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HUMAN RIGHTS
AND
THE SEXUALIZATION OF CULTURE

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INTRODUCTION

Ernie Walton

Administrative Director

The Center for Global Justice, Human Rights and the Rule of Law

Good morning, everyone. Welcome to the 4th Annual Symposium of *Journal of Global Justice and Public Policy* and the Center for Global Justice, Human Rights, and the Rule of Law entitled, "Human Rights and the Sexualization of Culture." My name is Ernie Walton, the administrative director of the Center for Global Justice. I'm just going to give you a brief background on the center and then we'll get started.

For those of you that don't know, the center was started in 2010 in response to really what the leadership saw as an increasing number of students who were coming to Regent, saying that God was calling them here for a specific purpose, to use their law degree to fight human trafficking or to protect persecuted believers around the world or to protect the widow or orphan, really to be God's voice, to speak up for those who don't have a voice. So the center was formed in 2010 for that very purpose, to equip really our students here, our Christian advocates who will promote the rule of law and seek justice for the oppressed.

The second part of our mission is to serve and support those already engaged in such advocacy. We have a number of ways we accomplish our mission. We sponsor courses at Regent Law that are related to human rights and the rule of law. We have a funded internship grant program, where students get to travel all over the world, the United States, and work with human rights organizations that are working on these types of issues. Throughout the school year we provide opportunities to work on legal projects for a number of human rights organizations through our student staff. Finally, we put on events just like this, designed to educate our students about important issues, as well as be a voice in the academic community regarding issues that we're going to talk about today from a biblical perspective.

I'm really thrilled that you're all here. We have a great symposium lined up. I'm really excited about this symposium for two reasons. One, for the first time we have the privilege of partnering with the newly formed Regent *Journal of Global Justice and Public Policy*. This journal was just formed last year and I'm so excited that the center now has an affiliated journal that will be able to publish the symposium and other academic pieces regarding human rights, the rule of law from a biblical perspective. I'm so thrilled that Regent has taken up that call to say, "We have to engage the world in these issues, and we need to bring Christ to bear in all that we do." So, Journal, we're thrilled to have you as a partner and we're excited to continue the relationship.

The second reason I'm particularly excited about this symposium is the topic, human rights and the sexualization of culture. Consider just in the past few years that there are leading professors in universities that are now calling pedophilia "normal and natural for human males." Consider that just last year the Supreme Court of Canada effectively made it a constitutional right for a woman to sell her body for sexual purposes. Consider that there are more slaves held in the world today than at any other time, and the majority for them for sexual purposes. Consider the movie *Fifty Shades of Grey*, which has swept our country, setting records seemingly every weekend, and the content of that film. Consider that likely this summer the Supreme Court of the United States will legalize same-sex marriage, not a foregone conclusion, but perhaps likely. These are issues that are happening right in our day and we as a Christian university need to be discussing them, and that's what this symposium is really all about.

Before we get started with the first panel, I'd like to thank a few different people who have really made this symposium possible. The first is Operation Blessing. They're one of our presenting sponsors. Operation Blessing is a nonprofit humanitarian organization dedicated to demonstrating God's love by alleviating human need and suffering in the United States and around the world.

One of the largest charities in America, Operation Blessing provides strategic relief in 23 countries on a daily basis through various different core programs such as disaster relief and health, medical care, hunger relief, vulnerable children and orphan care, safe water, and community development. Operation Blessing has helped sponsor this symposium and, again, made this possible. So if you see any representatives of OBI, please thank them.

The second person, people really, that I would like to thank is the Lewis family. Charlie and Fran Lewis are just incredible people. They have the Lord. I have not had the privilege of knowing them for too long, but they're just remarkable. They love the Lord; have incredible heart to serve him. They are also the reason why are here, making this symposium possible. Charlie has served on the Regent University Board of Trustees for a number of years, and Fran has been faithfully involved in that endeavor as well. They've been huge friends not only of Regent, but specifically the Center for Global Justice and I can't thank them enough. Charlie is going to pray for us, so if you'll join me in welcoming Mr. Charlie Lewis to pray for us that would be great.

I. PANEL ONE: THE FOUNDATION OF HUMAN RIGHTS

INTRODUCTION

Craig Stern

Executive Director

The Center for Global Justice, Human Rights and the Rule of Law

Good morning. I'm Craig Stern, Executive Director of the Center for Global Justice, Human Rights, and the Rule of Law.

It's my pleasure to introduce the first panel. The sexualization of cultural has been attended by enlarging claims for human autonomy. Maybe it's been caused in part by enlarging claims, universal claims to human autonomy and broad claims to human rights. To understand and test these claims one must understand. What are human rights? What's their source? What's the foundation for human rights? And that's the subject of this first panel, with two gentlemen who are eminently capable and able to help us along in that thinking.

One is Dr. Jeffery Ventrella, who is the Senior Counsel and Senior Vice President of Strategic Training for Alliance Defending Freedom at his headquarters in Scottsdale, Arizona. Since joining Alliance Defending Freedom in 2000, he has headed the Alliance Defending Freedom Blackstone Legal Fellowship, a unique legal internship program that has graduated nearly 1,100 outstanding law students, among whom is Ernie Walton. I had the pleasure of participating in some measure in that program as well. Dr. Ventrella also leads the Alliance Defending Freedom Legal Academy, which has trained thousands of allied attorneys across the nation in litigating constitutional law cases. He regularly engages the culture through formal debates and serves as an approved speaker for The Federalist Society. Dr. Ventrella earned his J.D. from the University of California's Hastings College of Law and has practiced law since 1985. He received a Ph.D. in church and state studies from Whitefield Theological Seminary.

Dr. Matthew Franck is the Director of the William E. and Carol G. Simon Center on Religion and the Constitution at the Witherspoon Institute in Princeton. Dr. Franck is Professor Emeritus of Political Science at Radford University in Virginia where he taught constitutional law, American politics, and political philosophy, and chaired the Department of Political Science. He received his BA from Virginia Wesleyan College, right up the road here—welcome back again—and his M.A. and Ph.D. from Northern Illinois University. He is also a visiting lecturer in politics at Princeton University. As Director of the Simon Center, Dr. Franck has supervised the work of the taskforce on international religious freedom. He also supervises two summer

seminars at the Witherspoon Institute and maintains the institute's collegial relations with other organizations.

Dr. Ventrella, if you would begin us that would be our pleasure.

A. THE CONFLICTING FOUNDATIONS OF MORALITY

Jeffery Ventrella

*Senior Counsel and Senior Vice President
of Student Training and Development
Alliance Defending Freedom*

Thank you so much, Craig. I do appreciate it. It's my delight to be here. I want to thank the university for the kind invitation, also the sponsors who have made this possible and feasible. And I want to say thank you for rescuing me from the 9th Circuit, if only for a day or so.

My remarks today will be drawn from the implications of St. Paul's claims that he makes in the Book of Romans, particularly verse 25 and 32. The reason I'm starting there is because before we can, I think, reasonably address the symptoms of human trafficking in a sexualized culture we need to understand the systems and the structures that lead to those things, and we can look at solutions.

What Paul says essentially is, "The truth is exchanged for the lie." What he sets up is a Twoist reality, a creator/creature distinction or what we might call a heterocosmology, and he juxtaposes that with what he calls the lie, a Oneist reality, the idea that there is only a metaphysical unity of all being, what we might call a homocosmology.

This exchange, the lie, impacts theology, worship, and ethics, that is to say our behavior. What Paul tells us is the pinnacle of that exchange of ethics results in sexual brokenness and sexual manifestations, what Paul calls unrighteous practices. As we address the issues presented by this conference throughout the day, I want to first bring to your attention a probing question posed by the psalmist who writes from this Twoist Pauline perspective and it bears on our dialog. The 94th Psalm says, "Can wicked rulers be allied with you, those who frame injustice by statute?" Now what's the assumptive language there? Three things: positive law embraces a moral dimension. Secondly, positive law does not end the moral debate. Simply because something is legal doesn't make it just. Thirdly, positive law becomes thereby a conduit for that which is just or unjust. So we need to understand that while ideas have consequences, it's particularly the unspoken or assumed ideas that have consequences.

Twoism, unlike Oneism, teaches that there can be no neutrality, including the neutrality of the public square and in law. Therefore, it is an application of the lie to content that the public square and with its definition, promotion, protection, and preservation of human rights in

general is or can be something neutral. That is to say it can be a religion free or a morality free zone. That is not Paul's point. In Twoist reality, the question is never whether we can legislate morality with respect to human rights. Rather the question is: whose morality will be legislated? Notice I said "whose morality," not what morality. This is because in what I would call the cosmic personalism of the Pauline view, law presupposes a law giver. That's Thomas Aquinas. Jonathan Burnside, a modern thinker in the UK, says, "Law is a back stage pass to theology." So these things go together, and the onus of what the Regent University education does is this integrated piece.

Now a few years ago I was involved in a debate concerning the redefinition of marriage sponsored by the Beverly Hills Bar Association, and there my opponent was a Harvard graduate who had clerked on the Supreme Court for Justice Ginsburg. He was asked point blank at the end, "You've demanded rights here, David. Where do rights come from?" He knew immediately where they didn't come from, in his mind. He said, "They don't come from morality. They certainly don't come from religion." Then he said, "They come from the state," to which I stood up on cross examination and said, "Be very careful what you've just told these people, because what you just told these people," and this was conducted at the Museum of Tolerance, which was dedicated to the memory of the Holocaust—I said, "You just told these people that Nuremberg was wrong and Dachau was right because everything the Nazis did was legal."

Here we have the problem of this Oneist situation. What's the real issue? The real issue, when we talk about the culturalization of things, is who or what is God? What functions as the transcendent principle in a particular culture? Creation is what God does. Culture is what man does, and culture is religion externalized, whether acknowledged or not. So we need to understand what happens. This is what Paul talked about when he goes to Mars Hill. What does he say? He says, "The creator alone is independent," and he makes that point. Then he co-joins that with the implication that therefore the creation is dependent. There is a transcendence that is not a part of the created order.

Now the trouble is when a culture, and thus its own legal system, functionally reduces who is God, what is functioning as God, the result is not that there is no God or no religion in a culture. Rather, it is that that God that is functioning will be found in some portion of the created order. Now there's a problem with that, because without a transcendental basis to make those kinds of decisions, how do you prefer just or unjust things in that sort of thing? As Chesterton put it, "It is only by believing in God that we can ever criticize the government. Once abolish God and the government becomes God. Wherever the people do not believe in something beyond the world, they will worship the world,

but above all they will worship the strongest thing in the world.” So we need to be clear about the structure God’s created and that’s Paul’s burden. Jesus told Pilate you would have no authority unless it had been granted to you from above, emphasizing again that we are receptors of authority. We do not have authority or autonomy in and of ourselves. When we blur this creature/creator distinction it creates problems. Tocqueville recognized this early on when he traveled to America. He basically said that what happens is people blob together this notion of God the Creator with the creation and try to, “simplify his conception by including God and the universe in one great whole,” this collapsing that the Apostle Paul talked about.

What are the implications there? When we discard this structure and then bring it to bear on the world, we blur the creature/creator distinction. We begin discarding mediating institutions, and this will become important as we talk about solving some of these problems of sex trafficking. We tend to vest sovereignty and thus all power only in the state. We eliminate thereby the justification for true moral authority, being able to hold the state accountable, and ultimately we end up absolutizing man. Man acts as God and that’s what’s going on. We’ve become reductionistic. When that happens, Steve Smith from San Diego tells us, “The actual and legal and political jurisdiction, sovereignty, will now belong only to the state.” And he goes on to say, “The church will ultimately enjoy only as much freedom or immunity, and only as much as the state seems fit to allow.” So we have problems. We eliminate mediating institutions and we tell the Christians, the church that it can only exist at the permission of the state. That becomes a problem if we’re going to solve some of these questions in our culture.

If there is no transcendental then, we have to locate our authority in something in the state or in the creation. This is a problem. It, number one, doesn’t work. The theologian, Herman Bavinck, talked about this 100 years ago. Moreover, it becomes a predicate for tyranny. We can’t simply create tyranny in order to end tyranny. We absolutize the law or we absolutize man, and this becomes deeply problematic. So when we’re thinking about solutions here, we need to understand which paradigm is operating. If we have a Oneist or a culture predicated upon the lie, what happens is increasingly evil will be rooted in being or metaphysics instead of in ethics. Think about it. Plato tells us that the body and the passions really create evil. Or it could be rooted in culture. That’s Rousseau and romanticism. Or perhaps in authority figures like psychodynamic psychology teaches us, or perhaps in economic forces, that’s what Marxism teaches, or the 20th century existentialist, Heidegger, technology and management, those sorts of things. Increasingly then what happens, disciplines and their experts become normative, not God, not his law, not his justice. So we start relying

increasingly on the economist, the psychologist, the biologist, the physicist. We need to back up and ask the question: by what standard? Justice Cardozo, who many of you know if you're law students, was asked this question: how do judges do law? What do the judges look at? He said, "History or custom or social utility or some compelling sentiment of justice, or sometimes perhaps a semi-intuitive apprehension of the pervading spirit of the law must come to the rescue of the anxious judge." Really? That's like saying penumbras and emanations create rights, which is more suitable for séances, as Justice Scalia taught us.

Here's the point. If Twoism is true, if heterocosmology is true, then man is created by God, and thus he is defined by God with a prepolitical inherent dignity. He is a religious creature. Therefore, the purpose of the state must be derived from that reality, and it must be to protect that which the creator bestows, kind of like the preamble to the Declaration of Independence.

Marcello Pera is the former president of the Italian Senate. He crystallizes it well when he says this, "Basic human rights must be seen as a gift of God," to use Jefferson's phrase, they must be understood as the properties of men as human beings rather than as citizens, a possession, not at the mercy of legislatures, but prior to the law and hence prepolitical and nonnegotiable. These rights must be religiously cherished." What's he getting at? There is an irreducible, fundamental anthropology. Mankind, made in the very image and likeness of God, has inherent dignity, and that's a predicate by which then we can address some of these key issues. But understand, modern jurisprudence rejects this. Modern jurisprudence says rights are not natural. Rights are conferred by the state, not simply perfected by the state, and there's no such thing as a fixed human nature.

Until we start with our bedrock notions of these things being what's really true, we will always go off the rails. Human rights instead, correctly understood and justifiably applied, must therefore presuppose a fixed human nature, and this requires them to be theologically derived. If we don't do that, as Ben Wiker tells us, the denial of human nature changes the purpose of government. So if the government, the state doesn't understand what it means to be human, as human, it will enact solutions that won't really solve things in the long run. This is very important to understand as we get to these kinds of issues, that there's a law above the law. If we don't do that, it becomes simply about power.

Something else we need to understand if we engage in this Oneist or the lie type of jurisprudence, and this comes from Roger Trigg, the Oxford philosopher, "Religion is always a target of totalitarian regimes. The reason is that religion provides an alternative system of influence to that of the state, proposing an authority to which the state should be

subservient. It threatens to restrict the power of the state.” So it’s very important to recognize, if we don’t restrain the states they will take over all these kinds of things, and this stuff influences the law. Just 18 months ago Justice Kennedy in the Windsor decision says this. Notice the language he uses. What is marriage? He says, “A legal acknowledgement of the intimate relationship between two people, a relationship deemed by the state worthy of dignity.” You know what’s going on there? Do you see the jujitsu going on here, the bait and switch? Dignity is conferred and only conferred, in his mind, when the state confers it. That’s a fundamental Oneist or a predicate to a jurisprudence. It’s not based upon a Christian structure, a Christian worldview. So he strikes down a portion of DOMA because of that. He relates things with respect to these kinds of issues.

Tyranny, one man says, is thus inevitably in conflict with religion. It cannot tolerate a law which asserts that there is a divine order which stands in judgment over the human order. Bavinck said 100 years ago, “The state therefore becomes the great source of all rights, the creator and shaper of society,” pushing out mediating institutions like associations, youth groups, church groups, business associations, the family. Well those are the groups that are going to do the best at solving these symptoms of human trafficking. So we need to understand those kinds of issues.

Now the greatest damage to this exchange that occurred manifests itself in what Professor Stern talked about is the radical autonomy that’s pushing a lot of what’s going on. Again, Jonathan Burnside says it this way, “In biblical thought, sexual relationships can be used either to create community or to destroy community. Sexual order helps to create relational order, and sexual disorder leads to relational disorder.” It’s interesting that the pagans understand this completely. One man quoted in the book, *Sex and God at Yale*—Craig’s a Yale, so I’ll quote that book—says this, “You have to have one partner under the One God system.” We maintained that for 2,000 years [that’s Oneism], but now we have a certain openness. We’re coming up on a new pantheistic age that’s Oneism, “I like all the gods and goddesses,” and the implication is, “Therefore, I can just pick and choose and that sort of thing.” Very important.

We see Carla Bruni echoing this, the former First Lady of France. She says, “Monogamy is terribly boring. I am faithful to myself. I am monogamous from time-to-time.” I don’t know how her head doesn’t explode off her shoulders at that point, “But I prefer polygamy and polyandry.” Here is my point. This sort of stuff, when it’s in the atmosphere, feeds itself into our jurisprudence. Increasingly we’re seeing the law operate on assumptive language, and we’re seeing that anything that regulates sexuality is this. It must be assumed to be individualistic,

private, not social, consent is the only rule, and the only purpose is pleasure. A lot of people in our culture go, “Well yeah. Isn’t that what sexual relations are about?” No, it’s not, and we began unraveling here in the Enlightenment. So what I’m saying is we’ve got to be careful with respect to that, because what happens then is when you have this collective, the state, interacting with this radical autonomy of self, “I need to be free to love the person I want.” It sounds like a good bumper sticker. It’s very bad theology and philosophy.

What happens is these ideals begin to mutually reinforce one another, and so we have this. Benjamin Wiker tells us, “The liberal state does not define law in terms of the promotion of virtue and the prohibition of vice, but in terms of the protection and promotion of individual’s private pleasures. Any limitation of these “rights” is considered unjust.” That is, justice is redefined to mean everyone getting as much of whatever he or she wants. There are some initiatives internationally, and I travel all over the universe, on the sex trafficking issue that are exactly that. They say, “We solved this issue by just unleashing everyone to do things and legalizing this and that,” and all those sorts of things. The trouble is, as Trigg tells us, “The more the role of the individual is extolled, the more powerful the state has to become.” That’s a recipe for tyranny.

So I leave you with this. When individual desires are equated to rights, persons are dehumanized or simply killed. As one man reported, “For if choice is the moral imperative guiding abortion, then there is no way to take a stand against gendercide. Aborting a baby because she is a girl is no different from aborting a baby because she has Down syndrome or because the mother’s mental health requires it.” She relates a story of an Indian abortionist who says, “I have patients who come and say, ‘I want to abort because if this baby is born it will be a Gemini, but I want a Libra.’” That’s where these impulses go and that’s the burden of Paul when we do these things. We’ve got to understand this. When we exalt the self, we will abandon God. When we abandon God, man will be forgotten.

So how do we address this? We must protect. We must promote. We must pursue a Twoist Christian culture and its morality, and we must do so without reserve, without retreat and without regret. With that, I have given you a general structural outline and thank you for your kind attention.

B. NATURAL RIGHTS, THE IMAGO DEI, AND THE ECONOMY OF SEX

Matthew Franck

Director

The William E. and Carol G. Simon Center

on Religion and the Constitution

The Witherspoon Institute

Good morning. I want to thank the administration of Regent University Law School. I want to thank Craig and Ernie and the center, Operation Blessing International, and Charlie and Fran Lewis very much for making this day possible. I think this work is enormously important and I'm proud to be here as part of it.

As Professor Stern mentioned, I'm a graduate of Virginia Wesleyan College, just a few miles from here. Thirty-five years ago I lived a few miles from here and it was never this cold. It was just never this cold. I think it's climate change.

I feel like my remarks this morning are a mere coda to Dr. Ventrella's remarks, which were extraordinarily rich and enlightening. But my title this morning is, "Natural Rights, the Imago Dei, and the Moral Economy of Sex." Harvard Professor Mary Ann Glendon wrote nearly a quarter century ago that "A new form of rights talk has come into being" in contemporary America, in which rights are "presented as absolute, individual, and independent of any necessary relation to our responsibilities." This phenomenon might be restated as the displacement of the natural rights teaching of the American founding by a contemporary emphasis on "autonomy" as the ground of human rights. But if human beings are not the fashioners of their own rights, then the modern ideology of autonomy represents a grave moral and political error.

We might begin to approach our problem by observing that rights are of two kinds, positive and natural. Positive rights are those that are made, so to speak, by human beings, posited by them and having no other ground than the fact of their being so posited, hence positive, and so their shape and content are entirely our own doing, a matter of our will. In any legal or constitutional order, all questions of positive rights are settled by public authority. The question, "Where did those rights come from?" and the question, "Who rules?" have the same answer. The other kind of rights is natural, meaning their ground is not in our will but in nature, understood either as our nature, a human nature that is somehow given and not subject to our reshaping, fixed, as Dr. Ventrella said, or conceived as Nature with a capital N, an order outside ourselves that likewise cannot be fundamentally changed by any willful action of ours.

For about two centuries now, at least since the work of the British legal philosopher John Austin, in his book, *The Province of Jurisprudence Determined*, a struggle in legal thought has been carried on, between those, like Austin, who hold that positive rights are the only kind of rights, and those who hold that the foundation or wellspring of all positive rights is the existence of the other kind, natural rights. For present purposes, this is the same debate as between those who deny and those who affirm that there is a law higher or deeper than the laws we human beings make of our own will.

