersectional nature of their identities exposes transgender individuals to heightened levels of discrimination and violence

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<sup>72</sup> Rembis, *Defining Deviance: Sex, Science, and Delinquent Girls, 1890–1960* 37, 39, 107.

Lira, *Laboratory of Deficiency: Sterilization and Confinement in California*, 20, 48, 77, 93.

<sup>73</sup> Alexandra Minna Stern, *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America* (Berkeley: University of California Press, 2005) 5, 17, 23, 52, 83.

<sup>74</sup> Ritchie and Jones-Brown, “Policing Race, Gender, and Sex: A Review of Law Enforcement Policies,” 22, 24.

from law enforcement agencies.<sup>75</sup> As a result of over-policing, transgender sex workers are barred from accessing justice and support services, further perpetuating their marginalization within society.

U.S. criminalization policies contribute to the frequent conflation of sex work with human trafficking. Law enforcement often treats all forms of sex work as inherently exploitative, viewing it as a gateway to sex trafficking. As a result, individuals engaged in consensual sex work are often policed and treated as potential trafficking victims, regardless of their actual circumstances. These overly simplistic and contradictory policies create a black-and-white view of the sex industry, making it difficult to distinguish between voluntary participation and coercion.<sup>76</sup> This dynamic pushes sex work further underground, which in turn makes it even harder to identify and support actual victims of trafficking while protecting the rights of consensual sex workers.

Criminalization has consistently failed as a solution for addressing social issues like sex work, driving activities underground rather than eliminating them. Leading to increased criminal activity, higher levels of violence, and greater exploitation.<sup>77</sup> Fear of arrest prevents sex workers from seeking resources and support, causing difficulty in seeking protection or reporting crimes and discouragement from accessing healthcare services, resulting in higher rates of sexually transmitted infections (STIs).<sup>78</sup> Additionally, criminalization perpetuates stigma and discrimination, contributing to social exclusion and limiting access to healthcare and social services. This is compounded by intersecting factors such as race, gender identity, and immigration status, which disproportionately affect marginalized communities within the

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<sup>75</sup> McGee, *Sex Work, Race, and Bias: Exploring Police Violence and Misconduct against Transgender People in the United States*, 8, 10, 11, 27.

<sup>76</sup> Fiona Mullin, *Freeing the "Whore": Competing Feminist Theories and the Liberatory Potential of Sex Work Policy*. Undergraduate honors thesis, College of William & Mary, 2021, 6, 13.

<sup>77</sup> Vanwesenbeeck, "Sex Work Criminalization Is Barking up the Wrong Tree," 1631, 1633, 1640.

<sup>78</sup> Vanwesenbeeck, "Sex Work Criminalization Is Barking up the Wrong Tree," 1632, 1633, 1635.

sex industry.<sup>79</sup> Criminalization is inherently racialized, as policing practices disproportionately target Black and Latino communities through profiling, surveillance, and the over-policing of minor offenses. These patterns are rooted in historical legacies of racism, biased law enforcement, and persistent socioeconomic and legal inequities. For sex workers from marginalized racial and ethnic backgrounds, these systemic injustices compound their vulnerability, deepening their marginalization within both the legal system and broader society.<sup>80</sup>

In the United States, advocates call for a shift toward more equitable approaches that center on harm reduction, human rights, and community-based interventions to address the disproportionate policing of marginalized members of the sex work industry.

Decriminalization or legalization of sex work, coupled with comprehensive support services, could help mitigate the harms associated with sex work and reduce the reliance on punitive law enforcement measures.<sup>81</sup> Additionally, advocates stress that it is crucial to address poverty, homelessness, and discrimination to promote the well-being and rights of sex workers.

### *Conclusion*

The legacy of criminalizing sex work in the United States during the Progressive Era has perpetuated cycles of poverty and incarceration for minority members of the sex industry, reinforcing racist, xenophobic, and sexist ideologies, as well as white supremacy.<sup>82</sup> Progressive Era values, anxieties, and subsequent policies continue to influence the contemporary sex industry in the United States. My research underscores how the intersections of race, gender, class, and immigration status continue to shape the policing of

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<sup>79</sup> Ritchie and Jones-Brown, "Policing Race, Gender, and Sex: A Review of Law Enforcement Policies," 40, 43.

<sup>80</sup> Ritchie and Jones-Brown, "Policing Race, Gender, and Sex: A Review of Law Enforcement Policies," 42, 43.

<sup>81</sup> Alexandra Lutnick and Deborah Cohan, "Criminalization, Legalization, or Decriminalization of Sex Work: What Female Sex Workers Say in San Francisco, USA." *Reproductive Health Matters* 17, no. 34 (2009): 44.

<sup>82</sup> Sears, *Arresting Dress: Cross-Dressing, Law, and Fascination in Nineteenth-Century San Francisco*, 116, 117, 118.

sex work. For instance, discriminatory tactics like racial profiling contribute significantly to the overrepresentation of Latina and Black women among those targeted for sex work offenses.<sup>83</sup> Furthermore, transgender individuals, especially transgender women of color, endure heightened levels of discrimination and violence from law enforcement agencies.<sup>84</sup>

Much like in Nordic countries, sex work regulation in the United States is rooted in a distinct sociohistorical moment. Federal regulation in the U.S. emerged during the Progressive Era, a time marked by overlapping social anxieties and moral reform efforts. In response to the growing visibility of the women's suffrage movement, a surge in immigration, and the emergence of romantic friendships and queer communities, this era saw a heightened emphasis on preserving White Anglo-Saxon Protestant (WASP) cultural norms. WASP ideals emphasized rigid gender roles, sexual modesty, and the sanctity of the traditional family.<sup>85</sup> The era's efforts to regulate and control immigrant populations, women's roles, and sexuality were marked by eugenic practices, the criminalization of sex work, and accompanied by an influx of stigma around sexuality presented outside of the heteronormative.<sup>86</sup>

The convergence of these practices had a particularly harsh impact on marginalized women within the sex industry. Anti-prostitution efforts disproportionately targeted Asian, Latina, and Black women, who faced intersecting forms of oppression, such as racism, sexism, and economic marginalization. Legal restrictions and racial stereotypes further fueled

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<sup>83</sup> Ritchie and Jones-Brown, "Policing Race, Gender, and Sex: A Review of Law Enforcement Policies," 40, 42.

