

Sex Trafficking, Human Rights and Social Justice

Edited by
Tiantian Zheng



Routledge Research in Human Rights

Sex Trafficking, Human Rights and Social Justice

The recognition of women's human rights to migrate and work as sex workers is disregarded and dismissed by anti-trafficking discourses of rescue in the latest United Nations' definition of trafficking.

This volume explores the life experiences, agency, and human rights of trafficked women in order to shed light on the complicated processes in which anti-trafficking, human rights and social justice are intersected. In these articles, the authors critically analyze not only the conflation of trafficking with sex work in international and national discourses and its effects on migrant women, but also the global anti-trafficking policy and the root causes for the undocumented migration and employment. Featuring case studies on eleven countries including the US, Iran, Denmark, Paris, Hong Kong, and south east Asia and offering perspectives from transnational migrant population, the contributors rearticulate the trafficking discourses away from the state control of immigration and the global policing of borders, and reassert the social justice and the needs, agency, and human rights of migrant and working communities.

This book will be of interest to students and scholars of politics, gender studies, human rights, migration, sociology and anthropology.

Tiantian Zheng is a Professor of Anthropology at SUNY Cortland.

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**Edited by
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I dedicate this book to my parents

Zheng, Shujing (my father)

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Introduction

Tiantian Zheng

This edited volume aims to explore the life experiences, agency, and human rights of women who are involved in a variety of activities that are characterized as “trafficked” terrains in a de-territorialized and re-territorialized world, in order to shed light on the complicated processes in which anti-trafficking, human rights and social justice are intersected.

While previous studies have highlighted popular discourses, national and international policies, and the victimization and struggles of the trafficked women, few studies have centered on the stories of the migrant subjects themselves. The intent of these articles is to offer a critical reading of the recent competing definitions of trafficking and the complex ways in which the intertwined configurations of gender, race, ethnicity, and nationality complicate the contemporary hegemonic discourse on trafficking.

This edited volume fills this lacuna through theorizing and conceptualizing the intersecting discourses on anti-trafficking, human rights, and social justice from the perspectives of the transnational migrant populations. This volume offers case studies on sex trafficking, migration, and sex workers in the U.S., Iran, Denmark, Hong Kong, Paris, China, Sarajevo, Southeast Asia, Mexico, French Colonial Cameroon, and Spain. The lived experiences of women in “trafficked” terrains help rearticulate the trafficking discourses away from the state control of immigration and the global policing of borders, and reassert the social justice and the needs, agency, and human rights of migrant and working communities.

The articles collected in this volume cover a wide array of topics. The authors critically analyze not only the conflation of trafficking with sex work in international and national discourses and its effects on migrant women, but also the global anti-trafficking policy and the root causes for the undocumented migration and employment. In these articles, the authors address the debate between the recognition of women’s human rights to migrate and work as sex workers and the anti-trafficking policy that classifies sex workers as trafficked victims and slave. In the process, they stress the effects on the vulnerable population as a result of the anti-prostitution policy and a denial of human rights of sex workers and the sociocultural effects on the migrant population as a result of the global and national laws against trafficking, immigration and smuggling. The authors pinpoint the relationships between the human rights of the vulnerable population

and the state approaches to trafficking and the effects upon the migrant population as a result of the ways in which the state and international policies define “trafficked persons” and “undocumented migrants,” and the complicated intersections of forced and voluntary labor and migrations at the national and international level. The authors in this volume suggest more effective anti-trafficking interventions that will ameliorate social justice and human rights of the migrant populations.

Trafficking

According to the UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons of 2000 as part of the UN Convention against Transnational Organized Crime, trafficking involves “recruitment, transportation, transfer, harboring or receipt of persons” by “the use of force or other means of coercion” with the “purpose of exploitation” (Everts 2003: 150).

Over the last decade, the dominant discourse on trafficking has conflated trafficking with sex work, underscored mobility restrictions of certain populations, and defined those trafficked as victims. Informed by the dominant discourses, many countries have taken measures such as police rescue, enforced “rehabilitation,” and deportation of those deemed as trafficked “victims.”

The moral panic that any migrant women working in the sex industry are trafficked victims is built into the latest United Nations’ definition of trafficking. The definition renders that exploitation “includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation” and that the consent of the trafficked victim is rendered “irrelevant” (United Nations 2000). As sex work is defined as a coercive form of sexual exploitation, the lived realities of sex workers are disregarded and dismissed by anti-trafficking discourses of rescue.

The dominant trafficking discourse not only conflates labor trafficking with sex trafficking, but also conflates voluntary prostitution with sex trafficking (see also Brennan 2008). By subsuming all trafficking under the category of sex trafficking and equating all sex work with sex trafficking, the dominant discourse not only generated a moralizing sex panic within the debate, but also masqueraded the issues concerning migrants’ status and exploitative labor conditions (see also Brennan 2008).

This volume argues that we need to approach the issue of trafficking from the perspectives of the so-called “trafficked victims” themselves and acknowledge their human agency. Contributors in this volume have conducted in-depth ethnographic research with these “victims” and demonstrated that there is a significant disjuncture between migrants’ lived experiences, self-identification, and representations of them in the anti-trafficking discourse.

By highlighting the lives of migrants around the world who sell sexual services, this volume demonstrates that the reason for the conflation of prostitution, migration, and trafficking lies in the little understanding of migrants’ real lives by many social workers, policymakers, government representatives, and others.

By drawing on the life stories of “trafficked” people, the volume argues that we should not perceive them as passive victims manipulated by others, but as human agents who choose to work in the sex industry as a migration strategy and who fight to control their lives.

Debate in the trafficking discourse

Anti-trafficking discourse has evinced a polarizing debate on legalization of prostitution as a means of combating female sex trafficking. This international debate on trafficking originates from feminist debates on prostitution and pornography. Previously, feminists in the United States argued that pornography, prostitution, and violence against women were of the same nature (Bernstein and Schaffner 2004; Spector 2006; Vance 1984). Contemporary anti-trafficking, anti-prostitution, and anti-pornography activism mobilized a call to empower the states to protect women from violence (Brown 1995; Doezema 2001).

As a result from this debate, one camp opposes legalization of prostitution and argues that prostitution could never be a voluntary occupation and it is always forced and coerced because prostitution is based on systemic dominance of males over females and is intrinsically and inherently a modern form of sex slavery that is harmful, dehumanizing, and exploitative. The other camp promotes legalization of prostitution and argues that stigmatization of prostitution represents a hegemonic control over women and legalization of prostitution will restore women control and agency over their own bodies.

Two international nongovernmental organizations (NGOs)—Global Alliance Against Trafficking (GATW) and Coalition Against Trafficking Women (CATW) in the anti-trafficking movement embody these two opposing views. While the CATW argues that illegalizing prostitution is an effective way to combat trafficking, the GATW contends that legalizing prostitution can reduce trafficking because it is the illegality of this profession that fuels trafficking.

The joint U.S. governmental and NGOs’ anti-trafficking efforts around the world take an abolitionist stance toward prostitution, in an attempt to criminalize prostitution and deny it as an economic strategy (Sharifi 2008). As the U.S. government and others have adopted this abolitionist stance, institutions such as the United Nations face the pressure induced by both governmental and nongovernmental individuals and organizations to declare a shared standpoint.

Fighting trafficking thus has become what sociologist Ronald Weitzer (2006: 33) calls a moral crusade against prostitution that “have been institutionalized remarkably quickly, judging from developments in U.S. law and government policy.” Brinkley (2008) also observes that the Bush administration has an obsession with prostitution, and, as a result, “fighting trafficking in the United States has been a pervert such that under Bush it is largely a campaign to abolish prostitution” (*ibid.*: 15; see also Brennan 2008).

In the address to the General Assembly of the United Nations in the fall of 2003, Bush proclaimed that it was the duty of member nations to increase international cooperation against transnational crime syndicates and increase efforts to combat

the sex industry. Bush's address conflated trafficking with the commercial sex industry as he called for combined endeavors to abolish the "evil trade."

The Bush administration's anti-prostitution and abolitionist views have determined who are worthy fund grantees and who are worthy trafficking victims. Through a December 2002 National Security Presidential Directive, the U.S. government required that any foreign, NGO receiving U.S. government funds for anti-trafficking efforts overseas must sign an anti-prostitution pledge. The U.S. Department of State's Bureau of Public Affairs issued a fact sheet in 2004, stating "The Link Between Prostitution and Sex Trafficking," emphasizing that voluntary prostitution involving adults leads to sex trafficking of women and children.

Thus the policy required governments and organizations to endorse a pledge "explicitly opposing prostitution and sex trafficking" as a condition of funding and participation in various programs to prevent the spread of HIV/AIDS and human trafficking. The President's National Security Directive on Human Trafficking of February 25, 2003 notes: "Prostitution and related activity, which are inherently harmful and de-humanizing contribute to the phenomenon of trafficking in persons, as does sex tourism, which is an estimated US\$1 billion per year business per year." Accordingly, USAID notes, "Organizations advocating prostitution as an employment choice or which support the legalization of prostitution are not appropriate partners of USAID anti-trafficking grants or contracts" (Samarasinghe 2003: 101).

The Trafficking Victims' Protection Act (TVPA) requires that the United States Department of State releases annual Trafficking In Persons Reports (TIP Reports). The TIP reports group countries into three "Tiers" based on the degrees of compliance with TVPA standards, including efforts of prevention, protection, prosecution, and rehabilitation to eradicate trafficking. If a state fails to make these efforts to combat trafficking, the TVPA authorizes the denial of all non-humanitarian aid and threatens their diplomatic relations with both the U.S. and international development institutions including the International Monetary Fund and World Trade Organization.

As a result, in the fight against trafficking, the U.S. funding restrictions have channeled political legitimacy and government resources to prostitution abolitionist groups and governments. Excluded from funding are organizations that either adopt a non-judgmental stance on prostitution or conduct peer-group education strategies to empower sex workers against discrimination and abusive working conditions.

The benefited, funded groups and governments reject any distinction between "forced" and "free choice" prostitution and view eradication of commercial sex work as crucial to anti-trafficking movement and HIV/AIDS prevention programs. They increase the number of brothel raids and crack down on commercial sex establishments in an effort to convince U.S. officials of their commitment to the goals of the TVPA and a continued need for funding.

By creating incentives to abolish prostitution and promote abstinence as the only U.S.-approved approach as a means to stifle human trafficking, this international alliance has built, shaped, and perpetuated an international moral and legal order of anti-trafficking movements.

Conflation of trafficking with prostitution

Historically, there has been such a convergence between prostitution and trafficking in the dominant discourse on trafficking both in the U.S. and elsewhere (Kempadoo 2005; Shah 2008). Historians of prostitution have pointed out that the contemporary dominant discourse of prostitution and trafficking has been profoundly influenced by the legacy of the first international moral panic over White slavery in the late nineteenth century,¹ the relationship between these concerns and those surrounding chattel slavery, Victorian sex panics, prostitution, the perception of prostitution, and nascent discourses on nationalism and border control (Shah 2008: 24; Tamba 2005; Walkowitz 1992). Historically, anti-trafficking conventions were derived from the discourses of White slavery—a racialized campaign to protect the chastity of White women (Burton 1994; Walkowitz 1992). Since the term “slavery” denoted sexual exploitation and prostitution, countries which signed the convention were obligated to carry on the anti-trafficking convention’s conflation of slavery, exploitation, trafficking, and prostitution.

Despite the historical connections between prostitution and trafficking and the connections emphasized in the first anti-trafficking convention and the former United Nations in 1949, prostitution and trafficking “were not presented as essentially or inherently equivalent until relatively recently” (Shah 2008: 24).² As scholars have contended, from the outset, some members of the Congress, “along with conservative political pundits, antiprostitution scholars, and directors of faith-based organizations in the rescue business, often used language about sex trafficking to describe all forms of trafficking” (Brennan 2008: 50).

Contemporary activists and politicians have invoked the iconic figure of prostitutes and the symbolic power of the “modern sex slave” to galvanize an international movement to end trafficking and the sex trade. Like the Progressive reformers and prostitution abolitionists who fought against the White Slave trade a century ago, current discourse debunking “modern day slavery” incites a moral outrage against the “special evil in the abuse and exploitation of the most innocent and vulnerable” in the sex trade.

Sensational news stories dramatizing the sufferings of trafficked victims proliferated in the media. Because police figures on the numbers of “victims of trafficking” fail to distinguish between women forced into prostitution and women willingly working in prostitution, any immigrant woman can be labeled as a victim of trafficking and deported.

Carole Vance (2004) has described and critiqued the particular use of melodramatic narrative in relation to sex trafficking. Vance comments that the melodramatic narrative renders an extreme polarization of good and evil and requires that “good” victims display pure innocence—a gendered-stereotype requirement for women. In the melodrama, the sexually innocent females are sold or tricked by relatives or families without any complicity, sexual knowledge, or experience. Vance (2004) observes that anti-trafficking narratives rely on the image of sexually innocent women/children and paint prostitution as abusive wherein choices

are irrelevant. In so doing, the discourse eliminates moral ambiguity and uncertainty and justifies state intervention.

This melodrama endorses intervention efforts to rehabilitate or rescue “good” victims. Countries such as Italy and Belgium were heralded as the most progressive in helping trafficked victims through rehabilitating sex workers (Andrijasevic 2003). Italy, for instance, would not protect or legalize trafficked victims unless they agree to exit sex work and participate in a social protection program. Those who are caught in sex work again can be deported (Andrijasevic 2003: 5). Others can also be deported if they fail to perform, or perform convincingly, the role of trafficked victims. Doezema comments that anti-trafficking frameworks define good migrant versus bad migrant according to the dichotomy of good girl versus bad girl (Doezema 1998).

By conflating and confusing trafficking and prostitution, sensational stories of the rescue of suffered women highlight women as naive, passive, and innocent. “Invoking the symbol of the ‘suffering third world prostitute’ simultaneously invites and justifies western intervention, while operating to legitimize repressive campaigns to ‘protect’ women by restricting their movement ... justifying discrimination against migrants and sex workers, and limiting their freedom and autonomy” (Kinney 2006: 165).

Pressures to generate arrests and locate undocumented “trafficked” sex workers spur law enforcement officials to crack down on brothels, rather than more hidden sites of labor exploitation. As new policies target undocumented workers, more and more migrants subject to forced labor and exploitation are ignored because the policy only focuses on trafficking victims within the sex industry. “Combating sex trafficking while ignoring other is equally injurious forms of exploitation” (Brennan 2008).

Migration and trafficking

Research has demonstrated a synergy between historical and contemporary anti-trafficking and anti-migration discourses in the U.S. policy (Chapkis 2003; Luibhéid 2002). Chapkis and Luibhéid have shown that there is an inextricably close relationship between anti-migrant and anti-trafficking agendas as historical concerns about protecting U.S. borders have exuded a set of rules criminalizing migrants. As Kara Gillies states, it is of “great concern that ... [recent] changes to immigration and refugee law make specific references to the trafficking of women and children for sexual purposes as part of the platform for why we need to tighten our borders. It seems to me a very deliberate ruse to garner support from otherwise liberal thinking people for an extremely racialized and regressive immigration policy” (cited in Brock et al. 2000: 87).

In the name of protecting “victims” of trafficking, the states have executed tighter border controls, stricter immigration laws, and more criminal laws to persecute illegal migration for work. Chapkis (2003) has noted that although the Trafficking Victims Protection Act (TVPA) created a new category of violated (innocent) immigrants, the act imposed further restrictions on migration against foreign workers categorized as illegal.

By representing women as victims of traffickers, anti-trafficking campaigns have generated a moral panic that not only legitimizes the state's increasing control of immigration, but also obscures the vulnerability of migrant women to the state practices. Anti-trafficking campaigns thus function to deny migration to certain populations, control the migration of women and children, and rely on "homeland security" to police the bodies of many migrants.

Anti-trafficking campaigns function to mask the role of the states in denying legal and safe routes to certain migrants and deeming them as illegal migrants. While it is believed that restriction laws can prevent trafficking, the reality is that stringent immigration laws, by prohibiting certain migrants' mobility, have increased their vulnerability to trafficking and increased deportation of migrant sex workers.

Reasons for migration

The dominant anti-trafficking discourse today reconfigures victims of trafficking from innocent White maidens in the "White Slavery" to "poor and uneducated" women from the global South coerced or forced into the sex industry (Chesler and Hughes 2004: B7). The Protocol Against the Smuggling of Migrants within the 2000 UN Convention collapsed smugglers with traffickers, as both are identified as engaging in illegal and clandestine migration with certain degrees of deception and exploitation.

Such discourse obscures the reasons why marginalized people seek illegal strategies to migrate from poorer countries to richer countries. It is the economic disparity that renders the mobility of some "privileged" bodies and the restrictions of other "marginalized" bodies, and demarcates the legal status of "citizens" from the illegal status of "illegal migrants."

It is the lack of social safety nets and the economic deprivation of certain groups that have increased the demand for migration for a better livelihood and thus vulnerability for trafficking. Some migrants pursue migration because they have been displaced by loss of land or livelihoods due to development projects, capitalist labor markets, or war. In contrast to the great "age of mass migration" of the late nineteenth and early twentieth century when migration was mainly out of Europe, most cross-border migrants today are from the global South (Hatton and Williamson 1998; Sutcliffe 2001).

Increasingly stringent immigration and refugee policies make it extremely difficult for marginalized people to pursue legal migration. As a result of state policies of increasing border control, some migrants choose to resort to illegal services for migration with the understanding that there is a risk of abuse and little legal recourse. They have to pay more to hire forgers, suffer greater debt, and channel through more perilous routes leading to an unprecedented number of deaths (Fekete 2003: 2; Nevins 2002: 124).

Sharma's (2005) experiences as an activist-scholar working with women who arrived to the west coast province of British Columbia have revealed that the women and children, and not men, were labeled as "victims of trafficking." Yet interviews with the women have demonstrated that they made the decision to

move for a better living and a new livelihood. None of them could meet the criteria established for legitimate immigration: the points system, family reunification program, refugee determination system or the business and entrepreneur recruitment programs.

Most of these women, instead of being exploited by forgers with steep interest rates, borrowed money for their migration from relatives or friends to whom they will pay back over time. Instead of being trapped in debt-bondage to forgers, they paid off the forgers upon arrival at their destination point (Sharma 2005).

All the women she interviewed were ultimately deported from Canada (Sharma 2005). They were distraught at deportation and declared another future attempt even though their last attempt involved varying degrees of coercion, deceit, and even abuse. Unlike the portrayal of them as passive victims of trafficking, these women who experience some form of coercion, abuse, or deception expressed their desire to live and work in the United States (or Canada) and perceived the forgers as the only people who could help them achieve this. From the standpoint of these women migrants, the forgers or traffickers were not the source of the exploitation, but the restrictions of their mobility and the illegal status they receive at the destination points.

To these migrant women, anti-trafficking legislation is part of anti-immigration legislation to fend off and deport women from poorer countries, the process of which can lead to physical abuse and rape of trafficked women and children by the police, their subjugation to more debt, and the possibility of being trafficked all over again.

In this sense, rather than victims of trafficking, these migrants are victims of border control practices and global capitalist labor markets governed by nation-states. Anti-trafficking discourse chooses to focus on suffering of trafficking over other sufferings created by state policies on illegal migration and global capitalist labor markets. In so doing, anti-trafficking frameworks deny migration of women and children as a survival strategy and deem them as dangerous to the states. By portraying migration as the cause of exploitation, the states assume that women are always better off at home. They criminalize those who move them clandestinely and deport these women as “victims.”

Migration, trafficking and prostitution

Anti-trafficking groups do not see their regulations as a form of coercion upon women by forcing them to leave sex work and deny sex work as a part of their migratory project (see also Kempadoo 1998). Many Asian governments responded to trafficking by legislating to restrict women’s mobility and deporting sex workers. In the UK, the police raided London brothels and deported migrant sex workers. In the Netherlands, to respond to trafficking, a new law requires all sex workers to carry identification papers.

Researchers such as Laura Agustín who have conducted in-depth investigation of the effects of anti-trafficking campaigns on migrant sex workers debunk the myth of the sinister, malevolent trafficker and point out that they are dear to the

hearts of many migrant women. Agustin quotes extensively from women who sell sexual services and states that even when migrants feel deceived, they usually complain of working conditions, not that the work is sexual, and that they often prefer to remain in the industry. For many migrant sex workers, their primary goal is to pay off debts in the shortest period, and they perceive their occupation as comparable to domestic maid or nanny.

Trafficking raids on sex establishments not only place voluntary undocumented workers vulnerable to arrest, fine, and deportation, but also disregard the diverse forms of trafficking and exploitation of men and women in workplaces other than the sex sector. As a result, instead of protecting and empowering migrant laborers, these laws and policies have amplified their vulnerability to trafficking.

Agency

Anti-trafficking campaigns view women as solely victims forced or duped into migration and/or sex work for the benefit of the predatory trafficker. While male migrants are often depicted as economic agents posing threats to national security, female migrants are cast as passive victims in need of rescue and “rehabilitation.”³ Such a viewpoint only reproduces the marginalization they condemn and is harmful to the people they purport to protect.

Instead of objectifying women migrants as trafficked victims, we need to recenter the lived experiences of women migrants. Only by recognizing the agency of illegalized migrants can we understand how their mobility is shaped and curtailed by global economic disparity. The following accounts demonstrate the different living realities of “trafficked” migrant women sex workers. The reason for their involvement in sex work lies in rational choices to improve their livelihood in the global North.

Previous researchers such as Sharma (2005) and Agustin (2007) have pointed out the agency of migrant women. Agustin’s (2007) interview-based studies reveal that many undocumented migrant interviewees rationally choose sex work for their livelihood, which is categorized by the state as criminal exploitation. Sharma’s research (2005) contends that illegal female migrants exercised agency in appropriating the label of trafficking and representing themselves as victims in order to legally stay in the country. Their claim to being trafficked was not informed by their lived experiences, but by Canadian immigration laws, legal categories, and feminists who offered this frame to them. In reality, however, far from victims, they were agents who sought out and hired people to smuggle them into Canada and some perceived sex work as a part of survival strategies. Once the claim to “victim of trafficking” failed, they stopped using it. Instead of “victim of trafficking,” they identify themselves with courage in seeking new homes and new livelihoods across borders. These women voiced their desire not to end trafficking and be rescued by the Canadian state—the very cause of anti-trafficking campaigns, but to avoid the Canadian state and be legal and make a living in Canada and the United States without fear of deportation, and not to be detained by the Canadian authorities. Since the state simply

does not concern about their demand for free movement and a new livelihood, their biggest threat is the Canadian state and immigration officials. In this case, as Sharma contends, the greater coercion faced by these women in their migration journey was not being removed from their home country but being forcibly returned there.

Current framework of raid-and-rescue

Due to the failure in the dominant trafficking discourse to make distinctions between voluntary migrant sex workers and forced sex workers, anti-trafficking strategies focus on raid-and-rescue. By declaring that all prostitution is sex trafficked, anti-trafficking campaigns enable law enforcement officials to exercise force to raid brothels, arrest, detain, rehabilitate, prosecute and deport women and children detected and identified as illegal migrant sex workers. These law enforcement measures are on the increase because the U.S. funding policy requires that aid recipients combat “prostitution and sex trafficking.”

The exclusive focus on raid-and-rescue not only narrows the scope of strategies including group organization, decriminalization, and health education, but also strips away voluntary sex workers’ livelihood strategies. For instance, research has recorded that the leaders of some U.S.-funded anti-trafficking taskforces in Thailand admitted that “many of the rescued victims run away from the shelter and go back to the brothel the next day” (Kinney 2006: 188). By treating all sex workers as victims, brothel raids and rescue strategies force to remove voluntary workers who are potential workers to assist true victims. Usually when a woman is “rescued” from the sex trade and put into police custody, she is subject to possible sexual abuse by the police and caretakers of the remand home which is notorious for corruption (Jana et al. 2002: 76).

Rescue and repatriation fail to provide women with compensation for their labor, protection from retaliation, or immigration relief, and could force women to return to economic deprivation, political strife, or abusive spouses or families. For example, deported and repatriated women from Thailand to Myanmar were subject to brutal oppression by the Burmese military, whose atrocities of rape and plundering had forced them to flee in the first place (Kinney 2006: 189). It was reported in northern Thailand that the Burmese authorities had shot and killed returned women for AIDS prevention under the assumption that they had entered the sex trade and contracted HIV (Kinney 2006: 189).

Alienation

Anti-trafficking strategies of raid-and-rescue push sex work underground and make it more dangerous. For instance, grassroots sex worker organizations and migrants’ rights advocates in Thailand argue that policies condemning prostitution and promoting “rescue” further marginalize and alienate sex workers. They exacerbate the dangers, exploitations, and abuses sex workers encounter, such as continued police harassment, corruption, and discrimination.

Anti-trafficking campaigns also serve to alienate and marginalize sex workers and their advocate organizations with years of experience in the field and established connections to targeted communities and indigenous organizations. As reported, some peer-outreach, rights-based sex worker organizations that were lauded for developing “best practices” by international organizations such as UNAIDS have been stripped of their USAID funds for refusing to sign the pledge opposing prostitution (Kinney 2006: 162). In excluding the communities that they purport to assist, anti-trafficking campaigns fail to create alliances to access the expertise of these communities and forge successful interventions to tackle the trafficking and exploitation of workers in other informal sectors.

Detriment to health prevention program

Many grassroots organizations in South and South East Asia have reported negative effects of the United States’ anti-prostitution policies. For example, Cambodian NGOs working with people in the commercial sex industry have discontinued their educational and empowering programs to sex workers for them to demand condom use with clients and learn skills for an alternative employment.

In Thailand, activists and officials observed that abolitionist policies are detrimental in the fight against HIV/AIDS. Before the anti-trafficking law was issued, Thailand’s 100% condom use campaign was highly successful because brothels were legitimate and public health workers could easily access sex workers. In fact, brothel owners welcomed public health folks because keeping workers healthy was crucial in keeping good business.

The new anti-trafficking law mandated cracking down on commercial sex establishments. Brothel owners had to transform their “illegal” business into “legitimate” ones under the guise of “karaoke bars” or small restaurants (Kinney 2006: 178). They no longer allowed public health workers to provide condoms and HIV testing for the brothel workers because it would risk violating the new law. Thus, the campaigns undermine efforts to combat HIV/AIDS and trafficking.

New human-rights framework

This volume argues that the most effective approach is a human-rights framework instead of a trafficking framework to improve the working conditions and livelihood for sex workers and migrants. Since migrant sex workers’ rights are often violated under the rubric of anti-trafficking campaigns, a political struggle is necessary to earn the rights of marginalized people.

This new framework will grant migrant women, including sex workers, self-awareness, autonomy, and agency. This new framework will reject the abolitionist position that denies women the ability to consent to sex work and offer rights to voluntary sex workers. This new framework would advance labor rights and improve working conditions of migrants, insisting that sex workers be treated as legitimate workers, rather than as moral reprobates.

First, decriminalization of prostitution could not only reduce corruption of an underground economy and assuage problems of violence, arrest, and deportation, but also contribute to the success of public health campaigns against HIV/AIDS. Health and labor officials can engage sex workers to promote condom use and monitor working conditions in commercial sex establishments.

Second, government programs should devote their attention to strengthening the economic independence of vulnerable group by providing skills training and easy credit access for those who are interested in starting a business. A dearth of such programs only maintains the vulnerability of migrants to traffickers, and the current anti-trafficking campaigns, with the goal of punishing traffickers, fail to assist migrants in their survival strategies.

Third, a partnership should be built between migrant and sex work communities, law enforcement, and community-based organizations to help prevent forced labor and identify trafficked persons (see also Brennan 2008). The current stringent local policies against undocumented migrants drive foreign nationals working in forced labor underground and make them unable to locate. In addition, increased border security and brothel raids are not only harmful to sex workers, but also hinder the contribution sex workers can make to combating trafficking. As research has shown, sex workers-led grassroots organizations may be in the best position to assist those trafficked into the sex industry to escape (Kinney 2006: 160).

Engaging communities and these organizations as partners, rather than victims in need of rescue, can help monitor cases of abuse and sooth the isolation and marginalization of migrants. For instance, research (Dana 2007: 16) has revealed that in some of Kolkata's red-light districts, organizations have effectively allied with sex workers to hold monthly meetings in an attempt to stop trafficking. Neophytes into the trade present themselves at these meetings and those who are minors or claim that they are forced into the trade are sent home or to remand homes.⁴

Such sex worker-led anti-trafficking initiative is made possible by acknowledging sex workers as both agents and legitimate workers, rather than as victims or criminals. It is difficult, if not entirely impossible, for sex workers to engage in these initiatives if the environment is a hostile one that vilifies and demonizes them. Because sex workers are usually affected by anti-trafficking campaigns, it is important to incorporate them in the decision process about how to address the issue of trafficking.

Fourth, efforts should be made to protect migrants' labor rights and terminate exploitative labor practices such as low pay, unsafe work conditions, job insecurity, and little law recourse for grievances that migrants often experience in their work sites. While it is crucial for policymakers and activists to recognize the detriment of abolitionist and anti-migrant anti-trafficking campaigns, it is equally crucial that we must listen to the voices and concerns of migrants themselves.

As we have seen, the intersection of criminal law and immigration law has led to such exploitative condition for migrants. We need to mobilize a social call for ending practices of displacement and ensuring mobility rights of people to contest

exploitations and abuses. To secure social justice, we need to eliminate immigration controls and end exploitative practices under global capitalism. To secure social justice, we need to regulate the labor force in the formal and informal employment market in accordance with national and international labor laws to protect the rights of workers.

Overview of the volume

In Chapter 1: “The NGO-ification of the Anti-Trafficking Movement in the United States: A Case Study of the Coalition to Abolish Slavery and Trafficking,” Jennifer Lynne Musto argues that the anti-trafficking movement will not be successful unless we include the voices of the trafficked people, and the government changes its position on trafficking. Musto contends that the U.S. government’s position on trafficking directly influences the organization and leading ideology of NGOs. She explores how such policies have contributed to the asymmetrical power relations between NGO staff and the clients and restrained the efficacy of the anti-trafficking movement.

Musto points out that because NGOs depend upon federal funding, organizations that accept sex work as a legitimate profession or argue against the conflation of voluntary prostitution with trafficking potentially run the risk of losing their funding. To ensure funding, NGOs must align their internal policies with the views of the U.S. government by claiming that all forms of prostitution are exploitative, equivalent of “sexual slavery” and are a “gateway” to trafficking. Musto contends that such a biased and narrow definition of trafficking influences their identification practices, as they provide shelters to the involuntary trafficked persons and arrest the voluntary migrants.

Through investigating the history, organizational structure, and program offerings of a local NGO in Los Angeles, Musto argues that the organization fails to include trafficked persons’ participation in the anti-trafficking movement. Since NGOs cannot use the U.S. government funds to promote or advocate the legalization or regulation of prostitution as a legitimate form of work, it prevents the staff from having any dialogues or developing any programs with clients who have worked voluntarily in the sex industries. Within this funding culture of fear, the staff feels obligated to exclude clients who may voluntarily choose sex work for survival.

Musto further observes that there is a power hierarchy between the staff and the clients, as the staff has greater access to power and decision-making, whereas the clients—the trafficked persons—are compelled to participate in programs where they are allowed little, if any, input. She concludes that the current funding pressures and power structure in NGOs have seriously curtailed the participation of trafficked persons in the anti-trafficking movement. She advocates that we should include the trafficked persons in the anti-trafficking movement and rethink strategies and tactics that can help build upon trafficked persons’ experiences and expertise.

In Chapter 2: “Beyond ‘Tragedy’: a Cultural Critique of Sex Trafficking of Young Iranian Women,” Sholeh Shahrokhi focuses on the specific social/cultural

conditions in which young Iranian women and children are transported into the underground prostitution circles of the Gulf-states. Her chapter aims to draw scholarly attention to the cultural context surrounding sex trafficking in Iran.

Shahrokhi points out that despite the substantial role of poverty in the formation of sex commerce and human trafficking, the complexities of historical cultural values, attitudes, and practices toward sex deserve serious consideration. She explores how the history of polygamous practices, social construction of the *Harem*, and the sexual slave-markets in Iran have contributed to the formation of sexual meanings and the current attitudes toward bartering of the body.

Shahrokhi states that while the sex traffickers in the Persian Gulf area are beginning to receive some attention from the international human rights activists, there is little attempt to improve the attitudes and lifestyles of the families where the flights begin. She contends that we have to pay heed to the socio-cultural context where it becomes plausible for sex trafficking to thrive. She argues that although economic misfortune often determines the fate of young women, gender double standards cut across social classes in Iran and the tradition of sex-slavery endured since antiquated era. As she observes, within Shiite Islam and the Iranian adaptation of the faith, the institutionalism of temporary marriages or *sigheh* has legitimized marketing and bartering of the body. Prior to marriage and especially among crowded families, daughters assume their domestic role in cooking and caring for the family at a very young age.

Shahrokhi asserts that new trends of sex trade in the Gulf region have emerged out of an accelerating poor economy for the majority of people in Iran, impoverished living situations, and a failure to educate the public about the value and rights of women. In addition, mass migrations caused by a constellation of political revolutions and war, resurgence of religious fundamentalism and the return of traditional cultural values towards gender provide a new niche for sex trade to go underground and for new money to be poured into its industry.

Shahrokhi concludes that, to confront the growth of sex trade, we have to increase our awareness and possible collaborations with the powerful industry that responds to this market, and at the same time, contest the local traditions and sexually violent views of women that persist in the region as a breeding ground for human trafficking and underground sex trade endeavors.

In Chapter 3: "From Thailand with Love: Transnational Marriage Migration in the Global Care Economy," Sine Plambech's chapter is based upon the ethnographic fieldwork conducted with a group of Thai women and Danish men in northwest rural Denmark. By placing these women's own perspectives at the centre of the analysis, Plambech's article seeks to debunk the victim-script of the *mail order bride* discourse on transnational marriages between Thai women and European men.

Plambech uses the ethnographic accounts to critique the existing discourse that categorize *mail order brides* as victims of illegal trafficking and violence. While the anti-trafficking organizations often cite *mail order brides* as a target group, Plambech points out that the Thai brides are neither commodities nor victims. Their individual motives for transnational marriage include freedom from harsh

working conditions, freedom from Thai gender roles, and their preconceived ideas about Danish men. According to Plambech, these women, are far from victims, and are independent and resourceful. As she demonstrates, instead of being trafficked into Denmark, the Thai women met their husbands via local women and men who were already married to a Danish husband or Thai woman, and they communicated prior to meeting through letters.

Plambech observes that anti-trafficking organizations do not distinguish between groups of migrant women, prostitutes, sex slaves, housekeepers and *mail order brides*, and lump them all together as victims of trafficking. She points out that the uncritical linking of *mail order brides* to trafficking ignores the women's participation in the transnational migration, their contribution to a global remittance and care economy, and the women's ability to make rational decisions.

In contrast to the existing discourse that represents the *mail order brides* as a vulnerable group without a social network in Denmark or ties to their country of origin, Plambech argues that the Thai women in her study have both a social network and connections with their families in Thailand. As she illustrates, through migrating and regularly remitting money to Thailand, these brides become part of "an alternative global circuit," connecting their country of origin with their country of residence.

In Chapter 4: "Beyond the Victim: Capabilities and Livelihood in Filipina Experiences of Domestic Work in Paris and Hong Kong," Leah Briones critiques the anti-trafficking discourse that revolves around victimization, agency, and rights. She argues that these concepts help legitimate receiving countries' border control, rather than protecting the livelihood of migrant workers. Drawing on the experiences of Filipina domestic workers in Paris and Hong Kong, Briones uses Nussbaum's Capabilities Approach to debunk the current anti-trafficking discourse.

Briones' research on domestic workers from the Philippines in Paris and Hong Kong shows that it is the question of capability (what she is actually able to do and be) rather than rights (what she is entitled to do and be) with which these workers are most immediately concerned. She concludes that the rights-based initiatives should foreground capability as the political goal.

Briones criticizes the feminists' 'victim/agent' script, and argues that having rights is not necessarily conducive to practices of agency when the agent is constrained. Briones interviewed twenty-four migrant workers to study the nature of these constraints, and discovered that workers willingly endure abuse in the workplace as a result of the structural constraints of poverty and survival needs for themselves and their families back home. Briones argues that their belief arises from the structural constraints, that is, their material conditions and survival needs of their families back home. She observes that access to livelihood resources is an important measure of the capability of their agency. Briones argues that we should not frame their situation in the anti-trafficking discourse of victim versus agents. Protecting their human rights does not guarantee them livelihood, yet empowering them or making them capable to secure their livelihood creates the opportunity to secure their human rights.

Tiantian Zheng's chapter titled "Anti-Trafficking Campaign and the Sex Industry in Urban China" is based upon over twenty months of fieldwork between 1999 and 2002 in Dalian. Zheng discusses the adverse effect upon sex workers of China's abolitionist policy that focuses on forced prostitution and launches anti-trafficking campaigns. As she demonstrates, the state's anti-trafficking campaigns lead to a violent working environment for the karaoke bar hostesses, as the hostesses are more exposed to violence by clients, policemen, madams, government officials, and bar waiters. Zheng also provides an account of how, unlike the government's perception of forced prostitution, hostesses voluntarily choose their profession and actively seek sex work in countries such as Japan and Singapore.

Zheng examines how the state's abolitionist policy is distorted and even derailed by the self-seeking behavior of local officials, policemen, and bar owners at the expense of the hostesses. For instance, local officials extracted economic benefits from karaoke bars and hostesses through a combination of bribes and fines. Their exploitation of hostesses was not limited to economic benefits. They maintained a group of spy hostesses who reported on bar conditions as well as acting as the personal harem for these officials. In exchange for these services, hostesses gained immunity from police sanctions. In addition, because officials have the arbitrary power to arrest and fine the hostesses, hostesses are extremely apprehensive when they are chosen by an official. In such instances, they must obey the officials' demands including sexual services.

Through hostesses' own voices in her ethnographic research, Zheng restores agency to the hostesses and points out that issues such as poverty, hunger, and low wages are disregarded in the trafficking discourse. She argues that the intensive anti-trafficking and anti-prostitution campaign deprives the hostesses of their rights, and patronizes them as victims. The state's focus on forced prostitution ignores the larger context within which force is used. That is, the global inequities of capital and labor that robs women of viable options and forces them into sweatshop labor or lucrative sex work.

In Chapter 6: "Invisible Agents, Hollow Bodies: Neoliberal Notions of 'Sex Trafficking' from Syracuse to Sarajevo," Susan Dewey states that neoliberalism offers the myth of a self-regulating market facilitated by individual initiative yet simultaneously exacerbates socioeconomic inequalities wherever implemented. Through exploring two case studies in Syracuse and Sarajevo, she argues that "the traffic in women" provides a convenient means for states to mask their concerns about policing borders, and that contemporary trafficking paradigms work only to further disadvantage the very women they purport to help.

In this chapter, Dewey analyzes how contemporary representations of sex trafficking are grounded in the very injustices that sustain the underlying assumptions of neoliberal economic policy. She employs two case studies from her multi-country research to examine how regulations on women's sexual labor frequently perpetuate the circumstances that encourage women to choose sex work over other forms of less lucrative labor with inflexible work hours incompatible with childcare or other responsibilities.

Dewey first examines New York State initiatives to license topless dancers in a region long characterized by economic decline. She then discusses how international organizations in Sarajevo use sex trafficking to emphasize Bosnia and Herzegovina's need to increase border control as part of facilitating the "stability" and "security" necessary for Bosnia and Herzegovina's European Union accession. Such concerns about the traffic in women for the purposes of prostitution function as little more than state efforts to police borders by reducing the number of undocumented migrant workers in the sex industry.

Dewey argues that these striking similarities between two otherwise disparate locations demonstrate how anti-sex trafficking initiatives throughout the world often function as a strategy of the state's self-interest that does little more than use women's bodies as political tools.

In Chapter 7, "Escaping Statism: From the Paradigm of Trafficking to the Migration Trajectories of West African Sex Workers in Paris," Maybritt Jill Alpes, based on empirical research with West African migrant women working in prostitution in Paris, critically examines the discrepancies between these migrant women's real experiences and the assumptions inherent in the paradigm of "human trafficking." By bringing the state into the picture, Alpes argues that it is important not only to understand the structural causes of the exploitative nature of migration trajectories classified as "trafficking," but also to understand how the states have simplified the social reality to fit in the management schemes imposed by them.

Alpes contends that the represented "human trafficking" should be analyzed as labor migration, and that the states' anti-trafficking activities should be perceived as controls of labor migration. As she illustrates, human trafficking is intrinsically linked to what she calls "human insecurity" before emigration. Through analyzing the narratives of migrant sex workers in Paris, Alpes argues that these women feel vulnerable and exploited by the constraints imposed by the state, including state laws on prostitution and immigration against undocumented migrant women. As undocumented migrants and prostitutes themselves, these women were forced to rely on the people who facilitated their migration and work processes.