The latter, the teaching of natural law and natural rights, is the view from the American founding. We may take our bearings from the first paragraph of the Declaration of Independence, which speaks of “the Laws of Nature and of Nature’s God.” In its second and most famous paragraph, the Declaration says human beings are “endowed by their Creator with unalienable rights.” What can the men who wrote and signed this document have meant by this? A right that is unalienable is one that cannot be alienated. That is, it can be neither taken away nor given away, neither stolen nor surrendered. But I can of course give away all I own. I seem to remember someone suggesting I do just that. So this must mean that our unalienable rights are not really ours, all the way down, as it were. We do not own them. We do not really own ourselves. And when we consider where these rights come from, in the Declaration’s account, this is not so surprising. We are “endowed by our Creator” with them. He gave them to us in such a way that they are part of us and we cannot part with them. The source of our rights is something—or rather, someone, to which, not for which, we are responsible.

This is not the occasion to say more, as a historical matter, about the intellectual formation and the inclinations of leading American founders such as Thomas Jefferson. It will suffice here to say that “endowed by their Creator” was not a mere rhetorical flourish or a convenient figure of speech. From the most freethinking Deist, if indeed any of the founders qualified for that label, to the most devout Christian, the testimony of the entire founding generation is that God is the giver of rights to all. But why speak of rights at all? God made all the creatures of the earth. What sort of creature has rights?

We have skipped over the still more fundamental statement of the Declaration that precedes its mention of rights, the principle that “all men are created equal.” We cannot be certain, right away, how much this helps, for we immediately want to know: equal how? Equal in what respect?

One answer often given, even Abraham Lincoln was heard to give it in his debates with Stephen Douglas, is that we are equal in our rights. This is true, but circular. Equality comes first in the Declaration, and

rights come second. We are searching for the basis of our rights, and we have turned to equality to find it. We cannot then define equality by reference to our rights. Human beings must be decisively equal in some other common characteristic. John Locke, in his *Second Treatise*, says human beings are born with the “same advantages of nature, the same faculties.” What could he have in mind? A good case can be made that he has mind in mind. Indeed, in the *First Treatise* he refers to men made in the image of God as “intellectual creatures.” That is the image in which they are made. Man is above other creatures of the earth, and set apart from them, by the fact of his mind. Locke said many new things, but this was not one of them. Aristotle, many centuries earlier had begun his *Politics* with the observation that man is the rational animal, the creature with logos, and therefore the political animal, the creature capable of ruling and being ruled by the giving of reasons to do good and refrain from evil.

But Aristotle, in his political science, pays far more attention to the differences among men than to what they have in common. It is not to Athens but to Jerusalem that we must look for the original teaching of human equality. Whereas Aristotle sees the logos in man, the Judeo-Christian tradition sees the logos in the universe. “In the beginning was the Word,” begins the Gospel of John, the Greek for “word” being logos, and “God created man in his own image, in the image of God he created him,” Genesis 1:27 tells us. In what image, a bearded biped? Surely not. In the image of logos. Moreover, God is the one most radically free being, the being that is the ground of all being, the One who is subject to no necessity but is instead responsible for all that is necessity to others. For us to be made in His image means this: that we are rational beings with free will. In this consists our equality. From this come our rights.

In his brilliant book, *Inventing the Individual*, published last year by Harvard, Larry Siedentop of Oxford paints a vivid portrait of the closed world of pagan antiquity. In the world of the ancient Greek polis and of the Roman republic and early empire, that world was populated by small family churches, so to speak, each extended family having its household deities, with the city being a polytheistic melange of these many cults. Family, rank, status, the condition of freedom or slavery, the accident of one’s birth, these were the determinants of one’s place in society. The idea of the dignity of the individual as such, let alone the equality of rights, had not yet been discovered.

In his less brilliant, but still remarkably rich book from two years ago, *From Shame to Sin*, the classicist, Kyle Harper, of the University of Oklahoma, traces the revolution in sexual morality from the class-ridden, exploitative ethic of the pagan Roman Empire, to the claims of equal dignity and the promise of redemption in early Christianity. In the pagan ethic, sexual integrity belonged to the freeborn of good family, but

to them alone. A free female of good family had her honor, either as a chaste maiden or as a married lady, and it was a most grievous crime to shame her by seduction or force in premarital or extramarital sexual relations, or for her to degrade herself in unchaste relations. For a free male of good family, the one unforgivable stain on one's honor was to be the passive partner in homosexual relations, as boy or man. But slaves and prostitutes, on the other hand, and there was no real difference between the two, were people of a lower order, with no such claims of honor, dignity, or integrity. The sex trade effectively was the slave trade, and unfree persons of either sex, including perhaps particularly the very young, were casually exploited for the sexual pleasure of free men with the means and power to take advantage of them. Free women, for reasons that are obvious on a moment's reflection, did not have the same privilege of indulgence and sexual power over slaves.

The emerging faith of Christianity, Harper reports, first as a social force and finally with the support of public authority, made all-out war on the pagan sexual economy. Why and how did it do so? First, it taught a universal doctrine of the freedom of the will, rather than the fatalism of the old pagan religions. Second, it rejected the old ethic that only some have dignity, while others are degraded, replacing it with the teaching that all are fallen and in need of salvation. Third, therefore, Christianity offered an opening to redemption. For the pagans, shame or disgrace in the sexual economy was permanent and irremediable, but for the Christians, sins could be forgiven, and virtue lost could be regained. Fourth, Christian faith held the virtue of chastity to apply to both sexes, and taught the proper use of each one's sexual powers. In short, Christianity taught the inherent dignity of all, and safeguarded the integrity of each. Back of it all, as the root cause of the moral reforms Christianity brought about, was the *Imago Dei*, the great logos to which all men and women are held responsible, and the great *agape*, the love and mercy promised to sinners, that is, to each and to all.

It is on this basis, as Siedentop demonstrates, that Christianity is responsible for the emergence of a humane liberalism, founded on the equal dignity of the individual, and protecting the freedom of the individual conscience, regardless of social status. "There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus," say the third chapter of Galatians. The souls of all sinners are of equal concern in the body of Christ. Over time this would come to mean also, in the secular public sphere, the equal claim of every individual to natural rights, the expectation that we are to be governed by the rule of law and not of men, and the limitation of political authority as against the Church's spiritual authority. All the principles of classical liberalism owe their origins to Christianity, and the essential ingredients, Siedentop argues, were in

place by the 14th or 15th century, before the Reformation, before the Renaissance, before the Enlightenment.

The Declaration of Independence, therefore, although a product of modern thought, bears, so to speak, the genetic markers of a Western tradition in Christendom that is seldom acknowledged as it should be. It is no wonder that devoutly Christian Americans of the revolutionary period, who, after the first Great Awakening, greatly outnumbered the self-consciously enlightened types, represented by Benjamin Franklin and Thomas Jefferson, could see the God of the Bible and not just nature's God in the principles of equality and natural rights proclaimed in the Declaration. Properly understood then, the American founding principles of natural rights, and contemporary notions of autonomy as the basis of rights, are not allies, but adversaries. Natural rights entail obligations, of a due respect for others and a due respect for ourselves. This respect is otherwise known as responsibility, ultimately to the Creator who endowed us with our rights. Like the centurion in the Gospel of Matthew, we are persons under authority. Rights and obligations are brother principles, both owing their existence to the God who made us creatures of equal dignity, possessing the logos that makes our self-government possible.

Contemporary notions of autonomy, by contrast, reject all authority, all obligations outside the individual will. The joint authors of the Supreme Court's opinion in *Planned Parenthood v. Casey* stated this view succinctly, in their notoriously false claim regarding the individual liberty protected by the Constitution, "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life." The authors seem not to realize that this notion of liberty is wholly unmoored, not only from the Constitution, but also from any intelligible teaching of natural rights. Indeed, as a statement of purest narcissism and solipsism, it fails even to assert an intelligible basis for a positive right in the laws we human beings make. The right announced in *Casey* presents itself as a bulwark against the tyranny of the majority or of any unjust authority, but it cannot give an account of itself as such.

If every individual may live according to his own concept of existence, of meaning, of the universe, then the concept shared by the greatest number, or by the most powerful of wills, will be the basis of any law we are capable of making. A mass of untrammelled wills can only be governed by raw force. So the notion of an unfettered autonomy of the individual is self-devouring, resulting only in tyranny. But this contemporary idea of autonomy shares its foundation with the philosophy of legal positivism. Both locate the source of all rights in the human will, which for theoretical purposes may as well come into existence *ex nihilo*, rather than owe its existence to a benevolent

Creator. Legal positivism and the autonomous self open a chasm at our feet, excavated by the will of fallen human beings, who replace the Creator with their own creativity. These human beings look in the mirror and see only themselves, missing the Imago Dei that is the truth about themselves.

Thus also the ideology of the autonomous self reopens the world to the patterns of inequality and sexual exploitation that were conquered by the Christian faith of Paul and Augustine. The *New York Times* columnist, Ross Douthat, wrote last Sunday that the phenomenon of *Fifty Shades of Grey* suggests that our autonomy-loving devotees of the sexual revolution believe they can “have the fun of Rome without all the nasty bits.” There seems to be a notion abroad in the land that a free-floating principle of consent, unmoored from any understanding of our nature, can suffice for regulating all relationships. But this belief, like *Fifty Shades* itself, is a fantasy. Forget the truth about our natural rights, that they are the endowment of our Creator, the embodiment of our equal dignity, and the remedy of our equal vulnerability, and we retreat into the exploitative sexual economy, the unfreedom and degradation of the ancient pre-Christian world. This is not the path a free and just society should choose. Thank you.

Craig Stern: Well we were seeking foundations and I think we plumbed the other depths thanks to these gentlemen. Thank you very much. It’s important to relate our practice to fundamental notions and presuppositions and beliefs and thank you, both, gentlemen for doing that.

Question: Thank you both very much for speaking. We really appreciate it. Some of my classmates and I were wondering. All of the things you talked about are really coming from a Christian perspective, but given that many in the world and even in this country are not Christian, what is your opinion on how we—is it possible for us to get to where we’re putting those values back in to place without the Christian foundations to them?

Jeffery Ventrella: The answer is yes, of course it is. I alluded to the Apostle Paul, when he went to the Areopagus. He understood so-called common ground to deal with people. What I think Matthew and I presented was from a Christian perspective, using Christian jargon and lingo, but if you read the philosophers and the thinkers that we quoted, they were actually very good at doing this thing.

Again, the root here is not in the cultist of Christianity, that is to say the ritual or the rites. It’s in the very fact of the created order and that is common to all. As Matthew said, it’s the Imago Dei. That’s hugely

fundamental. The risk is, however, and again I travel a lot internationally and engage on these issues, a lot of people say, "It's a nonstarter to talk about God and Jesus. So let's just talk about human rights." The problem is that becomes a fig leaf. You need to ask the question: what does it mean to be human, and what are the nature of rights? Then I always put in parentheses, obligations and duties. So we have to work those things out.

My shorthand would be you need to understand the right message, but then you have to convey it in the right manner with the right methodology. That's what you're getting at, working it out. I think the answer is a resounding yes; you can do these kinds of things.

Matthew Franck: I'll relate your question—I'll answer your question by beginning with a little bit of autobiography as maybe the only recovering heathen in the room. That is, as someone who was brought up a Christian, specifically a Roman Catholic, and then spent many years drifting out of the faith before returning to it. In other words, even in my agnostic period it was possible to believe in the sanctity of life and the dignity of all human beings, and their natural rights as equal human beings. It's hard to think that through and get it right intellectually without a foundation and a belief in God. So that's I think ultimately why I came back. Intellectual coherence awaited me when I returned, as well as God himself.

So, yes, it is in practice, as a cultural matter it is possible for a society with increasing numbers of unchurched people, of people of no faith at all to cling to these principles, but it becomes harder and harder. The foundations do begin to erode. And if my own autobiography can kind of stand in for the country, as I came back I think the country needs to come back.

But you notice that the Declaration of Independence, speaking of the laws of nature and of nature's God, and of the Great Creator making us equal and endowing us with our rights, it speaks in a language that the believing Jew can embrace, the believing Christian of any denomination, the believing Latter Day Saint, the believing Muslim, the Buddhist, the Hindu.

I was at a very important event on marriage and the complementarity of man and woman, the *Humanum Colloquium* in November, hosted in Vatican City by the Holy Father himself. There were representatives of 14 faith traditions there, and they could all agree—talk about a rational basis—they could all agree on the dispensations of both reason and their faiths, leading them to the same conclusion about marriage as the union of one man and one woman. So we can be a nation of many faith traditions living together. Perhaps significant numbers of those people can be persons of no faith at all. But

if we keep resorting to these fundamental principles of natural rights endowed by our creator we can get it right.

Question: I think I want to push it in a slightly more Christian direction, if I can, by asking questions about Imago Dei, and not just in terms of substantive ontology, rationality, but also relational ontology, so Imago Dei in the sense of the capacity for a relationship with God, but the from a Christian point of view to say that's not just about the creator, but the God who is revealed as Father, Son and Holy Spirit, so a Trinitarian ontology as well. That's a slight contrast to the previous question, because it strikes me that from a Christian point of view you want to say more, not less, about the nature of God and about being created in the image of God. The other I want to just point out or raise is the whole question of redemption, not just creation, and how does that fit into the narrative that you're constructing? Thanks very much.

Jeffery Ventrella: Those are probing questions. I think the Imago Dei is not limited and I did not hear Matthew to say it would be limited to the logos or the rationality component. There's clearly a sociability component as well. It's not just an abstract idea. God is a true and living God, who is one God in three persons. The Holy Trinity is absolutely crucial to understand that.

I think also, though, there's this notion, if you look at it textually in the Genesis account, that when God does talk about "made in the image of likeness," it's with respect to husband and wife exercising dominion over the created order, distinguishing himself, making distinctions, naming all these kinds of things. So there's an issue there affirmative of culture as well that goes into this.

I do think we have to be increasingly, explicitly, and intentionally Trinitarian as we begin to work these things out culturally, and not just have a first mover like some of the classical thought and that sort of thing because that's different. I think that the Triune God is the precondition for all the intelligibility of all human experience, and ultimately we can't get the bang for the buck unless we do that. I alluded to and quoted one Herman Bavinck, who makes it very clear that it's within redemption that we're restored. That is to say redemption doesn't so much perfect nature, but it restores nature or creation. I think that's a very important point to keep us from going into a kind of Gnosticism, sacred-secular, those kinds of dualisms that hide. So I hope I—I touched on parts of that question, but that's how I'd look at it.

Matthew Franck: I agree with Jeff. I would have not wanted to give the impression that the logos is all I mean to speak about when I refer to our nature as beings made in the image of God. Aristotle refers to man as

the creature with logos and therefore with politics, and he does find that nature is at bottom reason itself, and that's his unmoved mover, but there isn't really a person there, let alone a loving person, let alone three persons in one loving God in relationship with each other, modeling for us what love or *agape*, the highest form of love really looks like.

Kyle Harper's book, *From Shame to Sin*, beautifully illustrates the power of redemptive love to reform the ancient pagan sexual economy. He's steeped in the literature of the period and his book begins with pagan romance novels, an analysis of sort of archetypal pagan romance novels, in which the heroine is a young maiden of good family, who must keep her chastity to the end of the book and then find her husband. After Christianity emerges in the Roman Empire, the novels change and the characteristic heroines in the novels are not women who avoid the permanent degradation of the shame of unchaste sexual relations, but prostitutes, prostitutes who have been to hell and back, and through the redemptive power of Jesus' love have recovered, have been loved. These are women whose experiences would make them irredeemably disgraced in the ancient pagan culture. But in the new Christian culture, everyone has a chance at redemption. That's what the novels are teaching. It's a wonderful analysis.

Question: Good morning. I'm visiting here from Colorado. I have the privilege of visiting a lot of universities and attending similar types of events. I was recently at a university that has loose Christian roots, but has become increasingly secular. In their event they really emphasized a theme, and the theme was to actually sort of leave aside the moral elements and focus on the economic and political. The rationale was with morality issues the tendency, especially in the Christian community, was to focus on particular elements of human rights rather than the totality. For example, in human trafficking the focus would be on sex trafficking rather than other forms of slavery and servitude. I'd like to hear your comments in response to that.

Jeffery Ventrella: A lot of thoughts on that particular thing. I think from what you described it was exactly one of the points that I made; that is as we suddenly imbibe a more pagan understanding we're going to defer to the experts. So what happens is we become reductionistic and say, "Let's just focus on the economics," to the exclusion, and that becomes the source of authority in all direction.

That's a real problem because, you know what, there's a market for pornography. There's a market for sex trafficking. And if we just have that untethered, arguing that the market or economics is value-neutral or not subject to moral dimension, we've really made a huge mistake with respect to our thinking, with respect to that.

I think also it is a myth to suggest you can leave the moral issues aside. There is no neutrality in the public square. This is a moral dimension to all that we do. So, consequently, I think we buy part of this lie, this exchange I talked about, when we do that.

There was something else that just slipped my mind. I should have written it down as you were chiming in with respect to that.

If people really want to deal with—and here it is—to end sex trafficking and they really want to deal with ending poverty, the single greatest sociological marker for doing that is sustaining the fundamental social unit that God created, the family. When there's an intact family, that is to say a married man to a married woman and their children issue from that relationship, that's the single greatest transformer with respect to sex trafficking, prostitution and all the rest of those kinds of things. "How we order ourselves sexually we'll order ourselves socially," Jonathan Burnside yet again. So I think we have to be careful.

Now some people are called directly and I've had students like that. They understand this and they're going to deal with it, the trafficking issue and so on and so forth, but understand the solution is upstream; the solution is foundational. It's amazing how many young people say, "I'm opposed to sex trafficking." "Where are you on the redefinition of marriage?" "I don't really take a position," or, "I think it's okay." Guess what? They're actually undermining their role opposing sex trafficking. So these things go together.

Matthew Franck: I agree with everything Jeff just said. This seems to be our act now. Jeff goes first and then while I think—no, no, really. I won't ask you the name of the university where you experienced this other symposium, but I'm willing to bet, from its description as a university that seems to be slipping from its Christian devotion, that it's also a campus where the culture of campus hook-ups and sexual promiscuity is probably on the rise and it's approaching the dimensions that we see at Princeton and other secular universities. This may explain why the organizers of a symposium don't want to go straight to the moral foundations of the problem they want to discuss with respect to sex trafficking, because if you call into question the normative consent ethic, the idea that consent baptizes all sexual relations, if you call that into question you call into question the beliefs and practices of large numbers of your students. You may not think that you're doing that, but they'll work it out in their heads. They'll see that.

Look, the Obama administration is very concerned about sexual assault, sexual misconduct. We can argue about whether the statistics that are cited on campus rape are in any way valid. We can talk about what sorts of norms ought to be in place, what sort of due process for the accused in sexual misconduct cases on college campuses and so on. We

can set all that argument going, but unless we talk about what is actually at the base of this problem that we all perceive on our college campuses, we won't begin to talk about it sensibly. At bottom, what it's about is the endorsement by college authorities and administrations of a culture of sexual promiscuity, the hook-up culture on campus. I'm happy to be associated with some people at Princeton, the Love and Fidelity Network that are helping to push back against that with chapters of organizations like the Anscombe Society on it. Now dozens of college campuses have young people devoted to sexual integrity and to pushing back against the campus hook-up culture.

Question: This is not a substantive question. It's just a practical, logistical question. Where may we obtain either a printed copy of the presentations or audio recording?

Matthew Franck: My remarks will be published within the next week at the website of *First Things* magazine, with permission of Regent University Law School, which I obtained already, but duly noting that the remarks were given here. So I hope that that boosts some visibility of this event.

Craig Stern: And the Journal intends to publish remarks in their entirety, as I understand, and posted on the website. The proceedings as recorded will be posted on the website as well.

Question: Earlier you just mentioned that the family has been one of the most powerful forces against sex trafficking and slavery of all kinds. I was curious. Can you give some examples as to how the family combats those kinds of social evils?

Jeffery Ventrella: Yeah, a couple things. Notice that both you and I use the definite article, "the" family. We have to be very careful here because a lot of the transnationalists are trying to get rid of that definite article. They're saying "families," and what they mean by that is kind of a subversion of this kind of globbing together, anyone can live with anyone. Those are all families. But that's not true and we've been able to beat that away in some of these international reporting things. I don't carry those stats in my head, but I think you'll see with the sociologists those are empirical snapshots, and there's a huge correlation between the definition of marriage.

One fascinating study though that happened almost 30 years ago now is a guy by the name of Unwin. He was a UK scholar from Cambridge I believe—I get it mixed up—Cambridge or Oxford. What he tried to prove was that it didn't matter what people did sexually. It was

irrelevant to society and irrelevant to the well-being of things. What he found, to his shock, was that when a society or part of a culture abandons what he called “strict monogamy,” that is to say a married husband and wife having children, the energy begins to dissipate, what he called energy dissipates and it affects all these different areas, economics, social strata, poverty, all these kinds of areas. But the catch was he found—his name was Joseph David Unwin I think—it takes about 40, 45 years to manifest itself. This was in the '30s that he found this out. Hmm, guess what's going on now. So those kinds of studies and statistics are out there with respect to that almost 80 years ago.

Matthew Franck: I'll refer to Kyle Harper's book once again, just to note that “the family” is not quite enough. The ancient Roman family consisted of a wife, who was chaste and devoted to her husband, children who behaved themselves, young women who behaved themselves until marriage, but fathers and sons who engaged in exploitative sexual behavior with slaves, prostitutes of both sexes. That was a family and such a family could even attain a noble standing in ancient Roman society, and the sexual peccadilloes of the grown men in the family were understood to be normal and normative.

That's not the family of Christendom, and that's the great Christian reform is the reformation of men's sexual behavior. That I think is after all where we're slipping now. If we want to talk about sex trafficking, who's in the market for the sex that's trafficked? It's not generally women. It's men, and this is a reversion to a kind of pagan sexual economy.

Jeffery Ventrella: To add a footnote, there's an excellent book by Rebecca Jones called *Does Christianity Squash Women?* It picks up on this narrative that Matthew was talking about, about how the renovation, even within a monogamous structure of what Christianity does to unleash and affirm the Imago Dei in women in all these different stratas. Oftentimes you'll hear, “Well Paul was misogynist. He hated women.” Exactly the opposite, if you look at exactly what went on in the ancient cultures. Christianity provided light and liberty to those situations, particularly in the protection and liberation of women.