<sup>84</sup> McGee, *Sex Work, Race, and Bias: Exploring Police Violence and Misconduct against Transgender People in the United States*, 5, 25.

<sup>85</sup> Ran Abramitzky, Leah Platt Boustan, and Katherine Eriksson "A Nation of Immigrants: Assimilation and Economic Outcomes in the Age of Mass Migration." *Journal of Political Economy* 122, no. 3 (June 2014): 85, 89, 111, 116, 117, 118, <https://doi.org/10.1086/675805>.

<sup>86</sup> Abramitzky, Boustan, and Eriksson, "A Nation of Immigrants: Assimilation and Economic Outcomes in the Age of Mass Migration," 479, 500.

Michael J. Greenwood and Zachary Ward, "Immigration Quotas, World War I, and Emigrant Flows from the United States in the Early 20th Century," 87.

Chauncey, "Lots of Friends at the YMCA: Rooming Houses, Cafeterias and Other Gay Social Centers," 157, 163.

their exploitation and marginalization.<sup>87</sup> The legacy of the criminalization of sex work in the United States during the Progressive Era is the perpetuation of cycles of poverty and incarceration for minority members of the sex industry and the reinforcement of racist, xenophobic, and sexist ideologies, as well as white supremacy.

Any approach to sex work regulation in the United States must take consider its specific historical context and the ongoing impact of Progressive Era values and policies. Solutions need to address the systemic issues of racism, sexism, and economic inequality that are deeply embedded in the regulation and policing of sex work in the United States.

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<sup>87</sup> Chávez-García, “Tu Peor Es Nada: Gender, Courtship, and Marriage,” 164.  
Lilley, Leon, and Bowler, “The Same Old Arguments: Tropes of Race and Class in the History of Prostitution from the Progressive Era to the Present,” 41.  
Matsubara, “Stratified Whiteness and Sexualized Chinese Immigrants in San Francisco: The Report of the California Special Committee on Chinese Immigration in 1876,” 49, 54, 55.

## Chapter 3: The Limits of the Nordic Model and Feminist Alternatives for the U.S. Context

The Nordic Model, as a product of Nordic understandings of gender and sexuality, cannot be effectively applied to the unique relationship between the U.S. and sex work that historically has been shaped by intersecting systems of power and oppression that influence gender, race, class, and immigration status. The Nordic Model itself is fraught with significant shortcomings, including ambiguous legal language, ethical concerns, and a reliance on criminalization, all of which undermine its efficacy. Most importantly, there is no concrete evidence to suggest that the Nordic Model successfully achieves its goal of reducing demand for sex work. As states in the United States begin to adopt this framework, most notably the state of Maine, it becomes increasingly important to assess the Nordic Models' applicability to the United States sex industry.

In 2023, Maine enacted *An Act to Reduce Commercial Sexual Exploitation*, a law that mirrors the Nordic Model by criminalizing sex buyers while offering resources for trafficking survivors.<sup>88</sup> Proponents, such as the Coalition Against Trafficking in Women, celebrate this as a landmark advancement in the fight against human trafficking and sexual exploitation.<sup>89</sup> However, critics such as the Maine Women's Lobby argue that the law fails to distinguish between consensual sex work and trafficking. They contend that the legislation ignores the agency of adults who willingly choose to engage in sex work, neither as victims nor criminals. For these critics, the conflation of sex work with sex trafficking diverts resources and policymaking energy away from the distinct needs of each group.<sup>90</sup> Therefore, the U.S.

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<sup>88</sup> Maine State Legislature, *An Act to Reduce Commercial Sexual Exploitation*, H.P. 931 - L.D. 1435, §3360 et seq. (2023).

<sup>89</sup> Nhennick. "Maine Becomes First U.S. State to Pass Equality Model Law." CATW, August 17, 2023. <https://catwinternational.org/2023/07/maine-becomes-first-u-s-state-to-pass-equality-model-law/>.

<sup>90</sup> Maine Coalition Against Sexual Assault, *Sex Work and Sex Trafficking: Understanding the Difference and Supporting Survivors* (Augusta, ME: MECASA, 2023).

must develop an alternative approach that prioritizes the rights, safety, and well-being of sex workers while addressing the nation's historical and structural inequalities.

The United States has long used sex work regulation to uphold racial, gender, and nationality hierarchies, making it essential to address the systematic oppression and violence faced by marginalized groups within the sex industry through a model tailored to this context. The Nordic Model, developed in ethnically homogenous Nordic countries, lacks the historical entanglements of immigration, and systemic racism that define U.S. policy and enforcement. As a nation with a majority of its population being ethnically white, especially during the 1960s and 70s, Nordic countries do not have the same historical relationship with race and immigration as the United States. While Nordic countries have experienced increased immigration in recent decades, their histories are not marked by the same levels of racial and ethnic diversity, nor slavery, segregation, and systemic racism that shape the social and political landscape of the United States. Implementing such a model without considering the socio-historical background of race, gender, and immigration in the United States could fail to mitigate and exacerbate the harms experienced by minority sex workers.

Partial criminalization, as implemented in the Nordic Model, targets purchasers and third-party sellers of sexual services while framing commercialized sex as immoral and unlawful. I found that this approach not only conflicts with public health and human rights principles but also fuels stigma and erodes sex workers' human and legal rights. Criminalization in any form exacerbates the dangers faced by sex workers, who are undervalued, socially excluded, and subjected to systemic discrimination. Studies reveal that criminalization amplifies the risk of violence by up to seven times and increases the likelihood of STI/HIV infection as well as physical and sexual violence.<sup>91</sup>

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<sup>91</sup> Vanwesenbeeck, "Sex Work Criminalization Is Barking up the Wrong Tree," 1633.