Alpes points out that the discourse of trafficking diverts the attention away from enforced immobility and human rights violations *before* migration. She argues that anti-trafficking activities, driven by concerns with prostitution and/or immigration, can result in human rights violations. Thus, a concern with "human trafficking" from a human rights perspective would refocus attention away from the Palermo Protocol towards the Migrant Workers Convention—a convention that seeks to guarantee basic human rights to all migrants and their members of families, irrespective of sector of work and legal status.

In Chapter 8, "Representing Sex Trafficking in Southeast Asia? The Victim Staged," Nicolas Lainez deals with the issue of child sexual exploitation in Southeast Asia by analyzing the highly emotive and victimizing representation of the minors sold for prostitution. Lainez observes that the social construction that has shaped this phenomenon since the early 1990s has resulted in a thoughtful strategy undertaken by institutional and nongovernmental actors whose mission is to combat against what they considered an "intolerable" scourge.

Lainez states that representations of the victim stress both the innocence and the injustice inherent to her tragedy. These representations also stage the physical suffering and cultural differences. Lainez contends that they fit in with the “policy of pity” that Luc Boltanski has defined as the observation at distance of an unfortunate victim by a spectator.

In Chapter 9, “Legislating the Trafficking and Slavery of Women and Girls: The Criminalization of Marriage, Tradition, and Gender Norms in French Colonial Cameroon, 1914–1945,” Charlotte Walker reveals the complexities of the application of French colonialists’ slavery and trafficking laws to family, social practice, and marriage custom in colonial Cameroon. Walker charts the evolution of French discourse on slavery and trafficking, and argues that colonialism radically changed African women’s legal experiences between 1914 and 1960 by regulating African betrothal, marriage, and divorce customs.

Walker observes that the French colonial administration condemned chiefs’ and fathers’ trafficking of their unmarried daughters; missionaries decried polygamy’s analogous nature the enslavement of African women; the administration accused missionaries of trafficking in women in cases of females seeking sanctuary; and religious societies openly accused colonial concessionary companies and administrators of slave labor policies and the lack of attention to the trafficking of women. She argues that since the French administration failed to reform labor practices or amend forced labor statutes until after 1944, their vehemence and energy devoted to suppressing slavery as it was perceived within the bonds of African marriage is almost ironic. As Walker states, the hypocrisy inherent in the colonial law was fully exposed when West Africans themselves incorporated the European rhetoric of the abolition of slavery in their protests against *corvée* and forced labor practices as part of early nationalist movements.

As Walker contends, colonial laws, while setting boundaries and constraints, provided opportunities for African women. That is, on the one hand, by deeming the bodies of African women as entities that required protection, emancipation, or sanctuary, the French colonialists produced the “ideal” colonial subject and established their colonial legitimacy. On the other hand, such circumscribing laws were enabling as African women actively engaged in the process of legal incorporation and in many ways set the terms in which the laws would affect them.

In Chapter 10: “Countering the Trafficking Paradigm: The Role of Family Obligations, Remittance, and Investment Strategies among Migrant Sex Workers in Tijuana, Mexico,” Yasmina Katsulis, Kate Weinkauff, and Elena Frank state that anti-trafficking discourse and policies drive the contemporary hegemonic framework used to understand the lives of migrant workers, including those who engage in sex work activities in order to support themselves and their families. The authors observe that although presented through the lens of human rights and social justice, the iconography of trafficking perpetrators juxtaposed with the victims of trafficking obscures important distinctions made in the everyday experience of migrant sex workers. The authors argue that this framework ignores the material realities and migration experiences of a range of actors involved in the sex trade.

This chapter uncovers those experiences through the use of ethnographic research with sex workers living in Tijuana, Mexico, the majority of whom migrated to the northern border from more rural areas in Central and Southern Mexico. The empirical evidence provided in this chapter illustrates the social context within which entry into sex work occurs, as well as the gendered nature of spending and investment patterns, and the provision of remittance payments to family members located in other areas of the country.

Katsulis, Weinkauff, and Frank argue that the burden of family obligations is particularly high among female sex workers, who often migrate to Tijuana on a seasonal basis in order to obtain the cash needed to sustain aging parents, school-aged siblings, and their own children—as well as obtain enough capital to build a small family home.

The authors contend that anti-trafficking discourse, by framing all work relations as inherently exploitative and abusive, obscures the fact that there is a definite lack of non-abusive, well-paying work options available for migrants in most countries. As they demonstrate, for many, sex work can be perceived as a lesser of evils in comparison with other exploitative forms of labor such as sweat shops, factory labor, domestic work, and the like. Many migrant women choose sex work because they find “the pay and working conditions of respectable domestic service” insulting and they consider personal enjoyment important.

The authors also point out that for individuals who have migrated alone, involvement in sex work has the potential to increase their social support system, make them feel more at home, and increase their quality of life. For some, involvement in sex work activities has widened their social networks and given them a sense of community. As a whole, this chapter counters the contemporary hegemonic framework on trafficking by illustrating that migrant sex workers are active agents enmeshed within a complex set of deeply gendered familial obligations.

In Chapter 11: “Between Trafficking Discourses and Sexual Agency: Brazilian Female Sex Workers in Spain,” Adriana Piscitelli, based on her ethnographic research conducted over seven months in Barcelona, Madrid, Bilbao and Granada, argues that the Brazilian migrant sex workers’ acts and beliefs defy political and cultural protocols on the national and international level and also fly in the face of the “destiny” which Brazilian society lays out for these individuals.

Through analyzing her ethnographic data accumulated in the field, Piscitelli reveals these women’s migration trajectories, their entry into the European sexual market, and the notions and concepts under which they operate. Piscitelli argues that their stories call question to the current understandings of trafficking as codified by national and international laws.

In Piscitelli’s research, the sex workers consider anti-trafficking activities a means through which the Spanish government facilitates the deportation of illegal Brazilian immigrants. To these sex workers, the greatest threat they face is not trafficking, but the Spanish government’s anti-prostitution and anti-immigrant activities, which constitute their daily worries and fears.

In this chapter, Piscitelli explores the agency of these sex workers and points out that these women prefer their work in the Spanish sex industry to other forms

of work and prostitution in Brazil because of the reaped benefits the Spanish sex industry offers. They also perceive their lifestyle in Europe much better than in Brazil. To them, they have achieved a certain degree of social mobility and improved their socioeconomic status through migration to Spain for sex work.

Piscitelli's ethnographic work reveals that migrant sex workers' lived stories confront the hegemonic anti-trafficking discourse that not only undercuts women's rights to choose prostitution, but also constrains sex workers' free movements across international borders.

In Chapter 12: "So If You Are Not 'Nastasha,' Who are You? Revealing the Other Trafficked Women and Their Uses?" John Davies and Benjamin Davies observe that migrant women with secure mobility rights and supportive social networks can avoid or mitigate many trafficking harms. However, Davies and Davies contend that some actors have conspired to prevent such circumstances so as to pursue diverse political agendas at the expense of migrant women.

This chapter restructures the trafficking contest from organized criminals versus law enforcement agencies to principally a contest between migrant women and those political agents who benefit from the moral panic associated with trafficking. The authors argue that it is these more sophisticated political actors rather than organized criminals and the clients of sex workers that are the most important stakeholders in sustaining or exploiting trafficking harm. The authors conclude that resolving many trafficking harms in the European Economic Area could be achieved by subverting political traffickers through improving migration policy rather than fighting organized crime.

In a nutshell, the authors in this edited volume have successfully employed their ethnographical research to demystify the anti-trafficking discourse, rearticulate the trafficking discourses, and reassert the social justice and the needs, agency, and human rights of migrant and working communities.

Notes

- 1 During the moral panic over "White Slavery," the underclass prostitute was considered a woman who "literally and figuratively was conduit of infection to respectable society. She was nonetheless an object of class guilt as well as fear, a powerful symbol of sexual and economic exploitation under industrial capitalism" (Kinney 2006: 165).
- 2 The 2005 ban against women dancing for tips in beer bars epitomizes the growing convergence of anti-prostitution and anti-trafficking discourses in India (Shah 2008). As she contends, the series of events leading up to the ban, as well as its subsequent enforcement, shows the careful interplay of U.S. and Indian interests in this convergence.
- 3 The common saying that "men are smuggled; women are trafficked" into sexual exploitation reflects and reproduces a problematic model of gender difference in trafficking discourse. Anker (2005) has commented that "heroism is significantly masculinized. It is the men who are self-emancipating and self-making; it is the women upon whose suffering men are self-made" (p. 12).
- 4 This sex worker-led anti-trafficking initiative is not unique. Juhu Thukral, director of the Urban Justice Center Sex Workers Project in New York City comments: "In many of our cases where women and girls were forced to work in brothels, they were able to escape because the other sex workers, or even men who do other work in those brothels,

recognized that our clients were in coercive situations and helped them to leave. Empowering more sex workers to identify and assist people who have been coerced is the most effective way to combat trafficking into sex work” (Dana 2007: 16).

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1 The NGO-ification of the anti-trafficking movement in the United States

A case study of the coalition to abolish slavery and trafficking

Jennifer Lynne Musto

Introduction

The ideas for this paper have emerged over the course of the past two years in which I have sought to combine my academic research on trafficking and sex work with participatory action research¹ and human rights activism. The latter has brought me into contact with a spate of nongovernmental organizations (NGOs), both in the Netherlands² and the United States,³ which provide advocacy and social services to sex workers and trafficked persons, most of whom are women.

Scholars who are interested in conducting research on trafficking in the United States that focuses on the perspectives of individuals who have been trafficked are inevitably required to work closely, and at times, exclusively, with social service agencies (Brennan 2005: 39). As a gatekeeper between trafficked persons and researchers, social service providers create and disseminate particularized definitions and ideologies of trafficking. Far from benign, social service agencies, or what are often referred to as “NGOs,” have led the “anti-trafficking movement” in the United States by advising policymakers, training law enforcement, and drafting anti-trafficking legislation, in addition to providing a wide range of services to individuals who have been trafficked. Yet despite innumerable reports, scholarly papers, conferences, and media coverage dedicated to the subject of human trafficking, the unfiltered voices of trafficked women, men, and children are seldom, if ever, heard. Doezema observes that in the absence, or what might be the strategic exclusion of trafficked persons’ voices, an image of a trafficked person emerges; one that is innocent, naïve, and unable to exercise agency over his or her life. “The picture of the ‘duped innocent’ is a pervasive and tenacious cultural myth. High profile campaigns by NGOs and in the media, with their continued focus on the victim adds more potency to the myths ... in reports on trafficking it is often stressed that the women did not choose to be prostitutes” (Doezema 1998: 45).

It is important to note that not all sex workers are trafficked nor are all trafficked persons forcibly and coercively moved between and within borders for the purposes of commercial sexual exploitation. Although feminists have been at the fore of discussions surrounding sex work and trafficking, not all NGOs that work

with trafficked persons identify as feminist or work from a perspective in which survivors are at the center of their social service and advocacy efforts. Indeed, NGOs whose work addresses human trafficking identify with one or more theoretical perspectives that range from abolitionist and neoabolitionist perspectives⁴ to those that view trafficking on a continuum of migration,⁵ as a human rights issue,⁶ within a pro-sex work/labor framework,⁷ and as an extension of religious/faith-based beliefs (Soderlund 2005: 70).

Though NGOs proffer valuable services to trafficked persons, this paper will explore how increased professionalization or what may be more aptly deemed the “ngo-ification” of the anti-trafficking movement in the United States has curtailed trafficked persons efforts to organize a movement that speaks to their experiences and needs. In her article, “Methodological Challenges in Research with Trafficked Persons: Tales from the Field,” Denise Brennan notes that “the sustainability of an anti-trafficking movement in the U.S. hinges not only on ex-captives telling their own stories but also on taking their own active leadership role in its direction, agenda-setting, and policy making” (2005: 38). While I embrace Brennan’s contention that a vibrant anti-trafficking movement must include the voices of trafficked persons, I argue that within the current anti-trafficking milieu in which NGOs remain overwhelmingly if not exclusively dependent on federal funding, an emergent anti-trafficking movement led by trafficked persons seems highly unlikely if not altogether impossible.

In order to highlight the limitations of the current anti-trafficking movement as it emerges vis-à-vis U.S. NGOs, I will provide an overview of the U.S. government’s position on trafficking in an effort to chart how explicit policies on trafficking and the implicit ideologies they evoke influence NGOs’ relationship to the federal government. From there, I will explore how such policies contribute to the professionalization of the anti-trafficking movement and discuss how this has contributed to asymmetrical power relations between NGO staff and the clients they “serve,” while restraining an anti-trafficking movement in the United States led by those who have experienced, firsthand, the process of irregular movement and exploitation.

Ideological blindspots

Against the backdrop of highly contested international debates over how to define trafficking⁸ and what, if any linkages exist between prostitution and trafficking,⁹ NGOs, are given little choice but to “take sides” in discerning where they stand. Indeed, NGOs that receive U.S. governmental anti-trafficking funds must sign “an anti-prostitution pledge,” prohibiting the promotion of prostitution and sex work as a labor option (Kim and Chang 2007: 4). Recipients of funds must also accept that trafficking thrives in areas where prostitution has been legalized and/or decriminalized.¹⁰ The gag rule in its global and domestic manifestations has been widely criticized by NGOs and groups that work directly with trafficked persons (Kinney 2006). As Kim and Chang astutely point out, “non-governmental organizations assisting trafficked persons domestically and internationally report

that the U.S. emphasis on criminal enforcement and anti-prostitution policies curtails the rights of trafficked persons voluntarily engaged as sex workers, and marginalizes trafficked persons in non-sex related industries. These policies and practices inhibit a rights-based approach that respects the agency and choice of adults to decide how to organize their lives” (2007: 2).

In light of such restrictions, NGOs that promote and/or accept sex work as a legitimate profession and argue against the conflation of voluntary prostitution with trafficking run the risk of losing their funding.¹¹ By suggesting that all forms of prostitution are exploitative, akin to “sexual slavery,”¹² and a “gateway”¹³ to trafficking, NGOs that receive U.S. government funding are bound to narrow interpretations and definitions of trafficking and as a result, typically interface with only those trafficked persons who fit proscriptive profiles.

Anderson and O’Connell Davidson find that governmental and intergovernmental organizations are keen to position trafficking within a framework of crime control and prevention. From this vantage point, harms inflicted upon “legitimate” trafficked persons, juxtaposed to those who are deemed “voluntary” economic migrants, concurrently represent a threat to the state. “The beauty of trafficking, constructed as a problem of organized transnational crime is that it apparently represents a form of forced migration that simultaneously involves the violation of the human rights of the ‘trafficked’ person and a threat to national sovereignty and security” (Anderson and O’Connell Davidson 2002). As a result, only those individuals whose situations align with current scholarship, policy, law enforcement and NGO conceptualizations of what trafficking *is* and who trafficked people *are*, will be identified as trafficked juxtaposed to labeled as voluntary migrants.¹⁴

To this point, Tyldum and Brunovskis observe that “the ratio of cases identified by law enforcement or nongovernmental organizations to the total number of trafficking cases in an area is seldom known, it is difficult to determine to what extent the identified cases are representative of the universe of trafficking cases, and which biases they introduce” (2005: 24). Tyldum and Brunovskis’s observations are noteworthy in that they draw attention to personal and institutional biases that may, in practice, perpetuate tendentious assessments of the “trafficking universe.” What else might explain the vast discrepancy that exists between the estimated numbers of people trafficked into the United States each year and the actual number of individuals that are identified and certified¹⁵ as victims of trafficking? Though improved methods of detection are touted as the main reason the numbers have “gone from 45,000 to 50,000 in 1999, to 18,000 to 20,000 victims reported in 2003 to 14,500 to 17,500 quoted in the 2004 TIP report,” ideological biases against immigrants in general and prostituting immigrants in particular also appear to attribute to difficulties in identifying trafficked persons¹⁶ (Gozdziak and Collett 2005: 10). In the absence of research that systematically assesses the extent to which law enforcement and NGO biases influence identification practices, it seems reasonable to assume that NGOs, like the governments that fund them, perpetuate ideological blind spots in negotiating a trafficking terrain where moralizing discourse stands in for conclusive empirical data.¹⁷

Awkward alliances: brief contextualization of the division of labor between the U.S. government and NGOs

Aside from the ways in which selective seeing delimits understanding about trafficking, what seems additionally perplexing is the degree to which NGOs are capable of maintaining critical distance from government policies. William Fisher notes that although “NGOs are purely voluntary groups with no governmental affiliation or support, some groups so designated are created and maintained by governments ... while the moniker ‘nongovernmental organization’ assumes autonomy from governments, NGOs are often intimately connected with their governments” (1997: 451). Though an in-depth exploration of the ways in which NGOs reproduce, re-entrench, and resist governmental practices remains outside the scope of this paper, it seems important to point out the obvious: not all NGOs are “good,” progressive, nor inherently invested in struggling toward social justice with the individuals for whom they work. Moreover, since NGOs in the United States increasingly function as an extension or dislocated arm of state sponsored policies, it behooves scholars, policy makers, and community stakeholders alike to critically interrogate the role that they play in ameliorating trafficking on the one hand, and whether they help, hinder, complicate, and/or facilitate trafficked persons’ empowerment on the other.

As a “hot topic,” that has captured the public imaginary, policy makers, researchers, and activists have pressed for greater resources to curtail trafficking. Regardless of their ideological position regarding prostitution or immigration, a consistent thread throughout the scholarly, intergovernmental, and NGO literature is that more attention and funds are needed to assist trafficked persons (Bump and Duncan 2003; Zarembka 2003; Chuang 2006). The Trafficking Victims Protection Act (TVPA) and its 2003 and 2005 Reauthorization draw upon a three-pronged approach, or what is known as the three “P’s”, to prevent trafficking, prosecute traffickers, and protect trafficked persons (Bump and Duncan 2003).

Despite its rhetorical catchiness, the U.S. government has focused more of its energies on prosecution than on prevention and protection. Chuang notes, “efforts to combat trafficking have proceeded from a narrow view of trafficking as a criminal justice problem, with a clear focus of targeting the traffickers and, to a lesser extent, protecting their victims” (2006: 148). As a result of the U.S. government’s prioritization of prosecution over protection, NGOs have, by default, been delegated the responsibility of protecting victims. Rerouting the responsibility of victim protection from the state to NGOs is evidenced by Ambassador John Miller’s comments. Miller states:

There is no question about it ... carrying out the “three P’s” of dealing with human trafficking – prosecution, protection and prevention – requires a great role for NGOs, protection particularly. Our policy is to reach out to local NGOs and especially get to the smaller NGOs that are on the ground doing the work.”

(Alta 2006)

Though Ambassador Miller deems NGOs to be the ideal protectors of trafficked persons, the question remains as to what *kind* of trafficked woman, man, or child is “worthy” of protection? Furthermore, there is no evidence to confirm that the vast resources dedicated to the three P’s have worked. Despite the annual availability of 5,000 T-Visas, which are visas earmarked specifically for persons trafficked into the United States, approximately 800 have been granted since the passing of the TVPA (Haynes 2004; Meyer 2006). Herein, Wendy Chapkis’s observations are instructive. She writes, “the Trafficking Victims Protection Act helps to define compassionate conservatism: a willingness to provide assistance and protection for a *few* while reinforcing barriers to help for the *many*. The law insists that victims deserve support because they differ from economic migrants who have unfairly benefited from facilitated migration” (2005: 59 emphasis mine).

Thus, in order to play the “great role” that Ambassador Miller has in mind, NGOs must align their internal policies and philosophies with the views of their funders; namely, the U.S. government. In so doing, they must implicitly distinguish between voluntary economic migrants and involuntary trafficked persons (read women trafficked for sexual exploitation) where the latter are given shelter and protection and the former are arrested and deported. Though the topic of immigration does not arouse the same kind of voyeuristic “sexiness” as sexual slavery, forced prostitution, organ removal and the like, I would wager that given the current backlash against immigration in general and illegal “economic” immigrants living in the United States in particular, trafficking NGOs might one day face yet another Gag Rule in which only those organizations that support the “regular” movement of individuals across borders will be granted federal funding.

Although seemingly far-fetched, this example is intended to illustrate the effect that funding can have in suppressing legislative dissent. At best, the outsourcing of victim protection from the state to NGOs can provide trafficked persons with greater security and comfort, particularly since their role appears to be more ameliorative than punitive. At worst, however, this division of labor can lead to satellite state building in which only those NGOs who tow the “compassionate conservative” line are able to survive. Needless to say, dependency on governmental funding, particularly U.S. federal funding has the potential to blunt NGOs’ willingness to challenge the policies of the government that funds them (Clarke 1998).

Enter cast

Thus far I have endeavored to present points of interest and contention by highlighting how ideological blind spots and state-sponsored outsourcing of victim protection to NGOs creates a confusing and all too often contradictory environment for trafficked persons to navigate. I would now like to turn my attention away from overarching structural issues and refocus my energies on the Los Angeles-based NGO, the Coalition to Abolish Slavery and Trafficking (CAST). By exploring their history, organizational structure, funding streams, and program offerings, do I hope to gauge if CAST’s “client-centered” model proves effective

in encouraging trafficked persons' participation in the U.S.-based anti-trafficking movement.

History and structure

The formation of CAST came on the heels of an August 1995 immigration raid in which approximately 80 migrants from Thailand were found to be working in slave-like conditions within a compound in El Monte, California. What distinguished the El Monte situation from previous cases involving illegal immigrants working in the manufacturing, agriculture, construction, domestic service, and hotel and restaurant industries was the scope and scale of coercion involved in confining the workers in the armed compound; when the Thai workers were discovered, "75 women and 5 men had been working for 17 hours a day for seven years, sleeping eight to ten people in a room" (Taylor and Jamieson 1999: 262). The case proved additionally perplexing for law enforcement and social service providers who struggled to determine their legal status; were the Thai workers illegal immigrants and therefore subject to deportation or rather were they exploited victims entitled to visas, legal recourse, and compensation?¹⁸ The El Monte case gave rise to an ongoing discussion amongst local social service providers, law enforcement agents, and community leaders about how best to address the exploitation of illegal immigrants while exploring the various factors that contribute to the forced movement of people into Los Angeles County.

In an effort to attend to the specific and nuanced needs of such exploited immigrants in Los Angeles County, CAST was formed in 1998 by a small group of community activists, many of whom were directly and indirectly involved with the El Monte case. With a central mission aimed at "assisting persons trafficked for the purpose of forced labor and slavery-like practices and to work toward ending all instances of such human rights violations" CAST offers a range of social services to trafficked persons, provides training to law enforcement and community stakeholders, and participates in policy advocacy (Kim 2006: 11). Organizationally, CAST doubles as a provider of social services on the one hand and as a center for advocacy on the other.

As the first organization in the United States dedicated to working exclusively with survivors of trafficking, CAST was also one of the first organizations in the United States to frame trafficking as a labor and human rights abuse rather than an issue implicitly related to prostitution and commercial sexual exploitation (CAST 2007). Though the positioning of trafficking as a human rights violation juxtaposed to a form of gender-based violence is perhaps related to CAST's formative experiences with the El Monte case, it has arguably proven to be one of its most strategic moves in sidestepping debates about the merits of sex work as a legitimate form of labor. Sally Engle Merry describes a successful NGO as one that "builds an issue that has a name, evokes sympathy, defines a villain, and compels a form of action. Such issues are fundamental to attracting media attention and donor support. In a sense, these issues become commodities" (2005: 251). Through that lens, CAST is a successful NGO par excellence;

they denounce exploitative slave-like labor practices, deem traffickers to be the main culprit in perpetuating abuses, assist trafficked persons in obtaining housing, legal, health and mental health services, and draw upon their organizational capital by successfully securing U.S. government funding.

Funding

In addition to funding the vast majority of research on trafficking in the United States (Gozdziaik and Collett 2005), the U.S. government has also been a major funder of NGOs that work with trafficked persons, particularly since the advent of the TVPA in 2000 and its corollary funding streams (Spangenberg 2002). As a result of increased federal funding, CAST has organizationally expanded. In 2004, thanks to a \$1 million grant from the Department of Justice's Office for Victims of Crime, CAST opened the first shelter for trafficked persons in the United States. Independent of private donations, CAST receives additional operational funding from the Office of Victims of Crime (OVC), a federal agency within the Department of Justice, and the Office of Refugee Resettlement (ORR), which is housed within the Department of Health and Human Services (DHHS). Though difficult to precisely chart the ways in which government funding streams are translated into CAST's programs, the available data suggest that federal funding, namely funds from the OVC and ORR, are used to sponsor programs for victim support that include but are not limited to housing, physical and mental health care services, intensive case management, job training, and education. With additional OVC funding, CAST has developed programs to train local government, as well as federal FBI and ICE agents, and Department of Justice employees based in Los Angeles in better identifying victims of trafficking (Kim 2006: 11; U.S. Department of Justice 2006).

The infusion of funding to an organization that then trains government employees and law enforcement questions the ability of CAST to retain critical distance from its funders, and to challenge current trafficking policies. To elucidate this point, the DOJ Law Enforcement Task Force and Services for Human Trafficking Victims grant, from which CAST has received funding, states in no uncertain terms that, "U.S. nongovernmental organizations cannot use U.S. government funds to lobby for, promote, or advocate the legalization or regulation of prostitution as a legitimate form of work ... the U.S. government is opposed to prostitution and related activities, which are inherently harmful and dehumanizing" (Department of Justice 2006).

Such explicit opposition to any form of sex work most certainly delimits opportunities for dialogue and the development of programs with CAST clients who may have worked, forcibly or voluntarily, in the sex trade industries. Within such a restrictive funding environment, CAST staff must buttress U.S. opposition to all forms of sex work at the expense of clients who may, of their own volition, choose sex work as a viable economic option. How, for example, might a CAST case manager respond to a client's interest in working in the sex trade, particularly if the client sees sex work as her most economically

advantageous option? Though hypothetical, this example is intended to draw attention to the bind that service providers face in attempting to balance their client-centered services with funding guidelines that strictly prohibit the mere mention of sex work. Suffice it to say that CAST social service providers and advocates are in the difficult position of balancing the needs of clients with those of their funders, where the former are inextricably bound to the mainstream mores and guidelines of the latter. Equally symbolic are the ways in which such a “top-down” approach stifles trafficked persons from articulating what an anti-trafficking movement might look like to them. How do trafficked persons understand survivorship, empowerment, human rights, and social justice and how does CAST address their clients’ needs through their current program offerings? In the absence of programs, and research for that matter, which bring trafficked persons into the fold of organizational decision-making and program development, CAST clients are left to “survive” on the sidelines of the anti-trafficking movement.

In discussing the state’s role in creating funding guidelines for domestic violence shelters, Abraham finds that, “shelters that use state resources have to work within the confines of bureaucratic structures and must therefore conform to state-defined specifications” (Abraham 2000: 160). U.S.-based trafficking organizations that receive federal grant money are similarly compelled to direct money towards services, campaigns, and prevention efforts that meet federally mandated guidelines. While state-defined specifications and outcomes are not unique to NGOs working with trafficked persons, what is specific to the issue of trafficking is the overwhelming energy dedicated to separating “deserving” trafficked victims from “undeserving” economic migrants. Such distinctions are tenuous at best, leaving NGOs like CAST with little option but to limit their services to individuals who fit prevailing definitions of who a trafficked person is and to design programs that staff, along with their federal funders, deem to be most efficacious in cultivating successful trafficking victims, witnesses, and “survivors.” So, despite the invaluable services that CAST provides individuals who are officially identified as trafficked, funders’ guidelines nevertheless prove significant in narrowing the scope in which the organization constructs the U.S.-based anti-trafficking movement.

Professionalization and programs

While the professionalization of trafficking NGOs has expanded their role in producing knowledge about trafficking, it has concurrently solidified their position as gatekeepers and “experience managers” of trafficked persons. Due to the criminal nature of trafficking and the very real safety risks that trafficked persons face once they escape their traffickers, NGO staff are called to stand in for their clients by representing their experiences to law enforcement, the DHHS, and the media. What remains unclear, however, are the ways in which staff balance and synthesize their and the organization’s interests with those of the clients they represent. Like funding constraints, a professionalized environment has the

potential to exclude trafficked persons from participating in a larger anti-trafficking movement, particularly where staff are hired and paid for their professional competence and expertise in the field of trafficking and not necessarily for their activist commitments. This is not to suggest that CAST staff are not fully committed human rights and social justice activists in their own right, yet in organizationally dividing their efforts between social service and advocacy work, both of which are inextricably bound to government policies and funding outcomes, their ability to build an anti-trafficking movement inclusive to trafficked persons is markedly hindered.

Denise Brennan observes that trafficked persons have not been active in promoting anti-trafficking legislation, nor have they helped to shape the direction of the anti-trafficking movement. She further notes that, “the anti-trafficking movement is still so new in the United States that most often non-ex-captives must ‘speak for’ most ex-captives if their story is to be told at this time. The movement activists, at this early stage of the fight against trafficking, are generally elites, often human rights attorneys” (Brennan 2005: 43). Brennan attributes the lack of participation of trafficked persons in the anti-trafficking to the issue’s relative “newness.” Additional reasons have been offered to explain why survivors have not been active in speaking on their own behalf that include, “fear of reprisals from their traffickers, their [trafficked persons] stage in the recovery process, and concern that their community of co-ethnics will stigmatize them” (Brennan 2005: 43).

While Brennan’s points are well founded, I would add that in the context of anti-trafficking NGOs like CAST, trafficked persons are compelled to interface with staff on two conflicting levels: on the one hand, clients are “served” by staff, and on the other, they are asked to communicate with staff as dialogue partners in the anti-trafficking movement. Here it seems that in trafficked persons’ roles as “client,” however partial and fluid that identity may be, their ability to communicate on a level-playing field with staff is restricted, since CAST employees have greater access to power and decision-making. Moreover, as clients, trafficked persons are compelled to participate in programs in which they have little, if any input. For example, during the 2005–06, CAST entered into collaboration with the University of California, Los Angeles through the UCLA in LA program.¹⁹ The grant aimed to connect UCLA students with CAST clients in developing art workshops and classes as creative methods of departure in rethinking the anti-trafficking movement. As a student participant in the UCLA/CAST activities, I was surprised to discover that the clients had not been asked if they wanted to participate (new shelter residents must participate in all activities), and that they had not been consulted in the planning process. My concerns came to a fore when one workshop participant poignantly asked, “What are you doing here? What do you get out of this?” While I assumed that the project’s aims were made clear to CAST clients and staff alike, the workshop participant’s sharp questioning exposed a lack of communication between staff and clients, and raised doubt about clients’ willingness to participate in programs, much less the organization’s anti-trafficking efforts, in the absence of full disclosure and participation in decision-making processes.

Since the anti-trafficking movement in the United States is overwhelmingly led by a group of educated female professionals who have the ability to legally work in the United States, questions abound as to whether such a professionalized environment is capable of creating an inclusive space in which trafficked persons can voice their needs, concerns and visions of what an anti-trafficking movement looks like based on their experiences and perspectives. Because CAST staff come from such disparate racial, gender, ethnic, educational and class backgrounds than the clients they work with, more in-depth research is needed to better understand how power and privilege operate in determining who gets to speak on behalf of trafficked persons and on what terms. Such reflections on asymmetrical power relations might also serve as an opportunity to reconceptualize what a survivor-centered anti-trafficking movement and environment might look like.

Despite funding pressures and professionalization, CAST has encouraged two programs that appear to foster more inclusive client participation in the anti-trafficking movement. The first, Rays of Hope, is a collective of artists based in Los Angeles who make and sell handicrafts in an effort to achieve economic independence. Rays of Hope was spearheaded by current and former CAST clients invested in gaining financial autonomy while promoting public education about trafficking. Although CAST provided the social space for Rays of Hope participants to meet one another, their activities are separate from the larger organization. While Rays of Hope participants have not, to date, articulated how their organizing efforts fit within the larger U.S.-based anti-trafficking movement and what, if any coalitions they are interested in building with trafficking NGOs, they are nevertheless one of the few survivor-centered spaces in which trafficked women and men can organize themselves independent from organizations run exclusively by non-trafficked persons. Future research might further interrogate if survivor-centered activities and organizing are more effective than professionally defined victim-/client-centered models in fostering trafficked persons' healing and political mobilization.

The Survivor Advisory Caucus, which is part of CAST's Advocacy and Training Program, also appears to actively promote client participation in the organization's anti-trafficking efforts. Developed as a forum for clients to discuss their insights about trafficking policies, the Survivor Advisory Caucus has proffered clients with opportunities to express their ideas and concerns for future programs that might be meaningful to them and to advocate for anti-trafficking policies. The Survivor Advisory Caucus remains committed to ensuring that "public policies are victim-centered," and invites client feedback on new trafficking research and legislation (CAST 2007). The meetings are semi-structured and facilitated by the CAST Advocacy Coordinator.²⁰ Clients who participate in the Survivor Advisory Caucus have also been invited to speak at law enforcement trainings and to share their stories with the media.

Without undermining the value of both Rays of Hope and the Survivor Advisory Caucus, my concern nevertheless rests with the fact that these programs' participatory structure is more the exception than the rule. It remains to be seen whether CAST and other anti-trafficking organizations can extend such

participatory practices to broader organizational participation, which may include hiring former clients as case managers and peer educators, involving clients in fundraising, offering organizational support for programs developed by and for clients, sponsoring law enforcement trainings and educational curricula designed by trafficked persons, and providing clients with tools that will allow them to organize their own conferences and anti-trafficking activities. Only by carving out literal and symbolic space within CAST's organizational structure and program offerings, will trafficked persons be better equipped to sustain and lead the U.S. anti-trafficking movement.

Concluding thoughts

Current funding pressures and professionalization mute, if not altogether curtail the participation of trafficked persons in the U.S. anti-trafficking movement. CAST must negotiate a highly professionalized environment informed by policy and funder demands while advocating for trafficked persons in ways that do not further deny their agency and ability to fully participate in the anti-trafficking movement. Yet, the cultivation of a survivor-centered anti-trafficking movement in the United States requires the willingness of NGOs to share leadership and control over anti-trafficking activities. Programs like Rays of Hope and the Survivor Leadership Caucus demonstrate that more participatory frameworks are possible within and outside professionalized settings, though they require NGO professionals' concerted dedication to addressing divisions of power and privilege that exist between trafficked and non-trafficked persons. By deconstructing the ways in which governmental and organizational demands silence trafficked persons' voices, CAST can begin to rethink strategies and tactics that build upon trafficked persons' experiences and expertise, not only in preventing trafficking in the future, but in working with individuals who have already left their trafficking situation.

Notes

- 1 I draw upon Nancy Naples's definition of participatory action research as "an effort to democratize the research process by involving community residents/participants in the design, implementation and analysis of research" (Naples 1998: 12).
- 2 De Rode Draad (Red Thread), Stichting Tegen Vrouwenhandel (STV), and TAMPEP are NGOs with whom I have formed relations in the Netherlands.
- 3 The Coalition to Abolish Slavery and Trafficking (CAST) and the Young Women's Empowerment Project are organizations that I have volunteered for in the United States.
- 4 NGOs that fit within abolitionist frameworks include the Coalition Against Trafficking in Women (CATW), the Salvation Army, the European Women's Lobby, Equality Now, and Captive Daughters, to name but a few. See Barry 1979; Raymond and Hughes 2001.
- 5 The Global Alliance Against Trafficking in Women (GAATW) is well known for its critique of abolitionist perspectives that see all form of prostitution as exploitative. See Wijers and Lap-Chew 1997; Kempadoo and Doezema 1998; Kapur 2002.

- 6 The International Organization of Migration situates trafficking in relation to movement but additionally focuses on human rights. The Coalition to Abolish Slavery and Trafficking similarly draws upon human rights perspectives.
- 7 The Network of Sex Work Projects and De Rode Draad propose that trafficking thrives as a result of criminalizing sex workers and their clients and they argue that decriminalizing and/or legalizing sex work can decrease incidents of trafficking since clients and sex workers are not discouraged from reporting exploitative labor practices to law enforcement.
- 8 See (2006) U.S. Department of State *Trafficking in Persons Report*, (2000) United Nations *The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*; Laczko 2005.
- 9 See Outshoorn 2005 and Jo Doezema 1998 for deconstructive analyses of the conflation between prostitution and trafficking.
- 10 See U.S. Department of State report, *The Link between Prostitution and Trafficking* 2004.
- 11 NGOs based in the United States that advocate a pro-sex work/harms reductionist approach must look for nonfederal funding sources. For example, the Young Women's Empowerment Project (YWEP), a harms-reductionist NGO based in Chicago works with young women who engage in commercial sex work. The YWEP does not attempt to "rehabilitate" the young women nor does it force them to seek alternative work. Instead, the YWEP holds workshops and classes co-facilitated by the young women in an effort to share knowledge and build skills. As a consequence of its more progressive positionality, the YWEP has minimal funding; it currently receives money from the City of Chicago's Mayor's Office and private donors. For more information, see www.youarepriceless.org. For an interesting comparison, see www.sageprojectinc.org
- 12 See Barry 1979; Hughes 2000.
- 13 Gail Kligman (2005) noted that arguments touting prostitution to be a "gateway" to trafficking resemble rhetorical claims in which marijuana is seen as a gateway drug to "harder" illegal substances like heroin.
- 14 See for instance Gallagher 2001; Aronowitz 2001; Kyle and Dale 2001.
- 15 As a result of the passage of the 2000 TVPA, the U.S. Department of Health and Human Services was named the agency responsible for providing trafficked women, men and children with services and benefits. In order to receive DHHS certification, however, trafficked persons must have the support of the law enforcement officers that identified them. This speaks to my earlier point regarding the ways in which law enforcement and NGO biases may prevent *actual* trafficked persons from being identified as such. For more information on DHHS's Rescue and Restore Program, see www.acf.hhs.gov/trafficking/index.html
- 16 In August 2005, federal ICE agents "busted" an Asian spa in Dallas. ICE agent Coonen said this of the Korean women he interviewed: "The single biggest reason in this particular case is, I think, because the lion's share of the girls had the ability to move from one facility to another ... they were not completely restricted. Many of them ... knew that they voluntarily came to engage in this business with at least a bit of an understanding of the circumstances that you'll find when you get here" (Meyer 2006).
- 17 For a useful discussion of the challenges to conducting research on trafficking, see Kligman and Limoncelli 2005; Kelly 2005; Tyldum and Brunovksis 2005.
- 18 In July 1999, a court awarded \$4 million to the Thai El Monte workers. For more information, see Sweatshop Watch. Available at: www.sweatshopwatch.org/newsletters.
- 19 For more information about UCLA-sponsored community partnerships, see <http://la.ucla.edu/Master.cfm?Page=Directory.cfm>.
- 20 I was invited to attend a Survivor Advisory Caucus meeting on January 20, 2006. Four clients were present at the meeting and CAST's Advocacy Coordinator, who is a full-time staff member at the organization, served as a facilitator.

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2 Beyond “tragedy”

A cultural critique of sex trafficking of young Iranian women

Sholeh Shahrokhi

Prelude

How does one write about a problem among a people halfway around the world, when the world is sharply divided into camps of opposites where the political atmosphere is highly polarized and the military rhetoric of “belonging to one or the other” seems infinite?¹ “Imagined” or not (Anderson 1991), national identities and community affiliations run deep in the current discourses about all that relates to life in Iran. As I write the final addendums to this article on human trafficking in Iran, I am surrounded by the language of nationalism and political significance, both in terms of the energy confrontations in the world, and at a historically significant moment when the political events of the last few months in Iran lead to the emergence of a Green Movement across the globe in response to the violent aftermath of the Presidential election in June 2009. As such, the current discussions of human rights violations, energy (nuclear) politics, and post-Obama United States–Iran relations, once again raised public awareness about the tenuous relationship between the State and ordinary people of Iran, on the one hand, and the fragile political relations with the country. How does one formulate a thoughtful script about human trafficking practices and attitudes toward sexuality in Iran, avoiding the ambush of a language of anti-nationalism?

Questions such as this have been central in my thought process both during fieldwork in Tehran and with respect to subsequent reflection and writing. One practical approach customary to social sciences is that which relies on formulating comparisons between binary opposites—in this case between the experiences of sex workers in Iran and its “other”—the United States. When political discourse polarizes cultural analysis, more often than none, the critique itself (along with the person voicing it) is muffled. In my view, the progressive stance against war-waging policies of the macro institutions does not yield to ignoring a critical analysis of idealized models of femininity in Iran. While the critical engagement with contemporary global politics is bona fide, in order to surpass binary assessment all together, this paper offers instead a multi-layered critique of the topic. On one level, this paper considers hierarchies of social statuses and dissimilarities between different groups of Iranian female sex workers (brought in either by force or by choice) in order to better comprehend the circumstances

of their involvement in the commerce. Moreover, the study takes into account a cluster of influential socio-cultural factors that contribute to the development of the practice. Located within a complex web of norms and practices, which range from the consequential effects of poverty and addiction, local perceptions of gender and sexuality, and the well-established adaptation of religious meanings, this paper reveals the transference of Iranian girls into Dubai's sex market as a cultural construct.

The argument

Often, the sheer catastrophic scale and details of the global underground sex markets are so extreme that to study them becomes a cumbersome ordeal, layered with political risks and emotional impediments for the researcher. While many commit to eradicating such tragic human experiences, it is crucial to note that before any fundamental changes can take root, the complexities of the socio-political context surrounding this issue need to be considered.