Question: Good morning, gentlemen, and everyone in the room. My name is Timothy Spaulding. I'm a Regent alum, class of '07, and I lead an anti-trafficking organization called Freedom 4/24. Forgive me in advance. Some of my thoughts are not fully formed. I'm trying to listen to responses and formulate thoughts as well. I guess it gets into some of what Mr. Franck has just gotten into, the comment made two questions

ago about how the family is that key unit to ending sex trafficking, for lack of a better term.

I guess my question comes into—and I'm looking at some of the exceptions, where you see families selling their children. From my research and what I see is that while there is this larger philosophical component of the family, there's also the practical realities that people face in many parts of the world, poverty being that largest key factor in terms of when families choose to sell a child and the commoditization of children and things like that.

I guess I don't have a fully formed question, but how do all those things play together? It's easy in this room to say, "Well, it comes down to the family," and it sounds like from the last question and answer that we're defining the family as something in the Judeo-Christian realm as opposed to families in general. That's where my question comes in. How do all these things interplay? Because it's not such a simple thing as saying, "Well, we just need the family to be strong and then sex trafficking will end."

Jeffery Ventrella: Yeah. I think A, B, C, X, Y, Z. There are some intermediate means there. My raising of the family was particularly with respect to the redefinition of marriage and what compromises a family. It is certainly true that before you redefine the family there is immorality within families, people not doing what they ought to do. So I don't mean to be simplistic with respect to that notion.

So what you're saying is that it's not only form, but it's substance. There needs to be an ethical component as to the behavior expected and enforced with respect to the family.

It's interesting that scripture reflects a concurrency of jurisdictions, not a one-to-one jurisdiction. So, consequently, the family has its own sphere of authority. The church has its own sphere of authority, as does the state. Jesus says, "Render unto Caesar the things that are Caesar's." Caesar has a particular job description, but there is overlapping jurisdiction. So when people exploit their very own children, the family can't say, "Oh, wait a minute. Stay out of my life, state," to do that. So I think there is a complexity there. The trouble is when we simply abdicate and become passive and say, "Well the state will fix everything." That becomes yet another problem, unless we deal with that issue and the autonomy issue. And we do need to work on the symptoms. We need to work on today, but we also need to work on today in light of tomorrow, and unless we're willing to really bite the bullet and grapple with these underlying things that animate and make it possible to have this exploitation going on, then we're not going to have a permanent solution. All we're going to do is create, frankly, a vested interest in

losing the battle because we just keep doing this sort of thing there. We're not going to make redemptive progress.

Matthew Franck: To the question—Timothy, thank you for doing what you're doing because you're on the front lines of the problem we're here to address today. Yes, as long as there are people in desperate, desperate poverty, some of them tragically, wrongly, but nevertheless in a human phenomenon we can actually understand they will sell their children into sexual slavery.

We have to address the question of poverty itself. That of course is an enormous undertaking involving markets and public policies and bad government, but even so, for the foreseeable future, until the millennium I think, there will be the poor among us and some of them will be tempted to this. So I think it might behoove us to think not of the supply side of the sexual trafficking economy, which is where that's happening, but the demand side. Where is that demand side coming from? It's coming from, I think, a loss of the Christian vision of sexual morality that reformed the behavior of men.

This will be easier if we attack other problems too, like the gendercide abortion problem in places like China and India, where the marriage market is becoming so lopsided with unmarriageable males greatly outnumbering marriageable females, that actually substantial numbers of the marriageable females get caught up, especially the poorer ones, in the sexual trafficking economy to serve the interests of the unmarriageable males, who resort to sexually predatory behavior because no wives are available to them, because of the millions of female children aborted, killed in the womb. So these things are all interrelated, but I think what you're describing is mostly a demand-side problem.

Question: Hi, I'm a student here at Regent Law. My question is regarding this fundamental understanding that the basis of human rights is a natural law with the authority derived from God. How does that affect advocacy in terms of personal rights versus human rights for others? I'm specifically asking considering verses like Proverbs 31, where it talks about speaking up of those who can't speak for themselves, but then Matthew 16:24 saying, "Deny yourselves," which you mentioned, Mr. Franck, "take up the cross and follow me." In terms of advocacy, is there a distinction in the way that we subjugate our personal rights to God, but then advocate zealously for those whose human rights have been violated, since they are derived from God?

Matthew Franck: That's a really tough question and I'm not sure I can quite unpack it. I don't think it is at all amiss or somehow in conflict

with the ethic of Christian humility and self-denial to go boldly, strongly, with voice uplifted in righteous anger to the defense of the defenseless. I'm not sure I see even the problem you're describing. Yes, I must put myself forward as the advocate of others. For the health of my own soul I always have to remember that it's not about me, however. It's about them and the Lord.

Jeffery Ventrella: I'd answer that in a couple dimensions. One, I think we need to keep in mind not only is the Christian faith about eternal life, but it's also about abundant life. The life we live between cross and consummation matters. The stuff in the middle is important. That's the nature of this conference. We're motivated by a number of things, including eternal life, but Jesus said he that came to give us abundant life.

He tells us on how to live. For example, we hear all the time; we take the metaphors, "You're to be salt and light," and we sing songs about that. But it's interesting. The very next verse, when Jesus talks about salt and light or salt losing its saltiness or putting a bushel over our light, the very next verses are discussed and unpacked in terms of ethics and law, "Do not think I came to abolish the law. I did not come to abolish it, but to fulfill or to confirm them." He says, "To be greatest in the Kingdom of God," is what, to deny yourself? No. I mean that is true, but he also says to be the greatest person in the Kingdom of God is to obey God's law and to teach others to do so. And the person who will be least in the Kingdom is the one who denies God's law, doesn't obey them, and teaches others to do likewise. So we see salt and light being vivified by this notion of living a life under God's rule, under God's law. We can talk about details subsequently, but that's pretty important with respect to that. So the abundant life, being salt and light, having people see the work of our hands, not because we're patting ourselves on the back, but glorifying God the Father, is because we are walking in this way, attentively and intentionally with God's law.

Then finally I would say that it's interesting that throughout scripture the Holy Spirit is described as our comforter, as our helper, as our counselor. The same Greek word, *parakletos*, in its root. That same term is translated and applied to Jesus, but it's not comforter, helper or counselor. It's advocate. So I think analogically we need to see that Jesus was an advocate. He was engaged. He was efficient and he was effective. We too, when we are advocates, particularly those who are studying the law, must be engaged, efficient and effective on behalf of another.

I think we can draw from, you know, we're supposed to imitate Christ. Well, okay, I'm going to be divine. No. But we're to imitate him in the proper and analogical ways. One way we do it is advocacy, and he gave it all. He basically is kind of like our military people, right? It's not

because they hate what's in front of them. It's because they love what's behind them. That's how Jesus was an advocate for us. We too must be zealous in our advocacy with respect to that. So that's how I'd approach that one.

II. PANEL TWO: SEX AS A BUSINESS

INTRODUCTION

Kenneth Ching

Professor

Regent University School of Law

We are going to start our panel now, panel number two, on Sex as a Business. Welcome. Thank you for joining us today to talk about these important issues. I am Professor Kenneth Ching. I teach here at Regent Law School and I will be moderating this second panel.

We have four members of the panel today. The first is Laila Mickelwait. Laila received her BA in Political Science and International Relations from UC Riverside, and a master's in public diplomacy from the Annenberg School of Communication and the Dornsife School of International Relations at the USC in conjunction with the State Department. She spent time working with Habitat for Humanity, the United Nations in Geneva, Switzerland, the World Federation of the United Nations Associations Millennium Project in Washington D.C., and the National Journalism Center in Washington D.C. She serves as Exodus Cry's Manager of Public Policy and Public Affairs, and has been engaging members of parliament and legislators around the world on legal reform issues that deal with the injustice of prostitution and sex trafficking.

Our second panel member is Scott Alleman. He is the Assistant Commonwealth's attorney in Virginia Beach, the Commonwealth's Attorney's Office. Mr. Alleman has been a prosecutor in Virginia Beach for about 12 years. He's worked in the local prosecutor's offices of Portsmouth, Suffolk, and Virginia Beach, and prosecuted federal asset forfeiture cases in the Eastern District of Virginia's U.S. Attorney's Office for a year. As a prosecutor, he's prosecuted all types of felony and misdemeanor cases, including human trafficking, vice and narcotics offenses, with a specialty in civil asset forfeitures in the Commonwealth Attorney's Office for the City of Virginia Beach.

He has a Master's degree in Public Policy and Political Science from Regent. He has a Bachelor's degree in Political Science from the University of South Carolina, and he has a JD from Regent University. He is an adjunct instructor for South University in Virginia Beach and teaches Criminal Justice and Legal Studies. He also regularly teaches at the Virginia Beach Law Enforcement Training Academy for the Virginia

Beach Police Department and the Sheriff's Department. And, most importantly, he's the husband of a wonderful wife and two beautiful daughters.

Our next two panel members are familiar to us. We have Professor Louis Hensler. Professor Hensler is a graduate of the Chicago Law School and Oral Roberts University. He teaches torts—is that right? Where did you go to undergrad? Bob Jones—close. Sorry. That's what happens when you go from memory. Professor Hensler clerked on the Eleventh Circuit and practiced law at the firm of Jones Day, and he is going to comment on the panelists' remarks today.

Our fourth panelist is Professor Kathleen McKee. Professor McKee was born and raised in New York. She went to undergraduate university at State University of New York. She studied English and French. She competed her J.D. at the Columbus School of Law at Catholic University and her LL.M. in Labor Law at Georgetown University Law Center.

Please welcome our panel.

A. THE NORDIC MODEL

Laila Mickelwait

Manager of Public Policy and Public Affairs

Exodus Cry

Thank you for the opportunity. I'm going to just jump right in because I feel like I've got a lot to cover in 15 minutes. I've got to start my timer here.

1. Foundational Perspectives of Prostitution

This is an important conversation, especially when we're talking about our attempts to eliminate trafficking in persons. First, I want to lay a foundation for you in understanding this debate and this conversation around legal models to address prostitution. I want to explain that we basically have two different what I would call "camps." We have the sex work camp and we have the sexual exploitation camp, and these are two different perspectives on addressing prostitution and legislation.

From the sex work perspective, it is believed that prostitution is the oldest profession, that it's a cultural universal, that it's consensual because it is paid for, that it's only stigmatized because of its illegal status, that it's a job just like any other job, (denied that recognition), that it's a form of sexual liberation and freedom, and that it's simply a choice that a woman makes. This perspective favors decriminalization, (removal of prostitution, buying and selling, from the criminal code), and legalization (a form of trying to regulate the industry while maintaining that it's legal to buy and sell sex).

Then we have the abolitionist perspective. The abolitionist perspective subscribes to the idea that prostitution is the oldest oppression, that it's a form of violence against women, that it's a product of lack of choice. It is the resort of those with the very fewest choices or none at all. The coercion behind it, physical and psychological produces an economic sector of sexual abuse. In these transactions, the money coerces the sex rather than guaranteeing consent to it, making prostitution essentially a practice of serial rape. In this analysis there is and can be nothing equal, empowering or freeing about it. And you can thank Catharine MacKinnon for this concept. We favor the Nordic model, which is criminalizing the purchase, but not the sale of sex.

We have different models of legalization. Legislation you see often in countries like the Netherlands and Germany. Decriminalization you can see in New Zealand and parts of Australia. Prohibition is criminalizing the purchase and sale of sex, and you can see this mostly in the U.S., in the Middle East, except for Israel. Then we have abolition, which is happening in Sweden, Norway, and now Iceland and Canada.

The pillar of the Nordic model is criminalizing the purchase of sex, and we have found four foundational concepts to justify this position. First is that prostitution is inherently harmful, that we call it a form of violence against women, not a job. Second, that prostitution and sex trafficking are inseparable. We can't address sex trafficking without addressing prostitution. How do we do that? We must reduce the demand for commercial sex. That's how we're going to prevent and eliminate sex trafficking. And fourth, that gender equality is impossible when you have a subgroup of women that are being commodified, being able to be bought and sold and sexually exploited for profit.

2. Prostitution Is a Form of Violence Against Women

Now I'm going back-up those four concepts for you. So first, prostitution is a form of violence against women. In a study of 854 prostituted women in nine countries, five of which prostitution was legal, they found that 75 percent of these women were raped, 95 percent were physically assaulted, and 68 percent were suffering from post-traumatic stress disorder, at the same level as treatment-seeking combat veterans and victims of state organized torture. Eighty-nine percent of them urgently wanted to escape. Here I'm going to show you a series of pictures, pictures of girls taken during their time in prostitution, at different points when they were arrested. So these are essentially mug shots, a timeline snapshot of these women. You can see the deterioration physically and emotionally. According to a report in the *British Medical Journal*, of the 125 women surveyed, who practiced indoor prostitution, half admitted to experiencing client violence, and the type of violence included being slapped, punched, kicked, beaten, threatened with

weapons, held against their will, strangled, kidnapped, forced to give client oral sex, vaginal rape, and anal rape. A 2004 study published in the *American Journal of Epidemiology* of almost 2,000 prostituted women showed a mortality rate that was 200 times greater than the general population. In that study, murder accounted for 50 percent of the deaths of women in prostitution. Women in prostitution exhibit the same incidence of traumatic brain injury as torture survivors. And most girls who enter into prostitution do so underage, when they are incapable of making life-altering choices.

Next is the idea that prostitution and sex trafficking are inseparable. We know that the majority of identified cases of human trafficking in developed countries are for the purpose of sexual exploitation. Right now we have a very conservative estimate of 4.5 million women and children being victims of sex slavery globally, according to the International Labour Organization. Ninety-eight percent of them are women and girls. Again, in the European Union, 76 percent of all identified cases of trafficking are for the purpose of sexual exploitation. So we know that prostitution and sex trafficking are linked, and it happens when and where there's a demand for prostitution in a context of impunity for its customers. Again, this is an issue of supply and demand. We could end sex trafficking today if all men would simply, or not so simply, stop buying sex. Sex trafficking is a \$99 billion a year industry according to the International Labour Organization.

But this isn't just a theory. This is not just a pie-in-the-sky idea. We have research now to back-up this idea of reducing demand to reduce sex trafficking. Researchers from the London School of Economics and the Courant Research Centre in Germany a couple of years ago released a study with a quantitative and empirical analysis of 150 different countries. They found that on average, nations that have systems of legal prostitution have an increase in the market for sex and an increase in sex trafficking. That's one of several studies that was done—I won't go into them now—published in peer reviewed research journals that have shown this same concept. When you have legal prostitution, increased demand and increased sex trafficking, and you see the reverse as well. That is why it's critically important to address demand.

3. The Nordic Model and Its Results

Let me talk here about these two important points here with supply and demand. Our nation's law, which was based upon the United Nations' protocol, also called the Palermo protocols; it's called the Trafficking Victims Protection Act. We mandate that countries have to be addressing demand within their sex trafficking elimination strategy or their human trafficking elimination strategy. They have to be making "serious and sustained efforts to reduce the demand for commercial sex

acts.” Again, based on the UN Palermo protocol, Trafficking Protocol, Article 9, which calls on nations to take legislative measures to address the demand issue, because we know this is such a critical component of eliminating trafficking. So how are we going to do that? Through a progressive legislative approach. It’s called the Nordic model, originally called the Swedish model, which is funny because one time I was addressing a member of parliament saying that I’m going to talk about the Swedish model, and he thought that I was going to be talking about blondes, tall, you know, six-foot, walking a runway. But it’s not called that anymore. It’s the Nordic model, because Nordic countries have adopted it, and now even Canada and Ireland have as well. So what is that model? You criminalize the purchase of sex, but not the sale of sex. Prostituted women are seen as victims, in need of help, and they are not punished. They are not criminals, they are protected. They are offered social services and means of escape. The pimps of course are arrested. Johns and traffickers are criminalized, and it’s a felony level offense to buy sex. The goal is to reduce the demand for commercial sex, and protect women and girls who are being prostituted.

Sweden was the first country to adopt this model in 1999, and ten years later there was a result assessment done. They found that there was a 50 percent reduction in street prostitution. The percentage of men purchasing sex reduced from 13.6 percent to 7.9 percent, and 71 percent of the public supported this law. Interestingly, a lot of the younger generation even called for harsher penalties for johns buying sex. There was a normative change in attitudes about purchasing sex, based on four public opinion polls done before and after, and Sweden has one of the lowest rates of human trafficking in the European Union.

Norway saw the success of Sweden. In 2008 they adopted the same legislation. What happened in Norway? Within one year of adopting criminalizing the purchase, but not the sale of sex, they found an overall reduction in prostitution by 50 percent. In Oslo, the number of women prostituting on the street was reduced by 50 percent. Even indoor prostitution was reduced by 16 percent and 19 percent in Oslo. The number of advertisements, which I find fascinating, because one of the biggest arguments against this model is it’s going to go underground. It’s going to be harder to find. It’s just going to go into the shadows, which essentially means that it’s going to go from the street to indoors, and advocates of pro-prostitution, legislation in brothels also argue that when you go indoors it’s safer anyway. So advertisements on the whole dropped by almost 30 percent. Now because of the nature of prostitution, it has to be visible in some way to be profitable. Johns have to be able to find the women. So the concept that it was reduced by almost 30 percent I feel is very compelling and significant evidence that

it did not go indoors. It was significantly, actually reduced. And there was also a dramatic reduction in sex trafficking there.

So there are many nations that are beginning to have this conversation. It's not just prohibition or decriminalization anymore. There is a third option that takes into account the reality of the nature of prostitution, the inherent harm of prostitution, the fact that most girls who enter into prostitution do so underage and are victims of abuse, are victims of sexual abuse prior to their entry into prostitution, and often when they get in they can't get out. Also, we have to understand that consent is irrelevant when any of the exploitative means of human trafficking have taken place. Nations that have adopted this, again, Sweden, Norway, Iceland, now we have Canada and Ireland; nations that are having serious legislation on the table right now for the Nordic model are France, the UK, Israel, and Scotland. Then countries that are actually just having this important conversation that I've directly participated with are Spain, Australia, South Korea, Hong Kong and others. In the U.S. we're having conversations about demand reduction as well. What we're seeing is states where they are reducing the penalties for women, increasing penalties for the johns, and going after the johns in a more significant way. I know a few years ago, in Chicago, 89 percent of arrests for prostitution were of prostituted women. We're seeing a reversal in these kinds of statistics. Now police and law enforcement are being educated on the nature of prostitution, the connection between sex trafficking and prostitution, and they're starting to really go after demand and go after johns. So we're not necessarily seeing cases where we're trying to decriminalize the women selling sex; however, we are seeing a focus on going after demand, and really instead of criminalizing and giving these prostituted women jail time and serious fines, which further exploits them when their pimps pay their fines and then they're in further debt bondage, we are seeing them being offered services for escape, which is very encouraging.

I'll stop there and then we can continue the conversation about this during the panel discussion. Thank you.

B. THE PROHIBITION MODEL

Scott Alleman

Assistant Commonwealth's Attorney

Virginia Beach, Virginia

Thank you very much, Laila. That was very compelling and I do agree. Laila and I spoke in the hall a little bit earlier and, believe it or not, even though I'm presenting the American model, we probably have more in agreement than we do in disagreement. However, having said that, let me first give you a little background; first a disclaimer.

I'm an Assistant Commonwealth's Attorney, which means that I work for an elected official. So I want to make sure that people understand the opinions, the impressions that I give today are essentially my personal feelings, my observations over having prosecuted these cases for quite a few years. They don't necessarily represent the opinions of my elected official, but I can tell you that he does have a heart to make sure that anytime we find human trafficking here in the city of Virginia Beach that it's vigorously prosecuted to the fullest extent.

I want to tell you that my passion for dealing with these types of cases comes primarily from the fact that was brought up during my intro and the bio, and that is that I'm a proud father of two beautiful daughters, as well as a wonderful and beautiful wife. Now fortunately for my daughters, they've got their mama's genes and not mine, so that's why they're beautiful. But oftentimes I will sit across the table from a human trafficking victim or an individual who's been trafficked, or molested or beaten or in some way exploited by a pimp, and I'll think to myself, "At some point in time she was a little girl, just like my little girls at home." So that's one of the things that gives me personally a personal passion for these types of cases.

I do want to say also; I want to recognize—I know I'm probably burning up time, but that's okay. I'm a trial lawyer, not an appellate lawyer.

So having said that, I want to make sure that I recognize the Virginia Beach Special Investigations Vice Unit, because just like a horse who runs a race with a jockey on its back and wins the race, at the end of the race they always interview the jockey, but it was the horse who actually won the race. Well it's the same way with me. I'm very fortunate that I work in a city that has an excellent and very professional and hard-working vice unit, solely dedicated to investigating these types of offenses, and I'm standing here today because of the cases they've investigated. I've just been fortunate enough to be able to prosecute them.

1. The American Model

So that brings us to the American model. Our laws to a certain extent, at least we've heard this morning as well, in the panel discussion this morning, are a reflection of the values that we hold. In America, because our laws are rooted in traditional Judeo-Christian type values, we hold that the act of sex between two individuals is something that is sacred, something that is deeply intimate and very, very valuable, and because of that commoditizing it or making it an economic commodity to be bought and sold essentially is morally wrong. It's what we would call *malum in se*. It's evil in and of itself to make it a commodity as opposed to *malum prohibitum*. Let me also say that when I saw Professor Stern

up here earlier, I kind of had a flashback to federal courts. You almost had to dig me out of the corner over there, in the fetal position. But it's also rooted in other values, the values that we share in America, values like fairness.