Furthermore, the Nordic Model has been shown to heighten sex workers' vulnerability by pushing them to accept more unstable and dangerous clients, reducing their ability to negotiate safe practices, and making them less likely to seek police or social support due to fears of harassment or legal repercussions.<sup>92</sup> In regions where this model has been implemented, sex workers report increased disconnection from essential health and social services.<sup>93</sup>

In the United States, criminalization practices carry an additional layer of complexity due to their inherently racialized nature. Policing disproportionately targets Black, Latino, and other minority communities, where race, class, gender, immigration status, and sexuality intersect to shape the severity of surveillance and enforcement. Racial profiling leads to unequal policing practices, including higher rates of stops, searches, and arrests for minor infractions within these communities.<sup>94</sup> This over-policing perpetuates cycles of criminalization, further marginalizing sex workers from racialized and low-income backgrounds and exacerbating socioeconomic disparities.

The historical legacy of racism, combined with biased policing practices and legal inequities, reinforces the structural vulnerabilities of sex workers in the United States. As a result, partial criminalization offered by the Nordic Model will not only fail to protect sex workers but also actively increase their exposure to harm, perpetuate systemic discrimination, and undermine efforts to address public health and human rights concerns.

Furthermore, there is no concrete evidence that the Nordic Model functions as promised where it is currently implemented. In addition to the Model's confusing legal language, its lack of focus on sex workers' rights, and ethical issues, causes it to fail at its main goal. To reiterate the Nordic Model criminalizes the purchase of sex by clients and the

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<sup>92</sup> Kulick, "Talk Delivered at Beijing Plus Ten Meetings on the 'Swedish Model,'" 4.

<sup>93</sup> Kulick, "Talk Delivered at Beijing Plus Ten Meetings on the 'Swedish Model,'" 4.

<sup>94</sup> Ritchie and Jones-Brown, "Policing Race, Gender, and Sex: A Review of Law Enforcement Policies," 40.

handling of workers by third parties, pimps, and managers for the purpose of decreasing the demand therefore supply of sex work.<sup>95</sup> However, there is a huge lack of evidence on whether the Model has met this goal in the Nordic countries where it has been implemented.<sup>96</sup> As a model designed and implemented within the socio-historical context of Nordic Nations, it would be assumed that the Nordic Model would be successful at its goal within those contexts. However, as my investigation revealed, there is no evidence that the Nordic Model is a successful model. Therefore, as a failing model, the Nordic Model cannot function as a comprehensive model of sex work regulation in the United States.

*Available alternatives for Sex work Regulation in the U.S.*

Criminalization, as implemented through the Nordic Model, fails to address the underlying issues of sex work in the U.S. context. Therefore, alternative approaches to regulation that prioritize the safety, rights, and well-being of sex workers while addressing the structural conditions that perpetuate the sex industry must be investigated.

There are two sides to the feminist debate on sex work regulation. On either side of the spectrum are abolitionism and sex positivism. To reiterate, the feminist model of abolitionism concerning the sex industry, believes that sex work is rooted in male dominance, therefore, it is inherently oppressive and must be criminalized as it only serves to reinforce the patriarchy.<sup>97</sup> On the other hand, sex-positivists argue that limiting a person's right to autonomously choose how to use their body commercially or otherwise limits one's agency.<sup>98</sup> In this view, sex work should be socially accepted because it represents a person's right to choose. For sex work abolitionists, the options for regulation lie within criminalization, such

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<sup>95</sup>Ekberg, "The Swedish Law That Prohibits the Purchase of Sexual Services, 1189.

<sup>96</sup> Bullock, "Exporting Sexköpslagen: Sweden, Sex Work, and the Moral Stakes of Externalizing Feminist Policy," 504.

<sup>97</sup> Mullin, *Freeing the "Whore": Competing Feminist Theories and the Liberatory Potential of Sex Work Policy*, 7, 8, 9.

<sup>98</sup> Mullin, *Freeing the "Whore": Competing Feminist Theories and the Liberatory Potential of Sex Work Policy*, 9, 10, 11.

as the Nordic Model. For sex positivists, there are two avenues for sex work regulation that allow bodily autonomy, agency, and liberation; they are legalization and decriminalization.

Legalization regulations, such as mandatory health checks and licensing, can ensure safer working conditions and access to health services. With specific laws in place, sex workers would have legal recourse in cases of abuse or exploitation.<sup>99</sup> Also, removing criminal prosecution of sex work goes hand-in-hand with recognizing sex work as work and protecting the rights of sex workers through workplace health and safety standards.

Decriminalization, on the other hand, allows sex workers to operate without legal regulation and repercussions. Without fear of criminal charges, sex workers can access legal, health, and social services, improving their overall safety and well-being.<sup>100</sup> Moreover, decriminalization aligns more closely with human rights principles by recognizing sex work as legitimate labor and respecting the autonomy of individuals to make decisions about their bodies and livelihoods.<sup>101</sup> By treating sex work like any other occupation, decriminalization helps to dismantle systemic inequalities and reduce the marginalization of sex workers.

Ultimately, neither model fully protects sex workers. Legalization often imposes burdensome regulations that can perpetuate stigma and create barriers to entry, ultimately limiting the potential benefits for those it aims to protect.<sup>102</sup> Whereas decriminalization's lack of industry-specific protections leaves risks associated with sex work unaddressed, such as unsafe working conditions, inadequate health and safety measures, exposure to violence, and insufficient access to regular health screenings.<sup>103</sup> There is also the risk of exploitation by

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<sup>99</sup> Mullin, *Freeing the "Whore": Competing Feminist Theories and the Liberatory Potential of Sex Work Policy*, 17.

<sup>100</sup> Mullin, *Freeing the "Whore": Competing Feminist Theories and the Liberatory Potential of Sex Work Policy*, 17.

<sup>101</sup> Mullin, *Freeing the "Whore": Competing Feminist Theories and the Liberatory Potential of Sex Work Policy*, 17, 18.

<sup>102</sup> Mullin, *Freeing the "Whore": Competing Feminist Theories and the Liberatory Potential of Sex Work Policy*, 21.

<sup>103</sup> Mullin, *Freeing the "Whore": Competing Feminist Theories and the Liberatory Potential of Sex Work Policy*, 25.

clients or third parties without clear legal frameworks to protect sex workers' rights and well-being. Furthermore, without proper oversight, issues like human trafficking and coercion may not be adequately identified or mitigated, leaving sex workers vulnerable to exploitation and abuse. In addition, within the context of the United States, neither legalization nor decriminalization has measures to address the unique sociohistorical context of sex work regulation.