Beyond the tragic

One can study Human Trafficking from a variety of perspectives. For example, in terms of the historical development and evolution of the slave market, criminology of sex trade, or the socio-economic basis for human trafficking, all will provide relevant and useful analyses and findings on the topic. However, the focus of this paper is on specific social/cultural conditions, in which young Iranian women and children are transported into the underground prostitution circles of the Gulf states. This article aims to draw scholarly attention to the cultural context surrounding sex trafficking in Iran.

The triangular movement of human trafficking between Iran, Pakistan, and the UAE in recent years can be specifically divided in two separate categories and paths. Since the mid 1990s, an increasingly young population of urban females, many of whom came from an emerging class of runaway teens in the Iranian cities, have entered the Iran-UAE body trade. This trend is also evident in the abundance of official reports, despite attempts to heighten sensitivities on the issue in the region. "In recent years, the rate of smuggling young women and the mandatory migration of the [Iranian] girls to the Gulf States and in some cases to Asian and European countries has risen sharply" (Asad Beygi 2004). The Tehran-Dubai path is mostly exclusive to urban runaways and young prostitutes. "Iranian girls hold the highest price and have the most appeal in smuggling markets of girls and women in the U.A.E." (Aref News 2005).

In the year 2000, I had returned briefly to Iran after years of immigration, in order to observe life in Tehran, and to evaluate the possibility for conducting a dissertation research on teenage runaways in the city. By observing their social practices, I had hoped to understand the cultural context and political economy of a sexual morality, which teenage runaways simultaneously provoke and threaten. The conversation I overheard on my time off from fieldwork was intriguing to

me, both as it related to the topic of my studies, and in the way the conversation-ists boldly discussed in public a topic I had presumed taboo.

On December 2000, after recreation in the crystal waters of the coral reef in the Persian Gulf, I came ashore to the white sands of the "women-only" beaches of Kish Island. As I lay there, with my eyes closed, I overheard a conversation between two young women that perked my ears. The women were discussing a new opportunity to work in the sex industry in Dubai. One of the women made a proposition to the younger one to take part in a classy escort service ("a service with class," in their words). Their conversation included keywords such as "a high-class setting" where "beautiful, young, Iranian girls" could meet "powerful" rich clients in Dubai city. When the woman expressed hesitation, she was offered instead, to perform sex acts on a live internet-based website. She was then reassured by the slightly older woman (no more than mid-twenties) that her face would not be shown, to protect her privacy. The exclusivity of both the performers and their clients, as members of a "high class" society were emphasized throughout the conversation. In one instant, the lines of distinctions were drawn to demonstrate exclusivity of this crowd from ordinary prostitutes, "street-workers," and the "runaways" (Shahrokhi 2001: 114).

It warranted no surprise to me when the reported accounts of the subsequent years suggested that women of this group enter the market with a level of awareness about sex trade. "Majority of the Iranian girls active in the sex-commerce in the Gulf, not only are aware of their social position and their occupation, they have entered these [the Arab countries of the Gulf] for this purpose, in the first place," writes Rafiezade, an Iranian journalist (Rafizadeh 2005). Members of this group often see themselves as belonging to a higher and more prestigious social class in contrast to street-workers, and demonstrate a degree of "middle-class" cultural standards. These women frequently describe their status and legitimize their actions through adaptation of concepts such as "choice," "autonomy" and "personal freedom" and "financial independence."

Alternatively, human traffickers frequently use another popular route in order to smuggle women and children from Iran into the sex markets in Dubai. This second line of movement falls in the category of more traditional smuggling operations, across multiple borders—mostly from the southern provinces adjacent to the Persian Gulf. Recently, a few cases of the abduction of children in an attempt to smuggle them abroad have been reported in papers.² However, because of extreme poverty, growing problems of drug addiction and overpopulation in the area, many impoverished families "marry off" their daughters, in exchange for a modest fee. In this vein, a history of patriarchy in which the value of a female is primarily restricted to her sexuality plays an important role in determining the fate of these young girls. In recent years, there has been an increase in the number of recorded incidents, where young girls were married off to an external ethnic group such as the Baluch, Pakistani, or Arab men in exchange for money. "Iran is the origin, mediation ground and a site of trafficking of numerous young women and girls for sexual exploitation" (Farzam 2006).

Most recently, the abolitionist movement has focused the world's attention on the criminology of human trafficking and the abuse of human rights. "Human traffickers prey on the most vulnerable and turn a commercial profit at the expense of innocent lives" (Rice 2006). While the inhumane and criminal acts of the sex traffickers in the Persian Gulf area are beginning to receive some attention from the international human rights activists, there is little attempt to improve the attitudes and lifestyles of the families where the flights begin. It is my aim to draw attention, instead, to the socio-cultural context, where it becomes plausible for sex trafficking to thrive.

Although economic misfortune often determines the fate of young women, gender double standards cut across social classes in Iran. Girls in Iran learn about their inferiority to boys at an early age. For many families in Iran, having a female child is perceived as a burden. On the one hand, gender biases in society limit the possibilities for young women to enter the work force and to engage in a stable income-generating activity, thus demoting her to an inconvenience, as an additional mouth to feed. On the other hand, unless men of kin carefully attend to her as a sexual being, girls potentially create situations that jeopardize family honor. Therefore, her guardian's priority is to teach her how to provide care to her younger siblings, to assist in the matters of domestic life to prepare her for marriage. In other words, modern conceptions of choice, compatibility of the matrimonial pair, and romance are rarely a factor in determining her fate. In most instances, harsh living conditions and economic pressures often result in disposition of the young girls, who are married off quickly, often to considerably older men, in order to avoid social embarrassment and financial hardship.

In this regard, despite the substantial role of poverty in the formation of sex commerce and human trafficking, the complexities of cultural values, attitudes, and practices towards sex that have developed in the area deserve serious consideration as well. History of polygamous practices (at least for those who could afford it) and social construction of the Harem, as well as sexual slave markets in Iran, have contributed to the formation of sexual meanings and the attitudes toward bartering of the body. Additionally, while the remainder of "harem culture" occupies the collective memory of people in Iran, the contemporary norms and social standards distinguish polygamy (as something that can be tolerated, even accepted under special circumstances) in contrast to obtaining sex partners through slave markets and other similarly non-virtuous practices, like prostitution, deemed as sinful and corrupt. Nonetheless, from ancient times, human traffickers have been pirating bodies and taking them hostage for the purpose of slavery. Able bodies of captured men and women were used in order to build "great civilizations," to satisfy sexual desires of the dominant and the powerful. Much of scholarly research on human sexuality suggests the endurance of the tradition of sex slavery since the antiquated era. "The slave market had been a thriving commerce in the Middle East since Mesopotamian times, [where] young boys and girls captured in war or paid as tribute by their fathers or local rulers were available for purchase on the open market in all major cities" (Croutier 1989: 21).

Tracing back through Iranian textual history, one can find numerous references to *kanizakan* (female sex slaves) and *gholaman* (male slaves), who were brought in from expansionist wars or purchased at trade markets. The practice of taking up *kanizak*³ into one’s household continued ubiquitously throughout the region and was common practice in the post-Islamic era. Although Iranian Islamic heritage celebrates the radical response of the Prophet to slavery,⁴ the adoption of female sex slaves (*kanizak*) did not die off prior to the Pahlavi dynasty in Iran. As recent as 100 years ago, during the reign of the Qajar dynasty, women were frequently adopted into the King’s court and prominent wealthy men, to work as domestic servants and to provide sex services to their masters. The recorded historical accounts suggest that the majority of these women were captured from impoverished families in far away places—often from African continents—and sold off in slave markets (Nashat 2004: 37–60).

Conversely, within Shiite Islam and the Iranian adaptation of the faith, the institutionalism of temporary marriages or *sigheh* has legitimized marketing and bartering of the body. Sanctified under the rubric of the Prophet’s Sunnat (lifestyle and teachings), *sigheh* is strongly defended by many as a socially acceptable methodology for controlling and preventing prostitution. In Iran, while prostitution and the management of sex trade remained illegal both prior to and after the political revolution of 1979, the ethical double-standard of forbidding the sale of the body by sex workers while celebrating temporary (as short-term as a few hours) marriages in exchange for money has complicated responses to a growing social phenomenon. As early as 1934, Iran officially signed the 1921 International doctrine to prevent exploitation and bartering of women in or outside the country’s geo-political borders (Kar 1999: 140).

“The freedom to choose one’s mate is yet to be recognized and practiced by the public in Iran, especially among families of limited financial resources,” writes Mehrangiz Kar, a former judge and an attorney specializing in family law, as well as a long time women’s rights advocate in Iran (Kar 2001: 36). However, young girls from different regions in Iran experience a variety of limitations according to local cultures. Some of the earliest distinctions between genders begin with prohibiting young girls at pre-school level from playing in group games and sports, even disallowing their presence outside the house in the extremely traditional families. Many of the local cultures in the southern parts of Iran prohibit their young daughters to leave the house unescorted, even for grocery shopping, since popular belief understands this as a sign of weakness and the absence of authority of the man of the house. When a girl disobeys, her actions are rarely tolerated. In accordance with traditional values of the region, the male of her kin would respond tragically, and violently, in order to save face.

On the other hand, “children become the supporting pillars for the broken and shaky relations [in cases of domestic dispute]—a bait on a hook,” writes Farzaneh Milani on the cultural significance of children within the family (Milani 1992: 196). Domestic services of these children are a necessity for many impoverished families. “Above all, woman’s procreative power it seems remains insurance for mismatched alliances, with the failure to produce a child, preferably a boy,

a cause for severe anxiety and desperation” (Milani 1992: 196). For families with limited financial resources, male children become additionally valuable as “Nan-avarān” or breadwinners. Young girls continue to simultaneously invoke sentiments of destitution (an additional mouth to feed), and to evoke the romantic notion of a future helping hand in the domestic realm. Prior to marriage, and especially among crowded families, daughters assume their domestic role in cooking and caring for the family at a very young age.

A daughter’s participation in school, also, falls prey to cultural prejudice. Many of the Iranian girls in the south do not continue their education beyond elementary years, as their domestic assistance takes precedence over their education. Moreover, when they fall behind in their studies, the young girls are presumed lacking talent and intelligence. These harsh judgments about a girl’s ability to learn and to excel in school are further utilized to argue the need to marry her off quickly. Despite an increase in women’s participation in schools since the political revolution of 1979, the traditional notions of an ideal woman as someone “Najib” (innocent) and “Mojab” (agreeable) persist across social classes and ethnic groups. Images of the extreme polarization of women are reinforced through literature and culture, either as good mothers and caring wives who emphasizes their domestic service, or as promiscuous and transgressive bodies (i.e. “Lakateh,” “Saliteh,” “Faheshe,” etc.). Numerous examples of such exist in the writings of great Persian cultural icons, from Saadi (the poet), to Amir Kabir (a social reformer), Hedayat (an intellectual pioneer) and beyond.

Similarly, with respect to the treatment of women by men, Iranian oral and textual history is frequently used to legitimize male dominance in contemporary culture. Much of the popular values are learned through proverbs and allegories passed on through continuous oral reiterations. Unfortunately, included in the oral culture of Iran are images of women as secondary to men, and descriptive teachings on how to train a woman into her proper obedient place. “There are many examples of women’s lack of wit and wisdom in Iranian literal culture and legendary stories and poetry, which justify and reinforce the absolute authoritative position men assume over her” (Kar 2001: 42–43). Among them, Saadi, a prominent literary figure of the twelfth century, and a “Master of Speech,” offers an abundant collection of teachings on how to control a woman into submission:

در خرمی بر سرایی ببند
 که بانگ زن آید ز او بلند
 ...
 زن خوب فرمانبر پارسا
 کند مرد درویش را پادشا

“Slam the door shut on a house
 From which, the voice of a woman is heard”

...

“A good, obedient woman of character
 Shall transform any ordinary (dervish) man into a king!”

While the Master of Persian Speech and Virtue, Saadi offers numerous prose and poems praising the status of the woman, it is undoubtedly the very derogatory verses that regulate women to subjugation that become exemplary in patriarchal literature. Moreover, when a man fails to demonstrate his absolute authority over his *Namous* (females of kin/sexual properties), he is harshly assessed in the public eye. In recent years, the metaphor of *zan-zalil* (wretched by women) has found itself a strong hold in public speech. A man who fails to demonstrate his absolute authority over his wife, is characterized by his friends (in the language of amusement, humor and sarcasm) as a miserable man, a *zan-zalil*.

On a more philosophical level, Iranians often assign a positive value to the notions of patience (*Sabr*) and destiny (*bakht*) as Islamic virtues. When confronted with circumstances of extreme injustices, the language of God’s supreme power and wisdom in choosing one’s *ghesmat*, or as Abu-Lughod calls it, her “divinely decreed lot in life” (Abu-Lughod 1998: 271), is taken on both as a coping mechanism and a point of legitimacy. At the same time, it must be noted that concepts of *ghesmat* (one’s destiny) and its counter-part *masouliat* (religious and social responsibility to confront injustices) are frequently contended in juxtaposition of one another, and their application fluctuates depending upon specific circumstances. In relation to the problem of sex trafficking in southern areas of Iran, the role of education about multiple applications of cultural and spiritual concepts in terms of attitudes toward life in contemporary situations acquires a significant value. While achieving such objectives (to educate the public in order to reverse their collective attitudes) may seem out of reach, we are reminded by the foundational teachings in anthropology, that all cultural norms are subject to change. Women in Iran have endured much fluctuation in a historically short period of time, since the Constitutional Revolution of 1906–09. Writing on the significant shifts in the conception of women as mothers and wives, belonging to the house (“Manzil”), to “managers of the house (Muddabir-i manzil),” Afsaneh Najmabadi points out the role of education and new formulation of traditional values at the time:

The new regulatory practices and concepts defined the acceptable social space for freedom for the modern woman. ... Thus women constituted at once a new individual self through literacy and a new social self through patriotic political activities. As managers of the house, they were beginning to transform “the house” into a social space of citizenship.

(Najmabadi 1998: 113–114)

The multi-pronged approach to gender reform – one that ranges from institutional education to grass-root activism – will provide the rupture in the tradition of imagined values of the sexes locally, thus effecting the transnational trafficking.

Final remarks

New trends of sex trade in the Gulf region have emerged out of a cluster of cultural and social matters, with their roots in the political history of the people in

the area. An accelerating poor economy for the majority of people in Iran, impoverished living situations, and a failure to educate the public about the value and rights of women, are a few of the contributing factors that make up the social/political constellation resulting in the thriving market of human and sex trafficking. In terms of market economy, sex workers and human trafficking circles often expand their activities over areas where the demand for bartering the body is high and an overflow of clientele is assured. In part, the increase in demands for an underground sex market in Dubai can be attributed to the continuous military presence in the Gulf region due to multiple wars of the last few decades. Such direct correlations between the brothel industry and the presence of military forces in the area, is neither new nor exclusive to the Middle East. However, the increase in trafficking of Iranian girls into Dubai is directly linked to the recent transformation of the city as a geopolitically significant and economically flourishing hub in the Gulf region. Mass migrations caused by a constellation of political revolutions and war, resurgence of religious fundamentalism, and the return of traditional cultural values towards gender provide a new niche for sex trade to go underground, and for new money to be poured into its industry. At the turn of the twenty-first century, a steadfast commerce driving the transport of sex workers through the Dubai gate and into the International market has emerged. "Networks of prostitution transfer runaway girls to the Arabian countries of the Persian Gulf through the aid of powerful venture capitalists and business enterprises, which make large payments necessary to obtain official documentations and visas for these girls" (Anonymous 2002). To confront the growth of sex trade, on the one hand, requires a substantial awareness and possible collaborations with the powerful industry that responds to this market.

On the other hand, uncontested local traditions and sexually violent views of women that persist in the region have created a breeding ground for human trafficking and underground sex trade endeavors. A sustainable program to educate the public about new attitudes toward women and sex is the other important course of action. However, it is equally insufficient to presume that an extensive public educational program alone will eradicate the problem of human-trafficking commerce in the area. For people to participate in educational programs and to adopt a new lifestyle, they need to have alternative methods of generating income. In other words, for people living in poverty, the extent of agency—in terms of control over circumstances of their lives—is constrained and restricted.⁵ In short, to understand, critique, and prevent exploitation of women in the smuggling circles of the Persian Gulf, a multi-disciplinary perspective that goes beyond the traditional political economy of the trade is necessary.

Notes

- 1 The political stance of the current Obama administration is recognized as a change to Bush's "tough" foreign policy and the rhetoric of "the axis of evil" of post-September 11. However, it is my argument that the present global energy discourse in effect overshadows any critique of human rights violation in Iran, in an attempt to compensate previous political dichotomies between the two countries. The problem with this formulation

- is that it resonates closely with the ideological rhetoric of the right-wing extremists in the Islamic Republic, who sanction discourses of *belonging* (khody) in contrast to standing on the exterior of political legitimacy, of not belonging, or else belonging to *the other camp* (gheir-e khody), thus leaving no grounds for a third possible mode of engagement.
- 2 For example, in the aftermath of the Bam earthquake in 2003, volunteers and official border patrol discovered several trucks, loaded with orphaned children. Later reports determined that the children were abducted to be sold-off abroad (Ghanbarpour 2003).
 - 3 With an emphasis on the suffix of “ak” which implies smallness in both the size and age of the person.
 - 4 The Prophet Mohammad freed up a black slave named Belal Habashi in a politically significant moment of Islamic history. Muslim communities in Iran—in formal religious teachings (sermons) as well as street plays (ta’ziye)—often pride themselves in the Prophet’s attitude towards humanity and freedom.
 - 5 See analysis offered by Paul Farmer (2001) and Mark Hunter (2002) based on their research on AIDS and HIV-prevention programs and public health models in Africa

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3 From Thailand with love

Transnational marriage migration in the global care economy

Sine Plambech

Transnational brides are just one segment of the 60 million female migrants of today. In the 1970s Western Europe and Australia were common destination countries for South-East Asian brides (Stoop 1994). In the 1980s and 1990s migration movements have diversified to include women from Latin America, Mexico, China and the Philippines who travel to the USA, as well as women migrating from Eastern to Western Europe (Kojima 2001: 199). Historically, women have always migrated. The apparent tendency of feminization in global migration can be explained both by the number of female migrants as well as by gender-specific reasons for migration. Based on ethnographic field work among a group of Thai women and Danish men, this chapter aims to contribute new perspectives to the so-called *mail order bride* discourse, as well as to perceptions of transnational marriages between women from Thailand and European men.

The existing discourse has categorized mail order brides in a non-critical and problematic manner as victims. This non-contemporary perception has its roots in the universalistic feminist discourse of the 1970s in which marriage was essentially considered as being suppressive, regardless of the woman's own experience and opinions. The assumption that the woman was a victim and unaware of her suppression, were particularly applied to women from third world countries (Constable 2003: 6). This discussion is interesting in relation to Thai women in view of their status as foreigners who come from a third world country in order to enter into marriage. Here, the same mechanisms that are considered suppressive in the universalistic feminist discourse are incorporated into one and the same woman, making it hardly surprising that mail order brides are considered to be victims. These perceptions, however, represent a distorted picture and are, to put it bluntly, rooted in non-contemporary perceptions of sexual inequality and the intrinsic subservience of the female sex. They can be seen as an expression of a patriarchal view of sexuality that keeps women in the role of the victim and does not differentiate between will and force (Ibid).

Five significant themes have characterized the discourse until now in both a Danish and international context: first of all the woman is considered a victim of illegal trafficking.¹ The link between transnational marriages and trafficking arises from perceptions of women from abroad who are specifically bought as marriage partners by Western men. This commercial perspective is reminiscent

of prostitution and should be examined critically as it more often than not has no relation to reality. Thai brides are not a commodity that men purchase and consume (Schaeffer-Grabiel 2004: 33).

Second, Thai women are perceived as victims of violence. The National Association of Women's Crisis Centers in Denmark (LOKK) has documented that those Asian women who most frequently visit a Danish crisis center are Thai (LOKK 2003: 13). Language barriers, lack of knowledge about Danish legislation and, in some cases, a weak social network, make women particularly vulnerable to the consequences of the husband's violence (Ibid: 3). These conditions justify a perception of the women in question as victims. However, the violence aspect is also promoted by media portraying these marriages in a sensationalist manner that exclusively focuses on negative cases of Danish men who make a habit of marrying and divorcing Thai women, or by citing extreme examples of violence and abuse (Julag-Ay cited in Constable 2003: 86). There is little knowledge about Thai women in Denmark as many spend all their time in the home and are provided for by their husbands. As 'self providers,' these women are able to avoid almost all contact with public authorities (from an interview with the Nykøbing-Mors employment exchange). This phenomenon gives rise to two problems, the first being that exploitation and violence can remain unnoticed and concealed within the home, while the other is that common knowledge of Thai women and their marriages is primarily based on information from women who have been in contact with a crisis center *precisely because* they have been subjected to violence. Knowledge about the lives of Thai women in Denmark and transnational marriages that succeed without violence is limited. Nonetheless it is essential in order to reveal the deeper reasons for such marriages and the conflicts that can arise.

Third, there is a perception that these women have 'burnt all their bridges'² and that they therefore represent a vulnerable group without a social network in Denmark or ties to their country of origin. The Thai women in this study, however, have both a social network and connections with their families in Thailand—an aspect that this article seeks to illustrate. Nina Glick Schiller (1995: 48) has already demonstrated how migrants are often characterized as uprooted or disconnected from their country of origin due to their migration. In a watershed article, Glick Schiller (1995) argues in favor of a more complex understanding of the migrant concept. She characterizes migrants who retain and sustain their ties to their country of origin more precisely as *transmigrants*.

Fourth, a general case of gender blindness in migrant theory has ignored the fact that women can and will migrate for other reasons than those of men. In the case of the Thai women's migration and marriages this can be illustrated by the wish of the family in Thailand for her to marry a foreign man at the same time the woman herself wants to liberate herself from the traditional gender roles of Thai society.

Fifth, rather than embracing a global economic perspective, the discourse beyond the four themes outlined above has primarily explained these marriages as a result of extreme poverty or the need of Danish men for control and sexual services. By placing these women's own perspectives at the focal point of the

analysis and linking these to the wider influence of global processes, it is my intention to introduce new aspects to the mail order bride discourse in a Danish context.

In this chapter, I will present the ethnographic context followed by a care-economic analysis of transnational marriages on a macro level, and then proceed to demonstrate how a transnational network supports these marriages. Subsequently I will link the care-economic perspective with the motives of these women and their husbands for entering into marriage at the individual micro level.

Chutima, Kita, Siriporn, and Peter³

My focus for the discussion in this chapter is Jens, a young Danish man married to a Thai, and three young Thai women from northeastern Thailand.⁴ Chutima, Kita and Siriporn are all married, or have previously been married, to a Danish husband. They describe themselves as Thai girls. The interviews with the three women have been selected from a series of interviews supplemented by private visits, visits to companies, meetings with the employment exchange and the language school. As is the case with most anthropological studies in complex societies, this study is qualitative and local, enabling it to highlight new perspectives and contribute to a differentiated understanding of this type of transnational marriages. It cannot necessarily, however, be a basis for generalization.

The geographical locality of this study is northwest rural Denmark. There is a general tendency towards large groups of Asian women in rural areas, particularly in Australia and the USA (Ehrenreich 2002; Constable 2003; Pettman 1996). In Scandinavia, the number of transnational marriages in rural areas is growing. This growth is often accounted for by a lack of women, especially younger women, which as often as not is due to increasing demand for female labor in urban areas. Isolated workplaces in a local setting that primarily use male labor also contributes to making it difficult for men to meet local women (Cahill 1990: 67). One reason for the women in this study to live in rural Denmark was that they knew other Thai women already married to Danes in this area.

Jens lives at Mors, a small island in the region of northwest Denmark, and is married to Chutima with whom he has a small daughter. They live in a new detached bungalow in a small village and they both work in the fish processing industry—Jens more than full time while Chutima works eight hours a week. Chutima has lived in Denmark for five years. She has an aunt who helped her and five cousins to come to the Mors area in Denmark. In Thailand, Chutima grew up as the only girl in the family together with her two brothers. She later worked 16 hours a day in a factory making air conditioning plant for export.

Siriporn is divorced, has two daughters, and rents an apartment in a small provincial town. She owns a house that she rents out. Siriporn grew up with her parents and eight siblings in a village to the north east of Bangkok. From the age of 16 she worked in a chicken slaughterhouse and in a supermarket. Siriporn has lived in Denmark for 11 years and has two marriages with Danish men behind her. She has an older sister in the city of Aarhus in Denmark who introduced her

to each of her Danish husbands. Siriporn's younger sister came to Denmark in 2004. She lives on the other side of the street and is married to a mutual acquaintance of Siriporn and her older sister in Aarhus. Siriporn is on welfare after an accident at work, but has had her own restaurant for some years where she serves Thai food.

Kita has lived in Denmark for four years. She is a friend of Siriporn and both women come from the same area of Thailand. Kita worked in a factory in northern Thailand. She is now married to a friend of Siriporn's ex-husband and looks after the home. The couple lives in a rented apartment and has no children. Kita goes to Danish classes twice a week at a language school in a larger nearby town.

Many Thai women in the area are unemployed, look after the home, or work in the fish processing industry. The latter involves keeping up a fast pace on a production line cleaning and packing fish and mussels. The employees call their workplaces "The Mussel" or "The Fish." Many of the Thai women have had similar jobs in Thailand and have no further education as exemplified by Chutima's, Siriporn's and Kita's backgrounds. The opposite applies in the case of Russian women married to Danes. These women generally have a higher education, while Thai women in Denmark generally have no education beyond basic schooling (LOKK 2003: 12). The employment exchange officer in Nykøbing Mors pointed out that jobs in the fish processing plant matched the previous work experience of the Thai women, and met the labor requirement in fish processing factories that still operate conventional production lines and suffer from a lack of Danish female labor.

Chutima, Kita, and Siriporn did not find their husbands via the Internet or in a catalog. The meeting with them indicates that the term of mail order brides has troublesome implications. The main reason is that the women and married couples who I met had not been introduced by mail order. On the contrary, they had met via local personal networks via women and men who were already married to a Danish husband or Thai woman. They had exchanged a few letters after which the man sent an air ticket and the couple met in Denmark. Glodava and Onizuka (1994) defined mail order brides as women who find their partners via correspondence. This process can be initiated by a marriage agency, a catalog, a newspaper or by friends or family. The juxtaposition of a formal marriage agency and personal family contacts is problematic. First of all, there are significant different social factors involved when contacts are made via a personal network, and secondly the women do not see themselves as or have no knowledge of the concept of a mail order bride. Sociologist Cecilia Julag-Ay points out that the term is of little use as it is not value-neutral, and moreover has "many negative connotations" (cited in Constable 2003: 70).

Care economics in Denmark

Knowledge of this type of transnational marriage has been characterized by studies undertaken *before* the woman or man had decided to marry or *after* some marriages had ended in violence. The most quoted book on the subject is

Mail-Order Brides: Women for Sale by Mila Glodava and Richard Onizuka (1994). In the book they present in summary the discourse up until then, which was characterized by generalizations and uncritical dichotomies between strong men who buy brides and suppressed women who sell themselves. Since then, Nicole Constable (2003) has performed virtual ethnography among American men and women in a study of how identities are constructed on the Internet based on the wish to find a matching partner. Constable's analysis contributes with an anthropological perspective and a feminist criticism that refutes Glodava and Onizuka's approach as it overlooks central distinctions while also underestimating the ability of women to make informed and rational choices. Yu Kojima (2001) also employs virtual ethnography among Korean women migrating to Japan to argue that this group of female migrants should be seen as reproductive working migrants who perform domestic and reproductive work that Japanese women no longer wish to do (205). (See also Johnson 1999.) This is a perspective that I will discuss later on.

Research in recent years generally points to the fact that women migrating to the West for marriage purposes have a complex set of motives, and that it is ultimately they who, more often than not, take the decision on the basis of a number of factors. For this reason, these women should not be uncritically categorized as victims of illegal *trafficking*. Research demonstrates first and foremost that marginalized women in a marginalized economy can and will create strategies for controlling their economic lives (Bloch 2003; Constable 2003; Ehrenreich 2002; Kojima 2001; Sassen 2002; Schaeffer-Grabiel 2004). Few have focused on how marriages at the macro level can be analyzed in the light of wider global processes in which care is an export commodity that is exchanged via a visa and monthly economic payments to the family back at home (Ehrenreich 2002; Sassen 2002). The economic exchange is thus more complex than a commercial perspective in which the woman enters into marriage as the result of an illegal transaction, or in which the husband-to-be pays an agency, the woman or her family for the marriage. Neither do the women migrate because of extreme poverty. They could quite easily survive purely physically in Thailand; their existence is not under threat. They act on the basis of a relatively newly felt poverty as a result of the economic crisis in Thailand at the end of the 1990s (Ehrenreich 2002: 5; ESCAP 1999: 13). Glick Schiller also point out that it is not the poor who migrate of their own volition as migrating requires resources in all classes of society. Migration is often a strategy for making sure that a household unit is able to retain its assets in the form of resources and social standing (1995: 48–54).

The Thai currency was devalued in July 1997, triggering a widespread economic crisis in Asia. The lower middle class and the poor in Thailand were especially vulnerable and in 1998 the unemployment rate accelerated as a result of factory closures and dismissals (ESCAP 1999: 13). It is generally acknowledged that such a series of events and actions impacts women, as they are usually responsible for the health of the family and their children's education. This responsibility is the main explanation behind the global rise in the number of female migrants who travel in order to help their families in their country of

origin by sending money to them. All of the Thai girls in this study send money every month to Thailand. Siriporn explains the situation like this: “We are not poor in my family, but we do not have a lot of money. This is why my sister and I send an amount of 500 Danish kroner [100 USD] every month to our family ... that was really why we came [to Denmark]. My brothers in Thailand do not have spare cash to send to our parents.”

The Thai girls make no secret of the fact that they send money back to Thailand. Money remittances from migrants to their countries of origin are not a new phenomenon, but a phenomenon that is growing. Studies of migrant cash remittances have, however, focused primarily on remittances from rich to poor countries. Luis Eduardo Guarniza suggests that this approach is a simplification, as it does not take account of the macro-economic effects of a transnational migrant economy, thus underestimating the migrant influence on the global economy (2003: 667).

Structural limitations arise from phenomena that impact the specific living conditions of the women and their families. By migrating and marrying, these women seek to challenge and push back these limitations. This is currently manifested by the growth in variation of what Saskia Sassen calls “alternative global circuits for survival and profit making” (Sassen 2002). These circuits embrace a rising number of women. The most central of these circuits include illegal trafficking, nannies, servant girls and transnational brides. Another perspective is the development strategy of the country of origin that can motivate its citizens to look for work or find other ways of improving their economic situation by migrating (Sassen 2002: 4). This can take place officially as is the case in the Philippines where the government ran an information campaign to get Philippine women to marry Japanese men and thus help their family back home. It can also take place unofficially as in Thailand where a remittance economy and bridal migration is a cornerstone strategy towards the underprivileged as illustrated by Chutima:

Almost all the girls I know in Thailand want to leave. Many girls from my village have also left. Now they leave the country directly from the village, as there are many Thai girls around the world who are willing to help them. They do not need to go to Pattaya⁵ first to find a husband. These girls travel to the USA, Germany, Norway or the UK.

The women—and often migrants in general—are thus part of a macro-level development strategy. Marriage and a residence permit in Denmark open the door for countless money transfers from these women to their families in their country of origin. Many countries regard these remittances as a valuable international currency resource. In 2005, global remittances between migrants and their countries of origin amounted to 72 billion US dollars (IOM 2005). By migrating and regularly sending money these brides are thus part of an alternative global circuit.

Sassen’s economic analysis of the function of female migrants can be linked to the *care drain*⁶ concept of Ehrenreich (2002). This concept highlights the global contexts that have given rise to the increase in the number of remittances by

migrants, increasingly women, who leave their own families to take care of others (Hondagneu-Sotelo 2001; Soerensen 2003). These new, global care circuits are an important but frequently overlooked consequence of “globalization.” They arise from the importation of care, love and service by rich countries and the exportation of female migrants from poor countries to perform these care and service functions (Parreñas 2001). Care drain manifests itself primarily as a private and thus almost invisible phenomenon. In Denmark it is represented by the many “self-supporting” Thai girls who look after the home. Another type of care that is in demand is sexual services, which are increasingly being offered by female migrants. Marriages with women from abroad is thus just one phenomenon of care importation and Ehrenreich points out that care importation is just one more resource that is being extracted from poor countries to rich ones (2002: 6).

Kita, Siriporn, and Chutima have no children in Thailand, but many of their cousins and girlfriends in Denmark do. This is not unusual as many Thai girls leave their children in Thailand when they marry in Denmark. Siriporn explains that her mother looks after her grandchildren left behind by Siriporn’s sisters when they left.

The concepts and phenomena *global care chains; care drain* and *alternative global circuits for survival and profit making* can be united in the concept of the *global care economy*. The global care economy can be seen in rural Denmark where women have left their own children and elderly parents to marry and care for Danish men. When Chutima goes to the bank every month to wire 150 U.S. dollars to her parents in northern Thailand, she is literally living out her role as a player in a global care economy.

A transnational network

Transmigrants are defined as migrants whose daily life depends on constant and highly diverse connections across international borders. Transnational migration is thus a process in which migrants create and sustain simultaneous and many-faceted social relations that connect their country of origin with their country of residence (Schiller 1995: 48). Chutima, Kita, and Siriporn have a number of relations in Denmark who, as a whole, make up a central network for the Thai girls. This network also functions as a relation that connects the country of origin with their country of residence. This finding thus refutes general perceptions of migrants as being alienated from their countries of origin. The monthly remittances and the network in Denmark both demonstrate that the Thai girls cannot be considered as being *uprooted* or as having “burnt all their bridges.”

My aunt was the first to leave, settling in Denmark when I was a small girl. She met her husband through her work in Pattaya. My aunt called me from Denmark and told me about a man from work who wanted to marry a Thai girl. She has since found a husband for my five cousins and they

now all live in this area. Once one girl arrives, she can arrange for the rest of the women in her family to come. One of my friends has ten sisters and cousins here.

(Chutima)

The network shows that the role of the woman as a player in the global care economy has a number of implications. Not only must she send money home, she can also help more girls to come who can then also send money home. The lower practical costs of migrating due to an active network in Denmark increase the number of women who can and choose to leave. Thus it can be argued that migration networks increase the number of migrants in a cumulative process (Light 1993: 27; Massey 1988). The women and their families in Thailand see these marriages as an opportunity to consolidate what Schaeffer-Grabiel calls a “transborder middle-class identity” (2004: 42). First of all this identity is pinned on the Thai girls in Denmark by their families and social network in Thailand. The Thai girls are considered as part of the middle class in Denmark, even though they may not be so in reality. Secondly, the family in Thailand acquires access to or sustains its position as part of the middle class in their own locality. Thus the migration of their family member offers them social mobility. Chutima recounts that her big dream is to buy or build a house for her parents in Thailand. The result so far is the purchase of a TV, a refrigerator and a washing machine for her parents when Chutima has visited them in Thailand. “Dollar houses” are houses that are paid for and built by the transnational remittances of migrants. They are becoming increasingly common in Asia, the Caribbean, Latin America and Africa and are influencing the price of land (Schiller 1995: 54). Thus “dollar houses” demonstrate the necessity of studying and analyzing migration in both a transnational and global economic perspective.

The network as a social institution in northwest Denmark is not an isolated geographical unit as many Thai girls know other Thai girls who are married round about in Denmark and Europe. Neither is it specifically organized, structured or even defined as a network by the Thai girls. “We just help each other,” as Kita says. Thus the network is an active participant in the migration process itself, but also functions as a social institution that brings together the Thai girls in the area, demonstrating that not all Thai girls are part of a fragile group without a social network. Yet, the network is a social forum in which conflicts between the Thai girls are a central element. Kita explains:

Even though we help each other, conflicts often arise because of jealousy, for example if someone has more than someone else like a good husband or a bigger house. We are nasty to each other and call each other whores ... I often have problems with my cousins, but mostly with friends ... we always help our own families most ... I have helped a number of girls to come here [to Denmark], but I only do so if I know the man well. Otherwise the girls will be mad at me if they have problems when they come.

Good men who are recommended as husbands-to-be are those who, according to the Thai girls, let the girls stay at home, who don't hit them, and who make sure there is enough money for the family in Thailand. Simultaneously, the family in Thailand does not wait passively for the monthly remittances. They are also part of the transnational network. Glick Schiller (1995) calls this overlapping of functions "flexible, extended family networks," which is not a new phenomenon. These networks are the basis for what Glick Schiller calls "collective transnational family strategies," indicating how the networks cross national boundaries, and how families thus acquire the opportunity to achieve economic security. Because the decision to migrate is closely linked to the opportunity to transfer money to the family in Thailand, the family joins the network in Denmark as part of the transnational network. For the Thai girls, free will is thus not necessarily a free choice between a number of economic alternatives as they are in Denmark to fulfill important economic needs within a specific social and family context.

Marriage as an individual project

Personal choices and dreams of freedom, motherhood and love are motives for migration at the micro-level. These are choices that must, however, be seen in the context of the structural frameworks and limited opportunities that are inherent in growing up in societies that have their own ways of prompting women to transnational marriages. An analysis that focuses on the women, and to a certain extent the men, illustrates how they, like most other people, are part of a social network, that they seek to control their own conditions of life, that they exert power, and are also the object of power exerted by others. The motives demonstrate that women migrate for different reasons than men, a perspective that it is necessary to include in contemporary migration theory. I have demonstrated how women migrate in order to contribute to the family and thus fulfill an expected family duty. Parallel, migration can also be a process of liberation from the family. Migration as a freedom project is a complex field where apparently conflicting actions meet. Thai women migrate and enter into transnational marriages in order to express Western ideas about freedom and individuality. These ideas, however, exist side by side with traditional perceptions of family values, gender roles and femininity. Thus these intimate links and marriages incorporate apperceptions of both the traditional and modern, and the global and local (Schaeffer-Grabiel 2004: 45).

There are three central factors for the Thai girls in an analysis of individual motives for migration and marriage: freedom from harsh working conditions, freedom from Thai gender roles, and their ideas about Danish men. *In the first case*, Chutima, Kita, and Siriporn all worked up to 16 hours a day, six days a week in a factory in Thailand. In Denmark, Kita looks after the house and her husband goes out to work. Siriporn has stayed at home looking after the children for long periods of her marriage, and Chutima works only eight hours a week, spending the rest of her time in the home where she does the cleaning and cooking. Her husband, Jens, works late every day. All of the women see a

man as *good* if he lets his wife stay at home. This contrasts with a specific perception of suppression and exploitation that is often linked to these marriages, where the women who stay at home are perceived suppressed regardless of their own experience and opinions. This perception has its roots in a Western, feministic middle-class vision of equality that criticizes families with a specific private/public work division where the husband works outside the home, while the woman stays at home. This criticism of gender roles in marriage often lacks an acknowledgment of the fact that women in different socio-cultural contexts define equality in different ways. Constable (2003: 65) makes the point precisely: "To work for a wage might be liberating to a middle-class woman, but not to a woman who has worked in fields or a factory for subsistence since childhood." Hence, even though Kita, Siriporn, and Chutima stay home and look after the house, this is not necessarily an expression of passivity or suppression.

Secondly, all of the Thai girls talked about nighttime trips to discotheques in the nearby town because they could go out in the evening and dance in Denmark. It is generally accepted in Denmark that married women can do these things, but the Danish husbands of the Thai girls do not often accept it. This is not what he was looking for and the phenomenon explains why jealousy is a major cause of marital problems. Siriporn explains:

Many Thai girls are married to older men. The Thai girls are young, they go to discotheques and cheat on their husbands, even though their husbands are good to them ... It's because Denmark is free ... Many Thai girls have several men in Denmark. They can't do that in Thailand, but here in Denmark she is free to do what she wants.

New studies of women seeking marriage in the West demonstrate that the women are also influenced by imaginary fantasies about Western ideals of freedom and a liberating lifestyle (Schaeffer-Grabel 2004: 34). Linked to this idea of seeking freedom is *the third* important motive for marriage, especially for women who do not already have children in Thailand. This springs from a dream of fulfilling a role as mother and wife, a dream that the women do not believe they can realize in Thailand for fear of violence and alcohol abuse in the marriage. They preferred Danish husbands because they have a reputation among Thai girls for not drinking and beating their wives as well as for letting their wives play a bigger role in marital decisions. Danish men were preferred to Thai men whom the girls described as poor, out of work, dominating, drunk, violent and unfaithful. Strikingly many female migrants have left violent husbands with alcohol abuse (Ehrenreich 2002) including a number of those I met. Thus it is not my purpose to ignore the fact that many have been subjected to violence and abuse. But by describing Thai men as dominating and morally depraved, the women divert a moralizing discourse away from perceptions and accusations that the Thai girls who marry Danish husbands are the ones who are prostitutes and morally depraved. Transnational brides from Asia, Colombia, Russia and Mexico have also justified their search and marriage with men from other countries by denigrating men from their own

countries (Del Rosario 1994). This illustrates how these marriages can be understood as a personal and national sexual revolution on a transnational level (Schaeffer-Grabel 2004: 40). Even though the women apply this discourse, their perceptions and experience with Thai men to include all Thai men, thus casting aspersions on their suitability as husbands, fathers and carers, they do not entertain discussion of the possibility that the same structural conditions and lack of economic opportunity that influenced their own migration may also influence the opportunities for Thai men to be economically stable carers.