Let me make it clear. I am not talking today with regards to the supply side issue of prostitution, about human trafficking victims. I want to make that clear, and we'll talk a little bit more about that. Maybe during some of the discussions I'll be able to talk about some cases that I've had. But it's rooted in fairness as well, and that is that both sides of the transaction are essentially held responsible. It's rooted in equity. If it's wrong for the buyer to purchase sex, it's equally wrong, theoretically speaking, for the seller to sell sex. Again, I'm not talking about a trafficked person. It's also rooted in concepts of individual responsibility, that people are held responsible for the choices that they make and the actions that they take, unless, again, one of the parties is coerced or is a human trafficking victim. That's a whole different ballgame and we'll talk about that probably a little bit more, a little bit later. So you have to understand the changing nature of prostitution over the last ten years or so in order to really grasp what's kind of happening in this area. It used to be focused primarily on street prostitution, meaning that there was a geographical location in a city or an area where an individual could go and they could find prostitutes. Whether it was a street or a neighborhood or a brothel or a particular hotel or something of that nature, you would go to this geographical location and you could find some prostitutes or prostituted persons. With that in mind, with the introduction of the Internet and the information explosion, things have transformed and changed significantly over the last 10 to 15 years, and what we're finding in this field is that it's much easier for pimps and panderers and traffickers, and prostitutes for that matter, to just go online and post online. If you've got a smart phone and a credit card, in 15 minutes you can post an ad online that advertises to the whole world that you're willing to provide services to service that demand, as was spoken to earlier.

2. Recent Changes to the American Model

So I want you guys to understand also the American model encompasses the demand side approach, and you've seen a shift in law enforcement over the past I'd say five to ten years moving towards focusing more and more on the demand side. So it's organizations like Exodus Cry and people like Laila that have generated that public support, which eventually led its way into the law enforcement community to make that shift. We're doing it. In Virginia Beach we do probably 50 percent, somewhere in that neighborhood of our undercover operations are focused in the area of operations specifically designed to

uncover, arrest, and prosecute the johns. But that's not the whole side of the story. I want you guys to conceptually understand how these cases are practically investigated as time goes on. The supply side is also a component of this whole issue. So if it's wrong to purchase, then it's also wrong to sell.

Now my guess is that—and I'm going to have something else to say about this in just a second, but my guess is that there's a lot of women in this room today, and my guess is that probably the majority, if not 100 percent of you, the thought of posting online to sell your body for money is probably not something that you would consider doing, and even if you did consider it, I'm guessing that it's something that your conscience would tell you was wrong. So to me, in many respects that's evidence that this in and of itself is to a certain extent a moral issue, even on the selling side. Now, again, I want you to distinguish that from a trafficking situation, and we're going to talk about that in just a minute, again. When we look at the victims of these offenses, there are quite a few victims out there. And I can't tell you enough how talented and professional our vice unit is in the city of Virginia Beach, of being able to identify the victims of trafficking cases, of being able to change their paradigm to a certain extent, and bring them out or rescue them from that particular situation. Ultimately, since in law enforcement we want them to cooperate against the person who has trafficked them, and we've had a lot of success in that area, but not every prostituted person is a victim.

Probably on a macro-sense there is a component of exploitation and I understand that, but an individual who makes a conscious decision, and we run into quite a bit of women who make a conscious decision outside of a trafficking type scenario with coercion, they make a conscious decision to post on the Internet and to sell themselves or their body or to sell sex for money. You have to think about the monetary. The panelists this morning probably nailed a lot of it on the head and it has to a certain extent to do with the culture and the direction that it's going, but they're given the alternative sometimes of working a part-time job or a full-time job at minimum wage, or servicing five or six guys a night and making approximately \$1,000.00 a night doing that. Just from a purely economic standpoint, that's a pretty big differentiation between the two perspectives. From a moral standpoint, I think we would all pretty much agree that it's probably not a choice that should be made, because ultimately it only ends in a bad way for that person.

3. Attacking the Supply Side

So I want to also address a few other things here real quick and that's the supply side. The way we break into trafficking offense cases quite often is through the supply side. When we set up investigations,

our detectives will go out and they will pose as a john. They'll answer an ad. They'll go. They'll get the offense of prostitution. Then they immediately start this process. Throughout this whole investigation we're looking for and trying to identify traffickers or pimps or panderers or whatever you want to call them, traffickers. We're trying to identify them. A lot of times they're associated closely with their girls and a lot of times they're not, but we make attempts to identify them, and immediately when we interview we start that interview process. Probably ten years ago we didn't pay quite as much attention as we do today. We would usually say, "Okay. We got all the elements to the offense all done. Here's your summons. You're going to be in court three weeks from now." Now we stop and we take our time and we ask a few more questions. How did you get into this life? What happened? What age were you when you started to prostitute? Why did you enter this life? And we're finding more and more that a lot of these women are actually victims, and that they have been brought into the life of prostitution at a young age, many of them coerced. It's a lifestyle and once you're in it it's a very difficult lifestyle to get out of. So I'm very thankful that we have NGOs that now have come alongside of us. I mean I'm a prosecutor. What I do is prosecute crime. And our vice guys are police officers and what they do is investigate crime. But we now have some NGOs that can come alongside and help us to be able to pass these girls off and hopefully, once they've been rescued, to make sure that they're restored and kept out of this particular kind of life.

4. American Model Versus the Nordic Model

We'll talk a little bit. I imagine we'll have some time to talk about this. I think there are some weaknesses to the Swedish model. In my reading of some of the studies, there's not a ton of research in the area of Internet and indoor prostitution. Most of what's happened in the Nordic model—and, again, don't get me wrong. I'm not being critical of it. Most of what's happened in the Nordic model is they went from a legalization to the criminalization of the demand side. So prostitution has dropped, and if you look at the way that they investigate their cases, the indications that they provide is essentially it's focused primarily on street prostitution. So I think that's why you see the big drop. I'm not saying that it's not legitimate or it hasn't done, but it still leaves open that door of dealing with issues like Internet-based prostitution or indoor prostitution. Then lastly, I think I already mentioned this once before. When the focus is more upon the sex act as opposed to the individual, it frees us up to focus on anywhere that may occur. We do operations in Virginia Beach that's focused on transgender or transvestite prostitution, and we do operations with gay and homosexual prostitution as well. One of the biggest cases that I worked about ten years ago was a

very, very large gay prostitution ring that was making a significant amount of money. So when the focus, rather than being on the woman, which I think is a valuable focus to have because, just as with any crime, what happens is that the weaker, the more vulnerable individual usually ends up being the victim, regardless of what kind of crime is going to occur, whether it's a robbery or whether it's an assault or, in this case, whether it's prostitution. The weaker and more vulnerable individual is usually the one who ends up becoming the victim, and that's what happens in a lot of these cases, but when you focus on the act itself as the commodity to be bought and sold, because of our traditional foundation I think the American model provides us with a little bit better framework for attacking human trafficking, being able to investigate it, uncover it, and successfully prosecute individuals who do traffic.

C. THE DECRIMINALIZATION MODEL

Louis Hensler

Professor

Regent University School of Law

As is going to become apparent in a moment, I have nothing to say about this. There was supposed to be a third panelist, who was supposed to present the decriminalize everything position, and that panelist dropped out. So I'm kind of the in-house libertarian crazy, so I thought, "Who better to represent this perspective?" So I'll try to represent that perspective, while admitting that I really don't know anything about this subject matter.

1. Is the Nordic Model Built on a Flawed Premise?

The whole enterprise we're engaged in here in this panel is built upon the idea that if we can cut down the demand for paid sex we can cut down sex trafficking. It makes perfect sense to me. It sounds like economics. So attack the incentive to sex traffic by cutting down the business of selling sex. The Nordic model is built on the idea of attacking that from the demand side. We'll punish. We'll criminalize the demand for paid sex, and that will reduce that demand. I personally think that's right. I think that's the way economics works. If you make things more expensive, people purchase less of them. I think it's a fallacy though to say you can't further reduce sold sex by criminalizing the sale. Make it more difficult, more expensive to sell and to buy, and it seems to me you get the maximum reduction in sold sex. So if I bought the idea that it's a good thing to reduce sex trafficking by reducing the demand for voluntarily sold sex, I would adopt the U.S. model, Mr. Alleman's model,

because I think that does the maximum to try to reduce the demand and the supply of sex for sale.

The so-called Nordic model—I can't get used to saying that—the Nordic model of criminalizing only the demand side is built on the idea, and you heard it right off the bat, that money, paying equals coercion. I might as well just go ahead and say it. That's nonsense. That's not what the word means. I could illustrate that. I have a car out in the lot that I've had for quite a number of years. I like it a great deal. I'll probably drive it until it won't run anymore. And if one of you asked me if you could have my car I would say, "No," and if one of you asked me if you could buy my car I would say, "It's not for sale," and if one of you offers me a million dollars for my car it's yours, and I don't think anybody would say I was coerced to sell my car to you for a million dollars. You just made me an offer that was too good for me to refuse. Now what gives the Nordic model some cachet is this is a bad choice these women are making. I think probably almost everyone in this room will agree with that, but if we had a big enough room not everyone would agree with that, and it may well be that even in this room not everybody agrees that these women are all making a bad choice, but it is a choice. It's a nasty business. I personally think it's a business that they ought not to engage in, but to say they're coerced to engage in it—by the way, some of them certainly are. If they're kidnapped, we can all agree. Punish the kidnapers to the extent of the law, and I'm sure Mr. Alleman does that. Thank you for your service. If they're beaten, punish the beaters to the extent of the law. Thank you again for your service. If they're raped, punish the rapist to the extent of the law. Thank you again for doing that. But it's just nonsense to say that by allowing a woman to make \$250,000.00 a year to do something when she would have to work at a minimum wage job as an alternative, and she chooses \$250,000.00 and that's always coercion. That's not what that word means.

2. Human Dignity and the Freedom of Non-Coerced Choice

So the question from my perspective is—and, by the way, I think this is always a bad choice. I think it ought to be minimized. No women—and I don't know why I keep saying women, because as you pointed out it's not just women who engage in prostitution. But all women who make the choice to engage in prostitution are making a bad choice. All men who make the choice to pay for sex are making a bad choice I think as well. I think none of them should make that choice. Then the question is, assuming I'm right about that and assuming the majority of the people in the world who think I'm right about that are right about that: is there some countervailing consideration that ought to come into play? And maybe—here I am, this is why I'm here—it makes sense to say freedom is of value too, and there's something to be

said for equal human beings of equal dignity being allowed to make their own choices, so long as they're not compelling or coercing or committing violence against someone else. If we take that as a good or a value to be weighed against increasing sex trafficking or this bad thing that we don't think people should be doing, that is paying for sex, then it's possible to say, "Maybe we should just decriminalize the entire enterprise." That's not a very instrumental position. If we wanted the best policy from the perspective of giving people incentives to do what we think they ought to do, I like your approach. Just criminalize everything; it's all bad. But if we think there's some value in allowing people to make choices and allowing people to make their own decisions, even if they're bad decisions, if we think the equality of human beings is worth protecting, at least to some degree, then maybe it makes sense. I'm not taking this position. I'm just saying maybe it makes sense to decriminalize it.

D. IMPLICATIONS OF LEGALIZATION AND DECRIMINALIZATION

Kathleen McKee

Professor

Regent University School of Law

1. Looking at the Cause of Prostitution

Right now I think what we have in terms of combating human trafficking is a box of parts, and we have yet to figure out how those parts fit together and how we synchronize them to produce the optimum solution. In all of the debate that goes on between legalization and decriminalization, those terms are sometimes used as though they're synonymous and they're not. So if we legalize, then what we're basically doing is giving the state's imprimatur to the act of selling sex, and we're giving its imprimatur to the idea that we are not human beings who have content and value. We're basically recreational objects that someone else can purchase. I think that's a concept that's very dangerous to a society. But I also have to say we need to think through the issue of what it means when we decriminalize it, because if it's not a criminal act for me to sell my body, but it's a criminal act for somebody to purchase it, the reality is it may be a deterrent for someone to purchase a prostitute's services, but it leaves me unemployed. How do I support myself if that is my sole means of support? That means there has to be a mechanism in place that gives someone an alternative to have a roof over her head, clothes on her back, food on the table. I think we need to look at the dynamic that delivers people to the portal, where they become trafficked or they become street prostitutes.

I have actually had clients, as a poverty lawyer, who were prostitutes, and I would tell you that the dynamic that delivered them there—and that was not their sole occupation, but that was how in

emergencies they earned the money to buy a fix or to rent a motel room to have a roof over their heads. One client that stands out in my mind, her mother had her when she was 15. My client was raped by the mother's boyfriend when she was 14, and the mother threw her out of the house because she was jealous of the competition between her and the boyfriend. So she was out on the streets, where she basically traded sex to have a roof over her head. By the time she became my client she had a daughter who was 17, who had a two year old daughter. Do the math. Yet this was a very bright young lady and I'm thinking to myself—I didn't start out as a lawyer. I started out as a teacher in an inner city school. I said, "Where did we miss opportunities with this young person, if this is where she ended up," because I thought in my interaction with her that she was a very mentorable young lady. In fact, even to this day she's managed to track me down to Regent, and when she gets in trouble and needs legal advice I'll get this telephone call, "Hello. Do you remember me? I have this question. Can you tell me about —?" I think to myself: why would this young lady connect with me? And why would she continue to come back to me and seek some advice on figuring her way through the bureaucracy, and how can I get back on my feet when I get released from jail again? So I think if we make the purchasers criminally liable, that's only one piece of the puzzle. You have to ask yourself: if there's no longer a purchaser, if you own a department store and it's legal for you to sell dry goods but your customers will go to jail, how do you earn a living to support your family? There has to be something there to fill the space.

2. Prostitution Is Not a Choice, It Is a Cage

I think the second part of it is it may very well be a cage. I heard an FBI agent say, "You know, there are some women and you just can't get them out of prostitution." But I will tell you in my heart of hearts I do not believe that that's a career choice. I was an honor student in high school. It was an honor school and we did career days. I don't ever remember us bringing a hooker into high school and saying, "If you want to be a prostitute when you graduate from high school, be sure that you do well in math so you can keep your accounts and you won't be audited by the IRS," or, "You need to do well in phys. ed., so you'll look really attractive so people will want to buy you." I think there may very well be people who make that choice like the Mayflower Madam or the LA Madam, who were high-priced call girls and who owned and operated escort services, but when you read the interviews of those young ladies there was something oppositional-defiant about why they were doing it. They were thumbing their nose at their own families, at society. It was a way to be outrageous, to say, "Yeah, I'm incredibly wealthy and privileged, and look at what I'm doing that's so offensive to you as a

society.” I don't know about you, but I don't regard that as normal or normative behavior. I still think there is something wrong, and I think a part of what is missing, I think that the first panel speakers really hit the nail on the head. If we are going to take a purely secular approach to this, we are going to find the going slow and the results of that minimalist, because you know what, a society without a moral compass is a society that is deeply at risk, because it not only says the individual can do anything he or she pleases, but it also says that when the individual is doing anything that he or she pleases, if it's done at the expense of someone else's well-being that's okay. And it's not.

That's a philosophy that is absolutely chaotic and counterproductive. We need to understand there are three issues that we need to deal with, that each of us individually needs to deal with, and that is the legal authority to interdict trafficking, the infrastructure that supports interdiction, and the resources that provide services to victims, that give them alternatives. I think we've looked at some things like drug courts, homeless courts, more recently in Hampton veterans' courts, and we realize sometimes people make horrible choices and engage in terrible behavior, but we at least give them that first chance to demonstrate that that was not a bona fide choice, that we articulate for them what the options and the resources are, and then we have the patience and forbearance and we put aside the hypocrisy where we sit back and judge them, “Oh my gosh. We're better than them because we would never make that choice.” I will tell you the young people that I have worked with who have prostituted themselves often stayed there because the very first time they had sex, they believed they had irrevocably sealed their fate and that they could never go back to a normal life, and they could never regain the respect of their peers, and they would never be accepted in society on the same terms as anyone else. And if we truly are Christians and we truly believe in forgiveness, then we have to have the patience to be in it for the long haul and allow people the benefit of the doubt, and truly believe that given an opportunity people will redeem the time and they will change the direction of their lives. Thank you.

Laila Mickelwait: Thank you for your comments. First I will—well she's not here yet, so maybe I'll start with Professor Hensler's comment. What I would kind of respond to the points that Professor Hensler brought up with regard to coercion and this concept of choice and consent, with regard to coercion what I'd like to point out is that the coercion of getting into prostitution and engaging in sex trafficking is often so much more subtle than kidnapping, than physical force. Often that coercion is simply a preying on a person's vulnerability and being able to exploit that vulnerability. For example, the majority of girls who end up in

prostitution have a prior history of sexual abuse. Many of them are runaways. So you have this combination of let's just say a sexually abused and vulnerable young girl on the street, underage, very vulnerable to a, quote/unquote, boyfriend who wants to take her under his loving care, you know, wing, and help her under the disguise of love, and then turn it into an exploitative relationship. So I think that's extremely important to understand that coercion can be so much more subtle than we imagine. The second is this concept of choice. Besides that, I would like to point out this whole thing with money and consent. If a girl wasn't paid, and essentially when that girl is paid the pimp is paid. Most of the times these girls really don't get to keep that money. But if there was no pay, would she be engaging in that sexual interaction? No, of course she wouldn't. So in that way I believe that the money does coerce the sex, because if it wasn't there it would not be happening.

Then to Professor McKee's point about this concept of really needing to focus on the factors that got her there in the first place and being able to provide other options, because she's saying she sees these cases where these girls are out of money. They supposedly don't have another option. I may not have made it clear, but a foundational point of the Nordic model is providing services for escape and those social services for those girls. It's a critical component to the Nordic model to allocate resources for that, not only human resources, but financial resources to be able to provide that for these women and girls, job training, counseling, social services, help with resumes, things like this, ways that you can give them other alternatives.

The other thing I would like to point out about this concept is that this is also seeing it as a legitimate alternative job choice. We compare this to flipping burgers at McDonald's, but what I would say is that this is not compared to flipping burgers at McDonald's. This is not compared to any form of work that you can do. What job—I would like to pose this question to you—do you have a 68 percent chance of getting post-traumatic stress disorder from that job? There's a very likely chance that you'll be murdered, that you'll have traumatic brain injury from this, that you'll be raped. In these instances we have the research. We know that this is what's taking place when a girl enters into prostitution. So what other job do you have that has these kinds of statistics attached to it? I would say there isn't one and that's why it's not a job. It's actually a form of violence against women. So when we tell girls, "If you can't pay the bills, then it's okay to engage in this form of violence against women for a certain amount of time," it's legitimizing that choice, that so-called choice, which I believe is not a choice at all.

That brings me to the next point: what is this choice? There are main factors that a girl has to have in order to be in that position of

exploitation and prostitution. One of the number factors is: is she poor? Well who chooses to be poor? If you have an option, you don't choose to be poor. You don't choose the sex that you're born with. Ninety-eight percent of girls who are trafficked sexually are women and girls. So you don't choose that sex you're born with. In India, for example, certain girls are relegated to prostitution simply from the caste that they're born in. You don't choose what kind of caste you're born into. No one chooses to be sexually abused. Most of these girls are sexually abused. Nobody, if they had a choice, would choose to be sexually abused. So let's take a second look at what it means to choose. That's just kind of another point I have to this idea of choice.

Then I would comment also on Scott's presentation. He kept referring back to, "I'm not talking about trafficking victims. I'm only talking about girls who are in prostitution of their own volition." I would say that that's a distinction that we really have to be careful about, because we know that across the board most girls enter into prostitution underage. We see that in many countries that we look at, including the U.S. DOJ says that most girls in the U.S. enter underage. Do you know the definition of a trafficking victim is somebody under the age of 18 who is exploited for commercial sex? There's a profit being made on their exploitation in the sex industry. So if most of these girls are trafficking victims when they start, when did they stop? What happens between that 24 hour period when a girl is 17 years old and when she's 18 years old that all of a sudden she's not a trafficking victim anymore, and she's just a consenting adult wanting to engage in this behavior? I would like to also say that we can't make that distinction as if it's such a clear thing that we're not talking about trafficking victims; we're talking about prostitutes, women who want to be there. So I would say we need to be very careful about doing that, because we would say most women in prostitution are trafficking victims.

Scott Alleman: Okay. Let me first say having had you in class, Professor McKee, I can almost certainly answer the question for why your former client called you back, and that's because you're very compassionate, very kind, very patient, and very intelligent. So I imagine she got good legal advice, I'm sure.

I want you to understand that a lot of what Laila is saying I don't necessarily disagree with. In having practiced these types of cases I have prosecuted girls, and more often than you would think, especially given today's presentation and perspective, who essentially said, "I don't really care what you think. Give me my fine. Let me go about my business that I'm going back to." We've had several girls say, "I'm going right back to it. I don't care." They didn't have a pimp. They didn't have a trafficker. Now that doesn't mean that I don't have empathy for how they arrived

there, but at some point in time we do have to hold people accountable for their actions. That doesn't necessarily mean that something horrible hasn't occurred in their life. We do find—I'll be quite honest with you—we do find that a lot of these girls are brought into the lifestyle at a young age. A lot of these girls are, unfortunately, sexually and physically abused as children. Some of them are trafficked individuals at a young age. But a lot of times, and this is the practical side of this that I'm sure the human trafficking—people like Laila may disagree with, and that is that sometimes that's the only mechanism that we have to reach out and get a hold of these girls and shift the direction in their life.

I've been a prosecutor for 12 years and I've talked to a lot of folks I've bumped into, not just in prostitution, but in Wal-Mart and other places like that that said, "Hey, you know what? That's exactly what I needed at that time to turn my life around, because without it I was headed down a bad direction and I'd probably be dead right now." So I think that there is a useful component, and I don't want to send the impression that I disagree with a lot of the things that Laila is saying because I do. I think a demand approach is valuable. We've tried to employ it in Virginia Beach. But I think that the American model offers more flexibility and, quite frankly, I think that it offers more capability to disrupt human traffickers and hold them accountable. If you take away that supply side component for law enforcement, it makes it very, very difficult to uncover and investigate criminal cases that involve traffickers.

