

Why Backpage has it backwards: The Roles of Craigslist, Backpage, and Demand in Commercial Sexual Exploitation

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chicago

community

- activities lost+found
- artists musicians
- childcare local news
- general politics
- groups neighborhoods
- pets volunteers
- events classes

personals

- strictly platonic
- women seek women
- women seeking men
- men seeking women
- men seeking men
- misc romance
- casual encounters
- missed connections
- rents and leases

discussion forums

- 1099
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- art
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- law
- local
- lost+found
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craigslist

post to classifieds
 my account

search craigslist

for sale

event calendar

S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
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23	24	25	26	27	28	29

help, feedback, legal
 avoid scams & fraud
 personal safety tips
 terms of use
 system status

about craigslist
 craigslist gold
 best-of-craigslist
 craigslist TV
 "craigslist jobs"
 craigslist connects

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Common depictions of those in prostitution are continually problematic. Portrayals of low moral fiber, hypersexuality, and a fouling effect on society dominate common representations of prostitution. These misconstructions tell a warped and inaccurate story of only one side of the sex industry—the supply. They also suggest that women in prostitution would exist without buyers in the sex market—the demand side of the sex trade has long been ignored, and, consequently, grossly misunderstood. This inconsistency in study and perception of the root causes of the sex trade industry has badly hindered the law’s and society’s understandings of a complicated issue. About the following, however, experts are certain: without the largely male¹ demand for the purchase of sex, there would be no sex trade.

It is only with a firm understanding of the role of demand for the purchase of sex that we can apprehend the reasons *why* the industry exists, *why* exploitation thrives within it, and what approaches we must take in order to end it. Experts continue to explore the complicated structures of oppression that foster the mostly male desire to buy sex. A former Merrill Lynch investment banker turned anti-modern slavery researcher and advocate, Siddharth Kara, plays an integral role in illuminating the economic dynamics that generate the sex trade and render slavery essential to the optimal profitability of the industry itself. Kara tells us the following in regards to the supply-demand economics that drive modern slavery: “Certain market forces create a demand for a product; other market forces create a supply to meet that demand. An industry cannot exist without both forces There could be no sex-slave industry without male demand for commercial sex” (2009, p. 23-33). While supply-demand interactions are dynamic and interrelated, the end of demand would signal the end of exploitation within the sex trade industry.

Integral to combating sexual exploitation is addressing the individual vessels of the demand that sustain it. Presently key examples of such vessels are websites such as craigslist.com and Backpage.com, on which, common as every couch for sale to be found, are ads for prostitution. By providing unprecedented access to the purchase of sex, sites such as craigslist.com and Backpage.com nurture its maintenance and expansion by feeding demand (Hughes 2004, 2005).

This report is designed to dissect the role that online classified sites such as craigslist.com and Backpage.com play in facilitating the demand for the purchase of sex and, thus, sexual exploitation as a whole. A critical examination of the research, litigation, public statements, and other situational aspects surrounding recent popular condemnation of craigslist.com and Backpage.com will reveal, underneath a sinister issue, a mockingly simple supply-demand transaction.

We begin—and seek to end—with demand.

The Consumer and the Human Commodity

Inherent to the use of the term “transaction” to refer to the purchase of sex lies the danger of reducing the commercial sex trade to a merely consumer circumstance. To dilute commercial sexual exploitation to a simple consumer transaction is to give the impression of a freely undertaken and arguably equitable exchange of services for money, where the frequent reality of the transaction is nowhere near neither free nor equitable for the human commodity involved. This is *not* to say that a transaction is not undertaken. There is simply far more to this transaction than can normally—as in the case of a nonhuman commodity—be encapsulated by these terms.

The sex trade does commodify humans, and in this context, humans do function as commodities. A transaction *is* undertaken. However, as the Coalition Against Trafficking in Women notes, “Women in prostitution do not control the transaction. The prostituted woman must do what the buyer wants her to do” (Jõe-Cannon, 2006, p. 8). The act of a human purchasing another human is a human rights abuse incapable of being expressed—and certainly not excused—by the terms of a consumer transaction.