The stories told by the Thai girls were often contradictory. They described Danish men as dominating while underlining the desirability of Thai family values such as loyalty and the well-defined role of the Thai man as a carer. The contrasting constructions of the Thai girls of men from Denmark and Thailand illustrate how it is not only the women who are seen as objects and categorized as traditional, erotic and passive. Danish men are also seen as objects, as symbols of attractive, alternative ways of living on the basis of their nationality. Thus the migration and marriages of the Thai girls are linked to individual dreams about the good life, wealth, independence, love, motherhood and of liberation from Thai gender roles, a gender role the Danish husband paradoxically hopes to import. The quest of men for women from abroad is a quest for a "sweet" and faithful girl with traditional family values. These are family values that men nostalgically believe existed in the 1950s before other family constellations than the nuclear family emerged (Schaeffer-Grabel 2004: 40). The men want to import sex, care and love, but have just as much an idea that they are importing women with firmly anchored traditions as well as feminine, faithful and caring qualities. Jens explains:

I think many Thai girls come because men without wives look at men who have a Thai wife think 'I'd like one of those, too'. They may also find it difficult to score real Danish women and end up with the one they want. Danish women can be difficult and complicated ... they make some big demands.

The men also nurture considerably greater romantic aspirations when it comes to marriage than the women. Jens continues:

I met a nice Thai girl in the packing room at work. She was married to a Dane and I asked her whether she might know another nice Thai girl, or maybe she had a sister. She got in touch with her niece, now my wife, in Thailand and I sent two letters to her. Understanding each other was difficult by letter. There's not a lot to write about and my English isn't too good. So I enclosed an air ticket in my third letter. I thought that if it didn't work out she could just enjoy it as a holiday and then return home. I went to Copenhagen airport to pick her up. I was terribly nervous before she arrived. I can't really explain how I felt, but it was like having butterflies in my stomach.

Contrasting expectations produce conflicting results (Schaeffer-Grabel 2004: 45), especially because Danish men hope to establish traditional family and gender

values, while some of the Thai girls want to transcend them. This explains why there are instructions on the Internet about how to tackle a woman from Thailand, Russia or the Philippines. Not least, it also offers a possible explanation of conflicts that can lead to marital violence. The marriage and the women are often far from what the men imagine. The woman is not just a “sweet” girl, but also an independent individual. Conflicts arise when two worlds of imagination meet in a collision between two conflicting projects *Care versus visa*.

Conclusion

This chapter criticizes the existing mail order bride discourse, while seeking to extend and deepen it. Initially, five significant themes in the existing discourse were outlined, which were rooted in an explicit victim perspective. I have demonstrated that the marriage and migration of women have causes rooted in far more complex motives than controlling men who buy poverty-stricken women. This simple commercial perspective is anchored in a problematic, essentialist and universalistic feministic approach that ignores the women’s own perspective and power of action.

Part of the theoretical and analytical approach of the chapter is thus linked to more recent feminist studies of prostitution and sexual services. Like mail order brides, prostitutes are also frequently described as slaves, as trafficked and as victims (Constable 2003: 89) in spite of the fact that many women working in the Asian sex industry point out that prostitution should be seen in another perspective: as a job in a well-defined industry, as a survival strategy or as a way of getting by in the absence of other options (Kempadoo cited in Constable 2003: 89). In spite of the marginalization and vulnerability inherent in Asian prostitution, the role of the victim is rejected both by prostitutes themselves and in studies based on the perspective of the prostitutes themselves. Neither did the Thai girls see themselves as victims, either of male control or of poverty. How should we interpret the way marginalized women see their own situation? As an expression of “false awareness” with Danish-married Thai girls being seen as victims despite their own perception? Or is it possible to accept and include the women’s own perception in a future discourse? Kamala Kempadoo asks for increased attention to the *agency* of marginalized women through acknowledgment of their role as players in the global arena and by seeing their individual decisions as conscious and rational reactions to structurally determined conditions. By placing the women in the center of analyses that include the women’s own perceptions, Kempadoo argues in favor of an innovative reinterpretation of prostitution in the Third World (Ibid 2003: 89). In the same way, a reinterpretation and extension of the existing mail order bride discourse is possible by focusing on the women themselves and listening to their own perceptions.

In this chapter, Chutima’s, Siriporn’s, and Kita’s personal perceptions and experiences have contributed to a deeper understanding of Thai–Danish marriages, and illustrated migration as a specific action performed by individuals in a specific socio-cultural context. The parallel inclusion of a global perspective

demonstrates that the migration and marriages of the Thai girls is a complex mixture of free will, necessity and force. It is also important to underline the fact that focus of the agency of the women does not mean that their lives as migrant women are without problems or that their migration in its essence is not rooted in fundamental gender inequalities. As already pointed out, migration theory has in general not implemented a gender perspective despite the fact that women want to, can and must migrate for other reasons than men.

Anti-trafficking organizations often cite mail order brides as a target group.⁷ The critical point is the extent to which the women voluntarily entered into the marriage and to what extent she had been paid for. As I have already demonstrated, both free will and economics are, however, complex concepts in relation to the migration of the Thai girls. Secondly, significant distinctions between groups of migrating women are often overlooked as prostitutes, sex slaves, housekeepers and mail order brides are all characterized as victims of trafficking (Constable 2003: 214). While the differences between the various groups of migrant women can be indistinct and perhaps form a continuum rather than a series of discrete categories, finer distinctions are important. Saskia Sassen pinpoints the problem of uncritical linking of mail order brides to trafficking, as this blurs their participation in transnational migration as well as the fact that they make a significant contribution to a global remittance and care economy. The complex realities, structural limitations and global processes that influence the choice of these women are thus overlooked when mail order brides are linked to trafficking. At the same time the women's ability to take personal decisions and perform economic strategies is underestimated (Guarniza 2003: 667).

Some women are victims of trafficking and are ignorant of the potential dangers of migration in terms of violence and exploitation. The women I met were both knowledgeable about structural conditions in a wider context that made them choose migration, and about the potential danger of violence and complications when migrating to a new country. The structural limitations and mechanisms that influence the woman and the life of her family are considered more dangerous than potential violence. By migrating, these women react primarily to their feeling of social exclusion and the fear of economic discrimination both of themselves and of their family. The Thai girls are thus not just victims. On the contrary, they are independent and dependent, resourceful, exploiting and exploited at one and the same time. With this more pragmatic player perspective as the point of departure, the second part of the theoretical and analytical approach of this article is founded in recent feminist analyses of the role of female migrants in the global economy. The new, global care circuits are a frequently overlooked consequence of globalization. The dominant globalization discourse concentrates on major capital transactions, seldom on smaller, private remittances. This, however, means underestimating the function of migrant women in the global economy. If we, on the other hand, expand the narrative of globalization, we can include care and service as commercial commodities that are exported from poor to rich countries—care and service that support global

dynamics and the global economy. Marriage migration is just an example of a concrete manifestation of care exporting. By analyzing the marriages in a care perspective, I have argued for considering the Thai girls in rural Denmark as players in a global care economy.

Notes

- 1 For definition, see (UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Definition of Trafficking in Persons 2000).
- 2 LOKK (Landsorganisationen af Kvindekrisecentre – National Association of Women’s Crisis Centers) in the report “Når drømme og håb forvandles til mareridt: Danske mænds vold mod udenlandske kvinder og børn” (“When dreams and hopes turn into a nightmare: The violence of Danish men against women and children from other countries”). The report describes the shortcomings of knowledge about why women chose to “burn all their bridges” (LOKK 2003: 20).
- 3 All informants have been assigned fictive names.
- 4 There are 218 Thai citizens in Viborg County (Viborg Amt 2003: 10).
- 5 Pattaya is the center of the Thai tourist industry and, to a large extent, the country’s sex industry.
- 6 Parallel to the “brain drain” from the poor countries of the world, but instead a “care drain.”
- 7 Visit for example www.trafficked-women.org/trafficked.html (2004). CATW (Coalition Against Trafficking in Women international) www.catwinternational.org/philos.html, or Moustgaard and Brun (2001). Some groups are aware of the problem with a precise definition of trafficking. See, for example, IOM (2003).

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4 Beyond the victim

Capabilities and livelihood in Filipina experiences of domestic work in Paris and Hong Kong¹

Leah Briones

While international anti-trafficking policies have traditionally been confined to the protection of women trafficked for prostitution, in 2000, the UN Trafficking Protocol also recognized overseas domestic workers (ODWs) as unskilled female labor migrants vulnerable to slavery and similar practices.² This was a response not only to the large volume of female labor migration for domestic work identified in recent decades but also to the myriad reports and publications on exploitation by employers and traffickers. The traditional anti-trafficking principle of rescuing, reintegrating and repatriating the victim was thus extended to apply to female ODWs. The efficacy of this victim-based principle, however, has increasingly been shown to have more relevance in legitimizing increased protection for receiving countries' borders than for the migrant worker (see Doezema 2000, 2002; also Dewey and Zheng in this volume). Despite more recent advances in foregrounding migrant women's agency and rights as workers, efforts remain hampered by both increasing inequality within the global economy and tightening immigration policies. From poor countries with very limited livelihood options, these migrant women choose overseas domestic work, often at the expense of their human rights. As migrants, they are outsiders whose rights are superseded by the rights of the sovereign, receiving-state while unenforceable by the sending state (Stasiulis and Bakan 1997). The agency-rights approach has thus done little to change the historical course of anti-trafficking policy.

This chapter employs Nussbaum's Capabilities Approach to tackle the limitations of the rights-based approach in responding to the situation of migrant domestic workers. Focusing on women domestic workers migrating from the Philippines, I show how current polarized analyses of ODWs theoretically conflate agency with rights on the one hand, and practically remain detached from ODWs' livelihood needs on the other. I specifically draw on Filipina experiences of domestic work in Paris and Hong Kong³ to show how it is the question of capability (what she is actually able to do and be) rather than rights (what she is entitled to do and be) with which the ODW is most immediately concerned. I then use the Capabilities Approach to theorize agency with rights, and to conclude that rights-based initiatives should foreground capability as the political goal. The current challenges faced by both the victim and agency-based approaches show that unless the ODW's agency is conceptualized in terms of its capability to be

practised, it will continue to provide little impact on the progress of policy actions on who to protect—the *Slave* or the *Worker*; and what to protect—rights or livelihoods.

Constrained agency and the problem of rights

Since the 1970s, women in the Philippines have faced increasing unemployment and insufficient wages. Thus, many have resorted to participating in the global labor market for domestic work. More recently, Filipina overseas domestic workers (FODWs) have come to form the majority of female labor migration from the Philippines, which accounts for around 70 per cent of the country's international labor migrants (POEA 2005). While their participation allows access to wages that sustain livelihood expenses, ranging from raising capital for micro-enterprises to raising families, it remains fraught with violations of their human rights. Given this contradictory situation, studies of FODWs have portrayed them as either coerced and oppressed victims/slaves or as consenting and empowered agents/workers.

Feminists arguing for “the victim” attribute the increase in poor women's migration for work to the expansion of a patriarchal, capitalist global political economy (see especially Ehrenreich and Hochschild 2002; Sassen 1988, 1998, 2002a, 2002b). They argue that the structural gendered inequality in the global economy is manifested in both the labor emigration policies of sending countries and the immigration and domestic labor employment policies of receiving countries, which devalue and render the female migrant worker invisible. They describe ODWs as export-import traded commodities whose labor is reduced and confined to slave-like servitude within the domestic work sector of receiving countries (Aguilar and Lacsamana 2004; Altink 1995; Anderson 2000; Bakan and Stasiulis 1997; Bals 1999; Chang 2000; Cheng 1996; Chin 1998; Constable 1997; Ehrenreich and Hochschild 2002; Heyzer et al. 1994; Li et al. 1998; Lindio-McGovern 2003; Parreñas 2000, 2001; Pratt 1997; Stasiulis and Bakan 1996, 1997, 2000). Supporting these observations are findings by human rights-based nongovernmental organizations (NGOs) on ODW abuse worldwide, which includes the withholding of wages and passports, near or total confinement in employers' homes, physical and sexual harm as well as psychological abuse in terms of constant threats of violence (e.g. Social Alert 2000).

In contrast, some feminist works employ the concept of “agency” to highlight the more positive aspects of FODW experiences. These agency-centered studies highlight the individual migrant's decisions to pursue livelihood opportunities in the global labor market, and foreground the migrant's social and financial capital gains from international labor migration (Barber 2000; Ebron 2002; Ford 2001; Gibson et al. 2001; Mozère 2001; Tacoli 1999). These studies draw on the increasing acknowledgment in migration studies that international labor migration can empower poor migrant women by enabling the formation of trans-national households, which in turn, alter gender power-relations back in their own households to the benefit of the migrant woman (Hondagneu-Sotelo 1994;

Morokvasic 1984). In addition, international labor migration can politically empower migrant women to participate in collective resistance through migrant networks (Yamanaka and Piper 2003: 1–2).

Policy actions remain divided along the same lines. The feminist-structuralist works and human rights NGOs findings on domestic slavery, for example, have resulted in a “modern slavery” discourse which has enabled some NGOs to successfully lobby for the protection of victims under anti-trafficking laws (see e.g. the NGOs mentioned in the policy reports by the Council of Europe on domestic slavery 2001, 2004). In contrast, there are those who call for a paradigm shift from the protection of victims to the assertion of their rights. Schwenken (2003, 2005), for instance, uses the case of RESPECT, a Europe-wide network of ODWs and their supporters, to demonstrate that appreciating ODWs as women with voice and agency, rather than as passive victims, allows the rights of ODWs to be heard and upheld by the receiving state. RESPECT calls for the rights of ODWs to mobility both within the states of the European Union (EU) and the EU itself, as well as the right to earn livelihoods by being recognized as valuable workers doing “proper work.” Schwenken argues that recognizing the domestic worker as a bearer of political rights provides the platform from which a political imperative for foregrounding their agency (or non-victimization) can be achieved.

This polarized approach to ODWs shares much in common with feminist debates over prostitution in less-developed countries, and more recently, over trafficking in sex from less-developed countries. Kempadoo (1999) and Agustín (2005), for instance, note the tensions between advocates of “the victim” who emphasize aspects of violence and sexual slavery in prostitution, and advocates of “the agent” who propose prostitution as “work” for women who have limited livelihood options. Doezema (2000, 2002) further shows how the debate extends to the issue of the victim’s “coercion” versus the agent’s “consent” in international anti-trafficking policies. She traces the debate back to Western feminist abolitionists in the early twentieth century who, under the banner of human rights, called for protection of the female victim from trafficking and other forms of slavery. However, Doezema argues that such policies result in justifying repressive measures that deny prostitutes of their autonomy and agency, while restricting their mobility to cross international borders in search of work. Indeed, there has been mounting criticism against the current protective measures that focus more on receiving-countries’ concerns of border control rather than on securing sustainable livelihoods for ODWs (Agustín 2005; Anderson and O’Connell Davidson 2003: 55; Limanowska 2004; Pécoud and de Guchteneire 2005: 3; Piper 2005; van den Anker 2004: 3–4).

Much like the state of the debate on “prostitution,” the growing case for ODWs’ agency and rights stops short of addressing the root cause of migrants’ needs for sustainable livelihoods. At the conceptual level, the idea of agency seems to be conflated with rights. It is not clear how having agency directly leads to having rights. Indeed, what type of agency is being conflated with what type of rights? In the particular issue of livelihoods for FODWs, for example, can a

FODW earn a livelihood by being a slave? Is she therefore practicing a type of agency without rights? Or is she using her agency to practice her right to earn a livelihood over her right to non-enslavement?

These difficulties with the concept of agency become apparent when considering the feasibility of the rights-based approach in the political arena. Firstly, the focus on rights is concerned with the domestic labor laws and related immigration rules within the borders of the receiving states. This ignores those who undertake circular migration, or who are yet to enter receiving countries' borders, or to return to their country of origin. As Cox (1997) and Sim (2002) have identified, the vulnerability of ODWs extends beyond the workplace destination, and occurs as a process that begins from preparation and recruitment for going abroad, to working abroad, but also to returning home. Secondly, as I have argued elsewhere (Briones 2009b), because the focus on rights is based on the demand for overseas domestic work, the supply side, bound in underdevelopment and lack of livelihood access in countries of origin, receives insufficient attention. This leads to the third problem in agency-based analysis; that is, the failure to incorporate the role of broader structural contexts that push and facilitate the movements of ODWs through multiple borders, and in the case of circular migration, multiple times.

The fourth problem pertains to the applicability of rights in host settings, as well as in the international political arena. In host settings, the issue of rights is in itself precarious and is received differently. For example, while ODWs' rights in western European receiving countries are attached to the right to citizenship, ODWs' rights in receiving countries in Asia are limited to short-term contracts (Battistella 2002; Bell and Piper 2005). Internationally, the fight for rights seems futile in the face of a lack of political will, by both sending and receiving states. The 1990 United Nations Convention on the Rights of All Migrants and their Families remains unratified by receiving countries. Where it has been ratified by the sending country, limited financial and technical capacity to enforce the rules of the Convention, has resulted in a rights-based approach that is practically ineffective (Pécoud and de Guchteneire 2004: 12–17).

Lastly, a rights-based approach fails to consider the impact of increased rights on the sustainability of livelihoods, even within borders. More rights could lead to demands for better wages and working conditions, and probably citizenship. In turn, this could lead to receiving states closing off the migrant domestic labor market since pressure on state resources would make it preferable to encourage citizens to undertake the work instead. After all, the reason ODWs are "imported" (and tolerated, if illegal) is because they are cheap, flexible and expendable. Conversely, increased rights can speed up the process of saturation of the overseas domestic work labor market, as supply from the poor and populous countries rapidly expands. In both cases, the issue of sustainable livelihoods for migrant workers could become even more precarious as employment opportunities contract. In many senses then, having rights is not conducive to the practice of agency when the agent is in such highly constraining circumstances.

Data and method

As part of a study on the nature of constraints to FODW agency, I conducted fieldwork in Paris and Hong Kong to interview twenty-four FODWs (twelve in each city).⁴ Paris and Hong Kong were chosen as research sites because of their disparate conditions; Paris as a site for undocumented migrant work, and Hong Kong for documented (the majority of FODWs in Paris are undocumented while the majority in Hong Kong are documented).⁵ Comparatively, the study sought to learn from individual migrants' experiences across documented and undocumented settings and to determine to what degree the FODW's inclusion as either documented or undocumented worker entitles her to citizenship and other rights-based claims. To account for the issues of constraints to FODW agency as much as possible, the sample in each city consisted one-third of those who had experienced enslavement; another third, of those who were oppressed/abused (in ways that the respondents considered different from enslavement); and the last third, of those who enjoyed satisfactory working and living conditions and who saw their situations as similar to other waged workers in gainful employment. Because the criteria for determining who is enslaved, oppressed/abused or contentedly employed rested on the FODWs' own classification of the situation, variations to the three categories emerged (see Table 4.1).⁶ In this chapter, I focus on the life trajectories of JB and Ellen to provide some insights into the complex and temporally fluid relationship between their agency and the constraints they face as ODWs. JB was originally an undocumented worker in Paris who had, at the time of research, recently gained documented status, and who has always seen her situation as that of a "Wageworker." Ellen, on the other hand, is a documented worker in Hong Kong who classified her situation as that of a "Slave Wageworker."

Migrant control and domestic labor policy in France and Hong Kong

Increasing inequality between developed and developing countries is a major contributing factor to the rapid growth of irregular migration (e.g. Massey and Taylor 2006; Stalker 2000). A main consequence of this inequality has been the growth of demands for services in developed economies from developing economies. Feminist geographers point to the sexual and racial division of labor in the international labor market that underlies this supply-demand nexus. They argue that the division of labor places unskilled migrant women work at the lowest end of production and for the lowest pay, in the feminized jobs of domestic and sex work (De Dios 1992; Glenn 1992; Lee 1996; Mies 1998; Sassen 1984). This has produced what Sassen (2002a) has termed "global cities and survival circuits"; poor women go to work for high-paid workers in global cities, and survival circuits are composed of migrant networks that facilitate recruitment, sometimes involving precarious dealings with smugglers and traffickers to ensure employment. Paris and Hong Kong are such global cities in which many low-income

Table 4.1 FODWs' own classifications of work situations in Paris and Hong Kong

<i>FODWs in Paris</i>	
Delia	Wageworker
Felise	Wageworker
Gudilia	Wageworker
Mila	Wageworker
Nene	Wageworker
Indiana	Wageworker
JB	Wageworker
Minda	Former slave, now wageworker
Melanie	Former slave, now wageworker
Sally	Former slave, now wageworker
Helena	Former slave, now abused wageworker
Lani	Former slave, now wageworker
<i>FODWs in HK</i>	
Michelle	Wageworker
Red	Wageworker
Virgo	Wageworker
Bernie	Wageworker
Loveley	Wageworker
Lilia	Wageworker
Ellen	Slave wageworker
Jinky	Abused wageworker
Alili	Oppressed wageworker
Amity	Oppressed/abused wageworker
Gemini	Slave
Ana	Slave

Note: names used are pseudonyms.

women from developing countries come to work. In 1996, there were an estimated 17000 FODWs in France (Anderson 1996; Torr s 1996), with a significant number based in Paris.⁷ Hong Kong, through a bi-lateral ODWs labor-importation scheme, hosts around 220000 FODWs (HKID 2005). Despite sustained high demands in both France and Hong Kong, however, state immigration and domestic labor employment policies continue to largely leave unrecognized the crucial contribution of foreign domestic work not only to national growth but also to the well-being of households within their borders (Anderson 2000; Constable 1997; Narula 1999; Tam 1999).

French immigration policies do not acknowledge independent female entry, forcing many female migrant workers to enter France through tourist visas which most overstay, or by using the services of smugglers and/or traffickers (Misra et al. 2005). Some arrive as escapees from the relatively harsh working and living conditions in the Middle East, or from Middle Eastern employers who go to France to live and work or for a vacation. Once in the country, the migrant

women are able to remain hidden from immigration authorities by engaging in “invisible” employment such as domestic work. Although France has among the most responsive labor regulations governing domestic work (Blackett 1998; Vaz Cabral 2001), these regulations apply only to those who are legally employed. The regulations do not address the need to issue work permits for domestic workers, leaving the status of legal employment to the discretion of the employer. However, few employers register their employees, further ensuring that exploitation in relation to their working conditions, pay, and social benefits remains largely hidden (Narula 1999: 161). Indeed, a government initiative requiring employers to legalize their domestic workers remains largely ineffective as many employers continue to employ cheap and flexible labor, which if documented, would mean higher wages and taxes, and ultimately less control over their employees (see e.g. Mozère et al. 2001).

In Hong Kong, the Administration’s strictly regulated ODW sector provides a set minimum wage, a formal labor contract which is contestable in its labor courts, and an Ordinance that provides for the rights of migrant workers to join or form trade unions. However, ODWs remain on-call for 24 hours as contracts do not specify working hours. The contract is also bound to immigration policies that limit ODWs to two-year terms, so as to deter any claims to citizenship.⁸ In 1987, the Administration introduced the Two Week rule⁹ in response to a perceived increase in irregular activities by ODWs. It requires ODWs to leave its borders within two weeks of the termination of their contracts. This means that any labor conflict with employers has a strong likelihood of leading to deportation, and therefore loss of employment for the ODW. Thus, as in France, Hong Kong state policies push ODWs into an invisible realm in which they stand powerless against abusive employers.¹⁰

In addition to employer-inflicted abuse, NGOs in France and Hong Kong have revealed how practices by recruitment agents/agencies can drive ODWs into slave-like conditions. These practices can range from extortionate rates charged by the agents/agencies that lead to debt-bondage to collusion with employers and/or smugglers and traffickers. Globally, NGOs have been able to broaden their influence at regional and international levels by forming transnational activist networks that fight for domestic workers’ rights around the world. The most active NGOs compose mainly of migrant workers, both documented and undocumented (see e.g. Law 2002; Stasiulis and Bakan 1997). This points to an important characteristic of ODW migration which has received little attention in the literature: that of tenacity. Even in documented situations such as Hong Kong, this observation holds true for the many who stay there (by renewing contracts or, in the minority of cases, by successfully circumventing state rules) for as long as possible. Further evidence to this tenacious migration is the shift in NGO services which used to deal with repatriation but now concentrate on livelihood support (see e.g. Roberts in Ball and Piper 2002: 1030). Thus, despite oppressive state policies, significant numbers of FODWs have remained in France and Hong Kong.

Given such structural constraints, on the one hand, and their persistent high numbers and growing activism for the right to work and stay in destination

countries, on the other, FODW participation in overseas domestic work cannot be explained only by structural forces of the global labor market, nor can it be explained through analysis of the voluntaristic orientations of the individual migrants. While such analyses provide an important basis for understanding how, and to what extent, migrants practice agency, they say little of the migrant's "staying power." Indeed, what are the factors which determine the migrant's ability to continue in overseas domestic work, and how do they relate with the practice of her highly constrained agency? In other words, what is required to make a victim a victor?¹¹ The following discussion draws from the experiences of Ellen and JB to help answer these questions.

Victims and victors in the host locale

[I'm] a "slave waged worker." You see, this is the way I think about my situation: abuse, enslavement, whatever - they are those negative things natural to life; natural to looking for money. It's a fact that it's hard to find and earn money. If you don't move or act, neither will money fall into your lap. So that although destiny has put me here in domestic work, it has likewise put office workers in office work, say. But essentially, it is just work and we have to work hard for our money. Enslavement is natural to my type of work, so that I can say, I am a slave - but I am not abused. My employers are higher in status but they still give me my pay and look after me when I'm sick. Just like other employers out there.

(Ellen, Hong Kong)

Ellen reveals here an intrinsic link between slavery and waged work in the FODW experience. However, as shared across the range of respondents, from those who classified themselves as slaves to those who classified themselves as waged workers, it would seem that slavery is seen as acceptable on the conditions that one is remunerated for the work provided, and that one is not subjected to violent abuse.¹² Thus, Ellen could endure domestic work with her employers:

In the earlier years of my work ... there was little food, long hours; sleeping at 1am and waking at 6am. At the time I had to look after a three-year old child while also cleaning and grocery shopping ... I was dying of homesickness ... You need to be very resilient in this job. For example, my employers are very strict on top of the heavy workload. So I just close my eyes to their never-ending demands while just keeping at the work. As [twelve] years passed, their children grew up and the work became lighter. I began to feel like they didn't need me anymore ... so I suggested that maybe I should return home for good ... [But] they still wanted to employ me ... So this is why I am still with them now.

While much of this account highlights the subordinate position of ODWs in the employer/master-domestic worker/servant relationship, it is important to note

that Ellen's central concern is not so much the abuse, or how, why and to what extent it occurs. Rather, she is determined to stay in overseas domestic work. Although Ellen has built her own house in the Philippines and has put away some savings for her retirement, she has decided to continue in overseas domestic work because she wants to help her family in the Philippines:

I have nieces and nephews who are in college. If God could help my body to stay strong, I would like to stay here [for another two years] so that I can help pay for their education until they have finished college. I'm starting to feel tired now... I[also] have a nephew who has leukemia and so I help my sister with his hospital bills.

JB also, having worked undocumented in Paris for five years, plans to stay by "hook or by crook":

My employers [recently] helped me get my papers ... others who have been here for ten to twelve years still can't get their papers [so] I have to say that the real help came from Heaven ...

But [if challenged,] I know that the Filipinas without papers would probably fight for their right to stay [and work here]. You see they don't want to go back to the Philippines. Life is too impossible there. Look at them now, they will just go home for about a month and then they want to come back here again because they've ran out of money there.

Actually for me, I don't ever want to return home. I will do my best to stay here by hook or by crook. If say, my fight or "crook way" was unsuccessful, then I would return to the Philippines with my savings and start up a business. If that fails, then I would have to go abroad again [to work as an ODW].

Ellen and JB illuminate here, that for the FODW, "work" is about getting paid or earning a livelihood; but one which is intrinsically bound to precarious living and working conditions in the host locale. However, there must be caution in prematurely accepting constraints and abuse in the host locale as a conclusion to the FODW situation. Ellen and JB tell of the harsh tradeoffs that are necessary to achieve their valued ends of earning a livelihood:

For me, I really didn't want to leave my family behind ... going overseas is like taking up a job I really didn't want but it was one that could help my family, so I really had no choice.

(Ellen, Hong Kong)

*

The Philippines is my [home]. It's where I grew up and it's where my family is ... The only thing that doesn't make it home is that there is no money to live. How can you enjoy life with your family when you have to worry about the most basic things in life, like a safe and clean environment in which the

children can grow up, access to good food, education and health services? You can't have a home when you have no money. But if I had money, I tell you, I would definitely stay in the Philippines.

(JB, Paris)

As Ellen has earlier put it, such harsh tradeoffs and other constraints are “natural to making money.” Given this rather hopeless rationalization of the FODW situation, it is important to underscore the reasons that “shackle” her to the host locale in the first place. These reasons, as explored in the following discussion, arise out of structural constraints that lay outside of, but that have a direct impact on her participation in, the labor market of the host locale.

Victim and victor beyond the host locale

To grasp the more complete nature of constraints to FODW agency, it is important to go back to the beginning of a FODW's journey as a prospective migrant.

When I graduated from college [in the Visayas¹³] ... I thought I would go to Manila to find a job. It wasn't easy so I took up domestic work with a Visayan woman and her Chinese husband who ran an autosupply shop. I did everything from the cooking, housework and the shop-keeping. One day, a nephew visited from Hong Kong. I was then asked if I wanted to go to Hong Kong ... By the time my contract papers came, I really didn't want to go ... But at the time ... my mother had died and my father was in hospital ... I thought, “what am I going to do?” I couldn't afford the hospital bills ... I was only earning around P1000 per month. My siblings were all married and they were struggling with their own financial situations. I felt like I was the one who could really help ... so here I am.

[I am still here because I need to help my family]. They write to me and ask for my help. I know that it's the obligation of parents to look after themselves and their own children. But I can see that my sisters and brothers are struggling because they are not earning as much as I am ... You see, in our province, the reality is ... they earn just enough for their food. If hospital and other unexpected bills come along, what are they to do?

(Ellen, Hong Kong)

*

I was a Teacher in the Philippines ... I was very determined to go abroad [and earn] because I didn't want my family and I to be hungry all our lives. My cousin has a recruitment agency ... and he found work for me in Thailand ... as a drummer for a band. But the pay was as lousy as you would get in the Philippines. A friend told me about Paris and arranged my flight and “tourist” visa.

... When I was growing up in our province, I only needed a little to survive. Today, the 300 Euros I remit to my siblings and their family every

month is not enough ... Just this afternoon, I was crying because I was on the phone with my brother. Again, he was asking for money. I said to him “but I just sent some money recently.” He replied, “oh but the tap broke and we had to buy a new one.” I had to cry because I work so hard here for my money ...

... I have my formal work but I also take on another job over the weekend [undeclared]. In this way, I can earn up to 2000 Euros per month and I don’t have to pay for my board and food. But the price you pay for the higher income is that you can’t go home because it will be near impossible to re-enter this country ... Those who don’t eventually get papers will just have to stay here forever. Anyway, they are looked after here better than they would be in the Philippines. If they get sick here and need an operation, they don’t have to spend a cent, if they can’t afford it¹⁴ ... it’s probably a good thing not to go home. When you go home, you end up dead broke because you spend all your savings! And so we must clean toilets here forever; to keep re-filling our pockets! ... I could even say that my family back home, because I feel so guilty if I don’t send them money, “enslaves” me. I wouldn’t work two jobs and get so tired if they could look after themselves. But I feel so guilty when I have the latest fashion clothing here and good food, while they do without them.

(JB, Wageworker, Paris)

Ellen and JB’s account of why a FODW might “forever” stay in a locale, such as Paris or Hong Kong, paints a rich picture of what life is like “outside” of the host locale. JB’s reflections on the financial decisions behind remaining in Paris on the one hand, and her endurance of working conditions that she sees as akin to enslavement on the other, underscores the structural problems of (under) development in the Philippines. JB underpins the connection between experienced slavery in the host locale and cause of the experience as arising from the locale of origin. As she explains, she works two jobs and gets so tired precisely because her family is deprived of material and nutritional needs without her earnings. Unlike JB, they are in a setting of underdevelopment, and are thus unable to earn enough to buy fashionable clothing and good food. In similar ways, both Ellen’s and JB’s labor migration illuminates how materialist structural conditions, and the financial and livelihood constraints arising from them, direct their practice of agency. Poverty, in other words, is both the reason and cause for their labor migration (see also here Campani 1993: 197–201; Parreñas 2005: 56–66). Indeed, the great majority of the respondents said they would not have left the Philippines had they been earning enough to support themselves and their families.¹⁵

Experiences with recruitment agencies are particularly illuminating of the centrality of poverty in the decision to migrate for overseas domestic work.¹⁶ Those who used recruitment agencies had to take out loans from the agencies themselves. Unlike banks, recruitment agencies allow the borrower to loan 100 per cent of funds. Repayment is then made with the first few months of earned wages, and with extortionately high interest rates. Those who cannot raise the

recruitment fees or are not willing to take the recruitment agency loan deal simply cannot go overseas to work. As Ellen tells of her experience:

Although I am here as a direct hire,¹⁷ I once had a brush with a recruiter back in my province. There was a man who came to our province and informed us that for a P20,000 placement fee, I could go to work in Oman. This was in the late 1980s. I was told I could earn a great deal of money ... But my family couldn't raise P20,000 ... so I didn't end up going.

In Paris, many who either did not escape from abusive Middle Eastern employers or came directly hired, used the sort of recruitment service that provided "tourist visas" to overstay or the services of smugglers/traffickers. JB had traveled to Paris in the former mode, but as she explains, underlying the many accounts of the dangers of traffickers is the need of FODWs to use them¹⁸:

Traffickers will always exist in some form as long as there are poor and rich countries. Ultimately, these so called "traffickers" can serve as another, more effective form of recruitment for those who would not be allowed entry into [receiving] countries. [These recruiters] really do end up helping people – because what is life if you are left to starve in the Philippines? Or in other poor countries for that matter?

... [I know there are more risks of abuse and enslavement in Hong Kong and the Middle East than in Paris]. But ... let's say, there was no way I could get to Paris, I would still risk Hong Kong and the Middle East because ultimately the risk is a calculated one ... I would have more chance of living a good life, rather than not at all. It's either these countries or the Philippines.

Constraints, capability and a livelihood

Ellen and JB's narratives across Hong Kong and Paris show that their access to resources for the purposes of a livelihood determines their continued participation in overseas domestic work. When considering the livelihood of FODWs, JB and Ellen tell us that it is important to recognize their earning power as not only intrinsically tied to migration for domestic work in the wealthier countries, but also to sustaining life for families back home, including their own upon their return. Olwig and Nyberg-Sorenson (2002) call this practice of making a living in the context of globalization, "mobile livelihoods." The practice involves the employment of means and strategies to maintain and sustain life in situations of underdevelopment. As Ellen and JB's experience confirm, "means" refers to resources in cash and kind accessed through paid domestic work overseas, while "strategies" refer to their engagement with recruiters and other bodies that ensure continued access to resources. In turn, resources are used to reduce poverty and the occurrence of poverty by being refashioned in terms of savings, capital accumulation and investments and for daily livelihood expenditures such as food, shelter, medicine and education for themselves and their families.

Of central importance to issues of livelihoods and resources for the FODW is the recognition that they are pursued. This means that while FODW agency is exercised, resources simply do not exist for the taking. Rather, they exist in a highly political environment of restrictive immigration controls that constrain FODW use of domestic work migration as a livelihood strategy, but also of underdevelopment processes that have obliterated livelihood resource access in their country of origin. As Ellen and JB highlight, it is underdevelopment in the Philippines and the lack of livelihood resources this entails that can “incapacitate” their agency. *Actual* access to livelihood resources is therefore an important measure of the capability of FODW agency to be practised; to make FODW agency effective, we have to look at what she is actually able to do and be. As discussed earlier, the role of rights-based migrant NGOs has been crucial as both a means and strategy to provide continued access to overseas domestic work by opposing immigration and migrant domestic labor policies. However, their inefficacy was also highlighted, pointing in particular to a poor articulation of what rights actually constitute in the case of FODWs, and how they can best be articulated in the context of underdevelopment.

Nussbaum’s capabilities approach¹⁹

Martha Nussbaum’s Capabilities Approach (CsA) provides a theoretical framework within which to directly link issues of human rights with FODW agency, and how in turn, they link with livelihood resources. The CsA is a broad and multi-dimensional framework for evaluating individual well-being based on the experience of development and justice. The CsA argues for a concept of human development to challenge the economic growth-centered orthodox model of measuring development within a country, and thus articulates resources qualitatively rather than quantitatively. Development is seen in “human” terms; in terms of a quality of life and what people are able to do and be, rather than as a measure of how many resources people have or are given by the state. This departure from treating people as factors of production to seeing them instead as agents of production foregrounds the immediacy of capability over functionality. As Nussbaum (2002: 127) puts it, “... about a variety of functionings ... of central importance to a human life, we ask, is the person capable of this or not?” Because, in this way, capability is seen as a pre-requisite to what a person can actually do and be, the CsA finds both theoretical and practical resonance with human rights.

Theoretically, Nussbaum (see especially 2002, 2005) explains the relationship of capability with human rights through what she terms the “basic,” the “internal” and the “combined” aspects of capabilities. Basic capabilities refer to capabilities that are innate to the human condition such as that of practical reason and imagination. Internal capabilities refer to “states of the person herself that are, so far as the person herself is concerned, sufficient conditions for the exercise of the requisite functions.” Combined capabilities are “internal capabilities combined with suitable external conditions for the exercise of the function” (ibid.: 132). Through these dimensions of capability, Nussbaum shows how human rights can

be understood in two distinct yet integral ways. First, rights can be understood in terms of basic capabilities as “prior to and a ground for the securing of a capability” (ibid.: 136). Thus, to take for example, a FODW’s call for a right to a livelihood even when her circumstances obviously do not secure such a right to her, Nussbaum (ibid.: 135) here would argue that, “just in virtue of being human, a [FODW] has a justified claim to have the capability secured to her.” Secondly, rights can be understood as equivalent to combined capabilities. In this regard, “to secure a right to a [person] is to put them in a position of capability to go ahead with choosing that function if they should so desire” (ibid.). Because people cannot function without basic capabilities, and cannot function freely as they see fit for their own circumstances without combined capabilities, Nussbaum (ibid.: 131) argues that “capability, not functioning, is the political goal.” In this way, capabilities can be seen to provide an informational base that allows tangible and achievable outcomes for the highly abstract and highly contentious notion of human rights. Not only does a CsA define what it means to secure a person’s rights, it also ensures the explicit inclusion of the larger structural context involved in securing a person’s rights or “combined capabilities.” As Nussbaum (2005: 175) asserts, the CsA “makes it clear that securing a right to someone requires making the person really capable of choosing that function ... [and also] makes it clear that all human rights have an economic and material aspect.”

In practical terms, Nussbaum has captured the intrinsic relationship between capability and rights by creating a working list of capabilities to ensure that certain capabilities essential to a quality of life are constitutionally secured to the individual. Nussbaum argues for a Capabilities Constitution because the rights approach with particular regard to individuals in the developing world vulnerable to unemployment, hunger, and other resource-challenged situations has proven futile in theoretical, epistemological and practical, enforceable terms. The existing provisions for livelihood, development, economic and social security in various international human rights declarations and conventions are exclusively state-oriented. The very methodology of setting up such conventions are also state-dependent. In contrast, understanding rights as a person’s capability transcends the traditional distinction between the private realm of the family and the public sphere within human rights approaches. It also transcends the traditional distinction between state action and state inaction in implementing rights since securing capability in a person will necessarily require state action to provide the economic and material resources necessary to secure that capability.

The articulation of rights in terms of capabilities also serves an important role in providing a basis from which to understand the relationship of agency and capability in the FODW context. Approaching rights from a capability perspective enables a richer appreciation of rights and capabilities as issues of human security rather than human agency; that is, “making the person really capable of choosing that function.” A human security paradigm centralizes the problems of unequal human development as FODWs experience and respond to it; as a problem rooted, but also structured transnationally by their lives across host locales and their homeland. If the capability approach “allows comparisons between

individuals and across nations as to how well they are doing” (Nussbaum 2002: 122), then as economically disadvantaged individuals from an economically disadvantaged nation, FODWs are not doing so well. They remain deprived of commodities, incomes and other resources, but more specifically, of “combined capabilities.” Educated Filipinas, for example, share much in common with many educated women in Kerala who cannot find jobs other than sex work in Delhi (Nussbaum 2005: 180). The FODWs’ standard of living is thus precarious and largely dependent not only on their maintained presence in the host locale, but also on their capability to function or practice their agency within it. In this light, it becomes possible to see that FODW agency requires capability to successfully mediate victimization; agency in itself is insufficient.