Some of the literature that I read on the Swedish model essentially says that the way that they investigated these types of cases is that they would do surveillance and watch the john pick up the street prostitute, and then watch them go to a secluded location, and they would actually wait until the sexual act started to occur before they approached, because that's what they needed for evidence to get a conviction, and that's because they can't get at it from that other side. It's a tool that we use in law enforcement a lot of times. I was just talking to somebody at the break. I don't want to burn up too much time, but it's a tool that we use in law enforcement a lot of times, and a lot of times we will get these girls and we will know that they are being trafficked or they have a pimp. We will try and try and try to talk them into cooperating, to get them out of this life, but their mindset, their paradigm hasn't shifted yet. It's irrational, some of the things that they have been conditioned to think with regards to—I mean they use deception, abuse, threats and all kinds of stuff like that. I'm sure there are plenty of stories that can be told, but for periods of time they think that the pimp is looking out for them. They do give 100 percent of their proceeds almost 90 percent of the time to the pimp, and usually if they hold onto a little bit of money they get beat. Well that's the guy that I want to prosecute, and the only way

that I can get to him is through her, and oftentimes we will have to arrest them and lock them up and let them sit in jail for a couple days because it is a paradigm shift quite often.

I know that that probably upsets the human trafficking crowd to a certain extent, but that's what some of these girls need in order for their paradigm shift to change, so they see, "Hey, wait a minute. I'm sitting in jail, serving time, while he's outside having a good time spending all the money I made last night." We've had an extremely high amount of success with then getting that girl to cooperate. Now she's open to be able to receive services, to receive help. The gaps are starting to be filled there with us being able to pass folks off to NGOs, to help them out and things like that. Again, that's a tool. That's a mechanism that we use to get to that panderer, that person that's trafficking them, and it's a very important tool.

III. PANEL THREE: CHILDREN AS PROPERTY?

INTRODUCTION

*The Honorable Patricia West
Distinguished Professor & Associate Dean of Students
Regent University School of Law*

Welcome back to the third and final session of the symposium today. My name is Patricia West and I'm going to be the moderator for this panel. Unfortunately I was not here for the first half of the day but one of the panels was talking about the laws beginning to increase recognition of sexual autonomy rights and as a result of that increased recognition, children may be treated as property. And that's going to be the discussion that our panelists lead us in today. I do have one announcement about the panel and that is Naomi Kahn who was going to be here via Skype is no longer able to be with us. She is ill and I think we're having technical troubles with the Skype and so for a variety of reasons she is not going to be here today. However we will have her remarks available and I apologize to anyone who came specifically to hear her. Anyway she cannot be with us today. But we still have a wonderful panel here today and I'm going to introduce them and then I will turn it over to them and they will all get 12 to 15 minutes to make their opening comments. After that we will take a short break and we will come back after that and take questions from the audience. So formulate your questions as they're speaking, and we will get on with it then after they've had their opportunity to say their remarks.

And then I'll let them comment on each other's remarks too after the break. All right, we first have—closest to me—Arina Grossu—who is the director for Center for Human Dignity. Arina is with the Family Research Council Center for Human Dignity where she focuses on the

sanctity of human life issues raising from conception to natural death. Her area of expertise includes abortion, women's health, conscious rights, bio-ethics, pornography, sex trafficking, assisted suicide and euthanasia. Ms. Grossu is a graduate of the University of Notre Dame with a B.A. in philosophy and a minor in Art History. She has received her M.A. in theology from the Dominican House Studies. Ms. Grossu also received a license in AMI, Montessori through the Montessori Institute of San Diego. She is currently pursuing a certification in healthcare ethics through the national Catholic Bioethics Center. She is currently on the Board of Directors for the National Pro-Life Religious Council, a current leonine fellow of the Catholic Information Center and past president of Notre Dame Right for Life. Ms. Grossu is an alumna of the Vitae Institute at the University of Notre Dame, which educates current and emerging national and international pro-life leaders.

Close—next to her is Mrs. Lynne Marie Kohm She is the John Brown McCarty professor of family law at Regent University School of Law. She earned her law degree at Syracuse College of Law and she graduated from Albany University. Professor Kohm has published prolifically on and in legal areas of concern to families including marriage, women, children, families, trusts and support obligations at death. She teaches family law, wills, trusts and estates, elder law, bioethics and gender in the law. Prior to teaching, Professor Kohm practiced law in New York, concentrating in the areas of estate planning, probate administration, real estate and family law. She is licensed to practice law in Virginia, New York, Florida, Massachusetts and the District of Columbia. She is also a certified guardian *ad litem*. Lynne Marie has a missionary's heart having served with full time staff of Campus Crusade for Christ for six years prior to and during law school. She and her husband Joe have home schooled their two children.

And at—furthest away from me is Professor Jim Dwyer. He's professor of family law at the College of William and Mary. Professor Dwyer earned his law degree from Yale and his PhD in Philosophy from Stanford. He is passionately and provocatively argued for more child centric legal regime, urging a myriad and aggressive changes to the current parent centric thinking about child rearing. Before joining William and Mary, Professor Dwyer worked as a law guardian *ad litem*, representing children in the New York State family courts.

So we have a great panel with us today and I'm looking forward to hearing their remarks. I will turn it over to them now starting with Arina.

A. CHILDREN AS HOLDERS OF THEIR OWN PROPERTY INTEREST

Arina Grossu
Director
Center for Human Dignity
Family Research Council

First of all I want to just say thank you so much for having me here. It is an honor to be with you. This campus is so beautiful and everyone I have met so far has been so warm and kind and welcoming, so I really appreciate it. Going off of the luncheon talk let's create a different narrative. Children are being treated as property and this is a result of the sexual exploitation that is going on culturally. So I'm going to go through various situations where they are and what is what I think a way out of this. So I would like to start by first saying that we should have some guiding principles—children are gifts, they are not owed to us and adults don't have a right to them. And I think that's something in society that is not prevalent right now. And a child may be considered a piece of property or an object of ownership but they are the fruit of a marital act between husband and wife and they have a right to be respected as a person, they have the fullness of dignity and they should be respected. An adult's desire for a child does not give them the right to create one by whatever means necessary.

1. Abortion, Fetal Homicide and Assisted Reproduction

How are children being treated like property today? Well, what we have is the precedent of *Roe v. Wade* in the abortion issue that the right to privacy of the woman supersedes the unborn child's right to life based on the liberty language of the 14th Amendment. And the child is disposed of according to the woman's wishes, the child is not considered a person by the court. This is consistent with the *Planned Parenthood v. Casey* decision where it said our law affords constitutional protection to personal decisions relating to marriage, procreation, contraception, family relations, child rearing and education. These matters involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy are central to liberty and protected by the 14th Amendment.

We have to contrast this to how unborn children are treated outside of the abortion context. So for example, 50 states have fetal homicide laws that protect unborn children if there is some kind of violence done to the woman. Now going into children's rights in third party reproduction, this is a huge area and we'll see more challenges as people struggle with infertility, and as same sex couples want to create their own children based on the "freedom" of the desiring parties to create new life by whatever means they choose.

This is done with very little or minimal regulation and without regard for how the children are conceived, the possible separation from the biological parents and the welfare of the child after conception. Especially with donor eggs and sperm, there is the reassignment of parental rights from the biological parents to the intending parents. It leads to the manufacture of children as we'll see with the surrogacy cases. Is this what's in the best interest of children, to be created in this way because of the desires of an adult to have children? And the flip side is the desires of an adult not to have children—and we see that with *Roe v. Wade*.

The infertility industry is a huge profit making business of \$6.5 billion. And when we go into third party reproduction, we see that in decisions proposed children should have a substantial long-term stability in their upbringing. We see that in sperm and egg donation there is also a eugenics mindset that takes place: the parents choose donors based on certain kinds of qualities, characteristics that they want in their children.

It's a buyer/seller type of a relationship. This puts children in a poor situation yet they have a right to know their biological origins. Each state and country has different laws regarding the exposure of this kind of information to children, especially those who are created via sperm or egg donation. They don't really have access to that information and usually there is a lot of confusions on birth certificates in terms of whose name is on there. Is it the surrogate mother? Is it the intended parent? Children don't really know where they come from anymore. This has led to disastrous consequences.

For example, in the 1940s, Berton Wiesner—father of 600 children—had his own fertility clinic and impregnated women with his own sperm. There are cases right now such as another sperm donor who has 150 children. And there is a problem with incest between half siblings because usually donors are from the same geographic area [and there is a good chance that the half siblings end up meeting each other]. We don't see the ramifications of all of these technologies taking place. A woman by the name of Wendy Kramer—the founder of the donor sibling registry—made a point to say that these children should have access to know half of their genetics and they don't. This is a tragedy because it's part of how we are created.

2. Surrogacy and IVF: Depriving Children of Their Rights

There is a case in Buzzanca (1998) where Jaycee had no legal parentage because she was conceived from a donor egg, donor sperm, surrogate parents and also the intending couple split up. So she was declared by court as having no legal parentage. And there are other cases such as the Craigslist sperm donor, *Kansas v. Marotta* (2013), who

was asked to provide child support because he delivered sperm in a cup [to the lesbian couple] instead of going through a medical facility. Now that couple split up and is asking for him to pay child support. So we have those kinds of cases. And also *Briet v. Mason* (2011) where another couple decided to have a child together signed contracts and now the wife doesn't want the biological father to have any kind of role in their son's life. Then surrogacy is also another issue. These issues are all combined because you have the donor eggs and sperm happen in the context of surrogacy and in the context of IVF. Both women and children are objectified in this process.

Surrogacy laws differ by state, by country. In the countries where they are lax, that is where they are being most taken advantage of. So right now in India it's a \$400 million industry. In Thailand commercial surrogacy was banned because of a specific case with baby Gammy who was commissioned by Australian parents. The surrogate mother from Thailand got pregnant with twins and they found out that one of the twins had Down Syndrome so the intending parents wanted the child with Down Syndrome to be aborted but she refused to abort the baby. She now is taking care of the baby but Thailand as a result has banned commercial surrogacy. We have another case in Connecticut where another couple—lesbian couple—offered \$10,000 to abort the child the surrogate was carrying because, again, the child had abnormalities. The surrogate mother went to Michigan because there she was considered the legal mother of the child so she could escape and save the baby that she was carrying from being aborted. There are other cases—Sherri Shepherd—the former co-host of *The View*—she also hired a surrogate with her husband and then they split and now she wants nothing to do with the baby. The surrogate is left to handle that situation. In Japan there is a 24-year old business man who fathered 16 surrogate children and plans on having 10 to 15 children every year by surrogate women. So we see the complex problems involved with surrogacy. These are just some of the cases. There are a lot of them.

This is all done through the process of IVF which involves hormone treatment, invasive egg extraction, sperm collection via masturbation, and the creation and implantation of multiple embryos. Then there is an abortion of embryos that they don't want that don't look as healthy, or if the woman doesn't want a few children at once. Then there's the problem with the leftover frozen embryos. Right now there are over 800,000 frozen embryos living in limbo. The states deal differently with these embryos and they are the subject of some of the most interesting debates about whether children are property. And I actually want to go through some of those. Because I think that that has been an area where they have spoken pretty clearly about children being treated as property.

3. The Property Interests Afforded to Embryos and Born Children

In these cases, the bottom line, because I've looked through a number of these cases, frozen embryos have been destroyed as a result of one of the genetic parents saying that they don't want implantation. So if one of the genetic parents say they want implantation, and the other one says they don't, generally the courts have gone in the direction of the parent who does not want implantation based on the right to privacy. And also in a lot of these cases they have called these embryos—who are babies—pre-zygotes, pre-tissue—they have used language that is dehumanizing of what the actual reality of those embryos are. So for example in one of the biggest ones is *Davis v. Davis* (1992) where the courts said that they are neither persons nor property but they occupy an interim category that entitles them to special respect. And that they have potential for human life. And that the parents have an interest in the nature of ownership. And then basically they went on the side of the father who did not want them saying it would rob him of procreational autonomy. In *Kass v. Kass* (1998), the couple signed a contract saying that the legal ownership of any stored pre-zygotes must be determined in a property settlement. And then in *AZ v. BZ* (2000), again, the court decided a forced procreation is not an area that should be judicially enforced.

Embryos are also treated in a couple of other cases as property transferable by contract. And then also in *York v. Jones* (1989), the relationship the embryos had with the fertility clinic is between a bailor and a bailee of one who places control of property in someone else's hands. There are a number of other cases. I won't have time to go through all of them right now. There is another huge issue, how do we handle what happens to these frozen embryos that are real living human beings?

Also, three parent embryos—this is where the nucleus of an egg of a woman who has a defective mitochondria is taken out, and put into the egg of another woman so there are two sources of DNA—from two different eggs combined into one. And they are inseminated by a sperm.

And then you have extra-marital agreements. This is where you have lesbian and gay couples and one of them is the genetic parent, the other one is not. If they divorce, if they separate, there are a lot of legal battles between them as to if the non-genetic parent can have any legal parentage in the life of the non-genetic child.

Then you have wrongful birth where people are suing because the doctors did not tell them about certain conditions. There is a couple who won \$50 million because they said they would have aborted the child had they known about the child's condition. So you have those kinds of cases.

You also have issues as to what to do with same-sex unions if they're extended. If marriage is not about a man and a woman coming together, why can't it be about pedophiles marrying a young child? We see the fall out of these combinations of families that are forming and the effect it has on children.

Currently, there is an organization called Anonymous Us where adult children who are created by third party reproductive technologies speak out about their experiences growing up in these abnormal type of situations. And then you also have adult children from same-sex unions who are speaking out. They just filed a brief in a circuit court and they're also filing a joint brief in the Supreme Court to tell about their experiences growing up in these situations.

So how did we get here? There is a tie between marriage, sex and procreation which has now been completely broken and this has been in the vast scale by the use and the passage of the pill in the 1960s by the FDA which led to the sexual revolution which then led to abortion and now to the identity dysfunction as to the roles between men and women and the role between procreation within marriage. This is really tied to the marriage issue and it can't be separated from it. The reason we are seeing all of this is because these abnormal situations and families are created and they want some kind of tie to biological children. So we cannot separate these issues from what's going on in the courts on the marriage issue.

4. How Marriage Laws Affect Children's Rights

Helen Alvare wrote that this is a dramatic reversal to the Supreme Court's decisions in the last 120 years about the rights of children to be brought up by the parental unit, the biological parents or adoptive parents if the biological parents are not fit to raise them. And so you have the disappearance of children's interests from family law because it's tied to marriage and marriage is not tied to procreation anymore. It's contrary to the protection of children under the law. Before the law was not adult-centric and now it is adult-centric. So what is the best for human flourishing? The best is for married two-person households and maintaining relationships with biological parents.

Our laws and constitution mandate a strong relationship between the child and the natural parents. We have social science that reveals that children in these types of families have higher social development, higher quality of the parent/child relationship whether it's with the family with the biological parents or in an adopted family. And what's to be done? And I'm going to wrap up with this. First we have to focus on the rights of the child. I think the UN convention on the rights of the child is right on. It was effected as of 1990 and portions of it can be implemented at the state and federal level. And parts of it are the right

to have a name, the right to life, the right to nationality, the right to know and be cared for by your parents, the right to preserve your own identity and family relations and in the case where the parents cannot do this that the judicial review will separate and do what's in the best interest of the child.

And the second one is that it needs to be buttressed by the best interest framework. It cannot be separated this, but we first have to work on the rights of the child. I was reading a really interesting article by Professor Cohen saying that the best interest of the child cannot start after conception that we have to look at the best interest of the child before conception as well. And so the best interest argument has to be both ways. Looking at this, the state has a vested interest in making sure that the parents are fit. So whether they do programs to make sure that they will be fit before conception so that after birth they can be what the children need. That's the first look at best interests so that we're not ending up in the situation where they are formed by IVF or other reproductive technologies, because is that really in the best interest of the child to begin with?

And if not those things should be prohibited and that is the assertion. For after birth, what we need to look at is what's in the best interest of children and then create a framework where they are going to thrive best. Bottom line is that children do have a right to the parents and if the parents are unable and unfit to take care of the children that that is where the law steps in and finds what's in the best interest of children. Thank you.

B. THE STATE AS THE PROTECTOR OF CHILDREN'S RIGHTS

Lynne Marie Kohm

Associate Dean of Faculty & External Affairs

John Brown McCarty Professor of Family Law

Regent University School of Law

Hello everybody. It's an honor to be here. I really want to thank the Center for Global Justice for sponsoring this event and especially Ernie Walton and all the work you've done, Ernie, and especially Lisa Marie Otto and all the work she has done, none of us would be here without them. That's right, exactly. And thank you Judge West and all my panelists. I can tell we're going to have fun because Arina just laid out a great overview but I disagree with about half of what she said, so this is going to be really fun. And you're all going, "What?" And actually I want to thank all of you alumni who are here. There is a ton of alumni here, it's very exciting. Thanks for being here. I really want to thank all of you students that are here. This is exciting, if you've already been through family law you know half of what Arina said so this is going to be

exciting. And then I want to thank Sandra who is going to help me with my PowerPoint. She has drafted a PowerPoint for me while I'll be speaking my remarks. But I really want to thank Charlie and Fran Lewis, we would not be here without both of you. Thank you for your vision, thank you for your support. We all are endeared to you. Thank you. Absolutely.

So let's see if I can get comfortable here. So are children property or are children individuals with liberty interests? The first panel today discussed sexual autonomy rights of adults creating children. Judge West reminded us of that already. This panel moves from there to the problems created for children by those adult rights. So the premise now seems to be that as the law increases recognition of sexual autonomy rights for adults, children are often seemingly treated as property and I'm going try to use my remarks to demonstrate this.

So if the law really does treat children as property do we solve their problem by granting children's rights like Arina just mentioned? Is that how we solve it? Or do we solve it by giving parents additional rights and duties to protect their children. Or should the state step in to protect children when the parents do not. My remarks today will suggest a solution in that children do have a liberty interest in having a relationship with both the mother and a father and those parents have duties to protect the child's interests that can be enforced by the state for the child. So a good way to start this discussion is to make some distinctions.

1. A Children's Rights Framework

I'd like to explain what a children's rights framework really is—we went a little too fast here, Sandra. You're having too much fun! *[Laughs]* So let me start by trying to explain to you the difference between children's rights and the best interest. So a children's rights framework starts with this triangle. Picture the children on the top—children's interests on the top—parental rights at the bottom left and then state's interests at the bottom right. This provides an illustration of how children's rights can be contemplated. The child has a right as against the parent. And as against the state. And all three actors—parent, state and child—can pursue their rights against one another. So you have a triangle that is continually intentioned. This is picture of a children rights framework and this is the rights structure of the international community that with the Convention on the Rights of the Child—adopted by 192 nations. Conversely, a best interest framework is used in every state family court in the United States. The structure sets up the best interests of the child as the objective that is accomplished by both the parent and the state for what's best for the child. The best interest of the child is the highest duty of a parent and when the parent ceases to

protect those best interests, the state can step in as *parens patriae*—or state as parent—and do what the parent should have done.

So parental rights granted as fundamental and constitutionally protected are balanced by parental duties as you can see in the diagram. And those parental rights and duties are not—especially the parental rights are not unlimited and the case law has made that clear as well. They can be abridged by the state when the parent ceases to act in the best interest of the child. So that the state may intervene to protect and provide for the child in their stead. I have written about these positions before and I've also discussed the problem of children's rights and I'm going to try to balance them both in my remarks today. And these are really two very didactic perspectives—children's rights vs. children's best interests. And they're helpful in answering some questions that we're dealing with today whether children are property or they're people that should have rights. One looks at children as rights holders and independent actors—the children's rights framework. The other one perceives children as legally incapacitated, deserving of protection and provision from adults. Some recent cases can help us to discern the difference between these two frameworks and how they play out legally and pragmatically.

2. Embryonic Rights

Let's look at some of these cases. The first one is in the European Court of Human Rights right now. It's a case called *Perillo v. Italy*. In that case is the court is trying to determine whether Italy's law criminalizing the destruction of human embryos abridges the parental interest in those embryos. Assisted reproductive technology can access sperm and eggs and unite them to form an embryo which once gestated by a woman has the opportunity to become a child. Biological life begins at the moment of conception—or the forming of the embryo. Though many challenge whether human rights attach at that point. Mrs. Perillo argues that the embryos she and her now late husband created are her property and now in his demise she no longer wants to gestate those embryos, or give them a chance for life. But she wants to allow them to be used for research—ensuring their destruction. And I don't think people realize that. When you give embryos to research, they are not going to live. They will die. They will be dissected and destroyed—so research is destruction of the embryonic child. She argues that she is being denied her property rights and her right to private life by Italy. Italy argues, however, that it has a duty to protect those embryos from destruction. The European Center for Law and Justice connected with our American Center for Law and Justice has submitted an amicus brief. And they may argue there that destruction of the embryos under the European Convention on Human Rights can only be allowed to protect

the life and health of the mother—something not even at issue here because the embryos are frozen. Perillo makes the “my child, my property argument,” while Italy essentially makes a best interest of the child argument on behalf of the frozen embryos. The case was heard in June of 2014—more than eight months ago. But there has been no ruling handed down to date, so just keep your eyes out for that one. Another illustrative example is one that Arina already mentioned—the difference between these two positions can be clearly seen in the Craigslist sperm donor case.