Within the United States, neither framework adequately addresses the socio-historical context of sex work regulation or the systemic forms of oppression that sex workers face, including those based on race, class, immigration status, and gender identity. Legalization often ignores these intersecting identities by applying uniform regulations that do not account for the diverse realities of sex workers' lives.<sup>104</sup> Similarly, decriminalization, while reducing criminal penalties, does not necessarily provide the comprehensive support needed to combat discrimination and exploitation rooted in these social inequalities.<sup>105</sup> Therefore, legalization and decriminalization leave many sex workers, especially those from marginalized communities, vulnerable to continued oppression and abuse. Given these limitations, integrating principles from Intersectional Socialist Feminism, Critical Race Theory (CRT), and Queer-Trans Abolition offers a comprehensive and equitable solution to sex work regulation in the United States.

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<sup>104</sup> Mullin, *Freeing the "Whore": Competing Feminist Theories and the Liberatory Potential of Sex Work Policy*, 33.

<sup>105</sup> Mullin, *Freeing the "Whore": Competing Feminist Theories and the Liberatory Potential of Sex Work Policy*, 34.

## **Chapter 4: An Intersectional Socialist Feminist, Critical Race Theorist, and Queer-Trans Abolitionist Model of Sex Work**

With the primary goal of protecting the health, rights, and well-being of sex workers coupled with the U.S.'s unique sociological history, I argue that a feminist framework rooted in Intersectional Socialist Feminism, Critical Race Theory, and Queer-Trans abolition could offer a more holistic solution. This approach resists carceral logics and recognizes that inequality in the sex industry cannot be separated from structural racism, capitalism, patriarchy, and xenophobia. Rather than relying on punitive or moralistic models like the Nordic Model that seek to reform current failing systems, a transformative framework foregrounds historical impacts, lived experiences, and community-based solutions.

An Intersectional Socialist Feminist framework, grounded in decriminalization, offers a transformative approach to sex work regulation that addresses systemic inequalities and promotes social justice. A Socialist Feminist framework examines the intersections of capitalism and patriarchy, asserting that women's oppression is rooted both in economic exploitation and gender-based subjugation. This framework insists that labor, including reproductive and sexual labor, must be analyzed not only as economic activity but also as a site of gendered power dynamics.<sup>106</sup> In the context of sex work, socialist feminism views sex workers as laborers deserving of the same rights, protections, and recognition as other workers. It critiques punitive models that criminalize sex work and instead advocates for systemic changes that redistribute power and resources, while validating the agency of marginalized laborers.

Decriminalization is a crucial first step toward recognizing sex work as legitimate labor, allowing sex workers to be fully protected under labor laws. This shift would empower

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<sup>106</sup> Silvia Federici, *Caliban and the Witch: Women, the Body and Primitive Accumulation* (Brooklyn, NY: Autonomedia, 2004) 91, 92, 94, 96.

sex workers to operate openly and safely, report violence, and seek support without fear of legal repercussions. Under this model, sex workers would be entitled to the same rights and protections as other workers, including fair wages, safe working conditions, the right to unionize, access to health insurance, retirement plans, and paid leave. By centering the rights, safety, and well-being of sex workers, an Intersectional Socialist Feminist regulatory approach challenges the structural conditions that make sex work precarious and affirms the dignity and agency of those within the industry.

Comprehensive social services form the foundation of this framework, ensuring sex workers have reliable access to essential resources such as healthcare, housing, education, and job training. Healthcare is both free and affordable, encompassing regular health screenings, mental health support, and addiction treatment when needed. Safe, stable, and affordable housing is also prioritized, providing a secure living environment. Education and job training programs offer meaningful pathways for those who choose to transition out of sex work, supporting long-term stability and autonomy. Robust anti-discrimination protections are in place to guard against bias based on occupation, race, gender, or immigration status. These policies are designed to address the intersecting forms of oppression that sex workers face, recognizing the diverse experiences and needs of marginalized groups within the industry.

In this approach community involvement and empowerment are emphasized, with support and funding provided to sex worker-led organizations and advocacy groups, ensuring that sex workers have a voice in policy-making processes and program development. It utilizes community-based peer support networks to provide mutual aid, resources, and advocacy. The framework focuses on reducing exploitation by regulating third parties, such as brothel owners and managers, to prevent abuse and implement comprehensive strategies to combat human trafficking, including robust support for survivors and proactive measures to

prevent exploitation. It promotes economic and social equality through measures such as a universal basic income to ensure economic security for all, including sex workers, and access to affordable childcare and education to support those with families. Public education campaigns would challenge the stigma surrounding sex work, promote an understanding and respect for sex workers' rights, and educate the public about informed consent and respectful interactions. Through these combined efforts, Intersectional Socialist Feminism informed by Queer-Trans abolition and Critical Race Theory would create a more just and equitable society, empowering sex workers, reducing exploitation, and promoting their health, safety, and well-being.

An Intersectional Socialist Feminism informed by Queer-Trans abolition and Critical Race Theory would highlight how race, power, and social structures intersect to impact sex workers, particularly those from marginalized racial and ethnic backgrounds. Critical Race Theory, or CRT, provides a foundational lens through which to examine how racism is not an aberration of the law but its very foundation. CRT exposes the way laws not only reflect but actively construct systems of racialized surveillance and punishment.<sup>107</sup> Unlike the Nordic Model, which is rooted in the belief that the sex workers in need of protection are primarily female-identifying and white, the CRT-informed policy would acknowledge the diversity of the industry and the diverse needs of sex workers. By understanding how race, gender, nationality, sexuality, socio-economic status, and ethnicity intersect to shape the experiences and vulnerabilities of sex workers, CRT-informed regulation is better equipped to address the entirety of the sex worker population.

Queer-Trans Abolition takes CRT a step further with a radical reimagining of justice by directly confronting the structural racism embedded within the U.S. legal system. Queer-

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<sup>107</sup> Cheryl Nelson Butler, "A Critical Race Feminist Perspective on Prostitution & Sex Trafficking in America." *Yale Journal of Law and Feminism*, no.1 (2015): 103, 104, 105.