It is a valuable characteristic of the CsA that by exposing the limitations of both “rights” and “agency,” it fortifies them with capabilities and capability, respectively. As such, it is able to provide the basis from which a theoretical framework for correcting the conflation of rights with agency is achieved.²⁰ In both theoretical and practical terms, it illuminates the FODW agency in a more accurate context of FODW capability as *the right to access resources in overseas domestic work for the function of sustaining a livelihood*. Shifting thus, the FODW’s orientation of her agency from its right to its *capability* to be practiced, it becomes possible to grasp a more appropriate understanding of FODW agency that questions how far notions of their agency, which differ to the type of policy being promoted, can be imposed on them.

Conclusion: making the victim the victor

The aim of this chapter has been to unsettle the given concepts of agency, rights and victim protection in the current anti-trafficking discourse, using the experiences of FODWs across Paris and Hong Kong. Although current approaches polarize understanding of the FODW situation as that of “victim or victor?,” Filipina experiences of domestic work in Paris and Hong Kong would seem to provide no conclusive evidence to support one or the other. Rather, they show that the issue of gainful work is of central importance to their livelihoods—so much so that they would endure slave-like conditions to keep open the possibility of gainful employment, which, due to the combination of a “push” effect caused by their structural impoverishment in the sending country, and a “pull” by the global economic demand for domestic service, has become available only in overseas domestic work. Given this relationship between slave/victim and worker/victor, as “slaves of their hopes to work,” must they choose between work and human rights? (Bals 1999: 190) Rather than frame the FODW situation in these dichotomous terms, this chapter employed Nussbaum’s CsA to shift analyses from looking at the lack of choices, rights and agency for ODWs to focusing on their capability to ensure ongoing access to both work and rights. Indeed, as Ellen and JB articulate in this chapter, the choice between work and rights should be more accurately viewed as a choice between work (in the host locale) and no work (back in the Philippines).

Taking into consideration the highly constraining environment of overseas domestic work to FODW agency, the chapter sought to foreground the central issue of capability to make the issue of protection clearer for both researchers and policy-makers: protecting FODW human rights does not guarantee livelihoods, but protecting their access to resources for a livelihood creates the opportunity or capability for securing human rights (see here also Briones 2009b). Through a CsA, therefore, it becomes possible to more accurately identify the issue of rights for the FODW as most primarily an issue of capability. While careful to not abandon the fight for human rights, it is important to consider that the fight be defined in terms of capability. Fighting for capabilities instead of rights can avoid the inherent difficulties in the lack of political will by some states to implement, let alone consider, migrant workers' rights. As Nussbaum (2005: 175) has emphasized, "securing capability in a person will necessarily require state action to secure that capability." Furthermore, and most importantly, framing rights in the context of capability can allow the "victim" herself to reclaim her right for her intended and valued quality of life. So far it is only researchers, state-oriented policymakers and non-ODW-based NGOs that have dominated both the discourse and actions on the reclaiming of this right. The practical feasibility of the CsA will require further discussion. However, to end here for the moment, in serious recollection of the women's struggles to earn a livelihood, is to hopefully mark the beginning of a research and policy agenda that centralizes the issue of capability in anti-trafficking approaches.

Notes

- 1 The arguments in this chapter are derived from my book: Briones, L. (2009a) *Empowering Migrant Women: Why Agency and Rights Are Not Enough*, Surrey and Burlington: Ashgate Press.
- 2 Formally named the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.
- 3 In this chapter, I use "Hong Kong" as abbreviation for the Hong Kong Special Administrative Region of China.
- 4 The study was conducted from September to November 2003. For full details on the methodology, see Briones, op.cit., pp. 17–26.
- 5 In this regard, I could have chosen any two similarly contrasting destinations such as Germany and Canada, respectively, New York and Riyadh, respectively and so on. For purposes of research feasibility, Paris and Hong Kong seemed to me to be two sites in which I could undertake my research relatively quickly, safely (e.g. I wouldn't have felt safe in Riyadh) and comprehensively. Little had been written about the situations of FODWs in Paris in contrast to the wide media coverage of migrant domestic workers' "slavery" there. It seemed to me that Paris (and because I also had sufficient French language skills) would provide the required stark contrast from the abundantly written situation of documented FODWs in Hong Kong.
- 6 While I was not able to speak with those who experienced the worst forms of slavery, which usually entail house imprisonment, contact with those recovering in a shelter enabled insights into these conditions. For example, I met Lani, who was living in a shelter in Paris, two weeks after an NGO had rescued her. Notably, Lani and the other respondents who "re-classified" their situations from slave to waged worker (Table 1) enabled further insight into the dynamics of FODW agency.

- 7 Due to the undocumented status of FODWs in France, the figures given here are questionable. For instance, despite a 5-year lag, O'Dy (2001) uses the same estimate of 17,000 as used by Anderson and Torr s in 1996. In contrast, personal communication with Ms Estrada of the Philippine Consulate in France (23 September 2003) suggested the estimate of the Filipino population to number at around 50,000 in France, with 20,000 located in Paris, and of which the great majority were women.
- 8 "Hong Kong citizenship" does not technically exist, but "permanent residency" is its legal and practical equivalent. I retain the term "citizenship" here for consistency in style. See here also Bell and Piper (2005: 199).
- 9 Also known as the New Conditions of Stay (NCS).
- 10 The Sino-British Joint Declaration on the Question of Hong Kong and the Basic Law provide the Hong Kong Special Administrative Region with full authority on its own matters of immigration control. It is in this respect that I refer to Hong Kong as a "state" in this chapter.
- 11 For further context to this question, see Momsen (1999) from which I borrow the terms "victim or victor?"
- 12 This is perhaps best exemplified by those who classified their situations as "Former Slaves now Wagerworkers." Although these respondents had experienced harrowing treatment in their previous work, they persisted (some even risked their lives escaping their abusive employers) with overseas domestic work, eventually finding fair employers. For their respective profiles, see Briones, *op.cit.*, Appendix 1.
- 13 The Visayas is a group of islands with its own cultural characteristics in the Philippines, located in between the island groups of Luzon to the North and Mindanao to the South.
- 14 Aide M dicale d'Etat is a health service in France for foreigners, including those who are undocumented. This is a medical insurance provided by the state for access to medical care including examinations and prescriptions. The access of those who have lived in France for less than three years is limited to hospital care.
- 15 Virgo, the only respondent who deemed her income sufficient to live comfortably in the Philippines, and whose primary reason for migrating was to leave her husband (divorce is socially, religiously and legally unacceptable in the Philippines), nevertheless acknowledged that her "case would be in the great minority."
- 16 That poverty is consistently the underlying reasons for FODW migration is also important in informing assumptions that may arise from accounts of "educated" FODWs (see e.g. Parre as 2001) who therefore cannot come from the poorest of the poor. Like the other respondents, Ellen and JB began their labor migration with very limited or insufficient income. Indeed, their experiences remain consistent with reports on the situation of the majority of women in the Philippines that underscore experiences of poverty and high unemployment (e.g. Chant 1996; Chant and McIlwaine 1995; Elson 1991; McCulloch and Stancich 1998). Furthermore, the very notion of many FODWs being "educated" ignores the politics of education in the Philippines. Having attained educational qualifications in their local provincial regions, JB and Ellen are unfortunately among the many whose college degrees did not come from prestigious universities and are thus unable to secure more gainful employment in the country.
- 17 The term "direct hire" has a double connotation in the recruitment business in Hong Kong. The first is used more commonly among recruitment agencies and refers to recruitment agency-facilitated hiring of workers directly from the Philippines. The second refers to the hiring of interested Filipinas who are still in the Philippines by the employers themselves, usually referred through familial/social networks. This second connotation is also the case for those going to Paris and other destinations without official bi-lateral labour programme agreements with the Philippines.
- 18 Mila, who has experienced both forms, tells how tighter immigration controls in France leave smuggling/trafficking as the only current option for entry: *The first time*

[1984] *I came as a tourist ... – just packed my bags with my visa. The second time ... , it was more difficult so I had to come the clandestine way. It took me four months to reach France.*

- 19 For a full treatment of this approach, see Nussbaum (1988, 1992, 1995, 1998, 2000, 2003, 2004, 2006).
- 20 For a full theorization of this see Briones, op.cit., pp 85–171.

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5 Anti-trafficking campaign and the sex industry in urban China¹

Tiantian Zheng

Introduction

The heavy thud of techno-music drums rumbles from the entrance of a karaoke bar. Three tall and beautiful young women dressed in identical red cheongsams bow elegantly to all entering customers and usher them inside the bar. The entryway spills out into an expansive lobby of glossy marble and ceiling-high mirrors. Over a hundred seductively dressed women are gathered on the left side of the lobby. They sit on three rows of benches, like the audience at an invisible performance. In fact, however, they themselves are the ones being observed. A camera installed on the ceiling provides a live feed to monitors installed inside each private room. Customers can select their escorts from the comfort of couches in these suites. Madams will bring these selected escorts to the customers' private rooms for their companions of the night. The stairs leading to the private rooms on upper floors are lined with two teams of waitresses, all of the same height and with the same hair style, dressed in the same dark embroidered mini skirts, their breasts half exposed and their hips scarcely covered. They greet customers in chorus, "Good evening!"

The upper stories are divided into five sections (A, B, C, D, E) of ten karaoke rooms each. A dressing room for hostesses also serves as a hideout during police raids. None of the activities inside the karaoke rooms can be seen from the outside. Each karaoke room is equipped with a complete set of karaoke equipment, including a 29-inch TV set that continuously plays excerpts from erotic Western videos. Each karaoke room is provided with an air-conditioner, rosewood furniture, beautiful window drapes, wallpaper, carpeting, magnificent dim ceiling lights, a big couch, and an end table. There is a space between the TV and the end table where clients can dance with hostesses. They can dance either to each other's singing or to the dance music chosen from a song booklet. The couch can be unfolded into a bed at the request of clients. Many karaoke rooms have adjunct secret bedrooms separated by a curtain camouflaged in the same texture and color as the wallpaper. This is designed to prevent discovery in case of a police raid (see Zheng 2009).

In the dimly lit karaoke room, an eighteen-year-old hostess was sitting next to her client, singing a song titled "Why Do You Love Other Women Behind my Back?"

(*weishenmo ni beizhe wo ai bieren*)” in a provocative voice. As she sang, her fingers were nestled in her client’s crotch, she fondled him, leaned her whole body over him, and coquettishly asked him, “My husband (*laogong*), why do you make love to other women behind my back?”

These paragraphs describe an upscale karaoke bar, one of the three principal karaoke bars where I conducted my research in the port city of Dalian, in Liaoning Province. In 1984, following the promising results of more liberal economic policies in Shenzhen, Zhuhai, Shantou, and Xiamen, the State Council granted Dalian the status of “special economic zone” (SEZ) in 1984. By the late 1990s, municipal propaganda boasted that Dalian had developed into the “Hong Kong of the North,” the “International Transportation Hinge,” an “Advanced Industrial Base,” a “Modern Environmental City,” and the “Center of Finance, Trade, and Tourism in Northeast Asia” (Gu 2000; Zhang 2001).

The rapid growth of the city from a fishing village in the nineteenth century to a metropolis with a population of 5 million² has made Dalian a magnet for labor migrants. By the year 1998, the most conservative estimate placed the number of the floating population in Dalian at around 300 thousand (Zhang 2001: 142).³ Institutional (that is, household registration policy) and social discrimination force the vast majority of these migrants into the lowest rung of the labor market. Migrants commonly work as construction workers, garbage collectors, restaurant waitresses, domestic maids, factory workers, and bar hostesses.

A substantial fraction of female migrants finds employment in Dalian’s booming sex industry. Karaoke bars can be found almost every few steps throughout the whole city. Jian Ping, a reporter for the *New Weekly* magazine (Jian 2001), calls the whole city “a gigantic sauna salon or KTV bar” (Jian 2001; Khan 1998: 44). According to one of the city’s police chiefs, Dalian is currently home to 4,000 nightclubs, saunas, and KTV bars. This same police chief estimated that, as of 2001, 80 percent of the total population of migrant women works as hostesses in the nightclub industry.⁴ The ratio provided by the police chief sounds astounding. He might be exaggerating a little, but his figure suggests that a high percentage of migrant women work as bar hostesses.

China’s sex industry emerged in the wake of economic reforms. During the Mao era, prostitutes were sent to labor camps for education. In 1958, the Chinese Communist Party (CCP) proudly declared to the world that prostitution had been eradicated, and this success was a symbol of China’s transformation into a modern nation (see Hershatter 1997). Since the economic reform of 1978, the state’s more lenient stance has opened the way for the reemergence of nightclubs and other leisure sites. In order to avoid any residual negative connotations left over from the Mao era, nightclubs in the current post-Mao period are referred to as karaoke bars, KTV plazas, or *liange ting* (literally, “singing practice halls”). Visitors to these bars are mainly middle-aged businessmen, male government officials, entrepreneurs, the nouveau riche, policemen, and foreign investors. Clients can partake of the services offered by the hostesses and at the same time cement social ties (*ying chou*) or *guanxi* (literally, relationships) with their business partners or government officials. Hostesses—mainly rural migrant

women—play an indispensable role in the rituals of these male-centered worlds of business and politics.⁵

The companions or hostesses are referred to in Chinese as “*sanpei xiaojie*,” literally young women who accompany men in three ways—generally understood to include varying combinations of alcohol consumption, dancing, singing, and sexual services. Generally between the ages of seventeen and twenty-three, these hostesses provide services that typically include drinking, singing, dancing, playing games, flirting, chatting, and caressing. Beyond the standard service package, some hostesses offer sexual services for an additional fee. Their monthly income ranges from the lowest of 6,000 yuan to tens of thousands of yuan. Hostesses first emerged in modest numbers at the end of the 1980s. Their numbers expanded rapidly in the mid-1990s as karaoke bars became favored sites, not just for male recreation, but also for networking between male businessmen and the local political elites.⁶ It was roughly estimated that in 1991, more than 800,000 hostesses were involved in sex work (see Pan 1999: 13–14). Karaoke bars and the hostesses they employ are controlled and regulated by the state at the same time that they are used by the state and its agents, many of whom comprise the ranks of the karaoke-bar customer base.

Out of the two hundred hostesses I worked with, only four were natives of Dalian. Most of the others came from rural villages in other parts of China, mainly from the northeast. During my research, I encountered several laid-off urban female workers who were married and in their thirties. It did not take them long to realize that they had entered a market too competitive for them. The younger rural women were much more favored by the clients. Seldom chosen by the clients, the urban laid-off women eventually disappeared. Rural migrant hostesses were extremely averse to exposing their rural origins. At the beginning of my field research, they reported that they were from large metropolitan cities, such as Dalian, Shanghai, and Anshan. It was only after we had become close friends that they confided to me that actually, they were from rural areas on the outskirts of these cities.

Erotic services take place in various establishments that include karaoke bars, hotels, saunas, hair salons, disco and other dance halls, small roadside restaurants, parks, movie houses, and video rooms. Among these establishments, karaoke bars demand the most stringent criteria for the women’s height, facial beauty, figure, and such social skills as singing, dancing, flirting, drinking, and conversation. Unlike what is provided by many other establishments, where only intercourse is offered, karaoke-bar hostesses’ services are far more encompassing. Only a few of the karaoke-bar hostesses would accept strangers’ request for intercourse, for which they charge twice as much as is charged in many other environments except for a few five-star hotels targeted at Japanese clients. Because only the beautiful and skilled can be chosen as company for the night, numerous young women could not survive in the karaoke bar and skidded to other places, such as sauna salons.

Karaoke-bar hostesses often expressed their contempt of women in other establishments whose work involves nothing but sex. At one time, when all sauna bars were closed in Dalian because of a local water shortage, sauna hostesses flocked to

karaoke bars. The hostesses commented to each other in low voices, “Look at their gray faces! It’s from daily sex work [*dapao*].” Sauna hostesses told me that they could not compete with the karaoke hostesses because “here clients are too particular about your looks and figure. It’s different from sauna bars. In sauna bars, appearance is not that important because clients’ goal is simply to have sex [*dapao*].” Karaoke-bar hostesses are aware of this difference. They rate their own status second only to foreign hostesses (French and Russian) in renowned hotels.

This chapter unfolds in five parts. First, I discuss my fieldwork in Dalian. Second, I focus on the reasons for hostesses’ entry into karaoke bars. Third, I contextualize hostesses’ lived experiences in the material and power structures of the karaoke-bar sex industry. Fourth, I discuss hostesses’ subjective understandings of sex work. In the last section, I conclude the chapter by exploring hostesses’ future plans and aspirations.

Fieldwork

The argument developed in this chapter is based on some twenty months of fieldwork, between 1999 and 2002, in Dalian. My research sample includes approximately two hundred bar hostesses in ten karaoke bars. However, I was intensively involved with three karaoke bars in particular, respectively categorized as high, middle, and lower class. The criterion of classification is based on the location of the bar, its organization and management, the level of the hostesses’ physical attractiveness, and consumption standards.

In this chapter, I mainly focus on the low-level karaoke bar, although I constantly draw on the other two karaoke bars as well. I was introduced to the karaoke bars by a friend who is an official. For a number of reasons, my initial attempt to interact with hostesses was not very successful. They did not have time to listen to me because their eyes were all fixated on each entering client, and they concentrated on the selection process (*shitai*—try the stage). Furthermore, my cultural style marked me as an outsider. They referred to me as “glasses” and “a college student.” They ridiculed my student attire, my glasses, and my inability to understand or participate in their sex talk and jokes, and they refused to admit me to their circle. They did not believe in my ability to understand their lives, especially their inner turmoil, simply because I was not “in their shoes.” They were also extremely wary of their own security from assaults by the police, hooligans, and others in their dangerous environment. They were also cautious in dealing with each other because any hostess might have some network with VIPs in the city that might harm them. For instance, some hostesses were kept as “spy hostesses” by some local police or officials for self-protection. They might report on other hostesses’ prostitution and have these hostesses incarcerated or severely fined. Each hostess therefore used a fake name, a fake hometown, and a fake personal story. To overcome these barriers, I decided to spend more time with the hostesses. I handed in the rooming fees to the bar owner and lived with the hostesses in the karaoke bars. From then on, I was intensely involved in every aspect of their lives. A typical day in the field was as follows. We got up around

three o'clock in the afternoon and ordered a light meal from a nearby restaurant. The remainder of the afternoon was free for shopping or visiting the beauty parlor. We ordered dinner at around six o'clock. Around that time, the first customers would begin to trickle into the bar. While waiting to be chosen, we sat in the bar lobby watching video compact disks (VCDs) or TV and chatting. Around midnight, we ordered breakfast and went to bed between two and three in the morning.

It was not my initial intention to research hostess–client dynamics by directly servicing clients as a hostess. However, objective circumstances mandated that I wait on clients. My personal profile fits within the range of hostesses' typical characteristics. I am Chinese and female. My fieldwork was conducted when I was twenty-eight and twenty-nine years old, which put me in the "autumn" years of a hostess's career pan. This meant that a customer who saw me sitting in the KTV bar lounge would naturally assume that I was a hostess. I was also obliged to minimize the disruption of my research on the bar's normal business operations. According to KTV bar convention, a hostess can legitimately refuse to perform genital or oral sex acts with her customer. Although refusal can and often does spark conflicts between hostesses and clients, these incidents are considered a normal part of business. For a hostess to refuse to wait on a customer, however, is simply unheard of. This meant that if a customer chose me to wait on him, it would have been very difficult for me to refuse.

To avoid clashes with customers, I took certain precautions. I nevertheless became embroiled in several conflicts with customers. This was especially true during my fieldwork in a low-tier bar that is located in Dalian's crime-plagued red light district. Living in the karaoke bars, hostesses and I had to maintain constant vigilance against police raids and attacks by thugs from competing bars in the city (including other bar owners and some frequent clients). At night, three hostesses and I slept on the couches in one of the private rooms rented by customers during operating hours. Every morning before going to sleep, we pushed a couch against the door in case gangsters attempted to break in. At times of danger, we held our breath and turned down the lights, making the room look unoccupied. We escaped danger several times. Experience of common adversity gradually brought us together.

It took the combined efforts of bar owners, bouncers, and hostesses to keep me out of harm's way. I am indebted to them for their advice on safety measures and, at crucial moments, their direct intervention. To extricate me from precarious situations, owners and bouncers incurred the wrath of more than one irate customer, whose outbursts disturbed regular business operations. Hostesses also expended attention and energy that they would have otherwise spent on profit-making matters in order to look after my well-being. Without their sacrifices, my research in the bars would have been too dangerous to continue.

Karaoke bar industry and anti-trafficking campaign

In 1984, the first dance hall appeared in Dalian. It featured a band of six singers and had a capacity of three hundred patrons.⁷ It was not until 1988 that the first

karaoke bar emerged. Named “Tokyo 898,” the bar was financed by a Japanese businessman and run as a Sino-Japanese joint venture. It is said that the bar’s karaoke equipment was imported brand-new from Japan—an almost unheard-of extravagance at that time in China’s economic development. Customers of the bar included foreign travelers and sailors, government officials, and the nouveaux riches.

After 1988, new karaoke bars mushroomed throughout the city. They became the most fashionable male recreational and commercial activity; closely associated with Western audio and video technology, splendid exterior and interior furnishings, neon lights, high prices, and beautiful hostesses. This drastically different from the previous dance halls, which were organized by work unit, karaoke bars aroused tremendous social curiosity. They suited rich people’s desire to experience a “modern” form of consumption, display their vocal talents, and display power and wealth. Patronizing luxurious karaoke bars became a lifestyle, a modern and prestigious symbol often only afforded by such wealthy clients as foreigners, officials, and local nouveaux riche. Blue-collar urban men and migrant workers occasionally visited low-tier karaoke bars to imitate this lifestyle.

Beginning in 1989, with the appearance of karaoke bars, the state has launched periodical nationwide anti-prostitution campaigns to ensure “security and state control.” The campaigns are aimed at “cultural purification” and “spiritual civilization.” The “erotic company” of hostesses, pornographic TV shows, erotic performances, and prostitution within karaoke bars are condemned as “cultural trash” that “destabilizes state rule and the socialist system.” Restrictions stop short of an outright ban; rather, they intend to bring KTV bars into line with state-defined socialist culture.

China adopts an abolitionist policy that deems prostitution a form of violence against women. Over the past decades, China has published a number of laws to ban prostitution and the third party’s involvement in prostitution (see Jeffreys 2004). This abolitionist policy is predicated upon the belief that no women would choose prostitution voluntarily and that prostitution strips women of their “natural” and legal rights. These series of laws include the first criminal Law in 1979, the 1987 Regulations, the 1984 Criminal Law, the 1991 Decision on Strictly Forbidding the Selling and Buying of Sex, the 1991 Decision on the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women and Children, the 1992 Law on Protecting the Rights and Interests of Women (Women’s Law), the Revised Criminal Law of 1997, and the 1999 Entertainment Regulations.

Underlying these laws is the ideology that prostitution humiliates and commodifies women, and that unless prostitution is outlawed, women’s position would not be advanced. Because the government holds the belief that women would not choose a profession that violates their own human rights, the purpose of these laws is to prohibit the third party from organizing prostitution, engaging in illicit relations with a prostitute, and trafficking women into prostitution.

The “erotic service” (*seqing peishi*) found in karaoke bars is deemed to go against “socialist spiritual civilization.” The exchange of sexual services for

money is an “ugly social phenomenon” associated with capitalism and should be wiped out to maintain a healthy socialist cultural environment and “civilized consumption.” The main responsibility for administering state policy regarding karaoke bars is divided between the Bureau of Culture (BC) and the Public Security Bureau (PSB). These two agencies respectively represent the government’s dual strategy of soft and hard administrative measures. The Bureau of Culture is responsible for ensuring that karaoke bars are managed according to socialist standards of civility and morality. It accomplishes this task through a variety of administrative and regulatory measures. First, BC maintains detailed records on bars’ business location, name, proprietor, exterior and interior design, audio and video machines, and other information. Second, strict approval procedures were introduced to reduce the number of karaoke bars. Third, bar owners are required to attend monthly classes organized by the Bureau of Culture to study state policy and law. Those achieving high test scores are awarded “Civilized Karaoke Bar” plaques that can be displayed inside their bars.⁸ Fourth, karaoke bars should have “Chinese” and socialist characteristics. In particular, they should provide mainland Mandarin songs, “healthy and inspiring” revolutionary songs, Chinese-style wallpaper, Chinese paintings, Chinese-style bar names, and Chinese food and snacks. Lurking not far behind these regulations is a palpable sense of crisis induced by the idea that Western influences has begun to erode Chinese culture. As a BC official explained to me: “The imported Western culture in China is like an aircraft carrier—high quality, durable and powerful. Chinese culture, however, resembles a small sampan, only able to float a hundred miles. We need to develop a singing-and-dancing business with Chinese characteristics to attack the foreign cultural market in China.”

PSB serves as an “Iron Great Wall” (*gangtie changcheng*), providing the muscle behind state policy. The main vehicle for PSB intervention is the anti-pornography campaign (*saohuang dafei*), itself a part of a wider comprehensive attack on social deviance known as “crackdowns” (*yanda*—literally, to strike severely). These campaigns last for spurts of three months at a time, to be repeated three times a year, strategically centering on important holidays (National Day and Army Day) and events (the APEC conference). Crackdowns target a potpourri of social ills, ranging from unlicensed video game arcades (said to corrupt the minds of youth), to undocumented rural migrants (said to disrupt urban management).

The combination of prostitution and pornography is a mainstay in the list of crackdown targets. It covers pornographic media (magazines, laser discs) and performances (striptease). The behavior that receives the most organizational resources and manpower, however, is the “erotic services” conducted in KTV bars and other commercial establishments (saunas and hair salons). PSB employs a complex system of raids to attack karaoke bars. The techniques are self-described as “guerrilla warfare” (*da youji*), in reference to the heroic efforts of the Communist revolutionaries against the Japanese invaders and nationalists. Raids are divided into several types: “regular raids and shock raids, timed raids and random raids, systematic raids and block raids, daytime raids and night raids.”

Those PSB units and individuals that perform well—measured in the number of arrested hostesses and amount of fines levied—receive high honors and cash bonuses from their municipal government.

Impact on hostesses

Local officials

State policy is problematically translated into reality. The complex interactions between sex industry participants on the one hand and state agents on the other lead to a gap between the “theory” of policy and the “practice” of enforcement. State policy is distorted and even derailed by the self-seeking behavior of local officials. Karaoke bars are an important source of extralegal income. As one PSB official candidly remarked, “Karaoke bars and hostesses are our sources of livelihood. We basically cannot live without them.” Because these officials have the arbitrary power to arrest and fine the hostesses, hostesses are extremely apprehensive when they are chosen by an official. In such instances, they must obey the officials’ demands including sexual services.

Officials extract economic benefits from karaoke bars through a combination of bribes and fines. State policy is hijacked in the service of officials’ personal economic interests, but local officials’ exploitations of hostesses are not limited to economic benefits. PSB officials maintain a group of “spy hostesses” (*xiaojie jianxi*) who report on bar conditions as well as acting as these officials’ personal harem. In exchange for their services, hostesses gain immunity from police sanctions. Hostesses allow corrupt officials to get rich, contribute to regional economic development, and enhance officials’ political career advancement. There seems to be substantial pressures that push local government into tolerating if not absolutely embracing the karaoke-bar sex industry. I was told that a leader of a subregion had turned the area into what became heralded as the “largest pornographic subregion in the province.” He built an extravagant mansion and hired hostesses to entertain visiting officials. His “brilliant achievements” eventually satisfied his superiors and gained him high awards, reputation, and promotion.

Bar owners

While local officials are manipulating state policy to exploit bar owners and hostesses for their personal gain, bar owners have their own strategies. The owners I worked for improvised creative maneuvers to counter local officials.

The owner of the upscale bar—one of three karaoke bars in which I conducted fieldwork—was a well-known local gangster. His karaoke bar opened in 1998 and since then has been the most prosperous bar in the city of Dalian, housing over a hundred hostesses. I came to this karaoke bar in June of 1999. Just beginning my research, I did not know anything about the anti-prostitution campaign until July 1, the anniversary of the birth of the Communist Party. I went to work

in the evening as usual that day. I was very surprised to find that all the hostesses' seats were unoccupied—only two hostesses came to work.⁹ Not having the faintest idea what was going on, I was immediately led by the madam to the dressing room upstairs and advised to hide there instead of waiting in the hall downstairs. The madam told us to tell whoever saw us that we were salesladies selling beer here. Only after the madam left did I learn from the hostesses that an anti-prostitution campaign started this month, and that police would be raiding this place at some time tonight. Police raids meant that any hostesses in sight would be taken in and arrested. I was told that once you ended up in the police station, it took thousands of yuan to get out. The other two hostesses were in the same situation as I was—all newcomers and completely ignorant about this event. I was very frightened because I did not have a temporary-resident card, and my passport would definitely get me in trouble.¹⁰ Luckily when a couple of men (policemen wearing civilian clothes) came in and asked us a few questions that night, to my surprise, our answer that we were selling beer worked. Later I learned from the madam that our escape was due to the fact that the owner had paid off these policemen. During the last few days of the campaign months, I was living with another hostess. Every midnight, when we took a taxi home from the bar, she instructed me to bend over and hide under the back seats to avoid being seen by policemen. She told me that during the campaign months, numerous policemen patrolled the streets looking for bar hostesses. In China, hostesses fall into a gray area—although the law does not clearly identify them as either illegal or legal in everyday practice, it is recognized that “hostesses” are “sex workers” who provide illegal erotic services and hence are the major subjects of anti-prostitution campaigns.

The bar owner, furious at the loss of business and local officials' restrictions, asked the madam to summon 130 hostesses to a meeting. He expressed his anger and antagonism toward the “unreasonable people working in the government” and listed his tactics to cope with the state policy. Angry as the bar owner is, he utilized nonconfrontational maneuvers—that is, converting illegal bar hostesses into legal employees through shifts of title, dress, identity, work sections, and so on. Such a strategy not only left him some leverage at this critical point of the political campaign, but also allowed him to impose more severe regulations and discipline on the hostesses, who used to operate in a *laissez-faire* manner.

According to a city official, 1995 marked a change in relations between hostesses and bar owners, from the contract system to an exploitative system. Before the police crackdown in 1995, hostesses were hired by the hundreds on contracts with bar bosses. According to the contract, hostesses received fees from the customers for their services. In addition, bar owners awarded them a percentage of the customers' bills. This contract system was brought to an end in 1995. To explain this change, we must start in the early 1980s.

With the rise in popularity of karaoke bars in Dalian, a red-light district sprang up in the center of the Zhongshan district. At some time around the end of the 1980s and in the early 1990s, a number of karaoke bars were opened on Stalin Road. By all indications, the scope of business must have been considerable.

Hostesses were recruited by the hundreds. Every night they scoured the city's seaport for tourists and brought them back to the bars to engage them in sexual activities. During this period, bars and hostesses prospered.

One morning in 1994, a foreigner was seen running out of the area wearing only his underwear. A group of Chinese men followed him, shouting curses and flourishing clubs high in the air. It was said that the foreigner could not afford the tab for the previous night's sexual encounter. Managing to escape with his life, the foreigner subsequently brought charges against the bar's proprietor for exploiting him. The matter quickly escalated into an international conflict between the two affected embassies. The incident even made front-page headlines in the *Hong Kong Gazette (Ta Kung Pao)* in an article titled, "Dalian Red-Light District on Stalin Road."

Fearing that the image of the socialist regime would be tarnished by the scandal, the CCP Central Committee took immediate action by ordering that the area be cleaned up. After overcoming tremendous difficulties in breaking up patron-client ties between local officials and bar owners, the police finally cracked down in 1995.¹¹ To erase the global and national memory of the incident, the name of the street was changed from Stalin Road to People's Road.

This extreme police crackdown disrupted the previous system by which the bars operated and brought an end to the contract system and the percentage award from bar owners. Ever since, bar hostesses and owners have been under the strict control of local government. Owners view themselves no longer as dependents but as the saviors of the hostesses because they housed the hostesses for security and offered jobs. Ever since 1995, owners started requiring hostesses to turn in 10 percent of their fees to them.

In the particular upscale karaoke bar where I conducted research during the anti-prostitution campaign, the owner extracted additional profit from the hostesses by charging more for their uniforms than they were actually worth. He also seized this chance to record every hostess' biological data. He asked all the hostesses to hand in their duplicate hometown IDs and Dalian temporary residence cards (TRCs). He urged those who had not yet purchased or renewed their TRC to do so quickly. He claimed that he would compile a book with a record of their pictures, names, and photocopied TRCs, through which hostesses would be transformed into formal employees working as waitresses. He also effectively controlled their mobility and behaviors. Prior to the crackdown, hostesses were brought to any karaoke room for selection. After the crackdown, hostesses were grouped in tens and assigned to different sections of the bar (ten karaoke rooms in each section). Instead of standing together in the entrance hall, hostesses now only gathered at their designated sections, waiting to be chosen. Every hostess was required to wear the uniform dress with a name card on her chest, in different colors for different sections. Hostesses had to report to the directors (madams) if they were going outside the bar (*chutai*: offer sexual services in hotels) with clients. They were ordered to be present at the bar at precisely 7:30 p.m. every day and not leave until 12 a.m. unless they went out with clients. Hostesses coming late or leaving early were fined 600 yuan. They had to request a leave or

a night off from the director, a request that, in principle, was not granted. The bar owner also demanded that hostesses' walking and speaking manner and singing skills be trained and disciplined. All these new demands, controls, and restrictions on hostesses were produced at this moment of conflict between bar owners and officials. The bar owner ensured the prosperity of his business by manipulating hostesses and maneuvering ways around state policy.

Local implementation of the state's anti-prostitution policy failed to reach the propagated objective of eliminating prostitution; it only aggravated hostesses' working conditions. Police raids of karaoke-bar hostesses made them legally and socially vulnerable. Hostesses' illegal identity forced them to face an exploitative, risky, and violent working environment. If some clients were to disclose their sexual services to the police, they would be subject to extreme humiliation, arrest, handsome fines, and incarceration. Because of this potentially horrifying outcome, hostesses do not disclose their real identity, and this ruse makes it easier for men to be violent toward them and even to murder them. It was reported that in the city of Shenyang, more than 100 hostesses were murdered in 1999 (Anonymous 2002). In Dalian, hostesses' bodies were found murdered on the street, but the police could not identify them (Sun 2003). When I accompanied my best hostess friend, Wu, to her hometown, I asked her mother if she was worried about Wu's safety in Dalian. At my question, her mother's face sank with distress and torment. She kept silent for a long time before plucking up the strength to tell me that she had believed that Wu had been murdered in Dalian. She said, "I did not hear from her for three months. She did not call me. I did not have her phone number ... I really thought she was murdered. You know, it's so common in Dalian. I always heard the news about hostesses' dead bodies found there. I believed Wu was one of them. I was worried sick. I got so sick that I couldn't get up. I thought I was never going to see her again."

Violence

In the upscale bar, the main task of the security guards in green pseudo-military uniforms is to keep the hostesses from leaving before midnight to ensure that clients pay hostesses' tips, and maintain bar security. Occasionally, a team of security guards rushes upstairs like soldiers to quell fights in the karaoke rooms. The suppression of disturbances itself always involved violence and blood. Unarmed or armed (with beer bottles, knives, and glass), fights between drunken clients and between clients and hostesses are daily occurrences. At times, hostesses come downstairs, crying from their injuries: their legs, arms, and breasts black and blue from the hard pinches of some clients. Some hostesses chose to endure whatever abuse they are subjected to, but some opted to quit and consequently received no tips for the time they had put in. Those who clenched their teeth to see it through with big bright smiles held back their tears and complaints for later, when they sent off the clients and returned to the crowd of idle hostesses.

The low-class bar “Romance Dream” is located in the crime-plagued red-light district. The staff includes three multifunctional waiters (madams/doormen/janitors), two bar managers, approximately twenty-seven hostesses, and a barkeep/security guard (*kan changzi de*). As with the high and medium-level bars, blood ties link the bar proprietor and management into a relatively cohesive group. Each bar on this street has to hire a thug as the barkeep. This barkeep has to be a good fighter, otherwise the bar will be forced to close down as a consequence of harassment by roaming gangsters and thugs who roamed the streets. During my research in the bar, I witnessed numerous bloody fights between the barkeep, Bing, and bar waiters and gangsters, clients, and passers-by. I saw Bing and waiters throw heavy stones and chairs at clients and at some passers-by’s heads until blood streamed down their heads onto their faces. The bar owner told me that Bing, after having killed and severely injured many men in previous fights, was once sentenced to death. The bar owner spent a great deal of money to finally get Bing out of prison before hiring him as the bar guard. The mere presence of Bing in the bar kept many gangsters and thugs away. According to the owner, if Bing were not in the bar, it would definitely be a disaster: all of the hostesses would flee in fear, and everything would be plundered by gangsters. She entrusted me to Bing and the bar managers to look to my safety.

Gangsters and other bar owners often came to visit. They were all local. When they saw pretty hostesses, they dragged them upstairs and raped them. When they saw less pretty hostesses, they slapped their faces and beat them up. Hostesses were extremely apprehensive about some of the toughest gangsters and thugs. They would run as fast as they could to escape them. Once I fled along with the other hostesses. We escaped by climbing onto the overpass built over the bars, losing our shoes and cutting our feet in the process. It was a very unpleasant experience. Most of the bar hostesses have been raped one or more times by gangsters. Twice the gangsters came in and started to pull me into a karaoke room. Luckily, they were stopped by Bing and the bar managers, who said, “She is not a hostess here. She is my friend.” That assurance saved me from imminent danger, but the lingering fear remained.

To protect themselves, almost all the hostesses were connected with one or two street gangsters to gain protection. When a gangster came in, the hostess who was connected with him or to a thug in his group did not need to escape. My best friend, Wu, did not like the bar bouncer of a neighboring bar, but he favored her strongly. Wu had to develop a relationship with him. She told me, “In my home town, nobody dares to touch me because I have a wide network of friends. It’s so different here. Here I don’t have anyone. No one cares if I am bullied. He is a thug, and he is local. I have to be good to him. I need someone to turn to when I encounter trouble on this street.” When Wu was harassed by someone in a different gangster group or by drunken clients, she would call the barkeep for help. On a couple of occasions, the barkeep, upon Wu’s call, led a few gangsters into the bar to beat up the drunken client. Wu also hooked up with a bar owner in the city. She told me that these were the key people she turned to when she needed help. Like Wu, other hostesses were connected with a bar owner, a bouncer,

or a skilled street fighter. They frequently joked, “We hostesses are relatives of the underworld.”

An exploitative environment

Hostesses are expected to encourage customers in their consumption of beer, hard liquor, and snacks to boost bar revenues. Known as the minimum charge, these requirements create an onerous burden for hostesses. Hostesses are held responsible for ensuring that customers’ expenditures reach the mandated level. To stimulate customers’ consumption, hostesses themselves have to continuously consume, especially alcohol. This problem is especially pronounced in the upper-level bar, where the minimum charge is set at 400 yuan. The bathroom is always full of hostesses vomiting into the toilet before returning to their clients to continue drinking. Because of this daily alcohol overdose, most hostesses not only put on weight (which leads to other self-destructive weight-loss practices), but also develop stomach problems that, in severe cases, result in hospitalization.

Hostesses’ struggle

After a while, hostesses develop ways to cope with this inequity. When clients come to the bar looking for hostesses to go offstage, few hostesses consent. It leaves the outsiders with the false impression that few hostesses in this bar go offstage. In reality, however, almost all of the hostesses do, although behind the scenes, to save the entire tip for themselves. One hostess said, “Why should we earn the money for the bar managers? We have established a settled relationship with our clients. We schedule a time outside of the bar to do it. We keep the money in our own pockets. Who needs them as the mediators? Actually, everyone in our bar goes offstage, but secretly.”

The bar managers and owner are stingy not only with the hostesses, but also with their steady clients. Wu told me, “Bar business should rely not only on us, but also on the steady clients. However, the bar managers exploit these clients even harder!” Aware of this situation, on the one hand hostesses face pressure to order more food and drinks in karaoke rooms, and, on the other hand, they secretly establish relationships with clients. As their connections are set up, hostesses request that their clients take them out for dinner. In such cases, they not only earn the tip of 100 yuan, but also help their clients save money from the bar overcharges.

Some hostesses sit on several stages at the same time (*cuantai*). For instance, Wu managed to sit on five stages at one time. She said,

“The key is: Do not let yourself be seen by your clients when you are sitting on different stages. Once I heard that five of my steady clients were coming on the same night. I was sitting in the first client’s karaoke room until it was time for the other clients to come. Then I said, ‘I have been feeling really sick these days. I feel really uncomfortable now. Can you leave now and come

back some other time?’ He agreed and left, offering me a tip. Then, the other clients came one after another. I went into the second client’s karaoke room and said, ‘Look, my sister has just arrived here in Dalian with a friend. I really have to go to the train station to pick her up. It will take me about an hour or so. I will be back for sure.’ Then I left and went into the third client’s karaoke room and said, ‘Look, my sister will come over to be a hostess. I need to rent her a room, buy her some clothes and merchandise for everyday use. When she starts working here, she will earn money and return the loan to me. Can you give me some money?’ He gave me 200 yuan. See, the tip is already in my hands. ‘Thanks so much! I am sorry that I have to leave, but I will definitely be back in about forty-five minutes.’ Then I repeated the same story in the other two karaoke rooms and promised to be back in, respectively, forty and thirty minutes. After that, I returned to the first karaoke room and said, ‘Sorry I am back so late. Oh, I am feeling so exhausted and sick.’ Then I stayed there for a few minutes before asking them to leave. They gave me the tip. Then I returned to the other three karaoke rooms, in turn, and repeated the same story.”