Two women in a lesbian relationship agreed together to conceive a child and they found a sperm donor on Craigslist—isn't that where you'd go? Anyway, that's where they went. And the man contacted them—contracted with them to privately deliver his sperm to them for their at home use in assisted procreation. None of the parties sought legal advice. And that is the worst thing you can do, right students? Duh, get a lawyer! None of them sought a lawyer. But they all signed an apparently internet downloaded sample contract which means lots more money for lawyers because that's the most foolish way to protect your rights. Anyway, they downloaded this contract, they sealed their intentions to protect the sperm donor from any rights or obligations to the child. But none of them knew what Kansas Code required. The Kansas code provides statutorily for the termination of a male's duty to child support when sperm donation and assisted conception occur under the supervision of a licensed physician—a missing element in these facts. He delivered the sperm to their front door, and they used it and conceived a child. When a year after the child was born, the two women split up, the birth mother sought public benefits for her child through the Kansas Department of Children and Families who in turn sought to obtain child support from the sperm donor, the father. The rights and duties of the exited lesbian partner were reserved for another action, so the case I'm talking about doesn't mention that. but the court's ruling in the case of *Kansas vs. WM* held that a man's status as that of a sperm donor or birth father—even in the face of a written non-paternity agreement—when his semen was used as an artificial insemination procedure that resulted in a live birth but was not provided to a licensed physician was indeed subject to rights and responsibilities of parenthood. So because they didn't use a doctor, they all have to pay for the support of a child. His rights were not terminated. This is a very strong point to illustrate the best interest of the child.

When we create life, that life is not property. The court considered the child's best interest more than the man's property interest in his sperm. You can deliver property as you wish. You can transfer title. But once life enters the picture, it cannot be treated in the same manner as property. In other words, the best interest of the child standard governed

the actions of the parents and the state in providing support to the child, while the child's existence was apparently more analogous to a property interest by the parents in exercising their sexual autonomy via Craigslist.

3. Medical Progress and Embryonic Rights

So let me give you another example. Consider the 21st century phenomenon of designer babies. Arina also mentioned this a little bit. Rapid progress in genetics and reproductive technologies is making more likely the process of adults being able to design and pursue their own global baby making. The BBC reported this. They said there is so much progress in this area there really needs to be a public debate because the ability to genetically modify people can tend to treat human beings—particularly children—as property. Using technology to create better health for a child could also be seen however as a process whereby parents could further the child's best interest—making the child healthy. Along these lines, the UK government has supported the creation of babies using DNA from three people to eliminate debilitating and potentially fatal mitochondrial diseases that are passed on from mother to child by using healthy donor eggs and to prevent diseases for the child. This is both excellent news for families with mitochondrial disease while also reiterating the sexual autonomy of the adults involved. Experts say this will offer women who carry diseased genes more reproductive choice. Children who result, however, according to UK proposed legislation would have no right to know the identity of their egg donor. In other words, they would never know their mother—one of their mothers. And the embryo destroyed in the process is a by-product of the procedure. This presents the process as one where children are viewed as property by their parents—a notion fostered by state regulation now in the UK. And right now it's only available there.

Children who result, however, according to this new UK legislation have no rights there. Children do, however, have rights in the UK, as the UK is a nation that has signed the Convention in the Rights of the Child—but they do not enjoy them until they're born and even then those rights are often at the mercy of the adult who advocates for the child's rights. Another view of this designer baby phenomenon is available from a new mother who writes in the *New York Times*. I'm quoting her. "I chose my son by clicking and unclicking a series of boxes, not unlike online dating. One of them looked like Tom Brady and had a PhD. I added him to my cart. As it turns out, I didn't just add my son Leo to my cart, he came with 14 brothers and sisters, at least 14 brothers and sisters. There are likely more that we don't even know about from my egg donation, the sperm donor's natural children, unregistered siblings and some who haven't been born yet."

So you can add your son to your cart like you're shopping at Walmart. That's certainly treating children like property. Professor Cahn (who would have joined us but she has the flu and we can't get the Skype to work) has done extensive work on donor sibling registry—something Arina also mentioned. But her work will be well worth reading when it comes out in the journal. Even in last week's paper in the Dear Abby column, Abby was offering advice about someone who didn't want to see other people's ultrasound pictures of their child. She said new parents viewing their children on the sonogram was good for them to "be able to see the product they're manufacturing pre-delivery." As a mom, I lost my stomach. "Dear Abby, how could you disappoint me so much?" Treating children as a product manufactured pre-delivery, even Dear Abby was treating children as property.

4. Children as Sexual Beings

Finally the public policy over pedophilia may come into play when discussing children's rights or children's best interests. It seems logical that if a child is viewed as property, then they can also be treated as sexual objects as well. In fact, the legalization of pedophilia is already clear in some parts of the world—for example, in Iraq a girl can get married at age 9. Furthermore, when pedophilia is considered through the lens of sexual orientation, adults can argue that children should be viewed as sexual beings, as those who have the right to express their sexuality, to select their own orientation.

Perceiving children as sexual beings is advanced by a children's rights perspective. This in turn advances the view that children have the right to consent to sex and to consent to sex with adults, submitting their innocence to numerous things that adults may suggest to them. This line of thinking can be developed in a sex education class and that process as part of a child's right. On the other hand, a best interest approach would work to allow parents and the state if parents abrogate that duty to protect the child from sexual manipulation by any adult.

How far should sexual autonomy go? That's the question we have to ask ourselves. Does the framework for children's rights advance the thinking of children as a commodity? And if so, why? And if it does, it does so because children are left to protect their own rights. Imagine a nine year old protecting her own rights to marry or not to marry, or a four year old protecting his or her own rights to consent to sex. You can't imagine it because children are incapacitated. They have no one to advance those rights for them but adults upon whom they must rely, while removing the protections offered the children under the best interest framework.

5. A Best Interests Framework for Children's Rights

A better solution I argue is to apply a best interest framework for a child's protection and provision. One Virginia example illustrates this position in the form of a child's liberty interest—something different than a right. In fact the center for Global Justice, Human Rights and the Rule of Law that sponsored this event was at the forefront of this debate when it filed an amicus brief in August of 2012 on behalf of the best interest of a child caught in the middle of her parents' assisted reproduction parentage dispute. That brief became the basis for the Supreme Court of Virginia's decision in 2013 to find that children have a liberty interest in knowing their parents. In the case of *L. F. Mason v. Breit*, the Supreme Court of Virginia was asked to intervene when a mother wished to legally remove a father from the child's life. She labelled him a sperm donor because they were unmarried.

The Center for Global Justice participated in that litigation on behalf of the child with an amicus brief arguing that a child should not be deprived of a parent when one parent claimed that the other parent was merely a sperm donor rather than an intended parent, despite the existence of the parties jointly signed paternity agreement. Under a children's rights framework, the court would consider rights of the adult parties as against the child's rights. How would a court determine which rights were superior? The mother's rights or the father's rights or the child's rights? Instead a best interest of the child approach protects the child from the poor choices a parent might legally make under a children's rights framework. Children resulting from assisted reproduction techniques are extremely vulnerable. Just as the embryos in the *Perillo* case, and the child resulting from the Craigslist interaction. Imagine growing up knowing that you were the subject matter of that case. These children absolutely require their parents to protect their interests even when their parents are seemingly simply exercising their own sexual autonomy. When that required child protection doesn't happen, the child can be irreparably harmed. In the Virginia case, we saw an opportunity for the child to be deprived forever of one of her intended parents by the other parent—something that cannot be in the child's best interest. Our brief focused on the injustice in that scenario for any child, arguing that a child has an interest in knowing her parents that should be protected by federal constitutional law, Virginia law and good public policy on families. The court adopted concepts set forth in our brief verbatim—we were shocked but very excited.

The court particularly took our language regarding the best interest of the child resting on the opportunity to have both the father and the mother involved in her life, a duty of the state to protect those interests

when the parents do not. Let me read you an excerpt from the court's opinion describing their rationale. They say, "We reject the notion that children have a purported right or interest in not having a father. To the contrary, Virginia case law makes clear that it is in a child's best interest to have the support and involvement of both a mother and a father, even if they are unmarried, recognizing that one parent cannot arbitrarily deprive a child of a relationship with the other parent. Although our analysis in this case rests on *Breit's* constitutionally protected rights as a parent," the court continues, "we recognize that children also have a liberty interest in establishing relationships with their parents. Consequently it's incumbent on courts to see that the best interest of a child prevail, particularly when one parent intends to deprive the child of a relationship with the other. Here," the court writes, "LF faces a potential loss of liberty in the form of a deprivation of a relationship with her biological father solely because she was conceived through assisted conception by unmarried parents. Virginia's marital preference"—which is a good thing—"in assisted conception protects an intact family from intervention by a third party stranger. But it is not intended to deprive a child of a responsible, involved parent." This case was really significant because it was the first time that any court recognized that a child has a liberty interest in knowing and having a relationship with his or her parent. So the court took a child's view—a child's perspective. This is particularly important because that interest is recognized not in a rights framework but in a best interest framework—and the court kept echoing that. The work of this brief by the Center for Global Justice was done by students and faculty together as part of the Child Advocacy Practicum, a course in the curricular arm of the Center for Global Justice. The Center brief made a tremendous difference in the life of that one little child—LF—restoring her to her father as well as to her mother, constitutionally guaranteeing her both parents based on her liberty interest.

It will also protect other children from being deprived of a parent all resting on the best interest of the child framework. That ruling also illustrates the effectiveness of the state's duty and the parent's duty working in cooperation to accomplish the best interest of the child in the form of the child's liberty interest in that case instead of upholding some sort of right by the child. Essentially, rather, it enforced the duties of the state and the parent for what was best for the child. This was important because it reveals the best way to protect children is with the best interest framework rather than a rights framework. So why is the liberty interest not a right? Because it works to require the duties of one set of people—here adults—to protect another set of people—here children—rather than allowing adult sexual autonomy to run wild and rampant really over children's lives.

6. The State as Protector of the Child's Best Interest

In 1967, the Supreme Court of the United States in *In re Gault* found that children are not beyond the protection of the Constitution, while the court also recognized the state's power to make adjustments in the constitutional interests of minors which flow from the state's concern with the unique position of minors. Indeed, in *Bellotti v. Baird*, a 1979 case on parental notification of a child's use of contraception, the court held that the importance of the parental role in child rearing while also noting that the constitutional rights of children cannot be equated to those of adults due to, "the peculiar vulnerability of children," as the court stated. This is something we all know intuitively. The state has a rationally related and legitimate interest in a child's welfare and best interests. A best interest approach accomplishes what a rights approach cannot. So to conclude, children ought never to be perceived or used as property and rights do not protect them from that end. Rather, rights can tend to advance the notion of children as property. Indeed, who protects the rights of a child when those rights are pitted against the parent's interest and against the state's interests? When sexual autonomy rights of adults in procreating children create conflicting scenarios for the resulting children, those problems are not well solved by a children's rights framework. Rather, as the law increases recognition of sexual autonomy rights for adults, children are seemingly treated as property. The solution is to proffer that children have a liberty interest in having a relationship with both the mother and the father. And those parents have duties to protect the child's interests, particularly when exercising their own sexual autonomy. Which, when parents do not act accordingly, the state can intervene for the best interests of the child. Thank you very much.

C. THE MORAL STATUS OF CHILDREN

James Dwyer
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Hello, thank you for being here, sharing this conversation. This is my second occasion speaking at Regent. The last time was about a dozen years ago and again it's been an extraordinary experience both because of the welcome and you know, anywhere you go they're going to welcome you if they've invited you, but there's a warmth to the welcome here that is really rare. The Lewis's were actually a big part of that—welcoming all the speakers here. We're grateful for that. It's also been extraordinary because of the stimulating and challenging nature of discussions, which are generally here of a type that I don't hear elsewhere in a very positive way. And so my notes are a mess because I

spent the whole morning just scratching ideas that were coming to me as people spoke. And I'd like you to pretend that's the reason why I'm not as eloquent as the other speakers. My notes are a mess. Okay.

1. Children as Property: Before Birth

So we're going to talk about property. And law students learn quickly that this is an amorphous concept. I think the sense intended here is a thing not accorded the moral status of a person. Moral status is the place that an entity occupies in a hierarchy of beings, determining whether and to what extent the entity deserves moral regard. And moral regard means receiving consideration for one's interests and dignity in the decision making of moral agents. Right? So a little bit of definitional business there. I understand the question to be here are there law and policy contexts in which we moral agents directly or through the state as our agent—and it is important to keep in mind that in a democracy, at least in theory, the state is an agent for the collective will that we participate in creating, so we share responsibility for what the state does. Does the state or people treat human beings that are less than 18 years of age as undeserving of the sort of respect for their own interests and integrity that we generally accord to human beings over the age of 18 years, or perhaps more tellingly of the sort that we expect for ourselves? Do we treat them instead explicitly or implicitly the way we treat non-human entities like automobiles, with respect to which we might have moral duties but not owed to them, but rather to whoever owns them? And the answer to the question I think is undeniably yes and the only real debate I think is potentially in which contexts that occurs, and I'm not sure we're going to have an awful lot of disagreement about that on this panel. And all of these ways I think, even if they're not directly about exploitation or sexuality, contribute to an attitude toward children that I think makes them vulnerable to exploitation, and in particular in a sexual way. I think starting before birth—I think Arina is certainly right that this occurs in the context of abortion that we treat human life as property.

Some philosophers have argued that abortion rights can be defended even on the assumption that a fetus is a person with a moral status equal to that of humans after birth, but I think those arguments are generally regarded as unconvincing as to pregnancies that result from voluntary conduct. And that might be the reason why in court decision and in public discourse in favor of abortion rights you generally see unborn children treated—at least before the point of viability—as categorically different from humans after birth in their moral status, and in fact as mere things, disposable at will, having no moral claims on us. Is that wrong? How could we demonstrate otherwise? In a book I published a few years ago with Cambridge called *Moral Status and*

Human Life I undertook a thorough analysis of what entities we should regard as having moral status as a matter of rational consistency. And I showed a falsity of common assumption that higher cognitive capacities are the only human attributes that give rise to moral status and, in fact, I think no one actually adheres to that assumption consistently or else we would endorse treating severely mentally disabled adults, the elderly when they lose their capacities, and even ourselves when we're sleeping or if we fall into a coma as property possessing no moral rights, owed no moral consideration.

In fact, our moral psychology and moral practices reflect several bases for ascribing moral status, including not only current possession of rational capacities but also the potential for becoming autonomous, sentience and even mere aliveness. The book is mostly about children after birth. I do note, however, that a complete account of moral status must accord some to unborn human life. And I think it's telling that people who conceive a child and want to have the baby tend to treat the child before birth—very early—as soon as they know of its existence very much like they will after its birth. They say, “Here is a person. Here is our child.” They have names, they talk to the child, and so forth. I think that's very indicative.

So my account of moral status leaves open the theoretical possibility that moral status can vary for human beings. It's not necessarily an all or nothing thing, so possibly an early stage fetus could have less and develop overtime, I didn't really work that out, it's just a theoretical possibility I left open. But I think my account does show it to be indefensible to claim that a fetus is morally indistinguishable from a chair that is subject to use or destruction as its owner wishes to the same extent. And it can't be that the pregnant woman's attitude to the fetus—wanting it or not wanting it—changes its moral status. Right? My attitude toward my neighbor doesn't change his moral status. Right? So I don't think that simply because the woman doesn't want to have a baby that it becomes a thing. And yet, treating early human lives who are unwanted as mere things serves certain purposes for certain people. Obviously it makes it easier for mothers to pursue other aims in life and it lowers the moral costs of sex for pleasure. Right? And so in that sense, it does fairly directly support the sexualization of culture.

2. Children as Property: After Birth

Now, we move on to children after birth. I think the treatment of young humans as property is not confined to the pre-birth period. Just after their birth, the state places new born children into legal relationships with adults in such a way that pays no regard whatsoever for the children's welfare. It does so based on rules that did not develop based on any assumption about children's interests, but rather based on

an assumed Lockian type property right of biological parents to ownership including possession of what they have created. So no state's laws today allow for denial of legal parent status to a biological parent on the grounds that he or she has clearly manifested abject unfitness for parenthood. At best the state will withhold possession for a time and place the child in a relationship limbo that is likely to have lifelong adverse consequences. If you do not know about the importance of attachment in the early stages of life and what a temporary status without a permanent and consistent, nurturing caregiver can do to a child you should learn about that.

More likely, the state will also repose possession and plenary power in the abjectly unfit parents and so because the child even worse lifelong damaging effects. Effects that will manifest in the kinds of sick behavior that we've been talking about today. So if you examine the past of traffickers and their customers, of rapists, sex predators and prostitutes, you're likely to find a childhood in which these persons were damaged. And if you want to attack the demand side of sexual exploitation, I think you'd have to look at reforming parentage laws to at least identify and spare children from being put in the custody of parents who are utterly incapable of caring for them.

Likewise inconsistent with the way that the law shows respect to adults autonomous or not—and this is going to be I think harder to acknowledge, perhaps less well recognized—is the doctrine of parental control rights that the Supreme Court created in the 1920s.

It treats children alone among all categories of human beings as objects of others' rights, of beings whose lives for many years after birth belong not to them but to certain adults—that is those on whom the state has conferred legal status and possession. The adults—not the child—bear an entitlement regarding how the child's life goes. And this is illustrated I think by the common use of the term “parental autonomy,” which amounts to eliding the personhood of the child. Autonomy means self-determination, and parenthood is certainly not that. Right? If you assume that the child is a separate person in his or her own right, parental autonomy is effectively a denial of that. So I think this too—this notion of parental entitlement over children's lives contributes to thinking about children, not only by strangers, but also by parents themselves as things rather than persons, as beings who are less worthy of moral concern and respectful treatment. And note that much sexual predation is inflicted by parents in traditional families; this is not all done by strangers to the family and to the child.

If you contrast the way we conceptualize the parent child relationship with the law governing and management of incompetent adult guardianship, it treats the guardian role as a fiduciary one, devoid of rights. So a guardian who disagrees with some state imposed duty

must object based on the ward's rights and the ward's welfare, the content of which is not dictated by the guardian as a matter of entitlement and neither the ward's rights nor welfare must be balanced against any rights or interests of the guardian.

So that's the model we have for morally respectful treatment of persons who lack autonomy. It replicates the rights of autonomous adults as closely as possible. Right? Simply substituting for self-determining choices the judgment of a fiduciary, making choices for someone who can't do it for themselves. And I think this fosters in guardians a very different kind of attitude, a disposition to act with care rather than indifference. To be other regarding rather than self-regarding, to be thoughtful rather than impulsive.

A final set of examples shows that children are treated as property not only of individuals of parents but also of communities and of nations by domestic and international law. So for example, the Indian Child Welfare Act treats children as a tribal resource—this is explicit in the federal statute. And its effect today is largely to cause children—most of whom have never lived in a Native American community, nearly all of whom have very little Native American ancestry—to be separated from loving, adopted care givers. In the international realm, international law relating to adoption—to transnational adoption—is being interpreted as justification for shutting it down, for shutting down international adoption, trapping children in institutional custody, increasing the likelihood that they will end up being trafficked, depriving them of the crucial good of the family that could provide many healthy options in life and the personal wellbeing that would enable a child once grown to choose healthy options instead of sick options. But because children are viewed as the property of the government where they were born and therefore properly subject to the whims of the leaders at the time who are more concerned about national pride than what is best for parentless children, they remain imprisoned in institutions—in orphanages or living on streets.

3. A Remedy

So what is the remedy? What I've begun to argue—to urge as a remedy—for this collective tendency to view children as property whether of parents or of a community, a nation, of whoever wants to buy them, is to stop talking about rights pertaining to specific roles that people occupy in life like parent or child. So I'm trying not to talk about children's rights anymore, but instead to talk about the rights of persons—of human beings at any stage of life and perhaps at the earliest stages of life. So we should speak about people as generically as possible in the first instance and then qualify the rights that we ascribe to people in general only as necessary to accommodate their special circumstances

and needs. By generalizing our normative characterization and justification for rights as much as possible we might eliminate illicit preconceptions about the proper place of young persons, which should in turn minimize *sui generis* reasoning that masquerades as justification for perpetuating their maltreatment and it should also undermine the view of children as things available for use for exploitation.

So for example, with respect to family formation, this is the greatest determinant of a person's life course and wellbeing, right? Whose custody you are in.

So we should think first in the abstract about what rights persons in general should have to form a relation of any kind with someone who would be good for them, or to avoid a relationship with someone that would be bad for them. One good candidate for a right of persons in general I think is a right against the state's forcing a person to be in any kind of relationship—especially any kind of family relationship—and share residence with someone whom the state knows is likely seriously to harm them. Once we've agreed on that we should ask, "Is there any reason to exclude any particular groups of persons from that right? Is there any human characteristic or circumstance that could make some persons undeserving of this right or unable to benefit from it?" I cannot fathom what that could be.

4. A Fiduciary Conception of State Decision Making About Children

In fact I think we would endorse a stronger right at least in theory. We would say that persons actually have a right against the state forcing them to be in a relationship with someone who is simply not the best available person for the relationship, as a theoretical matter. Questions of operationalizing that right would come in later. What about persons who lack capacity for self-determining choices? As to them we should ask what is the best alternative way of realizing this right for them, and our actual practice regarding family formation for non-autonomous persons over the age of 18 and for non-autonomous persons who were recently born, but whose biological parents can't take care of them (i.e. children available for adoption) suggests an answer.

For both, the law designates a state agency—namely, a court—to act as an agent for the person—a proxy, a fiduciary. And to choose for that person from among those that express interest the candidate who all things considered, would be the best caretaker for that person, on the assumption that it best approximates the paradigm case of self-determining and self-regarding choice by an autonomous person. We apply a rule of thumb. We have presumptions about who is best to fill that role. And that makes sense. With parentage, biology makes sense as a presumption. But the preference or presumption is subject to override based on the overarching best interest standard.