While the supply-demand relationship certainly does not justify exploitation, it goes a long way to decipher the behavior of the industry—how supply yields from demand, why increased knowledge of access to supply increases demand as a whole, why exploitation is a profit-maximizing inevitability of the sex industry. Though there are multiple online entities that facilitate exploitation, this report concentrates on the two largest facilitators, demonstrating how craigslist.com and Backpage encourage demand in the sex industry.

craigslist.com: Cultivating a Culture of Trust

Incorporated in 1999, craigslist.com functions as an online classifieds location dedicated to discussion forums, job postings, items for sale, and personal advertisements relevant to over 700 cities in seventy countries (craigslist.com, 2012). With sections dedicated to appliance sales and automotive services, security jobs and etiquette forums, founder Craig Newmark sought to create a space online where, in a “culture of trust,” people abided by his personal philosophy: to “treat people like you want to be treated” (Journalism Institute at New York University, 2005; Inman News, 2012). A “strong advocate of the use of technology for the public good,” Newmark’s company added the escort services section in 2002 “at the request of craigslist users, who were tired of seeing ads for escort services, sensual massage, adult web cams, phone sex, erotic dancing, adult websites, nude housecleaning, etc. mixed into the regular personals and

services categories” (Craigslist.com, 2012; Craigslist.com, 2009). The ads that “craigslist users . . . were tired of seeing” did not frequent, but, rather, inundate the “regular personals and services categories” (Craigslist.com, 2009).

Intended as an online platform on which people could help their neighbors out, craigslist.com quickly became one of the world’s most far-reaching platforms for promoting and facilitating the purchase of sex.

Normalizing Harm, Disseminating Exploitation

Available, truly, with the click of a mouse, sites like craigslist.com and Backpage provide an unmatched platform for the industry to flourish: anonymous, free or very inexpensive, simple, and globally accessible. Providing unparalleled ease of use and accessibility, online classifieds are dangerous enablers of the sex trade—increasing awareness of supply motivates increase in demand, which, in turn, increases recruitment of individuals to fulfill the desire for paid sex:

Increasingly, the various markets for commercial sex acts and sexually explicit performances are more openly advertised. Euphemisms and coded terms are used to openly advertise illegal activity. This has the effect of normalizing the acts and increasing the demand for them among men. (Hughes, 2005, p. 21)

The normalizing phenomenon of increased access is well documented. Hughes notes the exponential increase in the industry aided by increased knowledge of access to it via the internet using the example of the Czech Republic:

Ten to fifteen years ago, prostitution was rare, certainly, there wasn’t a sex industry. Now, according to a study by the Czech Ministry of Interior, there are over 860 brothels in the Czech Republic, of which 200 are in Prague. . . . There are almost 200 web sites on

the Internet for prostitution services in the Czech Republic, up from 45 in 1997. (Hughes, 2004, p. 2)

The damaging effect of increased knowledge to access, as in the case of the online classifieds site, is clear—increased exploitation.

Arguments and Allegations

The reality of craigslist.com's hand in the sex trade came to public consciousness, garnering increasing media attention in 2009, upon allegations from multiple attorney generals that craigslist.com ads were being used for prostitution (Associated Press, 2010). On May 13, 2009, due to mounting pressure from attorney generals, the company announced that it would be closing its erotic services section and replacing it with an adult services section to be reviewed by Craigslist employees (Los Angeles Times, 2009). Advertisements in this category cost \$10.00 to post, twice as much as the prior erotic services category (Los Angeles Times, 2009).

During a hearing focused specifically on domestic sex trafficking of the House Subcommittee on Crime, Terrorism, and Homeland Security, Craigslist's director of customer service and law enforcement relations William Powell stated the following: "I have personally been told many times by law enforcement agents that Craigslist is by far the most responsive Internet company that they deal with" (Latonero, Berhane, Hernandez, Mohebi & Movius, 2011, p. 22). Backpage's spokespeople have made similar claims. A study by the University of Southern California Center on Leadership & Policy asks the following question of modern social networking and online classifieds technology in conjunction with the human rights abuses they perpetuate: "Can online technologies be leveraged to provide actionable, data-driven information in real time to those positioned to help victims?" (Latonero et al., 2011, p. 4).