Trans Abolition challenges the foundational role of policing and incarceration in upholding racial and gender hierarchies, as they impact people of color, especially Black and Indigenous individuals, as well as queer communities.<sup>108</sup> When partnered with decriminalization efforts, such as the decriminalization of sex work, Queer-Trans abolitionist frameworks seek not only to end punitive systems but also to reimagine what safety, care, and accountability could look like outside the confines of structural inequalities.<sup>109</sup> The work of Queer-Trans abolitionist theorists such as Karma Chávez, Dean Spade, and Marquis Bey provides a roadmap for how these ideas can inform a transformative approach to the sex industry in the United States.

Moving beyond examining how laws and systems perpetuate racial inequalities, Marquis Bey's *Black Trans Feminism* calls for the dismantling of the normative categories that the carceral state uses to classify, control, and criminalize. Bey argues that true abolition must go beyond the destruction of institutions like prisons and police; it must also unsettle the very ontologies that determine who is recognized as human, or deserving of protection.<sup>110</sup> Abolition is not just the end of carceral systems but the embrace of fluidity, fugitivity, and indeterminacy of Black trans life, which Bey identifies as potential and resistance in the very spaces the state deems illegible.<sup>111</sup> Bey identifies resistance and potential in the very spaces the state deems illegible or unintelligible, urging us to imagine alternative modes of being that are not tethered to state recognition or legitimacy.

Bey's work challenges us to rethink systems that rely on binary distinctions: legal and illegal, victim and perpetrator, man and woman, cis and trans. Instead, it calls for a framework that recognizes the complexity, agency, and survival strategies of those most

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<sup>108</sup> Morgan Bassichis, Alexander Lee, and Dean Spade, "Building an Abolitionist Trans and Queer Movement with Everything We've Got." In *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, edited by Eric A. Stanley and Nat Smith, 15–40. Oakland: AK Press, 2011, 19.

<sup>109</sup> Bassichis, Lee, and Spade, "Building an Abolitionist Trans and Queer Movement with Everything We've Got," 27.

<sup>110</sup> Bey, *Black Trans Feminism*, 24.

<sup>111</sup> Bey, *Black Trans Feminism*, 24.

marginalized by current laws. A sex work regulatory model grounded in Queer-Trans abolition would not simply seek to legitimize sex work as labor within existing structures. Rather, it would fundamentally reimagine the conditions under which safety, autonomy, and dignity are possible, outside of carceral logic and beyond the narrow protections offered by the state. This means asking what a society could look like if it were built not on the surveillance and categorization of bodies but on care, fluidity, and collective self-determination.

Dean Spade expands upon the comprehensive social services offered by an Intersectional Socialist Feminist approach, with their focus on mutual aid and collective care strategies that build grassroots infrastructure and redistribute power. Spade explains that abolition is not just about dismantling violent systems but also about constructing life-sustaining alternatives through sustained, cooperative effort.<sup>112</sup> This includes access to housing, food, healthcare, and safety systems that are not reliant on policing or incarceration.<sup>113</sup> Spade frames mutual aid as a political act, identified as a method of building community autonomy and resilience outside of state structures.

Spade's emphasis on mutual aid and community infrastructure speaks directly to the material conditions of sex workers, many of whom rely on informal networks for survival due to the lack of state support. Decriminalization alone does not guarantee access to housing, healthcare, childcare, or the safety things sex workers consistently advocate for. Queer-Trans abolitions through Spade's lens push us to think beyond legal reforms and toward building alternative support systems that don't depend on policing or the nonprofit industrial complex. For sex work regulation, this means funding peer-led organizations, ensuring access to services without stigma or surveillance, and valuing care labor as political

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<sup>112</sup> Spade, *Mutual Aid: Building Solidarity in This Crisis*, 51, 52.

<sup>113</sup> Spade, *Mutual Aid: Building Solidarity in This Crisis*, 55, 94.

action. It also means recognizing sex workers as experts and leaders in shaping the policies that impact their lives.

Karma Chávez's analysis of the carceral dimensions of public health and immigration policy reveals how state power has long been used to surveil, criminalize, and exclude marginalized populations, particularly queer, trans, migrant, and HIV-positive communities.<sup>114</sup> Their critique builds on an Intersectional Socialist Feminist approach by exposing how contemporary sex work regulations often conflate sex work with disease, crime, and trafficking, using public health and anti-trafficking narratives to justify policing and surveillance. This is especially harmful for sex workers who are undocumented, Black, trans, or HIV-positive, as they are frequently targeted under the guise of "health and safety."

Chávez urges us to reject policies rooted in exclusionary and carceral frameworks. Rather than relying on inclusion into systems that already marginalize, she calls for a radical reimagining of sex work regulation, one that centers those at the intersections of multiple oppressions and questions the legitimacy of institutions like policing and surveillance-based healthcare.<sup>115</sup> This expands upon the Intersectional Socialist Feminist model, which focuses on decriminalization, labor protections, and social services, by interrogating whether those very systems can perpetuate harm if left untransformed. Chávez reminds us that even well-intentioned reforms can reinforce exclusion if they fail to address the underlying structures of violence.

Together, Chávez, Spade, and Bey show that Queer-Trans abolition is not merely a critique of carceral systems but a visionary political project rooted in radical care, interdependence, and collective liberation. Queer-Trans abolition goes beyond socialist reform that relies solely on punitive responses to harm, and instead emphasizes community-

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<sup>114</sup> Chávez, *The Borders of AIDS: Race, Quarantine, and Resistance*, 9, 11, 12.

<sup>115</sup> Chávez, *The Borders of AIDS: Race, Quarantine, and Resistance*, 51, 129.

based solutions, peer-led support, and non-hierarchical models of governance. When aligned with Intersectional Socialist Feminist approaches to labor and welfare, Queer-Trans abolition offers not only a critique of the current sex work regulation system but a generative framework for building a more just and livable world.

This comprehensive approach is crucial when considering the historical context of sex work regulation. A framework that integrates Critical Race Theory (CRT) and Queer-Trans Abolition would highlight the lasting impacts of the Progressive Era on the sex work industry in the United States. Informed policy would recognize how Progressive Era anxieties and resulting policies have shaped the policing of marginalized sex workers and restricted their access to social services. Acknowledging the historical roots of contemporary inequalities is vital for developing policies that don't perpetuate existing injustices but rather promote more equitable and effective regulations. Such an approach also validates the experiences of marginalized sex workers, amplifying inclusive narratives that respect their diverse histories and struggles.

