Feminist legal theorists have devoted enormous attention to conceptualizing the issues of sex work and trafficking for sexual purposes. While these theories vary, they typically fall into one of two camps. The abolitionist perspective, having grown out of dominance feminist theory, perceives sex work as inherently exploitative. In contrast, a second group of theorists adopts a liberal notion of individual choice and draws on the poststructuralist rejection of gender essentialism to envision a theoretical model of sex-worker rights. The legal and public policies that grow from these two models are similarly polarized. Radical feminist abolitionists are often strange bedfellows with evangelical Christian organizations, working to end all sex work by rescuing women, regardless of any individual volition exercised in choosing the profession. On the other hand, activists and organizations focused on sex-worker rights seek to help sex workers take care of themselves without questioning the social circumstances that lead women to make such a choice.

This paper proposes a feminist third way to approach trafficking for sexual purposes in instances where the trafficked individual has chosen to enter the field of sex work. Leveraging the feminist literature on constrained autonomy, the author draws on her own experience working with trafficked African and Asian populations to offer a new theoretical model of trafficking for sexual purposes. This model relies on the dominance feminist critique of the patriarchal social conditions generative of women’s economic desperation, which often underlies women’s choice to engage in sexual labor. At the same time, the author rejects gender essentialism and forwards a liberal notion of the individual woman as an actor with real, though limited, personal autonomy. Having explored this theoretical model, the author then identifies a series of interventions in trafficking for sexual purposes that recognize the individual and her personal resources while ultimately seeking to further her own autonomy. In proposing these interventions, this paper directly offers a vision of how feminist legal theory can work to alleviate poverty and other social barriers that third-world women encounter in trying to support themselves and their families. Finally, the paper closes with a consideration of the relationship between the author’s proposed third-way model and the international development literature on the capabilities approach. The interventions that arise from this third-way conception of feminist theory complement the capabilities model of development, as both seek to broaden the individual’s life options in pursuit of a more robust autonomy.