The answer implicit in this report and in similar research—assuming that practical applications of these suggestions fall short of the ideal—is no. Or, at least, not right now. The report notes that “trafficking online presents an unprecedented window to observe, track, and monitor the conduct of both the supply and demand sides of the trade” (Latonero et al., 2011, p. 8). In studying patterns in trafficking and traffickers, pimps and the purchase of sex, we gain insight into the dynamics of the industry. In order to stop it, we must understand both the industry itself and those who act within it. However, with what we understand currently about the supply-demand economics of the sex industry, and the way demand is proliferated by knowledge of access to supply, the maintenance of online classifieds ads victimizes far more than it saves. As demonstrated by Fisher, present operations of law enforcement do not currently exercise the capacity to locate, obtain, and help every individual involved in the estimated \$22.7 million per year revenue on Backpage.com alone (Fisher, 2012).

Counterarguments and Condemnations

A common criticism of the original campaign to eliminate craigslist.com’s adult services section and Backpage.com’s massive adult heading is that activist efforts will displace the ads elsewhere, on- or offline. This assertion is not unfounded—the AIM Group reports that for the \$3.7 million in monthly revenue that was lost to craigslist.com when it closed its adult services section on the third of September in 2010, Backpage’s escort ad revenue increased by about \$221,000 in the same month: “There are clear signs that some revenue and listings are migrating to Backpage and to other sites that specialize in prostitution advertising” (2010; Lindberger, 2010).

Critics will ask why it matters that a section be taken down, if traffickers will just post their ads for women in other places. The answer brings us, once again, back to demand—

research strongly suggests that greater accessibility or knowledge of accessibility increases demand for the service known to be accessible and deemed acceptable (Hughes, 2005; Kara, 2009).

Backpage.com: Not to be Held Liable for the Sexual Exploitation of Minors

According to attorneys for Village Voice Media, previous parent company of Backpage, websites where content is posted by a third party cannot be held accountable for any illegal activity that occurs due to offensive postings by this third party—indeed, Section 230 of the Federal Communications Decency Act grants immunity to websites where offensive material is posted by a third party:

No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider No provider or user of an interactive computer service shall be held liable on account of . . . any action taken to enable or make available to information content providers or others the technical means to restrict access to material described [above].” (47 U.S.C.A. § 230 (2012))

For lawmakers, social advocates, and parents of children who have been trafficked, the act’s claim that “[t]he Internet and other interactive computer services have flourished, to the benefit of all Americans, with a minimum of government regulation,” is a sentiment that fundamentally excludes those who do not benefit from, but rather endure extraordinary harm and danger due to, inadequacy in the accountability of sites like Backpage (47 U.S.C.A. § 230 (2012)).

Backpage.com: A Critical Ally

Attorney Liz McDougall, primary spokesperson for Backpage and previous counsel for craigslist.com, argues that removing the adult services section of Backpage will serve only to drive ads underground. McDougall maintains that, outside of U.S. jurisdiction and out of the public eye, conditions will be made even worse for present victims of trafficking. Without pimps' credit card information, pimps and victims will be even harder to locate. Boasting a statistic of over 2,600 potential trafficking cases reported through the collaboration of law enforcement officials, Backpage has stated that "although Backpage is a for-profit business, it does not want to make a single penny off of this abhorrent activity" (Norfleet, 2012). Nevertheless, it is estimated that Backpage profits \$2,200,000 per year from prostitution ads, an approximated 70% of online prostitution advertisements' annual revenue in the United States (Pompeo, 2012). At the rate these transactions occur, Backpage is either unwilling or unable to monitor them at a rate that justifies maintaining the section.

Law enforcement officials and litigators such as Daniel Alonso, Manhattan's chief assistant district attorney, argue that Backpage "enable[s] traffickers to drum up demand for what they believe is a product" (Pompeo, 2012). As for McDougall's argument, Alonso states the following: "we don't buy [it]" (Pompeo, 2012).

Beginning with Demand

Whether or not Backpage's intentions are as honorable as McDougall contends, the great majority of anti-sexual exploitation advocates are unmoved by Backpage's arguments. The evidence against their claims proves them inaccurate—in persisting as the largest and most lucrative online trafficking hub in existence, Backpage feeds the demand for the prostitution industry itself.