The last thing I want to suggest is that parents might also benefit from a reconceptualization of their role. The flipside of children being property is that someone owns them, right? So if we think of parents property, that means parents are owners. I don't think it ennobles me to be treated as the owner of my children. It doesn't suggest any kind of deservingness, any qualifications, any virtues on my part. And if the state accords deference to my preferences as to how my children's lives go, I don't want it to be because they view me as entitled to that regardless of whether it is actually good for my children, regardless of whether I can present child-centric reasons that they can understand. That would just make me feel like a bully. Granted, it's easier for me to say that than for many other people because my world view is largely consistent with that of a modern liberal state so my disagreement, for example, with the state on education policy is mostly about means rather than ends. But even if I had a very different world view from the state in which I lived—by which I mean the majority of people who create the laws, at least in theory—I would regard it as at best unfortunate that in order to get my way I have to plant a flag and say, "This is my territory, I own these children, not you." The denigration of my children that this would entail would make me feel diminished as well.

I prefer to think of my parental role as a great privilege that I try to earn every day, which I should carry out with some humility regarding my own knowledge and some appreciation that others might also have genuine concern for my children's welfare, might have a different perspective that I should at least consider, recognizing that it's probably not good for any dependent person for their custodian to have monopoly power over their lives. Thank you.

Arina Grossu: I think the best interest framework works really well in the traditional setting of having biological parents deciding who would be the best parent in the divorce case, things like that. Where would the child flourish best? Things like that. I think there are limitations with the best interest framework in this complication we have where we have multiple parents involved whether it's because of the donors, it's because of the intended parents, and it's the surrogate, the birthmother. And so when you're looking at the best interests of the child when you have multiple adults involved, it gets really complicated. For example, in the cases where a divorced couple was fighting over the frozen embryos, the court—the trial courts went in favor of the best interest of the child to be implanted.

But then those were overturned at the state court level and they were not implanted so the best interests of the child were not protected in that. So you see how the best interest doesn't work in all cases. Another example is we'll see more and more in the decisions concerning

same sex marriage cases, it's assumed that the children in those households that their best interest is to remain in those households and that's what the courts have assumed, they've kind of ignore the fact that maybe that's not in the best interest of children to be in the presence of one parent and one non-biological parent of the same sex. So when you just leave it to best interest without the guidance of the fact that the right of a human being is be originally brought up in an environment when they are brought up and created in the marital act because one man, one woman and are raised by that couple unless the parents are not fit. Without having that framework as a basis, it's very difficult to protect children from situations like that.

And then also best interest has not worked in cases of surrogacy because you have surrogate mothers who have no biological connection to the child and they might actually have the best interest of the child in mind, especially in those cases where the intending parents wanted to abort the child and the best interest of the child is obviously human right to life—the child is already created, the child has a right to life.

But those kinds of cases, you generally goes in the direction of the intended parents because the sperm and egg donors relinquish their parental rights. And so I think it gets very complicated. I think the best combination is to use the framework of the rights of persons as a whole, as human beings, protecting the rights of persons but then buttressing it with as Lynn was saying best interest when it comes into that. I think it's just going to get more complicated as we see cases coming up.

James Dwyer: I would just pose a question to the other two panelists whether there is something good about assisted reproduction in light of the theme of the conference. The usual way that children are created is by sexual acts which may not be intended to create a child but do and then the child might be sort of wanted or accepted but perhaps treated with indifference by many parents. So that's one model. And then you have people who are extremely thoughtful about creating the child, do it without having sex—so it seems like the opposite of sexualization taking over family life—and perhaps even choosing the child's attributes, which would seem to suggest the child is even more wanted and valued than the child who is just accepted because we didn't have any choice. Sort of competing aspects of the practice of assisted reproduction that suggest it's not all bad.

Lynne Marie Kohm: How interesting, sexual autonomy without sex. That's what you're saying, because there is no sex act but there is sexual autonomy because we're procreating. That's very interesting. I never thought of it like that. I have some just basic remarks. I too like Jim's status of moral status as human life. I'm really kind of surprised to hear

you say you love rights so much because there is a reason why the united states has not signed the convention on the rights of the child. Every other nation has except us. Because every single family court must and is charged with the duty to protect the best interests of the child—not the rights of the child, not the rights of the parents, but when the child is the center the courts must determine what is best for the child. Now the problem with that is best—who knows what best means? It's subjective. At the same time someone has to decide.

Somehow God decided when they became parents, but if they turn out to be not so good parents courts can step in—remember, that's the balance of the best interest. So my biggest problem with our discussion today is we keep talking about rights—rights don't work. What work is duties? And that's my others problem with human rights in general. We always hear about human rights, human rights, human rights. If we all practiced human duties, we'd have no problems with human rights. Wouldn't we? If parents practiced parental duties, we wouldn't have these autonomous parents going crazy. We would have parents that understood that the respect for their children is shown by providing duties for them. There are some interesting things that Jim said too about ICWA—the Indian Child Welfare Act that it's retaining a child for a tribe.

I think you likened it to the international adoption field kind of shutting down. I think that's a really interesting analogy that we have to think about. The Indian Child Welfare Act was established because we went rough shod over Native Americans and we did destroy their civilization and that's an effort to try and rebuild American Indian families. Are we doing the same internationally? I could see some who could argue that. At the same time, I think there's a different comparison we haven't rough shod anybody like we did Native Americans. So there's a different thing going on there. But I just want to mention that really what's happening here is an imbalance, an over emphasis on rights when really what we need to be accomplishing is a protection of people with duties, with human duties.

How much could we solve if we understood we have duties to people. Instead, we talk about rights without the context of duties. So if you do anything when you leave today, think about that, what duties do I have? The golden rule—you treat your neighbor as yourself, love your neighbor. It's a duty. It's not a right you have to be treated well, it's a duty you have to treat your neighbor well. Parents—we have duties to do what's best for our kid, not because we're entitled to it, not because we own them, but because they are human beings created by God. And we just get the trust of—we just get them entrusted to us, kind of like the fiduciary stuff you were talking about. So I guess I want to challenge everybody thinking about this issue. When we talk about rights, we are

going to end up with sexual autonomy. When we talk about duties, we're going to end up with moral status that protects human life.

IV. KEYNOTE SPEAKER ADDRESS

Benjamin Nolot
Founder and President
Exodus Cry

A. AFTERNOON ADDRESS

Thank you. It's such an honor to be with you guys and to speak concerning this very important topic. I want to thank Cortland for inspiring the idea that made this all happen and for bringing me out here, and just the whole leadership here of the law program at Regent. I've been given 15 minutes, which for me it's going to be a miracle if I get that done, so just be praying for me as I jump in.

1. The Hijacking of the Power of Story

I want to talk a little bit about the sexualization of culture, the subject that we're discussing today, this weekend. For me it starts with the issue of the power of story. So when we're thinking about the sexualization of culture and the impact of that, as we're talking about human trafficking, for me, being on this journey, one of the questions that has been stirring in me for these past few years has been: what kind of society is producing so many men that are willing to buy these women and children for sex? So when we begin to examine these weighty issues of justice and exploitation in our culture today, I think we have to talk first about the power of story. I want to spend a lot of time on that, but just to say that I think that it's important to understand the role that story plays in developing the values and the ideas of a culture.

In previous generations you might have a town pastor or a village sage or a teacher, or some type of leader in the community that would be the predominant storyteller for that particular culture and for that particular community. In that regard, you could kind of craft your vision, your values, your ideals about life through these means. You could control that to a degree. There were oral traditions that would be passed down and so on and so forth. But we have seen a change in our generation, the usurping of the role of storytellers on the part of media. So this is a dynamic and interesting transition that has occurred during this media age that we live in. What I refer to this as is the great social experiment. We are the first generation in history to grow up as a part of this kind of grand social experiment, to grow up as a part of a generation that has become saturated with media, and we don't fully know the implications of that yet. We're starting to see the warning signs and the alarm bells going off. We don't fully know. We haven't completely taken

an inventory for what is the impact of that, but the storytellers of today have transitioned from these places of parents or teachers or pastors and so on and so forth to the corporate media industries. So you have the advertising industry. You have the music industry. You have the film industry. You have the porn industry. And these are financially motivated industries that have taken the place of storyteller in our culture today. Now when we think about stories and the stories that are being told, again, I just want to emphasize how significant, how strategic it is, the stories that are told and the development of the ideas of a culture. Plato in thinking of his utopian city, his ideal for this utopian city actually banned storytellers from that city, because he understood the power of story to disrupt this kind of utopian narrative that he was creating.

So when we think about the power of story in shaping culture, in shaping our values, when we think about the role of media that has come in to usurp that place of storyteller in our culture, we have to begin to ask: what is the story then that media is telling, and what socializing impact does that have on us? What impact does the story that media is telling us have on the development of my ideas and values as a man, and the construction of my masculine identity? What impact do these stories have on the development of women and their identity and their values, and the construction of their ideas of femininity? I won't have time to fully go into both of those things, so I'm just going to examine the issue of the sexualization of women in our culture today. The other thing I would throw in there is: what story is being told in our culture about sex and human sexuality? These are really, really critical issues for us to discuss in the age that we live in, gender and sexuality, the two things that we really in the church traditionally don't like to talk a lot about. I've actually never sat in a church and heard a message on human sexuality my entire life, not once. And this is the one thing—the Bible goes, "If this one thing gets off-track, it causes havoc." I mean there's so much in the Bible about this one area and yet oftentimes we don't talk about it. Well our culture is being brought to a point today where I think we can no longer not talk about it. We have to address these issues of gender and sexuality, because they are the root system of so many of the injustices that we are seeing proliferated in our world today and perpetrated in our world today, particularly with the area of human sex trafficking.

2. The Origin of the Message of Female Hyper-Sexuality

I want to talk about the sexualization of women in our culture for the remainder of our time, the time that I have to speak with you today. In my quest to kind of unearth the culture's narrative concerning women, I traveled to Seattle to interview the owner of a bikini barista

stand. This place was started in 2003 by a lady named Lori Bowden and it's called Cowgirls Espresso. Basically what she did is she found a niche in the marketplace up there, where she realized that by dressing girls up in bikinis that she could sell a lot more coffee. She had begun to develop a theme for each day of the week. So it was Fantasy Friday and Schoolgirl Thursdays and so on and so forth and all these different themes. Basically the idea was that these girls were dressed in scantily clad clothes selling coffee, and it became a huge success. So within just a few short years, between her and other competitors that began to emerge, there are now over 100 of these bikini barista stands in the greater Seattle area. This is the birthplace of Starbucks, and they are actually putting Starbucks locations out of business because so many people are flocking to these bikini barista stands, where it's these girls—and they're not just wearing bikinis. It gets—you know—and it's sprung out into prostitution and all kinds of things.

So I was kind of—I don't know if fascinated is the right word, but just blown away by this trend up in Seattle, 100 of these places. I mean literally you could drive up the street and it was one after the other after the other after the other. So I began to look out at the culture at large and see so many of these sexually-oriented businesses that were emerging, places like topless cleaning services, places like lingerie barbershops, places like breastaurants like Hooters, sexually-oriented businesses that have become a major, major industry within the United States. So what we began to see is this commodification of women's sexuality, this corporatization of women's sexuality.

To understand where this all began you really have to go back to the early 1950's and the launch of *Playboy* magazine. In December of 1953, when Hugh Hefner launched *Playboy* magazine he didn't put an issue number or a date on the front cover of that first magazine, because he had no idea if the magazine would be a success. So it was just this idea that he was going to get this one magazine out, and of course we all know the story now that *Playboy* became a huge success, I mean an overnight success. Within a few weeks 53,000 copies were sold. They completely sold out. By 1959, they had a circulation of one million. Here's what he demonstrated through that. Hugh Hefner demonstrated the profitability of exploiting women's sexuality in the marketplace. Soon other financially motivated business and media entrepreneurs began to join in on what I refer to as the new gold rush, objectified and hyper-sexualized female bodies. The music industry joined in. The film industry joined in. The advertising industry joined in. Pretty soon what happened is the dominant images of women coming into the culture were these objectified, hyper-sexualized images of women. So many of the images that we see today, when we think about sexualization and culture and we think about why is it that there are just so many of

these—you know, I can't go to like my health food store without there being a scantily clad woman on a magazine at eye level for my six year old son. We go—where did that come from? Who's making this stuff up? It started back at the time of Hugh Hefner demonstrating the profitability of objectifying and hyper-sexualizing female bodies.

The other thing that happened around this time, during the 1960s, this is the time of the sexual revolution, there was kind of an ideological emphasis on women's empowerment and women's liberation. Theoretically speaking, this is an extremely significant and important concept. But what quickly began to happen is that because of the images that were flooding into the culture, the women's empowerment movement got hijacked by objectification and sexualization, and pretty soon empowerment became synonymous with being sexy. "If you want to be visible, then be sexual," was kind of the implicit message that was happening during that time.

Ironically, those who served to benefit most from this new ideal of women's empowerment were in fact not women, but rather men like Hugh Hefner, men in positions to cash in on the currency of female sexuality. The culture began to serve as a kind of recruiting mechanism for him to build his harem and find his centerfolds. Today *Playboy* magazine has become an icon of achievement for women. I was talking with playmate, Jessica Hall, who explained to me that the choice to pose nude for *Playboy* was easy because *Playboy* is legendary. Now this message of women's empowerment by means of sexual objectification is rampant throughout the culture today, so not just something that started back then, but this is what has come into—we have felt the shockwaves of that all the way up to today. So when a woman like Miriam Weeks, a college student, goes into the porn industry under the name of Belle Knox, it's under the guise of empowerment, right. Or when a woman like Miley Cyrus is featured swinging nude on a wrecking ball in a music video, it's under the guise of empowerment. That's the language that you'll hear in interviews with these women about their endeavors into this industry. When a woman like Jennifer Lopez does a music video with an exclusive feature on her behind, it is under the guise of empowerment. They're all saying the same thing, these highly visible women all promoting the same message, that sexual objectification equates to empowerment. And this message is force fed into the minds of young girls growing up in the culture today, "The way to be an empowered woman is to exploit your sexuality and to self-objectify." The language of empowerment has become used almost like a sanitation cream to validate all things raunch within our culture. Therefore, you can have Beyonce doing this hyper-pornified performance at the VMAs, and then end it with this blazing neon sign announcing that this is all about feminism, the sign feminist. In this context Beyonce is just

borrowing the term feminist to give the notion of empowerment through sexual objectification some sense of credibility, but this isn't feminism. This is a world made up in the pornographic imagination of the corporate media pimps of our day, a world in which Beyonce and others like her are merely props generating revenue for the sexual circus. Part of what reinforces the message of women's empowerment through sexual objectification is the singularity of this narrative. There really are no other stories that are being told in any kind of prominent way about women in the culture today.

Take, for example, *Cosmopolitan* magazine. *Cosmopolitan* magazine is the number one women's magazine on the planet and of all time. So what you might expect to find on the cover of *Cosmopolitan* magazine are women who are models of achievement in various fields. You would expect to find some maybe in athletics, maybe some in business, maybe some in different fields. But that is not what you're going to see. If you look at the cover of *Cosmopolitan* magazine, what you are going to see is the same type of image month after month after month after month, year after year after year. I was really excited when Kelly Clark won the gold medal for the U.S. in snowboarding in the 2002 Olympics. It was kind of a big dramatic thing and it was a really spectacular event, the snowboarding halfpipe. You think, "Kelly Clark, maybe she'll be celebrated as a woman of achievement in our culture. Maybe she'll get a spot on the cover of *Cosmopolitan*." Not a chance. Not a chance, because she doesn't fit the narrowly defined version of hotness that is defined in our culture today. Who you will find on the cover over and over and over again is people like Paris Hilton and Kim Kardashian. It's nothing against them, but it's the singular narrative. It's the same thing in music videos, where it's the single script for women presented as these kinds of hyper-sexualized objects in almost universal consistency throughout music videos. It's a world where this kind of pornographic imagination has been created, in which all women are like these savage nymphomaniacs just looking for any male figure to writhe and cavort their bodies around, gyrating, twerking, all that, being nude on a wrecking ball as Miley Cyrus was.

These are not anomalies of the culture. They are emblematic of the culture. If you take, say, 100 girls, young girls, 11 to 14 years old, girls coming up into their early adolescence and you were to ask them, "Can you identify three pop culture icons of today?" Undoubtedly, if you were to ask these 100 girls, all of them could give you answers like Beyonce, Rihanna, Britney Spears, Miley Cyrus, so on and so forth. All 100 could give you for sure three of the pop culture icons. But if you were to ask those same 100 girls—and, again, the point that I'm trying to convey to you is this, the singularity of this message that is being so promoted within the culture today. If you were to ask these same 100 girls to name

the three female Supreme Court justices, how many of them do you think could actually do that, to acknowledge this massive achievement on the part of women in our culture today? How many of those 100 girls, 11 to 14 years old, do you think would be able to do that? I bet you would be lucky to find one who could actually do that. Now in this room it's a little bit different, so you guys are kind of exempt from that. I'm just talking about the culture at large, because I felt a number of you going, "I could do that." But our culture exalts the dehumanized pseudo-empowered sexbot, but does almost nothing to celebrate women's achievements in other areas like athletics, business, academics or politics. Most often women excelling in these areas are seen as a threat to the patriarchal system of male domination. We are much more comfortable with women who align with the narrowly defined version of femininity as hyper-sexuality than we are with women who attempt to break the mold by actually using their brains.

3. Socialization and the Hyper-Sexualized Female Message

The last point that I want to touch on is actually just two more quick points, one on socialization and then one on the cultural feeder system. How am I doing on time, by the way? A couple more minutes. All right. I'm trying to move this along so fast. Thanks for your prayers.

On this issue of the concept they call socialization, female mind control programming, extensive research has been done to show that girls lose self-esteem, become insecure, and are particularly vulnerable to the messages of the culture during early adolescence. It's during these early years that they begin to look out at the dominant images in the culture around them to construct their identity, their ideas of what it means to be a woman, what it means to be a successful woman, an empowered woman.

As the girls look out at the culture, they learn very quickly that their value is knit to their sex appeal. The culture pounds them with this message that the most important thing about them is their sexuality. I remember one year when Abercrombie & Fitch came out with a clothing line for the fall school semester with a t-shirt that had emblazoned on the front, "Who needs brains when you have these?" I remember watching the Academy Awards a couple years ago and Seth MacFarlane got up on stage and sang a whole song about boobs. He was singing and dancing and the whole entire song was just about—and I'm not trying to be graphic, but that was what the whole entire song was about. On another occasion I decided to check out the television show, *The Walking Dead*, based on a friend's recommendation. The second scene of the first show, the two lead male characters are talking about women, but instead of referring to them as women they referred to them as "pairs of boobs." Now here's the point that I'm trying to make out of this. When

the most popular clothing company in our country makes a t-shirt like that, when the most celebrated awards show in the world features a song like that, when the most popular show on television has a dialog written in like that the message is clear. Women and girls are not three-dimensional beings with personalities and histories and experiences and preferences and a breadth of interests of who they are in the world. They are merely a collection of body parts, and the message to young women is, "Your value is measured by your sexuality." Now as girls begin to internalize these messages, they begin to see themselves through the lens of the male gaze. That is they see themselves in the way that they are being perceived by men. So they begin to ponder questions. Questions are going through their minds. Of course I'm obviously not a girl, but I have two sisters and I have a lot of colleagues that are women and these are the things that they tell me, that they have to think in this way of, "Is my stomach flat enough? Are my legs long enough," and on and on the questions go. They begin to take on an identity that is not of their own creation, but of a narrow script that has been written for them through the culture. In this way the culture serves as a form of female mind control programming, shaping women into the mold of a hypersexualized object that exists for male pleasure.

Consider some of the phrases of the title articles in *Cosmopolitan* magazine, "50 Ways to Seduce a Man," "Make Him Hot for You," "Make Him Want You," "His Secret Sex Spots," "75 Sex Moves Men Crave," "The Sex Truths We Learned from 2,000 Men," "His Number One Sex Fantasy," "Make His Four Sex Wishes Come True," "His Secret Sex Spots," on and on and on the articles go. Women exist for male pleasure. One of the most troubling aspects of media socialization in this hypersexualized context is that it grooms women into becoming complicit against themselves through participation and conforming to the culture's narrative, the culture's hypersexualized standard of feminine identity, not realizing the destructive patterns of human thinking and behavior that they're actually supporting in themselves and in the world. Oftentimes the most vocal proponents of the values of women's empowerment through sexual objectification are in fact women. Meanwhile, the corporate media pimps who set this narrative into motion sit back and rake in the millions.

4. The Cultural Feeder System

The last point and just bringing it home here, and I'll make this one quickly, is on the cultural feeder system that we have created for the sex industry, tying this back into the prominence of the sex industry, which has exploded in the past 20 years in our world. Again, I don't have time to qualify all that and prove all of that. It's not the time for that, but just to say the sex industry has exploded in the world in the past 20 years.

The widespread presentation of women as pseudo-empowered hyper-sexualized objects in a media age within a capitalistic culture has resulted in a surge of women cascading into the sex industry. Our culture has become a production factory, mass producing these women for male consumption, while glamorizing the objectification and commodification of female sexuality, and anesthetizing the actual harm of a life in the sex industry. Girls are predisposed towards this end. In the pop culture imaginary world of the sex industry it's all about strip clubs and dollar bills as Rihanna sings a hit song, *Pour It Up*.

I spoke with one trafficking survivor, who was trafficked at 14 years old. She was lured into a relationship that she believed this man was the man of her dreams. She finds out on the night that they go off together that he is actually a trafficker. On that same night, along with other traffickers, they dress her up in scantily clad clothes, tell her what is expected of her or what will happen if she doesn't, and placed out onto the streets of Atlantic City at 14 years old. I asked her this question: how did it feel to be placed out on the street of Atlantic City as a 14 year old girl in that kind of outfit, for sale? To my shock she said, "I felt empowered." I was stunned by that. I said, "What do you mean empowered?" This is what she said. I'll just read a direct quote from her. She said, "I was groomed by my culture long before I was ever groomed by my trafficker. As a 14 year old girl, I felt my value was based on how desired I was by guys around me. If I was desired, then I had value. So being on the street in Atlantic City and all these guys wanted to have sex with me, they wanted to pay me. I thought that was a good thing. I thought it was empowering and I thought I had value." Our culture has engineered a system of female mind control programming, female brainwashing that is driving countless women and girls into the sex industry with dreams of empowerment and prosperity, only to wind up exploited, traumatized, and broke.

