

# A Rebuttal to *Perpetuating Victimization with Efforts to Reduce Human Trafficking: a Call to Action for Massage Therapist Protection*

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This document is a rebuttal to *Perpetuating Victimization with Efforts to Reduce Human Trafficking: a Call to Action for Massage Therapist Protection* by Rosenow and Munk that appeared in the March issue. The paper is to be applauded for providing a massage therapist's viewpoint on the issue of human trafficking guised as massage, and concisely summarizing the main impact on the profession. The solutions involved, however, are problematic, as is the underlying view that licensing practitioners and their businesses is designed to protect the massage therapist and trafficking victims. Finally, this commentary suggests a regulatory solution that should be implemented for any reporting process to be successful.

The following is a rebuttal to *Perpetuating Victimization with Efforts to Reduce Human Trafficking: a Call to Action for Massage Therapist Protection* by Rosenow and Munk that appeared in the March issue of *IJTM* (*IJTM* 2023;16(1):44–53). The authors should be commended for their unique contribution pertaining to human trafficking occurring under the guise of massage.

Few papers have been written on the problem from a massage therapist's perspective and the authors get right to the crux of the matter: Because trafficking operations have found a home in the massage therapy profession, the result is that law-abiding massage therapists are sexually harassed and assaulted, and current regulatory regimes don't work to protect massage therapists.

Before proceeding with my critique of the paper, it must be noted that the pre-eminent paper on the topic of human trafficking under the guise of massage, *Human Trafficking in Illicit Massage*

*Businesses* by Polaris<sup>(1)</sup> was developed without any input from the massage therapy associations, and Polaris does not acknowledge the contributions of massage therapists in formulating it. The Polaris document is deeply flawed. When critically evaluated it does not support the case for establishment licensing.<sup>(2)</sup> Plus the overarching philosophy behind it is implicitly biased against massage therapists.<sup>(2)</sup> It is no longer available on Polaris' website, which suggests that the organization has distanced itself from the document. The document outlines a regulatory framework that endangers massage therapists, such as an unlocked doors requirement that is based on the idea that, if you unlock the front door, it will deter sex buyers from using other doors.<sup>(1)</sup> This provision and others recommended in the document are being incorporated into lawmaking.<sup>(3,4)</sup> Therefore, it is disappointing when any massage therapist or massage therapy organization, such as the Federation of State Massage Therapy Boards (FSMTB),<sup>(5)</sup> quotes from it as the authority, as the authors do here, without caveat or questioning its veracity.

Rosenow and Munk are right to focus on the impact of human trafficking on our profession: Massage therapists are sexually harassed and assaulted and made to shoulder the responsibility for their own protection. This viewpoint is echoed by the American Massage Therapy Association (AMTA) and Associated Bodywork and Massage Professionals (ABMP) in their joint response to FSMTB's human trafficking report.<sup>(5,6)</sup> Rosenow and Munk conclude that such a responsibility is inherently victim-blaming and could be a civil rights violation. It is time that someone point out the lack of support for traumatized massage therapists, and challenge the professional associations and corporations for

not developing a systemic and systematic approach to address sexual harassment in the workplace that is not inherently victim-blaming. However, by law, associations would not be subject to civil rights law for not protecting their members. Only corporations would be responsible for not providing a safe workplace.

The authors also point out the problem of serial predators—that without a systematic reporting system in place, such predators can fall through the cracks. But this remedy is fraught with legal issues. It is one thing to make a note in the client's medical record, but another to create a database of offenders without due process considerations. No-fly lists, which refuse air travel to those on the list, is a case in point, as the Supreme Court ruled that those placed on a list in retaliation could proceed with a lawsuit.<sup>(7)</sup> Lack of a due process procedure for removal from such a list, or even the specter of such a lawsuit, could be a deterrent for creating such a list. Even so, the authors' idea for associations and corporations to develop sexual harassment procedures and staffing to work with traumatized therapists is a good one.

Rosenow and Munk state, without citation, that: "Regulated credentialing efforts have fallen short in their purported intentions to protect massage therapists and trafficking victims... the MBLEx does little to protect practicing massage therapists in daily business despite its adoption..." (p. 45). It is not clear if it is their view or someone else's. Licensing is meant to protect the public from untrained practitioners,<sup>(8)</sup> not protect the profession from a predatory public. So yes, regulations do fall short in protecting massage therapists, but that is not their purpose. Nor should they be promoted for that purpose. Unfortunately, anti-trafficking groups are doing just that by promoting and imposing a regulatory framework that does not work.<sup>(2,9,10)</sup> Yet later, the authors discuss adding "top-down regulations" (p. 50) without clarifying exactly what is meant by that. This is concerning for the aforementioned reasons.

Part of the authors' call to action concerns individual therapists getting involved ("massage therapists are logical collaborators to help guide the department of health ... and/or professional organizations in creating future reporting processes to address SH."). I generally agree that massage therapists should collaborate, provided that the massage therapists have the requisite

expertise. We can learn a lesson from our own history that created a patchwork of laws, with little consistency from state to state. At the time that the bulk of licensing laws were enacted, money was provided to enact licensure, but little technical support was provided to those "who [may have had] little or no experience with the ... world of government relations."<sup>(11)</sup> Without proper guidance, model language, and other support, the situation could be made worse.

The call to action in general is flawed. As previously mentioned, developing a list is legally problematic, but developing a reporting process must include law enforcement as part of the process. But law enforcement will not act unless a legal framework exists. If laws are not in place to make the reporting/documentation meaningful, there is no point. For example, this last week I was consulting with a massage therapist about her state laws. While the language for solicitation and indecent exposure seemed to apply to anyone in any situation, the state was not enforcing it that way. Under that state's laws, massage therapists could not report predatory clients. Such laws need to be amended. But, I caution anyone in doing so because language matters. My goal is to untangle massage therapy from sex work and human trafficking, not entangle the profession further. Adding generalized language regarding workers or professionals, without using the word massage, will accomplish that goal.

Finally, concerning the statement: "Sex trafficking rarely occurs under the auspices of most health-care service providers, except home health aides, ... due to professional standards and regulations within those professional fields" (p. 47). The authors do not cite a source that supports their conclusion that the lack of sex trafficking in other professions is due specifically to professional standards and regulations. The statement implies that there is a lack of both in our profession, and it ignores the historical nature of the problem. Law-abiding massage therapists have been grappling with standards of practice at least since the massage scandals of 1894,<sup>(12,13,14,15,16)</sup> and yet the problem still persists despite the various laws that have been imposed on our practices and profession.

In conclusion, I so appreciate that academic papers provided by massage therapists on the issue of human trafficking

are emerging. My criticism stems from the acceptance at face value of the philosophy (and regulatory framework) proposed by Polaris that further entangles massage in the issue of human trafficking,<sup>(2)</sup> as well as the basic lack of understanding of regulatory frameworks. But overall, my kudos go to the authors for succinctly summarizing a key impact of the problem of human trafficking hiding in our profession.

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