Historical awareness is essential for creating frameworks that genuinely protect and support sex workers, addressing the complex and enduring legacy of systemic oppression. Decriminalization, within this framework, is not only a means to ensure the rights and safety of sex workers but also a critical step in combating racial injustice within the legal system. By removing criminal penalties, decriminalization reduces opportunities for discriminatory policing practices that disproportionately harm marginalized communities.

Given the historical context, it is vital to recognize the ongoing impacts of criminalizing sex work, particularly on workers of color. The criminalization of sex work in the United States disproportionately targets people of color, subjecting them to higher arrest rates, harsher penalties, and systemic discrimination. CRT reveals how the criminal justice system embeds structural racism and how laws and policies can perpetuate racial inequalities.

In the context of sex work, CRT provides a framework to understand how both historical and contemporary practices of policing and legislation have disproportionately affected people of color. By dismantling these systems of racialized policing, CRT seeks to end the over-policing and criminalization of sex workers of color.

Queer-Trans abolitionist thought further strengthens this framework by advocating for a total reimagination of justice, safety, and care outside the bounds of state violence. Scholars like Marquis Bey, Dean Spade, and Karma Chávez argue that abolition must transcend dismantling institutions; it must challenge the normative categories and logic that the state uses to criminalize and control marginalized communities. Through a queer and trans lens, abolition emphasizes the importance of mutual aid, community-led safety, and grassroots infrastructure, with a focus on the lived experiences of Black, Indigenous, trans, and undocumented sex workers.

By incorporating CRT and Queer-Trans abolition, we can radically reframe the systems that have historically marginalized sex workers. This approach ensures that new policies are not simply reactive but instead transformative, addressing the root causes of systemic oppression. The combination of Intersectional Socialist Feminism, CRT, and Queer-Trans abolition offers a comprehensive framework for protecting the rights, safety, and dignity of sex workers while also dismantling the structures that have historically rendered them disposable.

A prominent example of a sex work framework that decriminalizes sex work while simultaneously safeguarding the health, rights and well-being of sex workers is New Zealand's enactment of the Prostitution Reform Act (PRA). Enacted in 2003, this legislation decriminalized consensual adult sex work, integrating it into standard labor laws and ensuring occupational health and safety protections. The PRA marked a shift from a moralistic approach to one centered on health and human rights, empowering sex workers to access

police support and employment resolution processes without fear of legal repercussions. The PRA placed the sex industry under the Health and Safety in Employment Act of 1992.

Research indicates that there is a high level of awareness of Occupational Safety and Health (OSH) requirements in the sex industry, although compliance cannot be measured as there is no system of regular inspections of brothels by Medical Officers of Health and the Department of Labour.<sup>116</sup> Brothel operators are now required to adopt and promote safer sex practices, taking all reasonable steps to ensure that commercial sexual services are provided using prophylactic sheaths or appropriate barriers. They must also display and provide accurate health information; failure to do so may result in penalties for noncompliance. In that case, they can be liable on summary conviction to a fine not exceeding \$10,000.<sup>117</sup> Sex workers and clients of sex workers must now take all reasonable steps to adopt safer sex practices. If they do not do so, they are liable on summary conviction to a fine not exceeding \$2,000.<sup>118</sup>

New Zealand's PRA has led to significant improvements in sex workers' occupational safety and health. Sex workers now report feeling more empowered to refuse particular clients and practices, and there has been an increase in their willingness to report incidents of violence to the police.<sup>119</sup> While the PRA does not explicitly incorporate Intersectional Socialist Feminist frameworks informed by CRT and Queer-Trans abolitionist principles, it exemplifies a holistic approach to sex work regulation that prioritizes the rights and well-being of sex workers. The integration of community involvement, comprehensive social

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<sup>116</sup> New Zealand Parliament, *Prostitution Reform Act 2003*, Public Act 2003 No 28, last modified June 28, 2022, <https://www.legislation.govt.nz/act/public/2003/0028/latest/dlm197815.html>.

<sup>117</sup> *Prostitution Reform Act 2003*. New Zealand Legislation, 7.

<sup>118</sup> *Prostitution Reform Act 2003*. New Zealand Legislation, 9.

<sup>119</sup> Lynzi Armstrong, "'I Can Lead the Life That I Want to Lead': Social Harm, Human Needs and the Decriminalisation of Sex Work in Aotearoa/New Zealand," *Sexuality Research and Social Policy* 18, no. 4 (2021): 948.

services, and anti-discrimination protections within this model aligns with the principles of addressing systemic inequalities and promoting social justice.

A feminist framework grounded in Intersectional Socialist Feminism, CRT, and Queer-Trans abolition provides a transformative solution to safeguard the health, rights, and well-being of sex workers in the U.S. While the Nordic Model, legalization, and decriminalization serve as temporary measures, an Intersectional Socialist Feminist approach informed by CRT and Queer-Trans abolition targets the root causes of exploitation and inequality. This framework envisions an equitable system that recognizes sex work as legitimate labor and affirms the autonomy of sex workers. It demands comprehensive social services, community empowerment, and robust anti-discrimination measures to address the systemic inequalities that sex workers face. Queer-Trans abolition goes beyond just policy by challenging the normative categories, systems of control, and state-sanctioned violence that perpetuate oppression, advocating for a radical reimagining of justice, safety, and community care. By combining these frameworks, we can create policies that genuinely protect the rights, safety, and well-being of sex workers, while acknowledging the sociohistorical forces that have shaped sex work regulation in the U.S. This approach offers the possibility of transformative change, ensuring that sex workers are seen, heard, and supported in ways that have long been denied.

### *Limitations*

Despite offering a comprehensive solution to protecting the health, rights, and well-being of sexual workers, an Intersectional Socialist Feminist framework informed by Critical Race Theory and Queer-Trans abolition is not a foolproof solution. Realistically, the application of Intersectional Socialist Feminism, CRT, and Queer-Trans abolition is not without significant challenges. Implementing such a multifaceted approach, which is highly

theoretical, would require significant structural changes and widespread societal acceptance, which realistically would be challenging to achieve within the United States.