Hostesses’ aspirations

In this section, I will illustrate that hostessing is not only a lucrative profession for the hostesses, but also a profession that offers them independence and a sense of self-esteem. Their life experience goes contrary to the state rhetoric of forced prostitution and a need for rehabilitation.

Rural women face limited employment opportunities in the city. First, in post-Mao China, there is a lack of a private sector for jobs. Second, as migrants, they often lack the social connections essential for job searching in the already over-saturated urban labor market. Their ability to find work is further hindered by a discriminatory government policy that denies migrants equal status with urban residents. Among the jobs that are available to rural women, most are in low-paid, labor-intensive industries. Under these circumstances, hostessing is a highly attractive employment option. The attractive features of hostessing are many.

Hostessing holds out the allure of high incomes in the least amount of time. Hostesses typically entertain a customer for one to two hours and earn an average tip of 200 to 400 *yuan*—the equivalent of, and often more than, other rural migrants’ monthly wage and almost half the average monthly wage of an urban worker. Working as a hostess provides rural women access to a wide network of influential male figures in the city’s business and political sectors. Hostessing requires a minimal upfront investment. Newly arrived hostesses typically borrow money from other hostesses or friends to purchase the clothing and accessories worn while servicing clients. Because of the high profitability of hostessing, the borrower can typically settle her debt with the earnings from one or two sessions with clients. Thus, rural women who lack economic resources can nonetheless enter the workforce as hostesses.

Migrating to countries such as Japan and Singapore to conduct sex work is a dream for many hostesses. During my research, three hostesses managed to travel to Japan and Singapore as sex workers, and they were the models for many other hostesses. Each of these three hostesses turned in 20,000 yuan and passed the interview before being permitted to go through the visa process. They returned to Dalian after having worked in Japan and Singapore for a year. They expressed that it was their ambition to return to these countries and continue working as sex workers.

Learned urban cultural styles

Karaoke bars, as flourishing new cultural spaces in the city, are the places where rural migrant women can achieve a certain degree of self-esteem through the sense of being accepted and desired by the urban men who choose them as companions for the night. The karaoke bar is also the place where these women can find secondary socialization by mingling with urban clients, where they feel “urban and cosmopolitan,” both culturally and socially. Hostess Ying migrated to the city, and during the mid-1990s, she worked in a private factory, where she was even named the model worker. Eventually, the factory went bankrupt and closed down. Ying was laid off and left without financial sources. Her women friends took her to a dance hall to accompany men. To make a living, she followed them.

I thought nobody would dance with me because of my low quality (*suzhi*) and rural origin. However, to my surprise, some urban men invited me. A man from the Labor Bureau even liked me a lot. Once, I ran into him on the street, and he asked me to have dinner with him in a restaurant. I refused his love but I did go to the restaurant with him. I was such a foolish cunt (*sha bi*) – I was completely ignorant of a restaurant, let alone of all the eating or talking etiquettes. I was such a foolish cunt, so stupid, you mother fucker. I did not know how to eat or talk. I was a peasant. When had I ever seen a restaurant? You know at that time [during the mid-1990s], nobody in my village had ever been to a restaurant. Very few had even heard about it. As a factory worker, I only earned 400 yuan a month. When on earth had I ever seen this amount of money and the atmosphere of the restaurant? After that event, I was so shocked by my incongruity with the urban people. I started working as a dancing companion. Two months later, I went back home with loads of money, several thousand. At that time it was a lot of money. Nobody had ever seen so much money before. The money I earned meant a lot to everyone.

For Ying, living an urban lifestyle affirms an equal status with urbanites; being chosen by urban clients in karaoke bars confirms her self-worth.

Independence

Hostesses' experience of rape and abandonment in the city teaches them not to be duped by men's romantic words, to embrace independence through hostessing.

They commented, “Dalian men try to cheat both our bodies and our emotions. Without spending a cent, they get what they want from us.” Hostess Guang served as a domestic maid in an urban family before hostessing. Within two months, she was raped three times by her male employer. Hostess Min worked as a restaurant waitress when she was raped and then abandoned by an urban customer. She said, “Urban men take advantage of us both emotionally and physically. We cannot be too innocent (*tai chunjie*) or devoted; otherwise, we will be tricked, used and abandoned. Only women who are not pure can protect themselves.”

Han worked as a hairdresser in the city. She lived with an urban man for three years in his home. During this time, she suffered from all kinds of physical and verbal abuse from his aunt and mother. For instance, they accused her of stealing their jewelry and associated her “thieving habits” with her rural background. All this abuse was targeted at her inferior rural background. Han exerted every effort to endure all this inhumane treatment. However, her urban boyfriend also worried that her rural family would become a bottomless pit, eventually draining all his money. He abruptly abandoned her, saying, “Our social status just doesn’t match.” Devastated, she believed that she would never find happiness unless she became the social and economic equal of the urbanites. She started working as a hostess. Five years later, she was very successful. She possessed two household registrations—one urban and one rural. She purchased two houses, one in her hometown for her parents and one in Dalian for her siblings. She supported her two younger sisters and a brother through school. She paid for the weddings of her four older brothers and sisters, and so on. She is now married to the financial director of a prestigious hotel chain.

Similarly, another hostess, Hong, broke up with her client boyfriend when he failed to offer her the amount of money she expected. She commented,

“I myself can earn 100,000 yuan a month from hostessing. To exchange this for his several thousand yuan—so little money—I have to obey everything he says. Who will do that? He thinks I am fresh from the countryside, so I can easily be cheated. With so little money, he wants me to be his second wife and control me as his possession by tying my arms and legs. That’s impossible. I want to earn money for myself and spend it happily as I want. There is no way for me to spend his little money at the price of abiding by whatever he has to say.”

If rural origin and cultural inferiority is the root of the hierarchical relationship between rural migrant women and urban men, then hostessing offers an opportunity to escape this subordination. As paid work, hostessing represents an act of defiance against the androgynous urban men who freely exploit the women’s bodies and emotions. At the bar, men have to pay a high price to hostesses in exchange for even approaching them. This transaction transformed the situation that existed when migrant women were available to men as free dinner at the men’s whim.

Hostessing allows the women to gain an economic profit, and therefore independence from men. In the monetary transaction, hostesses attain a certain equality

with the urban men by taking advantage of the men's resources. Having financial resources at their disposal brings the women power and confidence otherwise unavailable. Many hostesses who are married or are kept as second wives sneak out of the house to work. Setting up their own separate account allows them to spend their own money at will and secretly support their natal families. The economic power brought by hostessing earned Han and Hong a great degree of independence and equality in social and gender status in both familial and spousal relationships with urban partners.

Conclusion

In this chapter, I discussed how the state's anti-prostitution policy is manipulated and usurped by local officials and bar owners for their own ends, leading to a violent working environment for the hostesses. Working amid such exploitative labor relations, hostesses struggle to reallocate male clients' socioeconomic resources into their own hands and subvert the urban-rural hierarchy. Far from the state rhetoric of forced prostitution and their need for rehabilitation, the hostesses consider hostessing an expedient route to achieving a certain degree of social mobility and detest the violent working environment induced by the state policy.

From this ethnographic research, I argue that the intensive anti-trafficking and anti-prostitution campaign deprives the hostesses of their rights, and patronizes them as victims. I argue that the state's focus on forced prostitution ignores the larger context within which force is used. That is, the global inequities of capital and labor that robs women of viable options and forces them into sweatshop labor or lucrative sex work. The state's moralistic campaigns against sex trafficking are intended to eradicate all forms of sex work and construe sex workers as sexual victims. Issues such as poverty, hunger, and low wages are disregarded in the trafficking discourse. Indeed, across the globe, sex workers' rights movements vehemently challenge the victim script in the trafficking discourse.

Notes

- 1 Materials in this chapter have previously appeared in Zheng (2007).
- 2 This is the official figure of the city's population (in the four central districts).
- 3 Municipal officials interviewed estimated a floating population in Dalian of one million people, from all over China.
- 4 Interview conducted in 2001.
- 5 Although karaoke bars are legal, they have always been one of the government's main "culture purging" targets. It is claimed that they work against the state's cultural logic in three aspects: (1) socialist business should prioritize the needs of people and serve the people. It should be different from the commercial system, where the pure objective is to pursue and procure sudden huge profit. Many bar bosses operate their business by cheating customers and providing erotic services. (2) "Erotic company" (*seqing peishi*) is illegal and immoral and runs counter to socialist "spiritual civilization." Such "ugly phenomena" associated with capitalism should be wiped out to maintain the healthy and inspiring socialist cultural environment and "civilized consumption." (3) Juxtaposed against socialist recreations enjoyed by the masses, karaoke bars are more individually based, places where individuals pursue and express their "repulsive and hideous"

- desires to show off their performing talents and satisfy their sexual demands. In view of these reasons, karaoke bars regularly undergo a purging process to become part of “spiritual civilization.” Frequent police raids are part of this process.
- 6 Male dominance of the business world in China is reinforced by the use of karaoke bars to entertain clients. While I heard that occasionally female businesswomen entertained male clients, I never witnessed such an arrangement myself.
 - 7 Reconstructing the history of karaoke bars in Dalian proved to be exceedingly difficult. A combination of official denial and embarrassment has ensured that no publicly open records were kept on the subject, and the same attitude undoubtedly dissuaded any interested parties from prying. To piece together the story, I was therefore forced to rely entirely on the oral accounts of government officials in different divisions of the municipal Bureau of Culture.
 - 8 This policy is designed to boost the bar owners’ sense of pride as contributors to the socialist culture market. Inculcated with this new thought, bar owners will take the initiative to transform their bars into civilized spaces, where clients’ lofty sentiments can be nurtured.
 - 9 This is in the upscale karaoke bar where hostesses were not living in the bar. I lived with the hostesses in the low-tier karaoke bar in the red-light district.
 - 10 After I received a visa to the United States, the government withdrew my ID card. The only ID left on me is my passport. A passport without an ID card indicates that the person in question does not reside in China.
 - 11 This information is taken from my interview with the political officials in the municipal government.

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6 Invisible agents, hollow bodies

Neoliberal notions of “sex trafficking” from Syracuse to Sarajevo¹

Susan Dewey

Most historians concur that nineteenth- and early twentieth-century paranoia about the so-called “white slave trade” constituted a moral panic fostered by the then-unprecedented migration of poor white women in search of employment in industrializing Western European and North American cities (Donovan 2006; Walkowitz 1980). Contemporary discourses on sex work are also related to a politico-economic context that makes “sex trafficking”² what political scientist Nancie Caraway calls “a metaphorical expression of the psyche of twenty-first-century market globalism” (Caraway 2008: 266). As I have documented elsewhere (Dewey 2008), sex work-related policy decisions are determined with striking frequency by political institutions far removed from the individuals such measures ostensibly assist. Accordingly, this article employs two case studies that suggest “sex trafficking” is increasingly being used as part of state efforts to limit migration. It asks three central questions: [1] how are women’s agency and labor constrained by the neoliberal state’s discourses of protection? [2] What relationship does this discourse have to the rise of privatization and concomitant tightening of borders? [3] What do intersections between the feminization of poverty and increased state regulation of feminized labor reveal about the unequal terms upon which anti-trafficking discourse functions to constrain women’s working conditions?

The first international response to what is now known as “sex trafficking,” entitled “The International Agreement for the Suppression of the White Slave Traffic” was signed in 1904 by fifteen Western European powers, many of whom notably reserved the right to apply it in their colonies on a case-by-case basis. Although the racial category “white” was removed from subsequent international conventions and protocols in 1921, 1933, 1950, and 2000, the majority of donor and media attention paid to “sex trafficking” remains focused upon countries with white majorities, particularly those of postcommunist Eastern Europe. Numerous scholars have commented upon the racialized nature of trafficking discourse (e.g. Kempadoo 2005; Sharma 2003; 2005), and the socioeconomic inequalities embedded in broader East-West migration patterns clearly also play a role in awareness-raising campaigns and funding decisions by a range of concerned actors. As was explained to me by a representative of an international organization in Sarajevo, the Eurocentric nature of most funding initiatives relates to the

fact that powerful nations and organizations “tend to more immediately target the countries of origin which come on their soil.”

Forced prostitution first became a topic of popular and institutional interest in the United States at the turn of the century, a period characterized by increased urban anonymity and rapid social change created by the massive growth of technologies, information generation and cities. Chicago prosecutor and founding member of the American Bureau of Moral Education Clifford Roe, whose work has been extensively analyzed by historian Brian Donovan, authored half a dozen texts on the subject featuring language indicative of the racism that informed turn-of-the-century thought about sex work. “The white slave of Chicago is a slave as much as the Negro was before the Civil War,” he wrote in *Panders and Their White Slaves* (Roe 1910: 26), and, he added, “That is the condition of hundreds, yes, of thousands, of white girls in Chicago at present.” Roe draws a less-than-subtle distinction in this statement between enslaved African-Americans of the pre-Emancipation South and the “white slaves” of the urban Midwest, suggesting that the women’s whiteness might prove a point of particular moral outrage to his readers.

These references to slavery in the antebellum American South continue to be employed in anti-trafficking discourse by activists and members of Congress alike. Representative Cynthia McKinney of Georgia began a hearing before the House Subcommittee on International Relations regarding the alleged involvement of Bosnia-Herzegovina-based U.N. peacekeepers in forced prostitution by asking, “Who would have thought that in the year 2002 ... we would still be here fighting the hideous practice of buying, selling and trafficking human beings?” (US Congress 2002: 6). She immediately went on to add that “probably no one group in this country [better] understands the horror and cruelty involved in these practices than the grandsons and granddaughters of African slaves” (US Congress 2002: 6). In a related example before Congress, Representative Christopher Smith of New Jersey extended the analogy of sex trafficking-as-slavery by graphically relating the conditions described to him by a prominent U.S. activist:

... the deprivations of food, the beatings with electrical wires, metal rods and leather straps, the cigarette burns, and the brutal rapes are conducted in the hidden rooms and upper floors where, if you can get to them, you can find women and children locked in literal cages.

(US Congress 2002: 10)

This sort of language almost identically mirrors the discourse of the “white slavery” panic, which revolved around a number of themes that Jo Doezema describes as “innocence, established as youth and sexual purity, helplessness, degradation and death” (Doezema 2000: 24). Analyses of discursive similarities between these two time periods reveal vehement disagreements about what constitutes victimization as well as the telling reality that each panic occurred in a period of increased female labor migration in response to economic crisis. Abolitionist movements in both historical periods have resulted in increased state control

over poor women's freedom of movement, rely upon sensationalism to advance their claims (Weitzer 2005: 934), distinguish "innocent" victims of trafficking from other sex workers, and are characterized by xenophobia and a fear of mysterious "foreign criminal gangs (usually characterized as Asian or Russian)" that take advantage of naïve women in a period of increased economic stress (Doezema 2000: 24–38). All of these commonalities draw upon established and unfortunately enduring stereotypes about race, nationality and gender in the predominantly white, affluent nations of the European Union and United States.³

Case study I: regulating paid intimacy in a deindustrialized U.S. city

Much has been written about the impact of neoliberal economic policy on women's labor and the concomitant responsibility of feminist scholars and activists to engage with contemporary sociopolitical debates on the subject (e.g. Enloe 2004; Hondagneu-Sotelo 2001; Parreñas 2001). In the context of Syracuse, our first case study, neoliberal economic strategies began to destabilize the Central New York State region in the 1970s as manufacturers migrated south in search of cheaper labor and more favorable tax regimes. This is part of a broader national and statewide pattern: in the twenty years between 1964 and 1984 alone, 176,000 New Yorkers were left unemployed as factories were rendered insolvent (Cleary 1985: A-9). In their work on postindustrial landscapes and public memory, historians Steven High and David Lewis rather elegantly describe vacant mills and factories throughout the Northeastern U.S. as "once the proud symbols of human progress and modernity ... envisioned [as part of] a place that could run like a machine" (High and Lewis 2007: 2). This smooth functioning vision of mechanized modernity in the form of steel mills and assembly plants slowly halted as part of the global race to the bottom in search of cheaper labor and increased profits; between 1969 and 1976, the United States lost 22.3 million jobs, followed by a further 2 million between 1995 and 2002 (High and Lewis 2007: 17).

One round of economic devastation followed another in Syracuse as part of a generalized shift to the less secure and less well-paid jobs that emerged in the wake of deindustrialization. These economic changes are pervasive and take unique gendered and classed forms depending upon the cultural context in which they transpire, and (like many other social phenomena) assume especially transparent forms in the sex industry. Post-deindustrialization labor practices feature an unprecedented prevalence of untethering the workplace from its workers so that those in positions of power and privilege have increasingly less direct contact with or responsibility for those who work at the lowest levels of the same industry (e.g. Newman 2000; 2008; Paap 2006; Wilson 1997). There is no doubt that these destabilizing economic processes have an equally debilitating impact upon individual lives, and this toll is gendered through the male privilege that dominates many families. Sociologist Lois Weis describes the resulting bleak scenario as one in which "women's lives drown in various forms of abuse, leaving them

too emotionally drained in many instances to deal with the festering anger of the[ir] men” (Weis 2004: 126).

In her classic text on cultural notions of taboo, purity and pollution, anthropologist Mary Douglas famously argues that dirt is “matter out of place” (Douglas 1966: 36). Douglas believes one of the primary functions of culture is to create order out of disorder, and that social systems rely upon a number of strategies to regulate behaviors, ambiguous actions and beliefs that fall in the substantial grey area between these extreme opposites. These include branding those who engage in such activities dangerous and in need of avoidance, or assigning them to a particular category so that they become immediately classifiable. As we will see, this functions to position sex workers as dangerous agents in need of state control and protection, albeit on terms that solely benefit the state. Indeed, the powerful questions and moral debates topless dancing has raised in Syracuse and elsewhere indicate just how unclear the boundaries are between the theoretical concepts of licit and illicit sexual exchange.

Efforts to develop a dance performer permit and registry in New York State mirror such patterns and couch themselves in similar discourses. This legislation, proposed to the New York State Assembly as the Dance Performer Registration Act, would require all topless dancers to apply for an employment permit issued by the Department of Labor, valid for three years, although violation fees for dancers would be relatively low and range from twenty dollars for a first time offender to fifty dollars for every offense after that. Bar owners would be required to keep a copy of all such permits, and could be subject to fines between one and two thousand dollars for failing to do so. Legislators assuaged concerns that this permit system might create a “permanent record” for topless and nude dancers by including a provision that expunges the permit records every three years.

“The purpose of this act” the text of the bill reads, “is to ensure and prevent dance performers from becoming victims of involuntary servitude or prostitution” (New York State Assembly 2009). The bill cites its justification in the premise that victims of “sex trafficking” are unlikely to volunteer information to police even during the course of a raid due to fear of repercussions by management or other exploitative figures. Citing statistics that suggested a significant majority of runaway or “throwaway” children and adolescents engaged in commercial sex, the bill referenced the necessity to document “victims of trafficking” in the United States. Legislators thus hoped to ensure that “dance performers are aged appropriate, legally documented and not victims of severe forms of trafficking” through a statewide system of registration (New York State Assembly 2009).

The only subject of concern in this legislation is the working conditions of women forced into sex work against their will, with the presumption that state regulation would alleviate the problem. It refuses to acknowledge the possibility that unscrupulous employers or other individuals could also coerce women into registering for a permit, and hence a regulation of this type might seem destined to further marginalize undocumented and under-aged female workers by pushing them into clandestine prostitution rather than the safer environment of erotic dancing establishments. Ignoring the possibilities of poverty, lack of education

and the need to support children effectively renders women who would rather be working stigma-free in another equally lucrative job as somehow responsible for their fate.

Registration policies thus position dancers as objects of state concern only when it is politically expedient to do so; in other words, when they are women who do not seem to have transgressed gendered sexual norms. For many dancers, the prospect of being registered as a sex worker is tantamount to social exposure and increases their perception that they are targets and objects, rather than subjects free to make their own choices. The effect of such a policy would also create a situation in which undocumented and underage women could become even more vulnerable in the workplace and subject to deportation unless they are able to “prove” their identity as “victims of trafficking.” Viewed in this light, state efforts at protecting topless dancers through registration seem more like self-interested paternalism that may even be harmful to women who are already subjected to abuses of their labor because of their lack of legal status.

The ambivalence of such regulation is evident in public space as well: municipalities in New York State typically choose between two zoning techniques when dealing with adult-oriented businesses, the first of which concentrates such establishments in a single area and the second that disperses them using distance requirements. Syracuse has chosen the latter, which in theory avoids what has been termed a “skid-row effect” but in practice means that topless dancing bars are located either on the industrial outskirts of the city or in downtown areas abandoned by homeowners as too dangerous or dilapidated for residential classification. Yet the alternative practice of developing “tolerance zones” that legally sanction sex work, as opposed to the informal tolerance that often takes place when sex work-related activities are concentrated in geographic areas is of little interest to policymakers.⁴

In her work on one such tolerance zone in Mexico, anthropologist Patty Kelly documents the elaborate regulations that frame life for women who work in the Zona Galactica, a state-owned brothel. Kelly notes that government involvement in creating this area for the legal sale of sex is intimately connected to broader notions of appropriate behavior.⁵ City officials thus attempt to “remove prostitution from public view ... [to] make invisible the men and women who are ‘premodern’ symbols of social decay and disorder, while making visible the power of the state” (Kelly 2008: 67). Anthropologist Angie Hart describes the informal creation of such areas through lack of police interference and social norms that tacitly sanction men’s patronage. Hart characterizes red light areas in Spain as bounded by popular perceptions of the “illegitimacy of time [spent there] and space [what is done there]”, wherein “an ambiguous state of affairs exists between clients, families and prostitutes” (Hart 1997: 96).

This ambiguity indicates the state’s discomfort with the explicit exchange of sexual services for money, and local and national governments have gone to equally unambiguous extremes with zoning legislation. In 2005, the New York State Assembly passed amendment section 397a to the New York State General Business Law to prohibit the operation of adult commercial establishments

within a one-mile radius of a residential dwelling in cities of one million or more. The rationale behind this legislation employs a discourse of purity and pollution, situating the family and such businesses as direct opposites on a continuum of morality and danger, noting that “a one mile safety zone will protect our families, our children and our entire community from being infiltrated with x-rated establishments and the dangers which go along with them” (New York State Assembly 2008).

This discourse of danger situated in the bodies of poor women is by no means historically recent and yet it is notable nonetheless because it positions women who work in such establishments as enemies of the social order. Sociologist Lisa Sanchez describes sex workers as “sexual outlaws” (Sanchez 1998: 543) who are denied full citizenship and thus occupy a social role which simultaneously renders them invisible and likely targets for violence unworthy of state protection. Sex workers are positioned in a social category which by default defines them as deserving of poor treatment because of their choice (however coerced by poverty and other limiting life circumstances) to sell sex or its simulation for money. Conflicted and sometimes polarized feminist positions on the sex industry function to complicate this even more by presenting a “unitary truth” about women’s sexual and lived experiences (Munro and Della Guista 2008: 2).⁶

Outright and de facto bans enacted via zoning regulations predate widespread state and activist concerns about trafficking, and have been vociferously encouraged by neighborhood activists, government officials and small business owners. In 1981, a compromise decision by the Supreme Court recognized topless dancing as a form of free expression protected under the First Amendment, but forbade nudity in bars regulated by the New York State Liquor Authority unless dancers remain out of reach of customers (Goldman 1981). Once dancers cover their breasts, they may touch clients. The New York State Liquor Authority mandates that women must stay at least six feet away from clients and wear a bottom of some sort because, as spokesperson Richard Chernela noted, “Once you remove your pants, you create an inherent disorder” (Harting 1990: 3). As a result, inspections by the Syracuse Police and New York State Liquor Authority resulted in the arrest of dancers who allowed clients to place dollar bills in their thong underwear while topless; their clients were not charged (Duffy 1995: C1). Social ambivalence toward both topless dancing and its regulation are evident in newspaper coverage of such arrests, with numerous letter writers and commentators contributing tongue-in-cheek statements for publications such as “I’m sure the city is much safer tonight because of this [police action]” (O’Hara 1995: B3).

The choice of language employed in such popular discourse indicates the depth of contradictory sentiments toward sex workers and, more generally, women. Chernela’s association between the nude lower body, specifically in reference to women, and “inherent disorder” conjures Mary Douglas’ (1966) discussion of how cultures function to order the world through classification.⁷ Yet a barrage of other associations emerge that link female sexuality to all that is silly, frivolous and yet simultaneously dangerous and threatening. It is hardly surprising then, that city topless dancing establishments responded angrily to increased regulation on their operations, particularly a 1993 Syracuse Common Council ordinance

banning new strip clubs from opening within 1,000 feet of a school, church, park or residence. In one case, an alcohol-free nude dancing establishment successfully asserted in court that the city had conspired to keep his club from opening by delaying his planned opening date as well as permit and license applications until after the ordinance was passed (Wright 1993: B-2). Indeed most arrangements to deal with such establishments are *de facto*, with consideration beginning solely when community members complain about them.

Provisions to force erotic dancing establishments to move to industrial areas of Syracuse or close began initiation by Common Council member Rick Guy in 1995 following a U.S. Supreme Court ruling that former New York City Mayor Rudolph Giuliani's closure of Times Square adult businesses was constitutional. Yet many Central New York officials were skeptical about the utility of this plan, including Common Council (and later became mayor for two terms) President Matt Driscoll, who noted, "The city is crumbling down around us, our finances are a disaster, the roads have potholes and this is how the administration is going to spend its resources?" (Pierce and McAndrew 1999: A1/A14).

Yet some community members and small business owners remained adamant that adult establishments warranted relocation to a specially designated portion of the city, because of the lowered property values and increased crime that they believed accompanied such businesses. One convenience store owner located near a topless bar complained at a public hearing on the subject, noting, "the kind of people that go to these places [to] feed their lusts on naked women and drink for hours" posed a threat to his wife and children at night (Wiley 1996: B-4). Community officials who believed that it would simply shift the problem to neighboring communities or further concentrate the problem in a single location dismissed the relocation proposal (Pierce 2000: B-3).

Such debates ignored the root of the problem, which is that few jobs are available for unskilled women, particularly those with young children to support. A feature in the Syracuse city newspaper in the "Business 2000" section featured profiles of women working lucrative unspecialized jobs. One described the life of a topless dancer, whose section began with the byline, "nervous no more, woman sheds top to build a future" and described the struggles of an eighteen-year-old woman to support herself in Syracuse prior to becoming a sex worker. The newspaper noted her refusal of the higher income she could earn at a nude dancing establishment because at a topless dancing bar "she doesn't have to do anything she would be uncomfortable with" (Pierce 2000: B-8).

The sense of discomfort referenced here reveals how dancers regulate their own work in ways that often mirror the discourses of pollution framing state and local regulations. Topless dancers often characterize nude dancers as "dirty" and associate such work with prostitution. Clearly, this is just one aspect of the multiple means by which pervasive social inequalities influence individual women and the elaborate ways social and institutional regulations and structures intersect with their everyday lives. Such rules are but one aspect of the myriad ways in which structural, institutional and individual forms of regulation function to shape processes of marginalization for dancers.

Although these efforts at licensing were voted down by the New York State Assembly, they are clearly symptomatic of broader processes that directly result from the cross-cultural feminization of poverty that, in turn, abets the stigmatized invisibility of sex workers. In order to further demonstrate this point, we now turn to the question of the connections such policies have to the rise of privatization and concomitant tightening of borders. What connections can we see between anti-trafficking paradigms in the otherwise disparate sites of Syracuse and Sarajevo, a Balkan city ravaged by war and dependency on Western European donor aid?

Case study II: securitizing the trafficking paradigm in Bosnia-Herzegovina

Given the gendered nature of war and postwar reconstruction (Enloe 2007; Helms 2003), it is neither surprising nor coincidental that “the traffic in women” provides a convenient means for states to mask their concerns about policing borders. The securitization of the trafficking paradigm is especially evident in Eastern Europe, and particularly in the Balkan states whose borders remain relatively porous. Such conflation of sex work and national security is particularly expedient in postconflict zones under heavy scrutiny by the international community, and is accordingly embedded in discussions regarding the possibility of Bosnia-Herzegovina’s European Union accession. In Sarajevo, the language of “security” in reference to “victims of trafficking” is used as freely as discussions of “protection” were in Syracuse.

Bosnia-Herzegovina was internationally recognized as an independent state separate from Yugoslavia in 1992, and shortly thereafter the city of Sarajevo fell under siege for three and a half years by ethnic Serb nationalist paramilitary units as part of a genocidal campaign to destroy the Bosnian Muslim population. Ethnic Serb nationalist soldiers constructed internment camps that housed thousands of Bosnian Muslims and directly contributed to the deaths of approximately 100,000 people (Burg and Shoup 1999: 48). Unsuccessful Western European proposals to end the conflict were rejected several times by leaders on all sides of the war, which coincided with the deployment of United Nations Protection Forces (UNPROFOR) troops who were paradoxically forbidden to engage in combat or discharge their weapons, a fact that made them a source of ridicule by ethnic Serb nationalist paramilitary groups. The presence of these soldiers is widely believed to have directly contributed to an enormous increase in the number of prostitutes in cities and larger towns, many of whom are considered “victims of trafficking” from both Bosnia-Herzegovina and the former Soviet republics.

The Dayton Accords that formally ended the war were signed in mid-December of 1995 and divided the Federation of Bosnia-Herzegovina into thirteen administrative units that at the time of my research found it almost impossible to cooperate with one another because of technical problems, political differences and significant residual conflict. These divisions were based upon the Accords’ underlying premise that separation between ethnic communities was essential to the sustainability of peace. These parts are Republika Srpska, the District of Brčko,

and Bosnia-Herzegovina, the latter of which is divided into ten cantons, each with its own Ministry of Interior, which means that there are thirteen such offices for a total population of less than four million people. Each canton is governed by separate administrative and police bodies, and cooperation between units is discouraged by differences in investigative procedures and systems. The United Nations Criminal Tribunal for the Former Yugoslavia (ICTY) has failed to locate or prosecute many of the war criminals who were responsible for atrocities and human rights abuses, and such individuals continue to exert regional influence. Government corruption is a serious and frequent complaint voiced by officials at nongovernmental organizations (NGOs) and international organizations that include trafficking in their portfolio of activities. "The politicians are not running the state," one Bosnian employee of an international organization explained to me, "so who do you think is really in charge?"

Bosnia-Herzegovina has no specific laws that forbid trafficking for the purposes of prostitution, although a number of articles in its criminal code have been successfully used to prosecute the crime. The transportation of non-citizens to Bosnia-Herzegovina to engage in sex work may be addressed by articles on smuggling of human beings, organized crime, document forgery or pimping in relation to fraud. All of these have been used to bring criminal charges against Bosnian citizens (as well as non-citizens), yet such legislative measures often exclude women who were coerced into sex work without leaving their country of citizenship. This is complicated by the fact that the United Nations International Police Task Force (IPTF) was the primary law enforcement body in the region between 1999 and 2002, when it ceased operation and transferred authority to the local police. This transfer was facilitated by training provided by the European Union Police Mission, which had far fewer officers than the IPTF did and is unable to organize or conduct raids on bars and other locales where "victims of trafficking" are likely to be found. On paper, the post-IPTF period has resulted in a significant reduction in the number of trafficking cases, but this decrease simply reflects the cessation of police raids because of a lack of resources and personnel following the IPTF's departure. This reduction in practice means that such women have been rendered invisible.

The majority of women who have been assisted as "victims of trafficking" by IOM and its partner NGOs in Bosnia-Herzegovina have come from the former Soviet republics of Moldova, Romania and Ukraine, with a smaller number from Russia and the former Yugoslav states of Serbia and Montenegro. Nonetheless, the country's porous borders encourage its use as a transit point from countries further east to destinations in the European Union, especially Greece and Italy. Italian police have recorded statements from Nigerian women who first worked as prostitutes in private apartments in Sarajevo before being transported to Italy to work on the street. It is no wonder that European Union (E.U.) countries interested in restricting undocumented migration across their borders have taken an active role in anti-trafficking efforts that is complicated by the ongoing power vacuum that necessitates reliance on donor aid. A critical issue in this respect is the concomitant power donors have to dictate or strongly influence policy decisions in their own interest.

It is perhaps not surprising, then, that my interviews and discussions with Bosnian workers at international organizations and NGOs were usually split into two completely separate narratives. Workers would first spend an hour or so with me explaining their organization's official stance on the benefits of E.U. membership for Bosnian efforts to end the traffic in women. Then, after patiently explaining this, Bosnian professionals would often transition to their real feelings about the subject, as one woman succinctly did by lighting a cigarette and then proclaiming, "That was for your book where you can use my name. The rest of what I say is just for you to write down that some Bosnian told you this." This particular woman then completely switched from the positive professional assessment she had just described of E.U. efforts to facilitate border control and stated, "I would like to tell the E.U. to fuck off. They grade people in Western Europe, because they think that the farther south you come from the less you are worth."

This consistent parallel narrative, in which individuals voiced statements they did not wish to be publicly identified with yet wanted me to be aware of what they perceived as the real story, was particularly evident during a meeting amongst policymakers and activists from both Eastern and Western Europe. Organized by a Western European political group whose informational literature describes itself as providing "support [for] the transformation and democratization processes in Central, Eastern and South Eastern Europe and the Caucasus," it was dedicated to discussions of how governments could successfully combat the traffic in women. It was attended by several Bosnian, Albanian, Serbian and Bulgarian members of their respective parliaments; numerous heads of NGOs based in Sarajevo and cities in neighboring countries; a significant number of Western European members of parliament; and, notably, the Democratic Stabilization and Social Development Sector head of the European Commission Delegation to Bosnia-Herzegovina.

The latter began his speech by strongly arguing that the country had not done enough to implement anti-trafficking measures or enforcement, noting:

The prospect of accession to the E.U. suggests that the E.U. can be a catalyst for development, but there has been very little progress made over the last two or three years and there is a limit to the effectiveness of the tools we can give. However, it is important not to rule out the possibility of E.U. accession or there will be no incentive to change. Only greater social and economic development can help, and frankly, I think Bosnia-Herzegovina has taken its eyes off the ball.

The speaker detailed how the European Commission had invested more than sixty million euros over the past few years in helping Bosnia-Herzegovina move toward E.U. accession.⁸ He clearly positioned the traffic in women as part of what he called "the whole fight against organized crime, which flourishes in a weak state," a point of view perfectly reasonable in the context of his position as an official whose job is to facilitate the possibility of E.U. membership for Bosnia-Herzegovina.

Several Bosnian NGO leaders in attendance suggested that what the speaker characterized as "a weak state" was hardly in a position to assist their activities

or “victims of trafficking” when the government could not even afford to pay the phone bills in police stations and social work offices. None of the Bosnian NGO representatives I later interviewed were particularly surprised at the paternalistic sentiments expressed by Western Europeans at the meeting, which, in the opinion of one woman, “was really just all about EU accession.” She situated the conference within the broader context of labor migration from Bosnia-Herzegovina:

These attitudes make me not want to enter the E.U., because the E.U. has a problem with migrants. I have no problem with migrants, with people looking for a better life. Who is the E.U. to say that you can't have a better life? Unskilled Bosnian workers wait in line at the Western embassies for a three month visa to have two meals a day and share a toilet with fifteen other men in their barracks for 1,200 euro a month, even though the Embassy people laugh in their faces. There is the European way and the E.U. way. Citizens of Europe will talk about art and freedom, but then when it comes to the E.U. way, for us it's Fortress Europe.

This NGO worker's critical distinction between what she glossed as “the European way” and “the E.U. way” highlights the coercive powers of poverty and economic instability to make individuals choose migration even under undesirable circumstances. This perspective was not shared by most Western European employees of international organizations and donor agencies, most of whom claimed to be working “in partnership” with Bosnian NGOs to rebuild the social service sector. Indeed, the complex interplays between such actors in a postwar nation that is still largely dependent on Western European aid for basic support underscores how individuals are sharply constrained by the roles they are allowed to play in their organization or, indeed, their society.

Concluding thoughts

Social invisibility has been the most strikingly consistent theme in all four countries in which I have conducted research on sex work and institutional responses to the traffic in women. Indeed, bureaucracy itself evinces a kind of invisible agency in which a culture with its own rules and codes of behavior emerges in tandem with the needs and responsibilities of the organization itself, and this culture informs the decisions made by those who are tasked with carrying out its daily operations. This invisible agency explains why so many individuals I met in the course of my research simultaneously lamented the inefficacy of efforts to assist women they termed “victims of trafficking” and yet continued to pursue strategies that were clearly ineffective. Part of the reason why such assistance measures often had unintended negative consequences is that sex workers themselves constitute a population invisible to most policymakers, who thus fail to see the agency such women demonstrate as part of broader strategies to improve their lives.

The trafficked woman is thus constructed as a sort of hollow body, an empty figure to be filled up with the assumptions of the relatively privileged staff

members at most international organizations, governments, and nongovernmental organizations. Simultaneously, sex workers who approach such institutions for assistance sometimes find that NGOs have their own political agendas, that certain governments are more concerned with policing borders than alleviating the economic conditions that necessitate labor migration, and that branches of international organizations can occasionally find themselves ill-equipped to deal with the problem.

The nature of any bureaucracy is informed by the cultural context in which it operates, and organizations that deal with sex work in any form are no exception. One of the countless paradoxes of the complex phenomenon typically glossed as globalization is that many women workers genuinely believe that they are improving their lives by earning an income, even if they know that their labor is extracted in an unfair system on someone else's terms. This deeply human hope for a better future is part of the reason why women agree to terms of work that are recognized as illogical by more privileged individuals, such as not knowing the nature of the work they will perform in another country, incurring large debts to travel abroad for a low-wage job, or thinking of sex work as a temporary strategy to earn money before moving on to other forms of income generation with acquired savings. Women exercise agency even in opting to migrate on someone else's terms in hopes of improving their own lives, because they are in situations that offer them few, if any, other options, given their lack of education, their debt, and/or their inability to financially support their children.

Yet these women are also following the logic of a free market in choosing migration as a survival strategy, especially in accepting the principle that some degree of risk is necessary in order to generate a profit. Participation in a free-market economy at any level necessitates that individuals change their way of thinking about the self in relation to the rest of the world and accept the foundational capitalist principle that individuals are assigned value and worth based on their access to resources. The normalization of labor migration, especially when it occurs under terms unclear to the migrant herself, is a direct result of a global political system in which borders have become more flexible for multinational capital and yet increasingly restricted for migrant labor. There is no doubt that many activists, scholars and members of the general public are truly horrified at the prospect of what they term "sexual slavery" in the hyperbolic descriptions of worst-case scenarios. Yet intention and effect are not the same thing, and this is precisely why contemporary trafficking paradigms work so insidiously (and effectively) to further disadvantage the very women they purport to help.

Notes

- 1 A note on data and methods: the arguments presented in this article draw upon my two books that deal specifically with women's sexual labor: *Hollow Bodies: Institutional Responses to Sex Trafficking in Armenia, Bosnia and India* (Dewey 2008) and *Neon Wasteland: On Love, Motherhood and Sex Work in a Rust Belt Town* (Dewey forthcoming). The longitudinal nature of my research over four years in Armenia, Bosnia-Herzegovina, India and the United States (each for varying periods) has

involved consulting work with international organizations and nongovernmental groups, interviews with sex workers and participant observation with those who seek to assist them.

- 2 Throughout this chapter, I will put the phrases “sex trafficking” and “victims of trafficking” in quotes to indicate the high degree of variance both encompass depending upon the circumstances of use. Some policymakers consider “victims” to include only those who have been brutalized and/or “tricked” into sex work, while some feminist activists insist that all prostitutes fit into this category because of the unequal terms upon which sexual labor takes place. I have used quotes out of respect for women’s decision to engage in sex work out of choice, albeit not always on the terms that they would have opted for given a range of other choices accorded more respect and social status. To label such women “victims” is not only derogatory, but also counter to feminist principles of respect and inclusion.
- 3 However, they are certainly not limited to these regions. Dekić (2003), for instance, has noted how the Serbian media consistently characterizes “traffickers” as ethnic Albanians, thus engaging in a process of ethnic Othering that scapegoats a regionally maligned Balkan group as responsible for this social problem.
- 4 This contrasts dramatically with spatial debates on cross-border migration for the purposes of prostitution, as witnessed in heated debates amongst and between feminists, policymakers and international organizations alike on sex trafficking. For more on such debates, see Agustin 2007; Dewey 2008; FitzGerald 2008.
- 5 This is hardly unique to sex work, as space is cross-culturally gendered in other areas of human life as well. See for instance Weisman 1992; Wilson 1991.
- 6 Munro and Della Guista believe these polarized feminist positions create a situation

“that proves problematic, in different ways, when presented as an abstract position that claims universal applicability to all women and all commercial sex. Despite their heated disagreements, each of these positions falls into a significant epistemic pitfall by presuming the existence of a unitary truth, not only of the practice of prostitution but also of female (and, indeed, male) sexuality itself. There is a tendency in these accounts both to disengage from the diversity of sex markets (and the sexual services they encompass) and to artificially abstract the licit/illicit industry dichotomy from the messiness of its operation in the global (capital) economy. In addition, the threat of essentialism looms large here, as other forms of discrimination (race, age, class and so on) that may also feature in the commercial sex transaction are ‘trumped’ by the preoccupation with gender/sex difference”.