The last thing that I want to say about women, I just can't leave this message without saying this, so I apologize in advance for going over on this. I have to just say this one thing. Besides the obvious failure of creativity in the presentation of women in mass media, the story that is being told about women is simply not true. Certainly femininity includes a much broader and more prolific spectrum than just being hot and being sexual. Women are intellectual, emotional, spiritual, and religious. They are creative, athletic, familial, political, caring, compassionate, relational, and strong. They may desire autonomy and independence or family and children. They long for commitment and fidelity. They are searching for deeper meaning and purpose. They have history, memories, and unique experiences. They long to have an impact on the world. Simply put, women are not simply a sexual buffet for the

gratuitous appetites of men. They are the image bearers of God and they are the crown of His creation.

On August 28, 1963, Martin Luther King stood on the mall in Washington, D.C. and he said this, “I have a dream that one day my four children will live in a nation where they will not be judged by the color of their skin, but by the content of their character.” Today we have an African American president in the United States. In many ways we have overcome the systemic pervasive racism that plagued this country. Beloved, I believe that it is time for us to dream again, because I have a dream that my little daughter will one day live in a nation where she will not be judged by the color of her hair or the measurements of her figure, but by the content of her character. As I said, in many ways we have overcome racism and we can overcome sexism. Let’s create a world where men are loving and respectful and women are valued and safe.

B. EVENING ADDRESS

1. Early Beginnings

Good, thank you all so much. It is such an honor to share this time with you guys, to be invited to speak here and thank you so much, Cortland, for helping to organize this. I’m just so passionate about seeing the next generation mobilized into action to confront the social injustices of our time. And just grateful to participate in an event that is taking ownership of that mandate and wanting to see that happen. I’ve had a chance to meet a few of the law students and it’s just there are such amazing things happening on this campus right now. I’m deeply encouraged by that.

I’ll share just for a few minutes tonight, start off with a little bit of my own personal story. I grew up in Southern California. So behind my house were like these endless fields. Miles and miles extending endlessly up into the hills. And I had kind of this idyllic childhood. It was very sheltered. I was the youngest of four kids. And my friends and I—we’d go back and ride motorcycles and build forts and hunt snakes and basically do all the things that little boys love to do. Spent my childhood exploring the outdoors and it was amazing. But when I turned 11 years old, I was awakened to the presence of evil in our world in a way that I had never considered or conceived of before at that time at that young age. And basically what happened is I was exposed to a movie called *The Accused*—which is this true story of a lady named Sheryl Arroyo. And this woman was brutally gang raped in a public setting—at a bar. And the movie is about that particular incident and her ensuing fight for justice. Now I don’t know how I saw that movie at 11 years old, if my parents just like rented the wrong movie or what happened. But here I am, an 11 year old child, living this idyllic childhood, very sheltered. And

I see this rape scene. And I had no idea how to even process that as a young child. But I do remember vividly being marked in a deep, life changing way. And I grew up from that moment with this haunting feeling in the back of my mind and deep in my spirit that rape has to be the worst thing that could ever happen to a person. I remember just trying to wrap my mind around it. Like the humanity that is robbed from a person in a violent act of perpetration like that. And I wrestled with that all growing up but I had no idea the scope or the statistics or anything like that concerning rape in our world today. And I was assuming that these were one off incidences that happen here or there and how horrific that must be. And so that injustice I think pierced me at a young age. It broke my heart and in a sense I was raised by my mom and my two sisters and my grandma.

And so I've always kind of gravitated towards women's issues. But this issue of rape was so deep in me at that young age. When I turned 30 years old I had what I'd describe as my burning bush experience in my life. My wife and I—my unsuspecting wife and I—we had been married for a year. And we went to go visit some friends in the hospital who had just had a baby. And we were just going to congratulate them and then to go out on our date. And so as we go to the hospital and we're just visiting with them, they just had this baby. Somehow the conversation gets on the subject of human trafficking. I had never heard the term human trafficking and our friend—Julia—she starts to tell us about girls who were being forced into lifestyles of systematic rape—girls who were being forced into the commercial sex industry into lives of prostitution. In my mindset at the time, slavery or what is referred to today as human trafficking was something that happened in human history. And so I was very passionate about that as a student in college. I had a professor who was a Shakespearean actor and also a history teacher. And he gave the best lectures on history and his lectures on slavery were so compelling. But that's where it ended for me. I thought, "This is something that happened these hundred plus years ago and that was so awful and we grieve those things, but surely that doesn't take place today."

So I'm in this hospital room and my mind is being blown. I'm realizing—beginning to wrap my mind a little bit around the idea that slavery exists in our modern day civilized society. And that there are untold numbers of women who are being forced into lifestyles of systematic rape. And all those emotions that I had as a young child came flooding back into my heart. I literally don't remember the rest of the night. I don't remember if we went on our date or what happened from there. The next thing I remember is waking up the next morning because the Bears were playing in the Super Bowl and I'm a diehard Bears fan—have been since I was about eight years old. So I'm sorry for that—for any that might offend. Are there any Bears fans here? Okay,

all right. I got one. We're in it together. And I was super jazzed to watch the Bears play that day. And so though it doesn't start until late in the afternoon, I'm glued to the TV, watching all the pregame specials and everything like that. But you know, it's like waking up to—you know when you wake up from a nightmare and you realize, "Oh, that wasn't real. Thank God, that nightmare wasn't real, that was so awful." This was like waking up and then realizing like, no, the nightmare is actually real. And I remember sitting in front of the TV watching all these pregame specials but I couldn't escape the thoughts of these girls out there who were being forced into this. And the feeling just began to well in me and dwell in me. And I remember that morning sitting in front of the TV and I literally had to excuse myself into my office. And there in my office I remember just breaking down before the Lord and just beginning to weep and I just sobbed and sobbed and sobbed and just wept over this injustice. And I thought, "God, how can this be?"

My friend Don Brewster—he says something about this issue that is really profound. He tells it in the context of a story. But it's this idea that one girl is too many and one day is too long. And the idea that this was happening to girls around the world day in and day out, I remember my wife and I—from that moment we could never go to sleep the same knowing that this was happening. It was actually—in some ways very difficult on our own relationship. But God thrust us into this season of receiving a burden of his heart and divine compassion for this issue, it produced it as a desperation that we were going to do something to combat this heinous injustice no matter what that looked like. So I began to study this issue for myself and I started to read anything I could on the subject matter. There was like one book, you know. And three articles—there was very little awareness. But I would soak up whatever I could read. One of the first stories I came across was the story of Debbie. She was a 15 year old girl who was outside of her home one afternoon—one early evening in Phoenix, Arizona, wearing her SpongeBob pajamas.

Her mom was inside cooking dinner for the kids. And a car pulls up and abducts her. They pull her into the car, they duct tape her mouth clothes. They drive around the city and disorient her and do a whole bunch of things to basically begin the process of traumatizing her to break her down to become a sex slave. This girl was taken to an apartment where she was then gang raped—multiple men. And then kept in a small dog kennel where she was prostituted out for the next 40 days to men who were being—she was being advertised on Craigslist. So these men would come to the apartment. They would take her out of a dog kennel that was hidden underneath the bed, let her out to be perpetrated against by these men. This went on for 40 days before a raid happened, they discovered her and she was rescued. So Debbie's story we

know because she was rescued. But how many girls was this happening to that weren't rescued and this was happening right here in the United States, in Phoenix, Arizona—in our own back yard.

Stumbling across this story started to really drive home the reality of what this issue is and what is actually going on. The US Department of Justice estimates that there are 300,000 children who are at risk of commercial sexual exploitation in the US every single year. Now we think of this 15 year old girl—especially for those of us that have daughters—I mean, it's horrific that a girl that young would be perpetrated against. As I continued to study this issue, I learned about girls who were even much younger who were being trafficked and raped by male sex buyers around the world. I began to put together an awareness center—gathering artifacts from the front lines of trafficking around the world and I wanted to create a center that would help people gain a palpable sense of what this is—the story that is happening in modern day slavery.

2. Getting Involved

So I contacted this friend of mine—Don Brewster—in Cambodia. Who is working there to rescue child sex slaves? And I said, “Don, we're putting this awareness center together. And this is an awful thing to ask of you, but do you have any artifacts that we might be able to use to put into this awareness center?” So the next week he emailed me back and he said, “Hey, we did a raid this week. And we rescued a young girl out—seven years old.” And he said, “We still have her pajamas. I don't know if you can use them. They're still stained with the blood from her abuse.” I mean, how do you even answer an email like that? I remember I just sent back to him, “Yeah, just send them, we'll take a look.” So some time goes by—I had kind of forgotten about it. I guess it takes a while to get here from Southeast Asia. I come home from work one day and I remember walking through the door, my wife was in the kitchen—I'm sorry. And she said, “Babe, you got a package in the mail. I don't know what it is. It's like some dirty clothes.” So I walk into the kitchen and I open up this package. And I pull out these pajamas. I don't know what they are either. And I'm holding these things up. I mean, they're like this big. These little silk pajamas. And clearly I could see where these pajamas had been stained by the blood of this girl's sexual abuse and exploitation. I said, “These aren't dirty clothes, these are the blood stained pajamas of a seven year old girl.” And I'll never forget my wife and I just embracing that afternoon in our kitchen and we just fell on our knees and just wept as we held each other, confronted by the reality of this injustice that is plaguing our world.

3. The Results of Human Trafficking on Victims

Human trafficking is one of the major forces of evil that is holding our planet hostage right now. And that moment, all the statistics became so real to me that this wasn't just about the 27 million number that we hear about or the 300,000 who are at risk, or these—this was a real child who was really perpetrated against, and in my hands were her blood stained pajamas. It was so heart breaking. UNICEF estimates that another child like this little girl is sold every 30 seconds in our world today. Women and girls who have been trafficked and are fortunate enough to escape talk about how difficult it is to go on with life once they've been escaped. They describe feelings of shame, isolation and fear. A 17 year old Moldovan girl named Stephana summed it up this way. She said, "At night when I go to bed, I pray. I pray my parents believe me that I was forced. That I am not a bad girl. That I am not a prostitute." She said, "I am afraid to close my eyes to sleep because when I do all I see is pain. I see the faces of all those men and I see my trafficker. I just want to forget but I can't." At that point Stephana gets up from the table, goes into her room and begins to sob on her bed. If a Moldovan girl is rescued from sex trafficking and returned from her home, oftentimes she will actually be ostracized from her community—seen as dirty.

This has a common reality throughout the world, where once a girl has experienced some form of sexual exploitation, she is considered dirty or used goods, shameful or worthless. They are treated like throwaways. There is a global stigma surrounding women's sexuality that perpetuates their traumatization. So the recidivism rate for girls coming out of this is something in the 90% range. Imagine a girl whose life is completely sabotaged and hijacked, she has been abducted by a trafficker in Eastern Europe. She manages the miracle of escaping only to find herself completely ostracized from her very own community back home. Another consequence of trafficking is that women and girls describe losing their capacity for love. I remember one woman I sat with in a coffee shop in Amsterdam recounted to me the horrors of all that she experienced through sexual exploitation from a very early age in her life. She reached a point in her story when she was describing all this when she was fighting for words to describe what had happened inside of her. The impact and the outcome of all of this exploitation—what did that amount to in her life? And I remember her just sitting there, grappling to find the words. And with tears streaming down her face she finally begins to say over and over, "I could not love, I could not love, I could not love." It was almost like a moment of self-revelation for her.

When she was crossing this personal threshold and getting into touch with the tragedy of what had happened to her, that her very own

capacity for love had been robbed from her. To me that is the greatest tragedy of all. The most precious gift of life is love, the ability to know and to be known, to experience intimacy and affection and connection. And for those who have been sexually exploited, this ability is being many times stolen from them. Her innocence is taken and she is left with feelings of shame and worthlessness. Albert Schweitzer said it this way, he said, “The tragedy of life is what dies inside a man while he lives.” And so when we talk about the issue of human trafficking, and when you consider the scope and the gravity of this issue, my hope tonight is that we would be able to connect in some kind of bigger way to the actual injustice that is happening in the lives of real people.

When I pray concerning this issue, I often pray to God—Lord, you know these girls by name. You count the number of hairs upon her head. Your thoughts towards her are more than can be numbered. And I begin to recite to myself because I have to remember that this is not an abstract ethereal reality. This is our very own sisters, our very own daughters who are being perpetrated against around the world, day in and day out, night after night and it is undoubtedly happening in this very own city that we are in tonight. The International Labor Organization estimates that there are 4.5 million sex slaves in the world and that doesn’t take into account anything to do with girls who they would consider just being in prostitution in a more general sense. Just the sex trafficking component is generating \$100 billion per year.

I want to just highlight in closing to you three things that we can do to combat this injustice. Just real quickly, one, two, three. Can somebody tell me how I’m doing on time? What do I got—oh, oh okay. So I got a few more minutes.

4. Combatting Human Trafficking Through Prayer

The first thing that I want to highlight is combatting the spiritual underpinnings of this. Slavery is first and foremost a spiritual issue before it is anything else. As I mentioned, one of the most ferocious forms of evil—systems of evil that is holding the planet hostage right now. This battle that we are entering when we talk about sex slavery and human trafficking and sex trafficking is a spiritual battle. Ephesians 6:12 says it this way, “For struggle is not against flesh and blood, but against the rulers, against the authorities and against the powers of this dark world and against the spiritual hosts of evil and the heavenly realms.”

After first finding out about this, two days later I was leading a prayer meeting at the international house of prayer and we had about—we do a briefing before we go out to actually do the prayer meeting. It’s a two hour prayer set. And I’m telling the team about this issue—and at this point I’m the expert. I’ve known about it for two days but nobody else knows anything so I’m two days ahead of them. So I’m the expert

and I'm starting to tell them about it. And one of the singers speaks up and she goes, "This is astounding that you're talking about this because I just had a dream about this very thing. I had no idea what the dream was." She said, "I was abducted by a foreign man. I was taken to the home of an American man in an upper middle class suburban neighborhood." She said, "I had no idea what was going on but I was taken into this home." And she said, "And suddenly I realized that this home was being used as a brothel to prostitute out girls." And she said, "And I realized what was happening that I was being forced into a lifestyle of prostitution and rape." And she said, "In that moment I began to see a vision of all the babies I would have to abort as a result of this lifestyle." And she said, "As I'm seeing this vision, I begin to hear the intercession of Jesus breaking forth and he is singing and crying out in intercession saying, 'Aba, open up the heavens over the weak, open up the heavens over the weak, Aba.'" As she shares this dream, the presence of God comes into the room and we all get a sense of the burden of the Lord for this issue. We are ready to cry out. Before we go out to the prayer meeting, I share this one story with the team about a friend of mine who was an undercover drug enforcement agent. He was a supervisor of his unit. He came to me one day and he said, "You know, we had this drug trafficking ring under surveillance for 18 months. Everything was coming together. We were just getting ready to make the bust when the whole thing slipped through our fingers. There is no explanation for it." Then he proceeded to tell me about a bust that he was involved with and responsible for which was the largest campaign bust in history at that time and again, he said, but there was just no explanation for it. It was a total accident how the whole thing came into play.

And I remember when he used those words —there was no explanation for it and thinking to myself, "Actually I believe there are—there is an explanation for it. Because there are real spiritual forces at work behind criminal activity and law enforcement." So I share this with the team as in the way of we need to pray that the Lord will open up doors for the authorities to make busts. We go out to the prayer meeting that night. And I share and most people are hearing about this for the first time. And there are about 500 people in that room that night. And I call for what we call rapid fire prayer time for people to just come up and pray in the mike. And people are storming to the microphone form around the room, crying and crying out to God. It was such a powerful prayer meeting. We literally felt like God was turning the prayer room into a birth canal to release his purposes on earth as they are in heaven. We labored intensely for those two hours. And the next day I get an email saying that there had been a bust—one of the largest in history—

2,700 suspects were netted in 77 countries and this whole global ring was smashed.

When the reports came out in the paper they said it was a complete—almost unexplainable how the bust happened. They equated it to finding a needle in a haystack because of the algorithms and certain things just all suddenly fell into place. But we took that as faith at our hearts that God is with us in this as we're pressing into his heart for this injustice. A few months later, we said, "Let's do something right here in Kansas City. Let's gather all the people together and do an all-night solemn assembly, fasting in prayer. We do that, we pray all night long, the next week there is the first ever human trafficking bust in Kansas City, 16 locations shut down, 12 girls rescued, a Chinese trafficking ring was smashed in our very own backyard. We've continued these Monday night prayer meetings ever since and that was the first trafficking bust. We've seen nearly 40 more trafficking busts in our backyard since that time. This is a battle that we have to win in the heavens—the courts of heaven—before we can win it in the courts of man.

So we have to win it through prevailing prayer. Just a last quick testimony on this aspect of prayer, my friend was in Cambodia doing an undercover investigation of a string of brothels there. They identified 2000 children who were being exploited in a string of brothels. The way it works is you have to go through certain protocols to get a raid to happen but the chief of police is the biggest trafficker in the nation. So going through the protocols with all of their investigative data, whatever, their evidence—the raid was shut down. And my friend emailed me. He was completely discouraged. He wanted to leave the mission field—he was totally disheartened by this, having the minds of all these children in his head and realizing there was nothing going to happen to rescue them. So we began to cry out, we began to pray as we do faithfully on these Monday nights. And my friend emailed me a few days later and I'll just read to you the email. He said, "I think you maybe have prayed someone to death. The highest ranking police officer was killed this week when his helicopter was struck by lightning and he died instantly. He was considered one of the biggest sex traffickers and drug traffickers in Cambodia. Oddly enough when his death hit the papers, everyone was rejoicing. All the Christians were saying God killed him." Now I mean, I don't know what that means for your theology. I'm not encouraging precatory prayers because we know that God takes no pleasure in the death of the wicked. But we do know that he rejoices in establishing justice. And I do know this, I do not want to be standing in God's way when he arises to being about justice on behalf of the oppressed. And God hears the cries of the saints. We have seen specific prayer after prayer after prayer answered by God in the most specific ways as we have pressed it to him in this capacity.

5. Combatting Human Trafficking by Combatting Culture

The second thing I just want to quickly highlight is combatting the facilitating culture. We have to combat it in the spiritual way, we have to combat the facilitating culture. We live in a culture where sex has become completely meaningless. Where men are socialized to consume women as sexual objects and where women are socialized to objectify their own sexuality. Well, thinking about slavery from a historical perspective, slavery has always been rooted in a social construct of thought in which exploitation is normalized under the condition of monetary benefit. In other words, where slavery thrived on the premise that the ends justified the means. So the challenge for abolitionists of generations past was to shift the locus of thought surrounding the issue of slavery and the mass conscience of society to literally rewrite the narrative of their culture.

Abraham Lincoln put it this way. He said, “Public sentiment is everything. With public sentiment, nothing can fail. Without it, nothing can succeed.” We’ve seen this with other movements as well, for instance the women’s suffragist movement, I’m talking about shifting the cultural narrative. It’s hard for us to imagine this now, but we lived at a time in our nation’s history when the consensus of society was that women should not be allowed to vote. It’s almost unthinkable to us now. But there was a time and a few courageous voices stood up and said, “This is insane. You know, the emperor is not wearing clothes. What are we talking about women cannot have the right to vote?” Right? And so now—I mean, and these courageous voices brought about a critical mass—a turning point—they changed the narrative—the cultural narrative concerning women in our society. They shift the locus of thought in the mass conscience of society and brought about this liberation of women and brought about dignity for women in the place of voting.

But looking back in the three movements of abolition in history, we can see where the central battle was really over this—over the narrative of a culture that was consistent during the time of Wilberforce, it was consistent during the time of Lincoln and it was consistent during the time of the abolition of the Congolese from King Leopold III during the turn of the century. And all three of these times, it was the work to change public perception and shift the narrative of the culture that brought about the liberation of slaves.

I just think of how strategic *Uncle Tom’s Cabin* was by Harriet Beecher Stowe. It was said that it was this book that paved the way for Lincoln’s election and contributed to outbreak of the war by personalizing the political and economic arguments about slavery. When Lincoln met Stowe for the first time, it was reported that the famously

greeted her with these words, “So you’re that little woman who wrote the book that made this Great War.” The power of creative media to shift the culture. It’s the same thing- again, I don’t have time to go into these other examples. They’re fascinating and yeah- research it out I guess. But what we are doing through film and messaging and storytelling and all of this is not just about awareness or even education. It’s about rewriting the narrative of our culture. Berthold Brecht once said, “Art is not a mirror held up to reality but a hammer with which to shape it.” The last thing that I just want to say to you in terms of how do we combat this global, heinous injustice is combatting the exploitation industries—the existence of the commercial sex industry—pornography, prostitution, stripping—is the institutionalization of sexual violence against women. It has no place in our society and we must bring it to an end.

And so we have to dig deep into making strides through the area of legal reform to shift the laws in our society that allow for this—these exploitation industries to continue. What I witness investigating the porn industry for the year that I spent basically in the porn industry with pornographers and performers was utterly horrific. In terms of the vast amount of trafficking that is going on. And so I think our culture is still in many ways out of touch with the degree to which people in the sex industry are being exploited, violated against, and perpetrated against day in and day out. So again, just in closing—just to highlight these three things. The spiritual component, the social component and the legal component of this are so critical. What I am excited about tonight is the hope that the next generation represents—that these law students represent. To take this mantle as was said of Wilberforce and to run with it, to give their whole lives to it. To literally sacrifice their lives upon this altar of injustice. To give themselves to advancing the cause of justice on behalf of the oppressed. We have an opportunity tonight to help mobilize real lives into this battle—the next generation of Wilberforce’s. So I want to invite you guys to participate in that in any way that you can. I’m not sure how the rest of the plan is, but if we’re given an opportunity tonight to do that I want to invite you all to do that.