The American social and political landscape maintains conservative leaning social and political norms, particularly around issues of gender, race, sexuality. Legislative trends, judicial decisions, and public discourse emphasize law and order, traditional family values, and national identity. Even those who call themselves progressive political actors are constrained by the dominant frameworks of neoliberalism and carceral logic. As a result, both major political parties have ignored structural inequalities that citizens face. Rather than confronting the root causes of economic, gender, sexual and racial injustice, policies remain focused on reformist, incremental changes that fail to disrupt existing systems of power. The implementation of an Intersectional Socialist Feminist framework utilizing Critical Race theory and Queer-Trans abolitionist principles, requires more than party-based solutions; it demands a broader cultural and ideological reimagining that the current two party political institutions are unable to deliver.

In addition, many Americans deeply value capitalism and harbor strong aversions to socialism. This is rooted in the historical fear and distrust of communism and socialism, which have been portrayed as threats to the “American way of life” for much of the twentieth and twenty-first centuries. The fear of socialism and communism has historical roots in the United States, dating back to the early twentieth century and peaking during the Cold War.<sup>120</sup> Anti-communist sentiment was institutionalized during this period, leading to widespread suspicion and rejection of socialist ideas. This legacy continues to influence contemporary attitudes, with many Americans equating socialism with authoritarianism and economic

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<sup>120</sup> Eaklor, *Queer America: A GLBT History of the 20th Century*, 54.

inefficiency. As a result, proposals that incorporate socialist principles often face immediate backlash, regardless of their potential benefits.

Furthermore, the love for capitalism in the United States is deeply ingrained in the national ethos. The belief in free markets, individualism, and the pursuit of the “American Dream” is a core component of American identity. Any policy perceived as undermining these principles is likely to encounter significant resistance. This makes it difficult to advocate for a regulatory framework that includes socialist elements, as it is seen as antithetical to the values that many Americans hold dear

Additionally, capitalism and criminalization are deeply intertwined, with criminalization functioning as a tool to stabilize and sustain capitalist systems. At its core, capitalism depends on protecting private property, managing labor, and preserving social hierarchies, all of which are facilitated by criminal law and the carceral state. Criminalization under capitalism functions to remove those deemed "nonproductive", or deviant, from public space as well as deter resistance, such as unionizing or protest, by labeling such actions as disruptive or unlawful.<sup>121</sup> Criminalization is also a central mechanism in which capitalist systems manage inequality and preserve racialized, gendered, and sexual hierarchies. Rather than addressing the root causes of poverty, the state responds with policing, surveillance, and incarceration, transforming social problems into crimes.<sup>122</sup> It also enables the extraction of labor from incarcerated people, effectively reproducing systems of racialized and coerced labor.<sup>123</sup> In this way, criminalization doesn't just support capitalism, it is built into its functioning, serving as a mechanism of control, profit, and social containment.

Moreover, contemporary debates on abortion, Queer and Trans rights as well as Critical Race Theory illustrate the deeply contentious nature of addressing systemic

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<sup>121</sup> Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*, 17, 154.

<sup>122</sup> Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*, 249.

<sup>123</sup> Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*, 21.

inequalities in the United States. As of 2022, In *Dobbs v. Jackson Women's Health Organization*, the U.S. Supreme Court overturned *Roe v. Wade*, ending the constitutional right to abortion and allowing states to impose restrictions or bans.<sup>124</sup> The overturning of *Roe v. Wade* has sharply intensified political polarization by drawing clearer ideological lines between states, institutions, and communities.<sup>125</sup> Individuals' ability to make private medical decisions became dependent on geography, income, and political leadership, all of which are affected by the intersection of race, class, gender, sexuality and immigration status. In parallel, laws like Tennessee's SB1, which bans gender-affirming care for minors, or Florida's HB1521, which mandates bathroom use based on sex assigned at birth, make the private experiences of gender expression a matter of public scrutiny and legislative control.<sup>126</sup> These policies not only endanger trans people's health and safety but have also deepened divides, with Queer and Trans rights becoming flashpoints in broader cultural and electoral battles. Law and policy are not just regulating behavior, they are reinforcing whose lives are recognized, whose bodies are protected, and whose identities are deemed legitimate. Reaffirming concepts of morality and deviance that an Intersectional Socialist Feminist model of sex work, informed by Queer-Trans abolition and CRT, seeks to destroy.

Additionally, CRT has faced intense backlash, particularly from conservative lawmakers and advocacy groups who argue that it promotes division, guilt, or anti-American sentiment. In recent years, multiple states have introduced or passed legislation banning the teaching of CRT or any discussions of systemic racism in public schools, colleges, and even workplace training. These efforts are part of a broader political project aimed at suppressing conversations about racial injustice and maintaining dominant narratives of national identity.

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<sup>124</sup> *Dobbs v. Jackson Women's Health Organization*, 597 U.S. \_\_\_\_ (2022).

<sup>125</sup> *Dobbs v. Jackson Women's Health Organization*, 597 U.S. \_\_\_\_ (2022).

<sup>126</sup> Florida House of Representatives, Facility Requirements Based on Sex, 2023 (2023-106 HB1521). Tennessee General Assembly, "Prohibits Certain Medical Procedures for Minors," 2023, (SB1/HB1) section 1.

At the federal level, this resistance was exemplified in former President Donald Trump’s 2020 executive order (Executive Order 13950), which was reinstated in 2025, and bans federal agencies and contractors from conducting diversity training that includes “divisive concepts,” such as systemic racism or white privilege.<sup>127</sup> Though this order was rescinded by President Joe Biden in early 2021 through Executive Order 13985, which reinstated federal commitments to racial equity, the original order had a chilling effect on institutions that sought to engage critically with race and power.<sup>128</sup> These dueling orders highlight the instability and politicization of racial equity initiatives in the U.S., reinforcing how fragile the implementation of Queer Trans Abolition and CRT-informed frameworks can be in practice.