(2008: 2)

- 7 Historian Thomas Laquer’s (1992) thorough discussion of the Western European cultural association between women and disorder spans several centuries and provides an excellent analysis of how the two became associated.
- 8 The EU has a set of criteria that must be met prior to a country acceding to membership. For more on this, see the European Commission website at http://ec.europa.eu/enlargement/how-does-it-work/index_en.htm.

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7 Escaping statism

From the paradigm of trafficking to the migration trajectories of West African sex workers in Paris¹

Maybritt Jill Alpes

“It matters whether we think they are being exploited.” This is what a member of staff working for the Dutch Rapporteur on Human Trafficking said at an informal meeting discussing an International Labor Organisation (ILO) report on “human trafficking” in the Netherlands. When I pointed to the possible human rights violations experienced by migrant women *before* their arrival in Europe, I was met with indifference. Regardless of the experiences of women before migration and their respective choices and preference, standards should be upheld *in Europe*. Explicitly, these standards mean that women should not work in prostitution. Yet, implicitly, “human trafficking” is *not* dealt with in terms of labor migration so as to keep up quite a different set of European standards. As a representative of the Dutch government remarked at the same meeting, “we don’t want them to disturb our labor market.” It is clear from this that the demand-driven aspect of the labor migration of migrant women, as well as the continuities and discontinuities of their overall security before, during and after migration get erased within the structuring framework of “human trafficking.”

Since its adoption in 2000, the Palermo Protocol has become the central document used for purposes of defining and dealing with “human trafficking.”² Essential to this legal definition of “human trafficking” are the elements of deception and manipulation, coercion and abuse of authority, as well as debt bondage and forced labor. It is hence *theoretically* the deceitful nature of the recruitment process and the exploitative conditions of work, rather than the type of work that in principle should qualify a migration trajectory as “human trafficking” (Kempadoo and Doezema 1998). The discourse and politics of trafficking is driven by various agendas, such as morality, criminality, public order, human rights, labor and migration (Wijers and Lap-Chew 1999: 189–211). Depending on “whose problems” shape and produce any given analysis or approach, anti-trafficking programs can lead to quite disparate outcomes. A public-order driven approach to human trafficking can turn counter-trafficking activities into tools for cutting down on both prostitution and migration. At the heart of this edited volume is a human rights approach. What this article sets out to do is to foreground the perspective of migrant women who have been classified by a nongovernmental organization (NGO) and the French government as trafficking victims. Yet, what comes out of these interview narratives of migration into the

sex industry in Paris is at odds with assumptions inherent in the paradigm of trafficking.

In this chapter I will look at divergences between actual migration experiences and the assumptions inherent in the paradigm of “human trafficking.” Within this analysis, I will focus attention above all on the silences that are created if the paradigm of trafficking is used as the main framework within which migration trajectories of West African migrant women in the sex industry in Paris are understood. I will end with a discussion of sources of vulnerability and of potential exploitation that come into view when the standpoint of migrant women is adopted instead of the state’s perspective. The main proposition of this chapter is that the role of the state needs to be brought back into focus. The discourse of trafficking diverts attention away from human insecurities prior to migration. This renders invisible the aspect of labor migration within trajectories thought of and treated as “trafficking.” Due to the currently widespread anti-immigration stance, the politics of trafficking is remarkably blind to the state itself as an actor that fixes migration and labor policies that create conditions of possibility for the exploitation of migrant labor. From a human rights perspective, it is important to also pay attention to the more structural causes of the exploitative nature of migration trajectories classified as “trafficking.”

The research of this chapter is based on a series of interviews with migrant women considered to be “trafficking victims” and on a period of observation with a Paris-based NGO called *Cippora*. At meetings of the association, I spent about three hours every week from October 2004 to March 2005 in the company of the women whom I was to interview subsequently. The interviews took place in the office of a partner association of *Cippora*, as well as in the homes of informants. I also had access to some internal documents of the NGO, such as the testimonies of the women for their residence permit. *Cippora* engages in outreach activities with people working in prostitution, welcomes them in weekly drop-in sessions, and offers free French classes and technical assistance. *Cippora* has an abolitionist stance on prostitution. Considering work in prostitution to be by definition an act of enslavement, an abolitionist position does not allow one to distinguish between voluntary migration into the sex industry and exploitation within the sex industry (or other sectors of work). This is reflected in the work of the NGO with the migrant women I was interviewing. In France, a limited residence and working permit of three months (renewable) can be obtained under the condition that the women agree to quit prostitution and disclose how they came to France.³ With a written testimony and the backup support of an NGO, such as *Cippora*, the women can gain access to a temporary residence and working permit. In practice, both this legal device and *Cippora*’s main line of action conflate prostitution with “trafficking.”⁴

Given the cultural specificity of situations of departure, I concentrated my research on West African migrant women only. One of the interviewed women was Cameroonian; the other nine came from Nigeria. Juliette, Rose Mary, Antonia, Liliane, Precious, Mandalene, Edith, Juliette and the other informants were at the time of the interview between 17 and 29 years old. At the point when

I spoke to them, none of them was any longer under the direct control or menace of a “trafficker” or pimp.⁵ They were not working in prostitution anymore, and were preparing their testimony for the police, waiting for their papers or already searching for work with their new residence permit. Most of them took French classes and all of them were coming regularly to the weekly drop-in sessions of the association. The interviewed women had generally been in France already for a time ranging from one to two years.

Statism in human trafficking

To study any social reality through the lenses of administrative categories generated by laws and protocols will inevitably result in tensions. Yet, when studying the experiences of migrant women in prostitution, it becomes clear that the paradigm of “trafficking” also radically simplifies social reality so as to fit the management schemes imposed by states (Scott 1998). I want to argue here that to look at the social reality of migration experiences in terms of legal definitions, such as the Palermo Protocol, forces scholars into a statist perspective. From this (mostly implicitly assumed) standpoint of the state, the state as an important regulatory authority within the migration trajectories of the here interviewed migrant women is no longer visible. An implicitly statist standpoint creates blind spots beyond mere simplifications. Yet, where exactly is the statism within the paradigm of trafficking?

First of all, the very division of “irregular” migration into “human trafficking” and “smuggling” is not a natural given that can be embraced uncritically as a tool of scholarly analysis (O’Connell Davidson and Anderson 2006: 22). I argue that if not explicitly problematized, the paradigm of trafficking is statist in its implications because it predefines activities and actors in normative ways. Even if formally defined as an illegal activity, social processes inherent to the phenomenon labeled as “human trafficking” can be perceived as licit and even desirable by participants. As Wong points out, “the world of the illicit” is not “one of solely of victims terrorized by criminals” (Wong 2005: 89). Yet, the distinction between “trafficking” and “smuggling” creates supposedly separate groups of undesirable and potentially criminal smuggled immigrants and naïve and innocent victims exploited by their “trafficker.” The legal and administrative lines of demarcation between smuggling and trafficking entail a normative dimension that is grounded in the politics of nation states, but not in the migration experiences of women.

On a legal and formalistic level, the Palermo Protocol establishes a clear distinction between human trafficking and smuggling. Whereas the illegal crossing of borders is at the heart of human smuggling, the key determining element of human trafficking is the exploitation of the migrant him- or herself (Draft Report of the European Experts Group on ‘trafficking’ in Human Beings 2004: 10). Smuggling is a crime against a *state*, whilst trafficking is a crime against a *person*. Following this logic, the relationship between a trafficker or smuggler and the person crossing the border could serve as an indicator to tell the two phenomena apart. Within smuggling the relationship between the person and the

smuggler would be one of *service provider* and *client*. Within “trafficking” the relationship between the migrant and the trafficker would be one of *exploiter* and *victim*. These legal definitions, however, only look at one point in time and leave aside the wider context within which migrant and migration broker interact with one another. I will in the following sections demonstrate that the dynamics of “irregular” migration and the patterns of behavior of people involved in it cannot be explained from a perspective that sees, like the state, only rules and dynamics recognized by the latter.

In studies of transcontinental migration, much research is conducted from the perspective of “the migrant-receiving nation state” that looks at immigrants as “outsiders coming in, presumably to stay” (De Genova 2002: 421). Yet, De Genova goes a step further in his analysis of the implications of labeling migration trajectories in terms of legality and illegality. The construction of migrants in terms of their “legality” or “illegality” effaces the labor aspect of these migration trajectories. Directing attention to the political and legal production of migrants, De Genova argues that undocumented migration is *de facto* predominantly labor migration.⁶ The same applies for the labeling of certain flows of migration as “trafficking.” Rather than as labor migrants, migrant women in the sex industry are produced as “trafficked victims.”

The law has the power to constitute individuals through its categories of differentiation (Coutin 1998: 901–925). Immigration law and its resulting categorizations are effective beyond the sphere of legal codes, government policies and bureaucratic apparatuses. Practices carried out by people who have no connection to the government still contribute to the constitution of individuals as in this case “trafficking victims” and “illegal aliens.” The resistance towards recognizing “trafficking” also an issue of migration can be witnessed in statements of workers of the Cippora: “Not everyone has the vocation to stay in France.” “Those who want to integrate will succeed. For those who want to use the NGO, it is the task of NGO workers to say ‘no’. Papers aren’t the solution to everything.” The NGO worker’s dilemma is between wanting to fight prostitution and help women out of prostitution whilst equally trying to uphold an anti-immigration stance. Beyond mere simplification, the paradigm of trafficking (if not explicitly grounded within a human rights perspective) hence risks promoting the interests of states who wish to control migration flows (Anderson 2007).

In an age of supposed globalization, free circulation of finance, services and information, remarkably little attention is given to the (un)free circulation of labor. As Ratna Kapur puts it,

“the construction of women who move (or are moved) as victims of a web of criminal networks lies in tension with the counter-narrative that regards the movement of labor as part of the globalization process in which the emergence of human trafficking and smuggling networks are parallel responses to the migration phenomenon that nation states, especially in the global North, refuse to address other than as an issue of immigration or criminality.”

(Kapur 2005a: 118)

Two points from this stance are worth highlighting here. First of all, what is portrayed and created as “human trafficking” is more often than not more adequately understood as labor migration. And secondly, migration controls and criminality approaches to the management of migration are part and parcel of the denial of these flows of labor migration. Exploitative labor migration is partly created through contemporary migration regimes and yet simultaneously the paradigm of trafficking also silences the aspect of labor migration inherent in forms of mobility categorized as “trafficking.” To recognize the statism inherent within a strictly legalistic understanding of “trafficking” is hence a first important step to making space for migration narratives as they are experienced and shaped by migrant women themselves.

Given the political nature of the paradigm of trafficking, knowledge production on “human trafficking” is not always based on an analysis of the lived experiences of migrant women (Sanghera 2005: 4). The bulk of the literature on “human trafficking” is generated or at least substantially influenced by international organizations, such as the UN. Malkki calls this a “bureaucratic and discursive domain” and remarks with respect to “refugee studies” how much this domain has influenced the assumptions and questions of social scientists (Malkki 1995: 505). Very much the same holds true for much of the literature on “human trafficking.” In some of the academic literature on migration, “human trafficking” has now come to be understood as a form of exploitative labor migration (Agustin 2006: 29–47; Ditmore and Wijers 2003; Feingold 2005). Academic writing on the topic of “human trafficking” often remains limited to the domains of discourse and institutional analysis, however (Derks 2000; Van Liempt 2006: 27–42). These works criticize the assumptions inherent in the conceptual framework of “human trafficking,” as well as its institutional ramifications and consequences for migrants. In debates on migrant smuggling and human trafficking there is a need to shed more light on the “empirical reality of how migrants themselves view their actions” and on the ways in which people enter into different kinds of “migrant exporting schemes” (Kyle and Siracusa 2005: 155). Empirical research directly concerned with exploitative labor migration, conditions of departure, arrival and work are now slowly filling the gap in terms of knowledge production (Andrijasevic 2004; Davies 2009).⁷ An understanding of “human trafficking” in terms of the “degree of relative autonomy and control” over the outcome of the migration process over time brings “human trafficking” into wider debates on labor migration, as well as redirects attention towards the perspective of migrants, rather than of states (Wong 2005: 82). This I believe is more rewarding if one is interested in capturing the multitude of exploitative elements in migration which “human trafficking” supposedly is meant to circumscribe.

Human insecurities and the choice to migrate

The paradigm of trafficking often serves as a political tool to cover actual needs for emigration. Yet, the decisions to migrate of the here interviewed women were made in contexts of acute forms of human insecurity. The concept of human

security can be defined as freedom from want and freedom from fear (Hampson 2001; Sen 2000: 1–11). Human trafficking is a threat to the human security of women, but human insecurity can also be a cause of human trafficking. As such, human security can potentially offer a holistic approach to the phenomenon of human trafficking.

The assumption of the trafficking paradigm is that women are safe at home and in danger when away. When discussing with NGO workers at *Cippora*, they often reduced the causes of “human trafficking” to poverty and kidnapping. Women, in this view, have either no agency or clearly they must be desperate to want to migrate for work. Yet, most of the women of this study had decided to migrate in concrete situations of human insecurity. Juliette left because she did not agree with a proposed arranged marriage. Rose Mary had been raped and then charged with adultery in court by her boyfriend’s father. Amnesty International was working on her case. As she had been sexually abused by her father before moving in with her boyfriend, going “home” was not an option. The day after her release, Rose Mary’s boyfriend arranged for her to leave the country. She does not know whether or not he knew that she would work in prostitution.

Some of the interviewed women had also been involved in various ways in the Muslim–Christian tensions in Nigeria. When Antonia was 17 years old, for example, her father got threatened with murder due to his political activism. In a consequent attack, the home of Antonia’s family got burnt down and both her parents died. After this night, Antonia went to stay in the house of a neighbor. The experience of her parents’ death was bewildering and deeply unsettling. “My father is dead. My mother is dead. Let me just die.” It is the neighbor with whom Antonia was staying who encouraged her to go to Europe. Arguing that her life was still in danger, this man proceeded to put her in touch with his brother who was living in Europe. “I said that I cannot pay money. He said, no, I just want my brother to help you.” Due to family disputes, Antonia did not go to other family members. The man she was staying with argued that he was putting his own life at risk through harboring her at his place. In his portrayal, he was offering Antonia the help of his brother who had a job for her for a fee. Antonia later concluded that this neighbor had known that she was to work in prostitution in Europe.

Even if the interview material does not provide all necessary details, the above narratives point towards various instances where the human security of the women was threatened and their human rights were not respected. Outrage over trafficking obscures violent situations that migrant women might have found themselves in *before* migration. It is not because women *leave* their home and change their place that suddenly they are in danger of being discriminated against, exploited and/or mistreated (Agustin 2002: 110–117). Both Gamburd and Parrenas stress that a woman’s position in society of departure, or even abuse can be a cause for migration. Hence migration itself can be considered as an act of seeking to increase one’s relative autonomy.⁸ Such considerations are often overridden through statist concerns on border crossings and the potential increase of undocumented migrants and criminality (Kapur 2005a: 116–119). To change the

focus from human rights violations after migration to mistreatment *beforehand* is less comforting. It highlights the need for migration, as well as the structural factors which make formal and fully regulated migration from certain parts of the world almost impossible and unregulated migration dangerous and potentially exploitative. An understanding of the causes of human trafficking as intrinsically linked to human insecurity before emigration also illustrates that sending home trafficked women is not an effective tool to combat trafficking.

Indeed it is also often forgotten that so called “trafficking victims” might have had prior migration experiences before setting off onto their journey to Europe. Migration choices in connection to trajectories that later get classified as “trafficking” need to be considered within this overall context of mobility within the lives of the interviewed women. Most women in the study had already previously migrated internally within Nigeria or within Western Africa. Mandalene had left the village for life in Lagos at the age of 18. She feared for her life in the village because she had lost her virginity which was not supposed to happen given that her father before his death had vowed that she would become the queen of local Gods. As a double orphan and with no formal education, she found employment with a woman in Lagos, washing dishes. After a few years, Mandalene moved on from Lagos to Cotonou where she was living with a man who established a contact with somebody so that she could go to Europe.

The human trafficking paradigm leaves little space for the choice to migrate. Two points need to be made here with respect to the choice to migrate. First of all, one can choose to migrate and still end up in exploitative circumstances in the end. Skrobanek forcefully makes the point that in most cases women freely chose migration and are only subsequently directed into exploitative channels (1997: 98). Migration agents and/or “traffickers” move in on the voluntary movement of women and direct them into exploitative labor. Yet, secondly the choice to migrate and the risks that this choice involves also needs to be contextualized within the overall life trajectories and circumstances of the migrant women in their countries of origin. In a situation of lacking viable alternatives, accepting the risk of debt bondage for at least a limited amount of time can become a possibility. People’s living conditions might be such that a choice for indentured labor becomes possible (O’Connell Davidson and Anderson 2006: 22–23). Even if coercion is exercised in the country of arrival through the undertaken debt, the initial demand for migration has been satisfied.⁹ When Rose Mary said that, for example, she was happy to be able to go with the “trafficker,” this is because previously she had been raped by a gang of men and consequently imprisoned for four months on charges of adultery. Despite all human rights violations, it is important to keep in mind that “traffickers” *also* answer a need and demand for migration services.

The interviewed women generally tended to portray themselves as victims in terms of the work they had done, but not in terms of migration. The interviewed women were all extremely defensive about having worked in prostitution. As soon as I uttered the “p word,” whatever my actual question, the answer always was that they were not working in prostitution anymore or that they had been forced to work in prostitution. Antonia’s statement is typical of this kind of

defensive attitude: “I cannot do that. My mother didn’t do that.” These reactions and attitudes can be explained largely by the organizational context of the NGO through which I had been able to make contact with these women. Yet, when it came to mobility, most women considered this element of their trajectory very desirable, even necessary. Mandalene explained to me in our interview how she had escaped the village where she was threatened with persecution: “I would like to go to school. I don’t want to go back to Africa. It is difficult. If I go back, I will die.”

Inherent in the narratives of the interviewed women was a strong notion that the trafficker did despite everything answer a demand: “I feel my life was in danger. She said she would help me.” Even though Lilianne complained about elements of deceit and is fully aware of the profit that the person who brought her over made through her, she has this to say: “I know he is a *proxénète* [pimp]. I think it is his work. That’s what he does. He can help me to Europe. [...] He didn’t disappoint me. He takes me to Europe.” When exploring whether she was angry with this man, her reply was: “I am not angry with him because I deserve it. I don’t deserve to work in prostitution. But I deserve to come to Europe [...]. I am not angry because other people do it, too. [...] He did me a favour.”

On the basis of the gathered interview material, it seems that there can be elements of help and gratefulness even in the relationship between a trafficker and a “trafficked woman.” Rose Mary had been in prison with charges of adultery before being given a chance by her former partner to leave the country. When I asked her what she had thought when she had first met the man who was to bring her to France, she answered:

“When I first met him, I was happy. He said he would rescue me and I was relieved. And yes, he helped me out of there. When I was told I had to prostitute, I thought I should have died in Nigeria, that’s better. If I see him now, I would hand him over to the police. He destroyed my life. There were so many accidents happening during my time as prostitute. I don’t know whether he sent them to kill me and they had pity with me. I broke my legs, got stabbed, raped, had a pistol to my head and still they were asking me for money.”

Relations between migrant women and their mediators change over time. The idea of a neat line of demarcation between categories of migration, such as trafficking and smuggling does not only over-simplify the systems and processes that facilitate potentially exploitative labor migration, but also fails to recognize the complexity of social relations between what is framed as a “trafficking victim” and those who benefit (directly or indirectly) from their exploitation. I will in the following section consider relations between migrant women and the people who help to bring them to and find work in Europe.

Economy of the margins

Given current migration regulations in Western Europe, as well as state policies on prostitution, I propose here that the “traffickers” and people considered to be

“trafficking victims” de facto form part of the same economy of the margins. I will tentatively begin to describe the complex and many-layered patterns of dependency, obligation and reciprocity that exist behind what can only ever be thinly described in the statist language of “victim” and “perpetrator.”

A state’s view will classify human “trafficking” as a crime and hence the work of a “trafficker” as essentially evil and illegal. Yet, traffickers are also migration brokers and hence provide services for which there is a demand because of the current state of migration management. This *de facto* enforced immobility needs to be considered when one talks about the choice of migrant women to want to migrate. Often the women referred to these people as “Madame” and/ or “the man who brought me here.” Looking at “traffickers” also as people who facilitate or sponsor a migration process can help to explain certain dynamics within the narratives of the interviewed women. As Liliane put it: “There are people who are responsible for changing country. You pay them and they take you.”

Migrant women in prostitution do have obligations to their trafficker. They asked for a migration service, so it is logical for them to feel the responsibility to pay back the money required for this service. Tied into a web of gratitude and dependency, it is difficult to tell from what point onwards one would no longer be bound by prior promises and obligations to the person who had initially delivered a service. The women often talked in the interviews about the right of the trafficker to ask them for the money. As Liliane expresses: “I don’t have right to not to pay. He used money to bring me.” There is a strongly felt obligation to pay back the debt.

The internalization of the discourse of the trafficker is logical in a context of structurally enforced, but chosen migration and social isolation. Antonia came to France assisted by the brother of a man she had met in Nigeria. Before she left, this man had asked her not to “make problems with his brother.” Antonia agreed, “I say OK, you people are helping me out.” In France she tried to resist having to work in prostitution. Yet, she was beaten and threatened with more violence. Antonia narrates that the Nigerian man said the following in a telephone conversation: “My brother is telling me that you are making problems all the time. I don’t understand. Just because I helped you.” Having initially agreed with gratitude to accept the help of the Nigerian man and his brother, drawing lines and boundaries of permissiveness is difficult.

The trafficker is a person with whom the migrant had previously struck a deal and hence has at least a certain shared interest. When the interviewed women knew their way about enough, they could assert themselves. Having worked for a while, the women could change perspective and begin to argue that the amount of money asked for these migration services was exaggerated.¹⁰ When I asked Mandalene how she knew that she had finished paying back, she replied: “When he called me, I said is enough. I said is enough. I don’t have money.” This is a complex and slow process. Despite growing frustration, some of the interviewed women continued to feel guilty and even afraid about not having paid all of the money.

When I asked Lilianne what she would do if her sister wanted to come over, she said the following. “If I want to bring my sister, 5,000 Euros. Proxenetes, they add the money. They want to profit. Even though they say 30,000, you pay. Any money they say, you are going to pay.” The need for intermediaries and brokers is created by the impossibility for legal emigration in the first place. Whether migration broker and mediator for work are connected matters as much as does the clarity about respective financial obligations. Lilianne considers 5,000 Euros for her sister a fair deal. She would no longer agree to repay any more.

Migrant women in the sex industry are vulnerable in France by being both undocumented and prostitutes. As such “trafficker” and “trafficked” form part of the same economy of the margins. Elements within exploitative labor migration (such as forced labor, debt bondage, deceit and coercion) are not entirely disconnected from this position of more general marginality. The interviewed women had all initially been very isolated in their daily lives. Lacking friends or members of family in their vicinity, the only people the interviewed women socialized with were their clients, other women and their respective “trafficker” or “Madame.” The isolation women find themselves in can become a great source of vulnerability. During the interviews, it often became clear that the women were suffering from loneliness. The role of the “trafficker” and “Madame” cannot be limited to one of mere exploiter. The women do not have documents, do not speak French and have no members of their family for support and advice in France. They are suspicious and have a great fear of anything printed or official. In this context, the “Madame” or the people who brought them here are also the closest people to them in the country of arrival. The Madames would, for example, throw birthday parties for the interviewed women.

It is often described as a paradox that former “trafficking victims” ought to then become the “Madames” who help to perpetrate the same “crime” of which they are said to have been “victim.” In an attempt to overcome the simplification of a divide into victims and perpetrators, I suggest conceptualizing the “Madame” as a “group leader.” She is the first amongst equals, the one further ahead in her migration narrative, the one on a higher level and in a position to orient and help the newcomers. The interviewed woman is also sometimes referred to the “Madame” as the “girlfriend” of the person who had brought them to France. Such dynamics seem widespread and can already develop during the journey. Juliette has this to say about the seven months of travelling between Nigeria and France: “My cousin went out with one of the men, so I didn’t have to work during the journey. Later I also went out with one of the men.” Escoffier suggests that these relations and associations need to be seen within their context of desired mobility and enforced immobility (Escoffier 2006: 189).

The interviewed women also talked about having had to vow in so called “voodoo” ceremonies to pay back their debt, to stay loyal to the trafficker and not to tell anyone about their situation. Juliette: “I was obliged to do voodoo several times during the journey. I was obliged to do it, otherwise it would have been as if we didn’t trust them. It was so that we wouldn’t talk to the police.” Given that the women cannot pay for their travel before the journey, these oaths function as

a kind of guarantee to the people who take the women to Europe. Edith: “I did the voodoo oath in exchange for the transport.” Voodoo can amongst others take the function of enforcing an essentially informal agreement on migration. These voodoo vows ought to be considered within a broader realm of religion and spirituality. As Van Dijk suggests, desire to travel abroad is often approached through an engagement with the spiritual. If these desires for migration are felt to be “blocked by spiritual forces,” elements of migration (such as passports, visa and air ticket) become part of the realm of spiritual empowerment and “signs of heavenly benevolence” (Van Dijk 2001: 572–586).

What is framed by the paradigm of trafficking as “perpetrator” and “victim” is hence in effect a complicated set of relations of dependency, reciprocity and obligation between actors that are all part of the same economy of the margins created by legal frameworks. Internal patterns of obligation and reciprocity cannot be seen from the perspective of a state that polarizes actors into victims and perpetrators. To look at migration trajectories through the lens of trafficking also means to lose out of sight the vulnerabilities of migrants that are created through legal frameworks set by states on both migration and labor.

Control over the outcome of migration

While the migration narratives of the interviewed women are not void of physical violence, sources of coercion and vulnerability are not limited to the hands of pimps and traffickers. A lack of control over the outcome of migration trajectories can also be rooted in more structural causes.¹¹ For a start, the women initially were in a situation in which there were no alternative legal and safe ways of migrating for work and this forms the basis of their vulnerability. Coercion and exploitation in migration also occurs because there is a lack of viable alternatives both in the country of origin and within migration. The marginalization of migrants in destination countries is an important factor when considering their vulnerabilities. Vulnerabilities for migrant sex workers are produced not simply by criminals, but also more widely speaking by legislative structures. This relates to Piper’s appeal for a greater focus within the literature on gender and migration on accounts of “institutional forms of violence carried out by the state upon female migrant workers at both ends of the migration process” (2006: 151).

After the initial stage of the “trafficker” helping the women to leave an undesirable situation and to come to France, all of the interviewed women except for one were directly faced with the need to work in prostitution. Work in prostitution can be enforced by physical violence or emotional blackmail, but also by a lack of viable alternatives and a high demand for these services. Antonia talked of having been forced into prostitution through threats of killing and actual beatings. Uneasy about her prior work in prostitution, she told me that she had been locked into a room and denied food. But the necessity to work in prostitution does not in all cases come directly from the trafficker or person who brought the women to France. Mandalene for example was told by other Nigerian women that without documents she did not have a chance to find any other kind of work: “And when

I got here there is no help. If you don't have papers, you cannot work in France. If you don't have their paper, you cannot work easily. So I found somebody to help me to go to the street."

Here, it is not the trafficker, a pimp or a Madame beating or directly forcing Mandalene to work in prostitution. Whilst her "trafficker" had lied to her about job prospects in Europe, she was not directly coerced by him into prostitution. It was the other women with whom she was living in France who gave her to understand that this was her only option. Without papers, knowledge of French, relatives, friends or even acquaintances in France, Mandalene did not have to be beaten into accepting prostitution as an income-generating activity. Edith confirms this portrayal. She described her first few days in France in the following way: "I was given food for three days. After that I would have to go and work in prostitution, too. After the three days the girls were shouting at me if I took anything from them. They said that they, too, had to prostitute for this. So I decided, let me be doing it, too, maybe one day I can stop."

Even though Mandalene had to give about 1000 to 2000 Franc to the man who had organized her documents for her, she still had freedom of movement, as well as the capacity to make choices. Working and living conditions of the interviewed women do not hinge solely on their trafficker, but also depend largely on the given legal framework on prostitution and immigration. Some voiced themselves in the following way: "Police will see you and deport you to your country." "When you go to jail, they tell you [you] have to go back to the Africa." Attitudes of the interviewed women towards the police can change over time, however. Edith, for example, proudly told me that the police was her power: "I am afraid [of going back] because I haven't paid back the money yet. If I am in Nigeria, the man can do anything for [to] me. I have no money. The police only believes those who have money. The police is not protecting you in Nigeria. I understood that he was afraid of the police, too. I have more power here than in Nigeria. The police is my power." Edith was afraid of being sent back to Nigeria where she would receive no protection at all from the police. In France, however, she had understood that her trafficker was as much afraid of the police as she had been initially. She understood that the person who had brought her to France was as much within the margins and subject to police control as she herself was because of her work and undocumented status.

The degree to which women have control over the outcome of their migration trajectories also depends on their legal status in terms of residence.¹² Precious's case study is in many ways stunning. Precious first of all had to plea with her migration broker to be taken over to France. She was working in a hair dresser's salon in Cameroon and clients of her needed to vouch for the integrity of Precious's character before the woman would accept to bring her to France. In the rhetoric of the migration broker, she was agreeing to this deal out of kindness. Precious hence clearly chose for migration. Furthermore, Precious managed to pay off her debt through working in a restaurant. In an argument, her employer who knew that she was without papers threatened to call the police. She was in fear of the police and possible deportation which rendered her vulnerable.

Once she had paid off her debt to the migration broker, she decided to work in prostitution. She wanted the money and said that she was “forced to do it” so as to be able to live and eat. And she was actually able to finance an operation for her mother through her work in prostitution. It is her last choice to work in prostitution that has rendered her a “legitimate” victim of human trafficking to the NGO I was working with. This is another example of the particular way in which the paradigm of trafficking pushes certain agendas and silences others.

The causes of exploitation and vulnerability hence do not always lie exclusively with the nature of their work and the agency of the trafficker, but also with the wider circumstances in which the women find themselves, including constraints imposed by the state. State laws on prostitution and immigration crucially weaken the position of undocumented migrant women. Vulnerable to state agents both as undocumented and as prostitutes, the interviewed women were inherently dependent on the people who facilitated their migration and work processes.

Conclusion

In light of the above observations, as well as argumentations, I’d like to close arguing that it matters whether migrant women think they are being exploited. Many of the vulnerabilities present in the lives of the interviewed women were created precisely through the denial of the aspect of labor migration inherent within their mobility. From a human security perspective, it is clear that there is a need for emigration and given current migration regimes also for mediators and brokers who facilitate mobility despite imposed immobility. It is within this economy of the margins that migrant sex workers and people who bring them over operate and interact. The way the state creates spaces and conditions of vulnerability through its legislation and regulatory frameworks only becomes visible if one abandons the perspective of the state.

Most of the interviewed women had not heard of the term “human trafficking” before and if they had heard of it, they suggested “human trafficking” referred to prostitution or criminality in general. Tracing the tensions between migration experiences and assumptions inherent in the paradigm of “human trafficking,” this chapter points towards important factors (outside the paradigm) that can help to explain the situation and position of migrant women in prostitution. This chapter suggests that it is fruitful to consider “trafficking” within a wider framework of voluntary labor migration, as well as within a continuum of vulnerabilities and respective human insecurity. One of the effects of the paradigm of trafficking is that it silences prior exploitation or sources of vulnerability, as well as the element of labor migration inherent in forms of mobility classified as “trafficking.”

The organizational framework of migration (in France and other European countries) currently is such that the status of “trafficking victim” is one of the few means of attaining (at least restricted) residence rights. In order to secure humane treatment to irregular migrants then the automatic tendency would be to broaden the definition of “human trafficking.” Yet, there is a more general need to question

assumptions in the way people who migrate are talked about and engaged with. The discourse of female sexual slaves continues to dominate precisely because of what it obscures. The discourse of trafficking is attractive because it diverts attention away from enforced immobility, from the fate of undocumented migrants more generally and from human rights violations *before* migration. Driven by concerns with prostitution and/or immigration, anti-trafficking activities can in themselves result in human rights violations. As Ratna Kapur puts it, “the failure to foreground the human-rights aspects of trafficking has resulted in further pushing the activity underground, and centring the security of the state at the cost of the security of the migrant subject” (Kapur 2005b: 31). A concern with “human trafficking” from a human rights perspective could hence divert attention *away* from the Palermo Protocol *towards* the Migrant Workers Convention that seeks to guarantee basic human rights to all migrants and their members of family, regardless of sector of work and status of documentation.¹³

Notes

- 1 Some elements of this chapter first appeared as “The traffic in voices: contrasting experiences of migrant women in prostitution with the paradigm of ‘human trafficking’” (Alpes 2008). I thank the editors for their authorization to republish this material in a revised version in this edited volume.
- 2 The full and exact name of the Palermo Protocol is “United Nations Protocol to Prevent, Suppress and Punish ‘trafficking’ in Persons, Especially Women and Children.” The Protocol supplements the “United Nations Convention Against Transnational Organised Crime.” It splits up “human trafficking” into three distinct, but interconnected elements: a) the recruitment, transport, transfer, harboring or receipt of a person; b) by use of threat, force, coercion, abduction, fraud or deception, abuse of power or a position of vulnerability or giving or receiving payments of benefits to achieve the consent of a person having control over another person; c) for the purpose of the exploitation in prostitution or other forms of sexual exploitation, forced labor or services, slavery, practices similar to slavery, servitude or the removal of organs.
- 3 Under special conditions, foreigners working in prostitution in France can obtain a temporary residence permit of three months (renewable). This legal disposition is part of the legislative framework on prostitution drafted by Sarkozy (“*loi de la sécurité intérieure*”). In practice, the testimonies do not necessarily amount to the denunciation of a trafficker. *Cippora* needs to guarantee and certify the progress of the women in their “reinsertion” process, that is, whether the women are taking French classes and whether they have started looking for work in other domains. The main goal of this legal provision very clearly is to allow foreign women working in prostitution to stop doing this work.
- 4 The name of the NGO is biblical in origin. The wife of Moses, *Cippora* is the name of an immigrant woman of “foreign” origin in the bible.
- 5 Most interviews were conducted in English. All names have been changed in this chapter.
- 6 “Undocumented migrations are [...] pre-eminently labor migrations, originating in the uniquely restless creative capacity and productive power of people. The undocumented character of such movements draws our critical scrutiny to regimes of immigration law and so demands an analytic account of the law as such, which is itself apprehensible only through a theory of the state. Likewise, the specific character of these movements as labor migrations within a global capitalist economy demands an analysis of the

- mobility of labor, which itself is only understandable through a critical theoretical consideration of labor and capital as mutually constituting poles of a single, albeit contradictory, social relation” (De Genova 2002: 423).
- 7 French study, NL study, other examples!
 - 8 Yet, as Constable points out, in the same situation, some women will choose to migrate and others will not (2005: 16).
 - 9 It is not clear from the interview material to what extent various people at different stages of the migration process were organizationally linked up with one another.
 - 10 The nature of the sample of this study implies that in all cases it was both possible to gain autonomy from the person who had initially facilitated their migration to France, as well as desirable for them to leave work in prostitution. Even though there might be counter examples to the cases I have studied here, dynamics and patterns such as these exist and need to be accounted for.
 - 11 For an interesting overview over causes of vulnerability, see Guichon and Van den Anker 2006. Online. Available HTTP: www.antislavery.org/includes/documents/cm_docs/2009/t/trafficking_for_fl_in_europe_4_country_report.pdf (accessed September 28, 2009).
 - 12 For a discussion that complicates the legal/illegal divide, see Anderson and Ruhs 2008.
 - 13 “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,” adopted by General Assembly Resolution 45/158 of December 18, 1990.

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8 Representing sex trafficking in Southeast Asia?

The victim staged¹

Nicolas Lainez

Representing sexual exploitation?

From 2000 to 2004, I photographed human trafficking, prostitution² and aids in Southeast Asia for non-governmental organizations (NGO), international organizations, and donors. My stories were displayed in airports or shopping malls, and were published in numerous books and international magazines or used by development organizations for campaigning purposes. My first immersion in Mumbai's infamous Falkland Road red light district at the age of 25 deeply shocked me, and as a result I decided to commit to activism. To do so I started to photograph sex trafficking in Asia simply to raise awareness in Western countries. While studying filmmaking and photojournalism as an undergraduate student, I became partisan of the humanist social photography tradition embodied by Magnum Photos photographers, and above all by the notorious American Life Magazine photojournalist Eugene Smith. Following the basic principles of documentary photography, my work always tried to depict life as it was avoiding staging and voyeurism. My goal was to tell the story of thousands of Asian women exerting prostitution by focusing on their living and working conditions, as well as the social relationships they weave between them, with their families or with their clients. After four years of intense fieldwork in Southeast Asia, my images suddenly began to lose meaning, and to all look alike. How could an Indian, a Burmese or a Cambodian prostitute have the same story? Why does the same narrative scheme seem to reappear again and again? How can a narrator mechanically repeat the same testimony over the years without being aware of the replication process? How do media and NGOs represent sexually exploited children in general? The repetition of the same testimonies through photographed subjects, but also media or NGO communication services iterative demand for identical shed-tear stories, foreshadowed the existence of a conveyed image about sexually exploited children. The questions raised by this chapter emerge naturally: how can a narrator reproduce mechanically the same story during years, subconsciously or not, without being aware of this process? How has this representation been constructed for the last 20 years? What are the implications? And if social actors were not only victims, who are they?

At first the chapter will draw a chronology of the phenomenon of child sexual exploitation in Southeast Asia since the beginning of the 1990s. The victimizing

and highly emotional image of the child sold for prostitution will be analyzed by taking into consideration the stage of cultural differences, physical suffering, and statistical figures. Then this representation will be replaced into what Luc Boltanski (1993) calls the “politics of pity,” namely the stage of victims to distant spectators. Most of the time this stage enrolls a third actor, beneficial or funereal, whose function is to reinforce indignation and therefore the “viewer” call for commitment.

The victim staged

A close look of representations of “child prostitution” or “child trafficking” in Southeast Asia reveals the existence of a standard portrait of the sexually exploited child. Denunciation campaigns first target sex tourism involving children and then human trafficking has massively used stereotypes. These simplifier, anecdotal and shed-tearing clichés have led to elaborating a polished image of the victim whose testimony has been presented as an irrefutable proof of a topic perceived as intolerable.³

The prostituted child

In the 1990s, upon discovering a “horrifying” issue, the NGO offered a uniform vision of the Asian child prostitute using the same narrative scheme (Montgomery 2001: 23). Typically children were neglected by their parents, exploited by local mafias or pimps, rescued by representatives of Western aid organization, and irremediably condemned to a tragic death because of violence or HIV. Such narratives were presented redundantly so that all Asian children involved in prostitution were kidnapped, sold or forced into prostitution, brutally exploited, and finally sentenced to death. Among many similar testimonies, here is the one from Marie-France Botte (1993), a former Belgian nurse who became a famous activist committed to fight child prostitution in Thailand in the mid 1990s before being accused of defecting funds in 1995⁴:

Lao, Sonta, Patchara, three little girls, taken off their families during their childhood, abducted, assaulted, raped in Bangkok brothels. Children like so many others, thousands of Thai children, who are forced to offer their bodies to “gringos” from all over the world, these tourists who buy air tickets to Bangkok to offer themselves a few nights with girls or boys. Today, Sonta and Patchara have died from aids. Lao fights desperately against the disease.
(Botte 1993: back cover)

This narrative uses sociological shortcuts that disqualify and singularize children. On one hand, the shortcut disqualifies because it reduces the identity of the minor to a simple victim of injustice. Indeed, children are victims and nothing else. To effectively arouse the pity of the spectator and its subsequent action, the details of their tragedy are highlighted – children have been kidnapped, beaten, raped,

and “offered” to tourists, but their personal stories are carefully concealed. Here arises the question of the limits of horror because a description that grows excessively describing wretched details causes the opposite effect of what is expected, disgust and repulsion, and may be as reductionist as it qualifies a person solely by its suffering. On the other hand, the shortcut makes multiple stories singular although they are centered on three children – Lao, Sonta, Patchara, if their names were different nothing would be changed. If the shortcut disqualifies, it also reduces the “problem” to the Western child sex offender or pedophile (Montgomery 2001: 40), executioner or evil personification and main target for the NGO whose mission consists of eradicating child prostitution. This simplification creates in fact a distinction between children who are exploited by Westerners and those serving domestic clientele, thus establishing a hierarchy between “good” victims deserving Western attention and piety, and “bad” ones irremediably relegated to the world of marginality and criminality.