Even McDougall herself acknowledges the damaging effects of increased visibility of the industry: “Has the Internet increased the incidence of prostitution and trafficking? It wouldn’t surprise me” (McDougall, 2012).

Demanding Change

In her “Recommendations to Combat Demand for Victims,” Hughes calls us to “[e]nd tolerance for the illegal sex trade, including open advertising of criminal activity, such as escort services, massage parlors, spas, etc[.], which are well[-]known fronts for prostitution” (2005, p. 64). Perhaps the most visible profiteer from prostitution ads today, Backpage’s unrelenting defense of its alleged belief in the value of maintaining its adult section simply cannot disguise the evidence for its contribution to the sex industry.

Washington State Attorney General and county prosecutors from around Washington are presently engaged in a battle with Backpage concerning the lawsuit Backpage filed in response to Washington’s 2012 Senate Bill 6251, forcing sites to validate identification of the people featured in adult services ads, lest the hosting site itself face penalties. In order to provide a valid defense against such an allegation, the defendant must “produce for inspection by law enforcement a record of the [“driver’s license, marriage license, birth certificate, or other governmental or educational identification card or paper”] used to verify the age of the person depicted in the advertisement” (H.R.J. Res. 6251, 2012 Leg., Reg. Sess. (Wash. 2012)).

While Backpage counsel continues to mark the Communications Decency Act as a shield against the felony penalties legitimized by Senate Bill 6251, this bill represents increasing legislative opposition to the sexual exploitation of minors as protected under the Constitution. As Washington State Senator Jerome Delvin very adeptly puts it, “I am confident that the court will agree with me that there is no First Amendment right to abuse, exploit, and endanger our

children” (Washington State, 2012). Washington State Attorney General Rob McKenna stresses the following:

Attorneys for Backpage claim to be allies in the fight against human trafficking, yet they’ve filed a lawsuit to stop a law shielding kids from being sold for sex. . . . Among several claims in their lawsuit, Backpage tries to hide behind the Constitution. But commercial sex acts with kids are illegal and ads for such crimes are obviously not protected by our founding documents. (Washington State, 2012)

Other states are recognizing the backwardness of such a claim—that the right to the freedom of speech for some should be used as a defense against human rights abuses for others—and following suit. States like Tennessee have pursued similar legislation whereby it is deemed a felony to “knowingly [sell] or [offer] to sell an advertisement that would appear to a reasonable person to be for the purpose of engaging in what would be a commercial sex act . . . with a minor” (H.R.J. Res. 2371, 106th Gen. Assemb., Reg. Sess. (Tenn. 2012)). Backpage has filed a suit against them as well.

McKenna also states the following in response to one of Backpage’s main arguments ““Backpage warns that if they close their ‘adult services’ section, prostitution ads—and presumably ads featuring kids—will move underground. . . . Apparently Backpage wants to keep the ads above ground where they may continue to profit from them”” (Washington State, 2012).

Regardless of whether or not Backpage’s true aim in this continuing legal battle is the continued profit from exploitation, the reality is this—they continue to profit millions from the escort ads that reveal, again and again, to be advertising children (Dolak, 2012). Regardless of the intentions of Backpage, the result of their continued dissemination of these ads is clear—they

are perpetuating the sex trade. By propagating demand, by nurturing an unparalleled environment for human trafficking, they allow sexual exploitation to thrive.

Why Backpage has it backwards

If McDougall is honest about where Backpage's allegiance lies in the area where sexual exploitation and revenue meet, she need only consider the function of demand in the perpetuation of exploitation to know what she could do to inhibit it. Backpage currently plays an instrumental role in the exploitation of men, women, and children. By closing the escort services section, by requiring identification of those depicted in escort ads, or by diligently reporting every post involving underage children that are sold on their website every day, they have the power to target the exploiters using the site. Rather than do so, they continue to persist in fighting those who seek to protect children and women and transgendered individuals.