This ongoing political resistance reflects a broader discomfort with acknowledging and addressing the historical and structural dimensions of sexism, homophobia, and racism which poses significant challenges for any effort to embed an Intersectional Socialist Feminists, Queer- Trans abolitionist and CRT informed framework into sex work policy. An Intersectional Socialist Feminist framework for sex work regulation, particularly one informed by CRT and Queer-Trans abolition, would require confronting these systemic inequalities directly. Yet, the current political climate demonstrates just how fraught and vulnerable such efforts remain, particularly in states or jurisdictions where anti-abortion, queer, trans and CRT rhetoric has become central to policy making. As such, any attempt to build a just and inclusive model for sex work regulation must contend not only with structural inequalities but with the political forces actively working to deny their existence.

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<sup>127</sup> Trump, Donald J. “Combating Race and Sex Stereotyping.” *Federal Register* 85, September 28, 2020, (60683–60689), section 1. <https://www.federalregister.gov/documents/2020/09/28/2020-21534/combating-race-and-sex-stereotyping>.

<sup>128</sup> Biden, Joseph R. “Advancing Racial Equity and Support for Underserved Communities through the Federal Government.” January 25, 2021, (Pub. L. No. 7009–7013) *Federal Register* 86, <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

Another limitation is the practical aspect of enforcing new regulations and ensuring that they are applied fairly and consistently across different jurisdictions. The U.S. is a large and diverse country with varying local laws and enforcement practices. Achieving uniformity in the application of Intersectional Socialist Feminist, Queer-Trans abolitionist and CRT-informed policies could be a significant hurdle. This could result in inconsistent protection and support for sex workers depending on where they live, thus perpetuating regional disparities.

Despite difficulty with implementation, balancing the diverse needs and perspectives of all sex workers, especially those from marginalized communities, may prove difficult, potentially leading to unintended consequences or the overlooking of certain groups' specific needs. Additionally, while an Intersectional Socialist Feminist framework emphasizes decriminalization and the recognition of sex work as legitimate labor, it may not fully address the immediate needs of all sex workers. For instance, undocumented queer immigrants often face compounded vulnerabilities, including legal status issues, discrimination, and economic hardship. Participation in sex work can disqualify individuals from immigration relief due to moral character clauses in legislation, thereby excluding them from essential services such as healthcare, housing, and legal support.<sup>129</sup>

Furthermore, there is the challenge of ensuring that the voices of all sex workers, particularly those from the most marginalized communities, are heard and considered in the policy-making process. While the proposed framework aims to address intersecting forms of oppression, there is a risk that some groups may still be overlooked or that their specific

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<sup>129</sup> Sam Blum, "How 'undocuqueer' Immigrants Straddle Two Marginalized Identities." VICE, July 28, 2024. <https://www.vice.com/en/article/9kq3vy/how-undocuqueer-immigrants-straddle-two-marginalized-identities>.

needs may not be fully addressed. This requires continuous engagement with diverse sex worker communities and a commitment to adaptability in policymaking.

Despite these challenges, the proposed framework remains a promising pathway toward more equitable and just sex work regulation in the United States. It offers a holistic approach that addresses both the socio-economic and racial dimensions of sex work, aiming to create a more inclusive and supportive environment for all sex workers. However, it requires a concerted effort from all stakeholders, including policymakers, advocates, and the sex worker community, to overcome the inherent limitations and ensure its successful implementation.

### *Conclusion*

The Nordic Model if applied to the U.S. would fail to address the rights, well-being, and safety of sex workers. Sex work regulation, especially within the U.S., needs to begin by addressing the root causes that make the sex industry dangerous for sex workers. The Nordic Model, in addition to failing by its own parameters, fails to address the social disparities that contribute to the dangers of sex work. By focusing on punitive measures and the overall eradication of sex work, rather than tackling underlying issues such as poverty, education disparity, institutionalized racism, sexism, homophobia, and xenophobia, the Nordic Model exacerbates the marginalization, exposure to violence, and exploitation faced by sex workers.

Even regulatory approaches that do not aim to eradicate the sex industry, such as legalization and decriminalization, fail to target these root causes. Legalization often imposes burdensome regulations that can drive sex workers into unsafe, unregulated conditions, while decriminalization can lack the industry-specific protections necessary to address the unique risks sex workers face. Both models fail to address systemic forms of oppression that sex workers face through the legal system and within the industry. Issues such as race, class, immigration status, and gender identity significantly impact sex workers' experiences and

access to resources. Therefore, a regulation that focuses on these foundational issues is necessary, I found that a sex work regulatory model that addresses systemic issues must be informed by Intersectional Socialist Feminism, Critical Race Theory, and Queer-Trans Abolition. A feminist framework rooted in Intersectional Socialist Feminism, CRT, and Queer-Trans Abolition offers a comprehensive solution to protect the health, rights, and well-being of sex workers in the United States.

Such a model should recognize the Progressive Era's impact, implement decriminalization, provide social services, acknowledge intersectionality, and prioritize harm reduction to protect sex workers and uphold their rights. It is essential for policymakers, advocates, and researchers to continue engaging with sex worker communities to develop policies that are inclusive and effective. This engagement should be ongoing, with a commitment to revising and adapting policies in response to the evolving landscape of sex work and the diverse needs of sex workers.

Queer-Trans abolitionist thought, challenges us to go beyond reform and reimagine the very structures that produce criminalization and marginalization. Intersectional Socialist Feminism utilizing Queer-trans abolition insists on community-based responses that prioritize autonomy, mutual aid, and collective care, especially for communities, such as Black, trans, disabled, undocumented, and poor sex workers, who are most impacted by state violence. This lens refuses to make sex workers legible only through frameworks of legitimacy or victimhood and instead affirms the radical potential of their survival strategies, fluid identities, and resistance practices.

The future of sex work regulation in the United States requires a departure from punitive approaches and a move toward transformative policies that center the voices, needs, and leadership of sex workers. By embracing a model grounded in harm reduction, decriminalization, intersectional equity, and Queer-Trans abolition, we can work toward a

regulatory framework that not only reduces harm but radically reimagines justice, care, and freedom. The insights gained from this thesis aim to contribute to this broader discourse and help pave the way for compassionate, liberatory, and enduringly just approaches to sex work regulation.

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