Backpage claim themselves a "critical ally to . . . stop [human trafficking]" by capitalizing on the "forensic footprints [left by traffickers' financial information] that create unprecedented tools to locate and rescue victims before they are exploited, and to investigate and convict pimps and their criminal networks" (McDougall, 2012). However, if they are at all conscientious about their self-assigned responsibility, they should not be allowing "[a fifteen-year-old] girl to be posted ten times in a two week period following the filing of their lawsuit against Washington state—including after they were warned the girl is a minor" (Washington State, 2012). They either cannot or will not—but either way *do* not—carry out their self-ascribed responsibility to prevent trafficking of minors on their website.

Regardless of their intent, be it philanthropic or capitalist, strategic or lethargic, the reality stands that woman and children are being trafficked, abused, and exploited on their watch. By virtue of its inaction, Backpage condones these crimes.

If some deep respect for the tenets of the Constitution lies at the root of Backpage's refusal to shut down their transnational trafficking ring, we would say that "justice," "welfare," and "blessings of liberty" are terms not often used in conjunction with the life of a trafficking victim (U.S. Const. pmb.). We would say that to justify the exploitation of human beings by the right to free speech for others is an odd abuse of a document intended to protect, not enslave. Victims of trafficking are not only unable to exercise their legal rights, but are deprived of their very basic needs as living beings. For such "a critical ally" against human trafficking, Backpage expresses its concern strangely (McDougall, 2012).

To understand the supply-demand dynamics driving the sex trade is to realize that there is no debate in which to be engaged concerning the benefits of maintaining the adult services section of Backpage. With its minimal cooperation with law enforcement, apparent disregard for posts that have been reported to them, and continual legal warfare with government officials who engage in the fight against human trafficking, there are two possible conclusions to draw from this information. Either Backpage does not understand the ramifications of its continual facilitation of demand—a grave miscalculation—or, Backpage has reason other than concern for human dignity to be waging this war.

Considering McDougall's public statements, it is perhaps unfair and reductive to frame Backpage as a machine concerned with its profits above human suffering. We very often consider such large-scale evil to be reserved for the past, impossible to be repeated today. However, the evidence speaks for itself. Backpage facilitates unprecedented access and knowledge of access to the sex industry, which in turn increases demand itself. An increase in demand perpetuates the industry, and cries of children remain unheard from behind the impenetrable screen of their sex ads on the website.

Citing the Section 230 of the Federal Communications Decency Act is not enough. This does not justify—and will certainly not expunge—the industry we have created that thrives on the abuse and exploitation of women and children. As a society, we need to strive for laws to protect people from harm, not those which defend criminal behavior and justify human suffering.

Ending with Demand

While craigslist.com has officially shut down its adult services section, ads for such things as “casual encounters” or “some help in the bedroom” remain rampant. The sex trade is not easily silenced. If there were no demand for these services, however, women would not be in danger of being led, coerced, or forced into it for the pleasure of the consumers. As long as there is demand, traffickers and victims will find a way to supply. The only way to end it is with demand.

The present media attention surrounding the Backpage controversy presents an auspicious opportunity for our society to realize the devastating role demand plays in the commercial sex industry. Commercial sexual exploitation is garnering increasingly more public and international attention—it is regarded, more and more often, as a “sexy” issue.

The more public attention—and pressure—Backpage and Village Voice Media receive, the better. The legal circumstances surrounding third party hosting websites make laws penalizing sites that do not regulate this material extremely difficult. However, the more the issue of commercial sexual exploitation is recognized, and understood, the more power we have to recognize it in our own communities and lobby against it on the state and national levels.

To understand the supply-demand cycle and the role of demand is to illuminate means for its abolition. It is to know that what will facilitate demand will also increase it, which will

always perpetuate human suffering. To appreciate the basic economic functioning of the commercial sex trade is to realize, revolted, just why Backpage has it backwards.

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Footnotes

¹I underscore the mostly male demand for sex with predominantly female victims for two reasons. The first is for simplicity's sake. The second is to confront the reality of a gendered situation—while most men do not prostitute women or purchase sex, the overwhelming majority of individuals who do so are men. While there are certainly female pimps and male and transgendered victims, the majority of victims are women. Sex industries also thrive under cultural conditions proliferating denigration, oppression, and objectification of women. For the remainder of this report, I will continue to refer to victims as female and perpetrators as male for these reasons.