Moreover, this narrative scheme stages two actors, the narrator and the victim, who merely recount stories that people expect of them. On the one hand, the narrator is convinced he knows beforehand what a sexually exploited child is. Meanwhile, on the other hand, the viewer imagines his suffering. Besides, the victim anticipates the impact that her suffering will have on both the narrator and the viewer.⁵ This could explain why all victims seem to have the same story, or why some viewers might feel that journalists tirelessly rewrite the same report. Indeed, why should they change a conveyed testimony that has proved its efficiency? This also legitimizes the confiscation of the victim’s speech by narrators who most often do not know the linguistic or cultural codes of those whose story they carry. Some journalists go as far as to select witnesses who best meet readers’ expectations. An example of casting⁶ is made visible in the controversial rescue by *New York Times* notorious journalist Nicholas Kristof of two Cambodian prostitutes working in a brothel in Poipet, a small town on the Thai–Cambodian border. In January 2004, Kristof publishes five subsequent columns (Kristof 2004a; 2004b; 2004c; 2004d; 2004e) where he describes how he frees two trafficked girls, Srey Neth and Srey Mom, by buying their freedom from the brothel-tenant for US\$ 150 and US\$ 203, respectively. Not knowing what to do with them, he brings them back to the village while he offers US\$ 100 to each in order to help them start a small business. Srey Mom gets angry with her mother and returns to the brothel afterward while Srey Neth becomes a hairdresser. Kristof’s doubts and actions are carefully annotated and published in the newspaper as well as in his blog. This affair led to a controversy and the author finally admitted his naiveté and the failure of his maneuver.

The trafficked child

During the second half of the nineties, the emotion caused by the issues of “child sex tourism” and “commercial sexual exploitation of children” increased. Campaigns like the one developed by the NGO “End Child Prostitution in Asia Tourism” or ECPAT⁷ that focuses on moral concerns over minors soon after

the International Convention of the Rights of the Children, held in 1989, helped to inscribe childhood as a new global ethical priority (Roux 2005: 2). This campaign leaves aside adult prostitution torn by the insoluble question of consent, and introduces among aid organizations the assumption that a child cannot choose to exert prostitution knowingly. ECPAT organized two international congresses dealing with sexual exploitation of children. The first took place in Stockholm in 1996, the second in Yokohama in 2001, and the third was held in Rio de Janeiro in November 2008. Subsequently the organization reinforced its legitimacy by positioning itself as the leading organization when dealing with the issue of commercial sexual exploitation of children. Soon after the organization started its global awareness-raising campaign, it diversified its activities by developing new topics of indignation (Roux 2005: 6–8): the first is child pornography, the second is the trafficking of children for sexual exploitation. By doing so, the ECPAT acronym changed in 1996 to stand for “End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes.”

At the end of the 1990s, organizations like ECPAT or Acting for Women in Difficult Circumstances (AFESIP-Cambodia) established by Somaly Mam, United Nations agencies, or government bodies like the US State Department participated in a gradual displacement of the concern on the “prostituted child” and towards the “child sold for prostitution,” and gradually the “women and children trafficked for prostitution.” This shift can be explained by the exhaustion after 10 years of battle of the “child sex tourism” phenomenon, as well as by political, social and economic changes in post-cold war Asia that favored legal and illegal cross-border mobility across Southeast Asia. To illustrate this focal shift we thereby quote Human Rights Watch’s notorious report published as early as in 1993 about Burmese women and children trafficked to Thailand:

The trafficking of Burmese women and girls into Thailand is appalling in its efficiency and ruthlessness. Driven by the desire to maximize profit and by the fear of HIV/AIDS, agents acting on behalf of brothel owners infiltrate ever more remote areas of Burma seeking unsuspecting recruits. Virgin girls are particularly sought after [...] The agents promise the women and girls jobs as waitresses or dishwashers, with good pay and new clothes [...] Once the women and girls are confined in the Thai brothels, escape is virtually impossible. Any Burmese woman or girl who steps outside the brothel risks physical punishment, retribution against her parents or relatives for defaulting on her debt and/or arrest as an illegal immigrant – by the same police who are often the brothel owner's best clients.

The worst brothels in the southern Thai town of Ranong are surrounded by electrified barbed wire and armed guards. The women and girls face a wide range of abuse, including debt bondage, illegal confinement, forced labor, rape, physical abuse, exposure to HIV/AIDS, and in some cases, murder.

(Human Rights Watch 1993: 2)

This description, which does not denounce sex tourism involving children but the trafficking of young Burmese women into Thailand for sexual exploitation, initiates the construction of a new intolerable issue. Clearly, the sexually abused child narrative inspires this new one equally emotional. The main claims are: 1) trafficking is aimed at young girls, preferably virgins, 2) traffickers are motivated by profit, 3) they use a wide range of subterfuges to deceive, among them false promises of jobs, 4) traffickers are often family members or neighbors, and 5) the victims are confined and subjected to physical and psychological violence. The executioner is no longer the mafia or the Western pedophile, but the trafficker, the brothel tenant and the corrupted police officer who make profit and abuse trafficked women. It seems this narrative has become standardized by today.⁸ Usually, the victim is a young peasant girl, naïve, helpless, and unable to raise reasoned judgments or to fully assume her decisions. Typically traffickers deceive her with false promises of work in order to confine and exploit her in a foreign country. Often, transportation, deception and exploitation are highlighted, three prerogatives that allow granting the status of “victim of trafficking” in accordance with the United Nations Convention against organized cross border crime and its Additional Protocol.⁹ The conception that prevails is the “Madonna”¹⁰ or the “good” and innocent women deserving help, which is an expressed opposition with the “whore” or the “bad” girl irremediably condemned. Indeed, most NGOs are showing less inclined to help “bad girls” who deliberately choose to migrate illegally for the purpose of prostitution. Instead, they deserve all their attention to those they considered as “good” and innocent victims.

Culturalism and sexuality

When physical violence is not explicit or when the injustice endured by the victim is not emphasized, her exoticism, beauty, appearance or religious beliefs can be used to rend her more attractive for Western audiences. Indeed many documentary films about prostitution or human trafficking in Asia interspersed shots of pagodas, Buddhist ceremonies, palms or exotic sunsets between shots of go-go bars filmed with hidden cameras. This visual representation of an exotic and familiar Far East comforts the viewer. It is the “weight” of Asian traditions that can explain why practices that disappeared long ago in the West still persist in Asia. Real or imagined cultural differences – those related to sexuality are precocious marriages, long traditions of polygamy and concubinage, or large tolerance to homosexuality in Thailand – justify sexual practices regarded as permissive for some or offensive for others. These images are clearly part of a continuum of Orientalist narratives traditions from Bougainville, Enlightenment, colonial imaginary to Western tourism iconography that establishes an image of the “other” irremediably unequal, different, and mysterious. For centuries, colonial representations have extensively described sexual mores of “Asian others” by qualifying them as “exotic”. These representations have fashioned imagined beliefs about Asian sexualities that have been reinterpreted by institutions and tourism entrepreneurs to justify the development of a prostitution industry

doomed to meet a Western demand. The case of the Thai sex industry set up to serve first American GI troops stationed in the “Rest and Recreation” areas during the Vietnam War, and then mass tourism during the 1980s, is therefore a good example. Prostitution relies on history and local traditions; it therefore becomes a product of the culture.

Amid Orientalist works, Emmanuelle d’Arsan’s novel is of particular interest. *Emmanuelle, la Leçon d’Homme* and *L’Anti-Vierge* were illegally published by Eric Losfeld in 1959 and 1960, respectively. Before the first official print in 1967, Emmanuelle had become the famous French erotic literary work. The success was immense. Firstly adapted to screens in 1973 under the title *Emmanuelle in Bangkok*, it would lead to over 40 soft-core remakes. Pierre Bachelet soundtrack sales rose up to four million single and a million and half LP. The book describes the erotic journey of a 16-year-old photojournalist who after joining her husband Jean, a French diplomat posted in Bangkok, experiences sexual liberation by following instructions from Mario, a sexual guru. The location is referred through floating markets, swarms of children running in the streets, colonial houses surrounded by palm trees, twilights, or Thai boxing scenes. Thailand is depicted as a perverse and lascivious site where Europeans live their hidden sexual desires. Emmanuelle rejects monogamous heterosexual relationships and advocates for sexual liberation, freedom, non-sentimentality, and non-guiltiness. She equally values her love for Jean as well as her ephemeral relationships with Mario and other lovers. Throughout the movie, a Thai woman is repeatedly reduced to a body desired by males. The erotic show scene is of importance for it anticipates the Thai go-go bar icon: a dancer smokes a cigarette in her vagina, afterwards two women make love on stage and seek Jean for sex. Alternately, the Thai woman embodies eroticism, lesbianism, voyeurism, and prostitution. Emmanuelle nurtures an image of Thailand as a sexual paradise, a place of debauchery, experimentation and satisfaction, “a world elsewhere, far from ordinary attachments, far from sentiments and values from the Western world” (Said 1968: 190).

The documentary *Mekong Butterflies* by Spanish director Pedro Barbadillo uses similar techniques to describe an exotic Far East. The movie recounts the journey of a French anthropologist, employed by the NGO AFESIP-Cambodia, who travels from Phnom Penh to Malaysia in search of Cambodian trafficked girls by following indications from Veasna Chan, a rescued “victim”. The Southeast Asia staged in the movie reproduces predictable clichés such as cherished landscapes, rivers shouted in crepuscular light, butterflies flying over plants, children staging traditional dances, violent slums. However, the staged Asia is not only exotic but also heavily sexualized because of a lot of brothels in Cambodia, go-go bars in Thailand, and Chinese hotels employing trafficked young women in Malaysia. Prostitution establishments, venal sexuality, sexual slavery, brutality, human traffickers, and Chinese transnational mafias are virtually everywhere. The scene appears apocalyptic, and the only relief comes from the well-intentioned anthropologist, the filmmaker, and AFESIP president Somaly Mam. The film uses similar techniques as those employed 30 years earlier by Jaeckin to portray a wild

and debauched Southeast Asia. Barbadillo denounces a supposed pervasiveness of slavery and injustice while framing a heavily sexualized culture in which sex is ubiquitous. Jaekin describes an initiative journey that promotes sexual liberation in an equally sexualized scenery. Similar images about otherness accuse and free Western viewers, guarantors of European values, by making them feel more civilized than Asians.

The body in pain

Staging the body in pain is a common technique used by media and aid organizations when representing sex trafficking. How many images show victims exposing physical pain, lacerations, cigarette burns, self-mutilations or drug punctures? Among countless examples, let's mention Marie-France Botte. Physical violence is a central theme in *Mekong Butterflies* too. Veasna shows the scars on her forearm as an evidence to denounce the exploitation and the drug addiction she has gone through. "I want to free myself from the past" she claims. But in order to start a new life, she first needs to get rid of all the marks that embody her painful past, and that is her main concern throughout the movie. So, screening brutality proves to be an effective strategy to make audiences indignant, but only to a certain point. Indeed, staging excessive violence turns indignation into repulsion, and therefore leads the viewers to disinterest. Generally speaking, the human body repels hyperrealist descriptions, and that is especially true for physical violence. The success of a horror movie stands on a good balance between showing enough terror so to effectively frighten the viewer, but not excessively so to avoid him turning his head. It should be added that a viewer who coldly observes the effects of violence risks to be accused of sadism. Typically, narrators face the difficult challenge of how to display physical suffering without trespassing the limits of repugnance so to keep the viewer's attention and interest. As a consequence, many narrators prefer suggestion rather than frontal exposure, by a far less risky technique that can be more effective. As a matter of fact, current denouncing campaigns tend to follow the more conservative trend rather than the direct and "bloody" one.

Every evening, TV news show individual bodies mistreated, tortured, raped, or wounded, a number of bodies debased, soiled, contaminated, or eliminated in the name of a nation, a religion or an ethnic group. The body's integrity is a key element when representing facts that are perceived as intolerable. According to Fassin and Bourdelais (2005: 9), body integrity must be considered on two levels. It is physical when inscribed on individual and material bodies, or where the corporeal pain is experienced, but it is also political when suffering affects the social space of the body, its humanity or dignity. Thai tortured children or Veasna's physical integrity are individuals having suffered from a particular violence, but it is also the violation of all Asian children's physical integrity that is denounced by narrators. Physical integrity ensures rights to individuals. Denouncing the suffering of an abused child automatically grants him with unprecedented legal and social recognition. How many victims are invited to tell

their stories on TV shows or at international congresses? Veasna and the French anthropologist were invited by Barbadillo to join an international tour through Europe in order to raise awareness against sexual slavery, but also to promote the movie. Frequently questioned by journalists, Veasna repeated again and again the same story on how she became a victim of “sexual slavery.”

Representing the body in pain also purifies the victim because blood is an undeniable proof of the veracity of suffering and innocence. Indeed, exposure of the body suffering is not enough to move the viewer. To effectively move the spectator, the victim must be innocent, and the endured violence must be unfair, and undeserved. The issue of choice is central here. On the one hand, the “innocent” victim suffers a tragic fate that she doesn’t deserve. She is irresponsible and has no choice, and therefore she deserves pity and assistance. On the other hand, the “guilty” victim agrees to follow the trafficker or to migrate illegally in order to sell her body. This characterization relegates her to marginality irremediably.

Figures and estimations

Given that emotion is not always sufficient to convince the audience, denouncing campaigns to help eradicate child sexual exploitation and child trafficking have been reinforced by figures. The concern to quantify the issue is understandable. It is undeniable that figures have helped not only to map the magnitude of the phenomenon but also to raise awareness globally. However, such achievement would have never been possible without a growing social and institutional demand for objective data, which in most cases was little or nonexistent. Although figures are too abstract to efficiently represent the victim’s suffering, at least they justify the action and therefore the existence of aid organizations whose mission is to eradicate what they consider a “scourge.” Even though it can’t be denied that figures have helped to sensitize Western countries, it should be pointed out that alarmist statistics are also designed to draw the attention of media, donor funding and policy-makers.

In 1989, ECPAT and the Centre for the Protection of Children’s Rights Foundation (CPCR) announced, with no explanation, that 800,000 children were exerting prostitution in Thailand for a total population of 60 million inhabitants. If true, this figure would mean that one child over four would have been prostituted, an estimation that sounds lightly exaggerated. In 1994, The Norwegian Government claimed to the Council of Europe, again without evidence, that “every year one million children are sold in the world for prostitution.”¹¹ Gradually, the prefix “over” was added and this figure was taken for granted, without allegiance, by the vast majority of NGOs attending the first Congress on child sexual exploitation organized by ECPAT in Stockholm in 1996. Gradually, the assumptions “800,000 prostituted children in Thailand” and “a million children are sold every year into prostitution worldwide” became norms that are still in use today (Montgomery 2001: 38). Sex trafficking is trapped in the same logic. In 2000, the US State Department claimed that between 700,000 and two million

women and children were victims of trafficking around the world. In 2003, the figure inexplicably climbed to four million, and in 2006, it descended to 800,000 without explanation. According to the 2008 *Trafficking in Persons* report (US State Department 2008: 7), the number of trafficked persons remains the same, however “this figure does not take into account millions of victims of internal trafficking, 80% of whom are women, and 50% are children.” On the same page it is claimed that “there are 12,3 million people in forced labor, bonded labor, forced child labor, and sexual servitude at any given time, other estimates range from four million to 27 million.” The 1:6.5 ratio for the second figure proves how inaccurate, and therefore dangerous, such estimations can be. One could also wonder what happens every year to the victims trafficked the year before. At this cadence, in 10 years, eight million trafficked victims will have to be added to the existent ones. How many millions of victims will the world have then? In the 1990s, when figures were not overwhelming enough, they were replaced by platitudes such as “the sale of children for prostitution increases day by day,” “is it a crisis of epidemic proportions,” or by exaggerations such as “children of only five are massively sold for prostitution”, or “they carry out up to 10 sexual services by night” as if this was the norm, or by metonyms such as “the price of one service is equivalent to the cost of a plate of noodles” (Mongomery 2001: 36). Today, similar subterfuges and assumptions are used to describe trafficking: “it is now acknowledged that trafficking is a global plea that spreads at alarming speed,” “human trafficking has attained an epidemic level,” or “the magnitude of both prostitution and sex trafficking is high and has greatly increased in recent years.”

A dilemma arises at this point. On the one hand, one cannot deny the need to assess the situation and to fulfill the social demand for statistical data. On the other hand, figures assessing an issue that is largely criminal, thus hardly visible, are typically unverifiable and incredibly elastic whereas in fact they should be handled with great caution. The real problem comes when these figures become generalities and are massively spread in Western societies thus reaching policy-makers. For instance, in the United States, the *Victims of Trafficking and Violence Protection Act* was passed in late 2000 under Bush’s administration, and the Office to Monitor and Combat Trafficking in Persons within the State Department was created *inter alia*.¹² Every year this office publishes the *Trafficking in Persons Report* that assesses worldwide countries with regard to the situation of trafficking and efforts extended by the States to combat it. Notes range from Tier 1 to Tier 3 and “a country that fails to make significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking in persons, as outlined in the TVPA, receives a ‘Tier 3’ assessment. Such an assessment could trigger the withholding by the United States of non-humanitarian, of non-trade-related foreign assistance” (US State Department 2008: 5). Figures become a key element to enforce worldwide international norms and ideologies defined by the United States. Therefore one can easily understand that statistics become an obsession for diplomatic bodies, institutions from developing countries, and international aid organizations.

The “politics of pity”

Luc Boltanski (1993: 15) describes how Western households watch calamities like wars, natural disasters or epidemics every evening on TV news. He opposes two types of viewers’ reactions: compassion and a “politics of pity.” Compassion flees generalization and folds over individual human beings. Little emotional and rooted in silence, it leads to practical actions rather than words – what concrete action can I do now to relieve this person’s pain? The “politics of pity” consists of staging victims to distant viewers. This politic generalizes by reassembling individual situations. It also transforms the distance into temporary emotions. To be effective, the apparatus requires two elements: first, a division between men, some are marked by happiness and others by misfortune. These two groups are not linked by any sort of community, shared interest, friendship or kinship tie. Totally unconnected, the misfortunes of the second do not affect the life of the first. Second, the apparatus requires the observation “at distance” of the unfortunates by the fortunate ones. This apparatus generates two types of emotions rooted in pity. The first, tenderness, points towards beneficial action whereas the second, indignation, is built upon justice and points towards accusation. To be truly moved, the viewer must experience a genuine emotion that can only come from the inside. To do so, he needs to listen to his heart, his interiority. Indeed, an emotion felt inside is true simply because the heart does not lie. And since the heart does not deceive, emotions are truths that elude material evidence and overcome any doubt regarding the authenticity of the staged suffering. But observing suffering “at distance” raises a fundamental problem: how to conciliate the distance that separates the observer and the observed? On the one hand, the viewer enjoys a unique privilege because he can observe without being seen. On the other hand, the victim must be transported as if she was there. To do so, individual situations must be assembled and transported to the viewer’s eyes through a space-time shaped by modern technologies. The obstacle is easily overcome through imagination. The viewer does not identify with the victim, but rather he imagines who she is, what she feels, and why she suffers. The capacity to imagine others’ suffering is nurtured by representations and personal experiences. But the distance is also a safety valve as it avoids potential invasion into the viewer’s private space by wretched victims who therefore become monstrous. To establish a connection between the suffering of ones and the happiness of others, the apparatus deploys techniques to generalize. One is the principle of equivalence rooted in figures or statistical evidence, which has been discussed above. Another technique is comparison. Let’s consider the cliché of the Thai child selling flowers to tourists in central Bangkok streets. The call for commitment will point towards indignation if the victim’s figure contrasts with the opulence of wealthy and modern buildings surrounding the street.

Adding a third actor? Toward a strong commitment

Boltanski (1993: 122) adds a third actor to the tandem “victim/spectator” whose action directly affects the former. This agent can be physically present or

metaphorically suggested. He can be either a benefactor, who helps the victim and moves the viewer, or he can be a persecutor responsible for her outrage and is in charge to make the viewer feel indignant. At times, the persecutor's figure is clear: it is the mafia or the pedophile for Marie-France Botte, the trafficker, the brothel tenant and the corrupted police officer for *Barbadillo* or Human Rights Watch. Here, physical proximity facilitates condemnation, whereas in other cases distance complicates the connection. Indeed, how to consider an agonizing AIDS patient who regularly visits prostitutes in poor Cambodia? Is he a victim of the virus? Or should he be condemned for going to the brothel without protection? Who is the persecutor here? The sick client? The prostitute who contaminated him? The Ministry of Health that lacks adequate healthcare infrastructures? Or the pharmaceutical corporation that prohibits manufacturing generic anti-retroviral drugs at a cheap price? Given the fact that the link between the victim and the persecutor can be hard to erect, a direct and causal relationship is needed to guarantee an effective accusation. Things are easy when a police officer raids a hotel and photographs a pedophile molesting a naked child. They become more complex for cases like the HIV-positive client of prostitution. The threat is a key element to construct an efficient persecutor. Pedophile networks, human traffickers, or organized crime are representations of an enemy easily identifiable, necessarily condemned, and easily instrumentalized by policy-makers who therefore present trafficking a national security issue.

The benefactor is the doctor or the humanitarian employee rescuing victims – Botte dressing wounds of sexually abused children in the double-page of her book (Botte 1993: 123), the social worker distributing condoms, the teacher schooling rescued children in a shelter, the “savior” journalist who frees the slaves – Kristof in *Poipet*, the anthropologist in search of trafficked victims in Southeast Asia in *Barbadillo*'s film, or the head of an NGO raised as a charismatic hero. An example of the latter is Somaly Mam who, in 1996, founded the organization AFESIP-Cambodia. Mam has been awarded numerous prizes in recognition for her work and has become an international figure in the arena of sex trafficking in Southeast Asia. She clearly presents herself as a victim of the cause she fights, and justifies her accusation and her subsequent saving mission for the reason that she was herself sold and sexually exploited.¹³ A reader's reaction to her autobiography (Mam 2005) shows how indignation reveals:

Somaly! Hello! You are a woman that I would take in my arms if I could. You are a woman of heart, of character, of feelings, of life! I just finished reading your book, *Silence of the Innocence!* For the first time in my life I cried after reading a book. A book that sickens us about everything that takes place in the world and that is conveyed by humans! I knew that all this existed but I would have never thought that everything could be so horrible! All this suffering, this martyrdom, this physical and mental violence, if I could ... if we could ... but how to act! This should stop! You all have the right to be happy! I cried.

(Annie 2007)

At first, distance frustrates the reader, who is in symbiosis with the author. The suffering personified by Somaly is then generalized and magnified. Sensitivity is materialized by tears that trigger indignation and accusatory words against sexual slavery. But next, what can a distant viewer condemned to inaction do, if not feeling sympathy for the benefactor and contempt against the persecutor? Tenderness and indignation lead to commitment.

After the victim's suffering has been shown to the viewer, his action must be returned to the victim to avoid being accused of indifference, even though she is physically absent. The obligation to assist the victim is based on a moral responsibility, which in turn stems from causal liability. But what can the viewer do? According to Boltanski (1993: 34–37), he has three options: to pay, to speak, or to run off. *Paying* is an action that makes the viewer's good intention clear. "Mr. Kristof illustrates how very sad and atrocious this world can be, and also how a single act of courage can be so inspirational. Thank you for your article. My donation is off to Mr. Krisher"¹⁴ writes a reader in reaction to another of Kristof's columns about sex trafficking in Cambodia published in the *New York Times* in December 2006. Nevertheless, sending an impersonal check can be frustrating as it does not relieve immediately the victim's suffering, not to mention the risk of embezzlement to benefit the cause, and not the victim. In addition, the financial solution can be interpreted as being a quick way to get rid of the burden of guilt. The *accusatory word* has a major drawback since it appears far from action and it does not reveal its cost. Indeed, words do not reveal the magnitude of the sacrifice committed by the well-intentioned viewer. Generally, it precedes the action, that is to say sending the check, or a stronger commitment like volunteering. Finally, the viewer can *run off*, turn off the television, close the newspaper, or ignore the umpteenth call for donations, and eventually opt for defection. He therefore risks to be accused of indifference while knowing that suffering socially points towards a moral duty of assistance. In general, a strong focus on what is intolerable favors mobilization around issues of injustice that generate pity and indignation, which leads to the establishment of common causes. Indeed, nothing is more favorable to build humanitarian causes than the stage of human suffering. Child sex exploitation and sex trafficking are good examples.

Beyond representations

The "politics of pity" is an asymmetrical apparatus that distributes humanity unequally among staged actors. Generally, victims are described crudely whereas all power is given to narrators, spectators and third agents. If subjects have a social identity and a personal story, victims are only suffering bodies or passive objects that merely deserve social and medical treatment, while the idea of being taken in charge is already disabling in itself. If subjects are being given the right to speak, victims see this privilege lessen if not withdrawn. Victims lack initiative and are not very participative. Largely irresponsible, they don't respond for their moral or legal acts. Their destiny is fatally tragic, and only well-intentioned external actions can relieve their pain. However, it is important to note that for

“commercial sexual exploitation of children” or “sex trafficking,” the key issue is not biologic life but rather the victim’s autonomy. Indeed, the victimization process in which trafficked prostitutes are trapped doesn’t fall into the bias of the humanitarian emergency aid, which reduces victims to numbered biological organisms in need of urgent medical relief.

A pitfall must be avoided. If violence and exploitation are sad realities for some children, one should not believe that all Southeast Asian children involved in prostitution have been kidnapped, beaten and raped. The worst scenario might be true for a small number of minors who are deprived of freedom and forced to exert prostitution for little or no retribution. For them, assistance is needed and criminals shall be punished. However, such undeniable reality cannot lead to simplistic generalization as media and aid industry are still suggesting. Indeed, many alleged victims do not have the tragic life that many journalists or activists would imagine. As noted by Montgomery (2001: 39), some Thai children involved in prostitution do not fit with accommodating Western socially constructed categories. Not to deny the fact that women and children are victims of indomitable economic and political forces, or discriminated in terms of race – ethnic groups from the highlands are still deprived of basic rights and access to public services, gender – women still suffer from discrimination in some countries of Southeast Asia, and social class – economic marginalization leads to spatial segregation and to less access to instruction or job offers. Montgomery demonstrates how some children, who are certainly exploited by Western adults who buy their sexual services, use all strategies available for them to fulfill their obligations to assist peers or climb social positions, and more generally to find their ways in life. Paradoxically, she shows how some of these children are engaged in part-time prostitution but only for a short period of time because they know how to put an end to it. In doing so, they are aware of the mental and physical risks they endure, and they know how to effectively protect themselves. Montgomery’s children refuse Western sensitivity and behave like adults beforehand, thus scarifying the sympathy and privileges that childhood deserves. Others, as I have observed in shelters for sexually abused children in Cambodia, refuse literacy or vocational training classes offered by NGOs, which are sometimes too paternalistic or incapable to accept the fact that their beneficiaries prefer deserting shelters rather than attending vocational training classes, in order to return to prostitution because profits are higher and quicker than in other informal jobs. Montgomery findings might appear shocking, if not immoral, as they contradict the polished figure of the passive and helpless victim promoted by militants and media. Hereby the researcher walks on a thin line as intolerable issues, which allows little maneuver out of moral boundaries. Indeed, he risks to be accused of insanity, or worst of promoting child sexual exploitation.

Pushing the argument further, if the alleged victims are not totally dupe, and if they are aware of the risks they take, then they cease to be fully innocent and the common assumption that makes them victims collapses. The issue of consent, classic in prostitution debates either among activists or researchers, is here crucial. Part of the literature on adult prostitution (Agustin 2003; 2005) denies the

presumption of innocence, which characterizes the passive victim. Rather, it awards agency to migrant or trafficked prostitutes. If one cannot deny the fact that adult victims can be fully imprisoned by traffickers and pimps, it has been demonstrated that some others develop survival strategies that allow them to escape from criminals' power. The ratio between agency and victimization is nevertheless impossible to measure as it corresponds to intellectual postures. For adults, how to determine if migration is voluntary or involuntary if both options are often confused in a same trajectory? For minors, the issue of choice has simply been evacuated, while things seem to be slightly different in the field. Agency and victimization are two extreme positions centered around the inextricable issue of responsibility.

Notes

- 1 The author wishes to thank Thien Huong Nhin and Janine Guicheux for the English corrections. A different Spanish version of this paper has been published in (2009) *Revista de Antropologia Social*, 18: 297–316, and a shorter French version is forthcoming in *Migration et Societe*.
- 2 I will use the term “prostitute” rather than “sex worker” by habit and not by ideological choice. Indeed both terms imply different positions that need to be clarified. The “victim” tradition in feminist discourse focuses on politico-economic disadvantages that force women to choose prostitution as an economic alternative. Here the “victim” is viewed as needing help to reenter society as a proper member. The “sex-work” tradition focuses on the high-class or even the middle-class prostitution, and is an expressed opposition to the “victim” tradition above. It claims that those who enter prostitution without being coerced into it by a third party do so for economic reasons, and that prostitution therefore represents a form of work. Here the woman has made her choice and is liberated enough to deal rationally with her life. I am in sympathy with elements on both sides of the debate. On the one hand, I agree with “sex work” feminists' claim for prostitutes to be accorded the same protections and legal and political rights as their fellow citizens, even though in most Southeast Asian countries this is not the case. On the other hand, I do not celebrate the existence of a massive market for commoditized sex as is the case in the region, so I am in sympathy with the feminist abolitionist position too.
- 3 Torture, slavery, war crimes, sexual abuse or human trafficking are elements of what is considered as intolerable. These phenomena, which are perceived as unjustifiable, are socially and legally condemned. Generally, they are regarded as absolute evil, a crossing of moral boundaries historically constructed and therefore relative in time. The concept is further developed by Fassin and Bourdelais (2005: 7).
- 4 In 1995, the Dupont married couple accused Botte of embezzlement and breach of trust in Belgium. They claimed that the former nurse self-attributed merits of the Bangkok-based NGO Centre for the Protection of Children's Rights (CPCR) to raise funds, while she no longer worked for the organization.
- 5 It is what Boltanski (1993: 64) calls the “likeable balance” (*équilibre sympathique*) between the viewer's imaginative offer and the victim's need of attention.
- 6 Kristof details his casting of two trafficked prostitutes in his personal blog on January 20, 2004:

I should explain a bit how I came to choose Srey Neth and Srey Mom, of all the girls in Poipet, as the ones I would try to buy [...] Moreover, I wanted a girl who really wanted to leave prostitution. It's often a difficult adjustment back to the real

world from the sorority of the brothels, and girls who are rescued sometimes “escape” back to the brothels. So I looked for girls who seemed committed to resettling in their villages and who were sure about what they were doing [...] That, in turn, meant that girls who had been sold to the brothels by their own families were typically not suitable. If a girl had been trafficked once by her parents, she might be again. [...] That said, it was very difficult to choose. [...] It was a heart-breaking choice, with so many girls virtually enslaved in the brothels, to choose just one or two to try to free – particularly because AIDS is common enough in Cambodia that a long-term stay in the brothels is almost a death sentence”. Available HTTP: www.nytimes.com/pages/readersopinions/index.html (accessed August 8, 2009).

- 7 In 1988, the Ecumenical Coalition on Third World Tourism launched a study about child sex tourism in the Philippines, Thailand and Sri Lanka. The conclusions of the report were presented in 1990 at a symposium held in Chiang Mai. As a consequence some participants decided to initiate an international campaign to fight child sex tourism in Asia. ECPAT that stands for End Child Prostitution in Asia Tourism was born in Bangkok in August 1990.
- 8 As quoted by the US State Department (2008: 7) from the latest *Trafficking in Persons Report*: “Human traffickers prey on the vulnerable. Their targets are often children and young women, and their ploys are creative and ruthless, designed to trick, coerce, and win the confidence of potential victims. Very often these ruses involve promises of a better life through employment, educational opportunities, or marriage.”
- 9 The “United Nations Convention against organized cross border crime” and its additional protocol, signed in Palermo in 2000 defines the trafficking in persons as the

“recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant.”
- 10 The categorization “Madonna/whore” is developed by Darley (2006: 114) for trafficked women in Europe. The same prevails for Asian trafficked women representations.
- 11 It is widely accepted that the trade in youthful flesh is growing, the numbers of children involved are large, and a considerable proportion endure conditions close to slavery. A Special UN Rapporteur on The Sale of Children has been appointed. The Norwegian Government has informed the Council of Europe that: “Every year, one million children are either kidnapped, bought, or in other ways forced to enter the sex market” (Black 1994: 11, cited by Montgomery 2001: 38).
- 12 For a further discussion about the US-based international “moral crusade” against commercial sex, pornography and sex trafficking, refer to Weitzler’s (2007) excellent paper.
- 13 “Somaly was sold into a life of sexual slavery many times by a man who posed as her grandfather. At a very young age, she was forced to work in a brothel with many other young girls and they were all treated horrifically through torture, manipulation, and scare tactics. One night she watched a close friend murdered by a pimp. From this moment on, she made it her mission to escape and later find a way to stop this vicious cycle.” Quote from the website of Somaly’s Foundation, Section “Who we are,” “Somaly Mam Profile.” Available HTTP: www.somaly.org (accessed August 8, 2009)

- 14 Posted by Bob Williams on December 17, 2006 on Kristof blog. Krisher is the head of an NGO. Available HTTP: <http://kristof.blogs.nytimes.com/2006/12/14/helping-kahan-and-others-in-cambodia> (accessed August 8, 2009).

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9 **Legislating the trafficking and slavery of women and girls**

The criminalization of marriage,
tradition, and gender norms in
French Colonial Cameroon,
1914–1945

Charlotte Walker

Introduction

At the February 1926 session of the Council of Notables in Yaoundé, Cameroon, dozens of African chiefs and French administrators gathered to discuss the institution of marriage in the colony and plans for the regulation and codification of African customary marriage law. One powerful administrator, the Head of Subdivision of Yaoundé, Yves Nicol stated, “the foundation of native life to which we turn our attention most ardently is marriage ... In our original meeting in 1922 I demanded that women no longer be treated as a simple piece of property. Polygamy and the contracting of marriage of women should be controlled as they pose a threat to the freedom and participation of women in society ... Their status should not be one of slaves” (Nicol 1926). The Council of Notables provided a forum where members of the colonial administration as well as African leaders could voice their concern or agreement with legal changes proposed by the Ministry of the Colonies or other legal bodies in Cameroon. Throughout this session both French administrators and African leaders hotly debated the institution of marriage, local customs governing women’s status and privileges, and the role of women in family life.

Marriage and its attendant traditions and practices such as polygamy, bridewealth, betrothal rites, and contracts presented a unique set of challenges for the French administration in the colony. The state of African marriage in Cameroon, as well as related conditions such as divorce, remarriage, and widowhood, was deemed “unacceptably degenerate” and French administrators perceived most marriage customs as they existed as persecutory to women and a threat to the pursuit of moral progress as imagined by the *mission civilisatrice*.

The principle argument against marriage as it was practiced among rural societies throughout the colony was that it promoted the “commerce” or “trafficking” of young African girls to chiefs and wealthy patriarchs at the expense of developing “productive, monogamous households” (Cardé 1923). Other arguments made against it included laws such as the *Arrêté* of December 26, 1922 which claimed

that marriage throughout Cameroon existed solely to empower, enrich, and endow powerful men with the ability to secure their lineage as well as maintain their property and productive capacities. The French administration perceived the institution of African marriage as encouraging “contractual marriage commerce,” exchanges of goods and currency outside of the regulated colonial economy which, for the French administration, evoked impressions of slavery and the trafficking of women. As such, beginning in 1922, the French administration embarked on a campaign to criminalize certain marriage, betrothal, bridewealth, and divorce practices that the administration perceived as “promoting inequality ... and engaging in abuses such as the commerce or slavery of women and pre-pubescent girls” (Cardé 1923).

References to “commerce,” “slavery,” and “trafficking” or “*la traite*”¹ appear throughout legislation governing African marriage in the colony of Cameroon between 1914 and 1960 (Pétre-Grenouilleau 2004; Thomas 2006). By equating marriage customs with slavery, the colonial administration gave African women, and particularly rural women, slave status and transformed them into individuals in need of legal protections and “emancipation” by French law and governance. By reifying certain long-standing practices and perceiving them as contrary to the freedoms and guarantees of a “modern” French colony, the administration justified its presence and its method of rule. In Cameroon, as in other colonies, French law became the dominant voice in deciding the criminality of any action. As Governor of Senegal William Ponty wrote in his missive, “The supremacy of custom has been restricted because of the necessities of our civilizing mission” (Ponty 1913: 82). With the prevailing and paradigmatic practices of slavery (the buying and selling of women and women for productive labor or the taking of war captives) largely confronted and criminalized, the next logical step was to extend the reach of the administration’s grasp into categories of behavior which evoked certain elements of slavery—such as marriage and polygamy—and thus necessitate French intervention.

This chapter seeks to reveal the complexities of colonial laws related to slavery and trafficking as they were applied to family and social practice and marriage custom in colonial Cameroon. It will also chart the evolution of French discourse on slavery and trafficking. By regulating African betrothal, marriage, and divorce customs, working to reduce polygamy, and prosecuting crimes in the domestic sphere, colonialism radically changed African women’s legal experiences between 1914 and 1960. French rule impacted indigenous customary law and traditional approaches to marital negotiation, sexual politics, and philosophical beliefs regarding individualism and choice. New laws created new opportunities as well as constraints for African women. However, European laws were not the only change agents. African women actively engaged in the process of legal incorporation and in many ways set the terms in which the laws would affect them.

In African historiography, there has been a tendency to view marriage as an institution that is inherently oppressive to women (Berger and White 1999; Davison 1996; Ramphela 1995; Twine and Blee 2001). An earlier generation of scholars argued that the consolidation of colonial rule in early twentieth-century

Africa involved the cooperation of senior African men with colonial administrators in “inventing” customary law, particularly marriage law, so as to make it more restrictive and limiting for women (Chanock 1982; 1985; Jeater 1993; Schmidt 1992). Other legal scholars have asserted that as part of the codification process, customary law crystallized relationships of power (Berry 1992). Berry (1992) and Roberts (2005) opened the door to new interpretations in the transitions in customary law when they observed that colonial courts were not arenas in which African or European judges imposed rigid embodiments of customary law, but rather were battlegrounds in which women battled to challenge or maintain relationships of power within marriage and within their societies at large. Other scholars have emerged to concur more with Berry and Roberts’ line of reasoning, claiming that newly created native courts in West and East Africa occasionally provided new opportunities for women to make demands and assert privileges, including leaving undesirable marriages (Byfield 2000; Hawkins 2002; Wright 1982). Throughout the colonial era, litigating marriage based on customary law continued to be rooted in competing definitions of freedom, equality, value, and compensation (Allman and Tashjian 2000; Roberts 2005; Shadle 1999; 2003).

The first section of this chapter will examine the French administration’s forceful campaign against the customary institution of bridewealth in Cameroon. As this traditional practice evolved with the new colonial economy, certain elements came to be perceived by the administration as a transactional exchange rather than a social bond. Attempts to eliminate this “commerce” and “trafficking” by African fathers and chiefs of their daughters occupied decades of French legislative sessions in the capital of Yaoundé as well as Paris. The second section will examine the legal reforms engineered to open African women’s access to divorce. Divorce reform—in addition to bridewealth laws—was intended to legally “liberate” women from their “enslaved” status, but instead caused unforeseen and in some cases catastrophic consequences. While in some instances women took full advantage of new laws, in other cases manipulative heads of household and male kin operated within the new legal boundaries to exploit women through the marriage market and transform a customary practice into an unrecognizable form of power brokering. This evolution only served to heighten French criticisms and energize the colonial reformers in their campaigns against trafficking. The third section of this chapter will examine the evolution of slavery and trafficking discourse and anti-slavery acts among French administrators and missionary societies, as each entity competed for control over the process of transformation of African customs as well as mentalities.

Part I: legislating contracts: marriage and trafficking

Early marriage legislation in Cameroon began primarily with the *Arret* of December 26, 1922 regarding “fetishist marriage” which aimed to limit the practice of polygamy among wealthy chiefs (Marchand 1928). Its language intended to limit the wealth attained by chiefs through the marriage market. In the same year,

Governor Jules Cardé penned a circulary which argued that laws limiting bridewealth would reduce the excesses of the ruling classes. Decrees soon followed that were more specifically directed toward the institution of bridewealth and the practice of betrothing pre-pubescent girls—institutions which were widely regarded as promoting the trafficking of young girls and the empowerment of older men (de Christen 1954). Although most marriages in pre-colonial societies in Cameroon were contracted in order to expand the productive capacity of the family structure, the French administration believed the slavery-like practice of contracting a marriage through a series of payments and exchanges to be a threat to stability and social productivity. Legal maneuvers aimed at curbing perceived “excesses,” “injustices,” “barbaric customs,” “slavery” and “trafficking” aimed to reform both the African’s soul and the very foundation of social life.

In 1927, the French administration took action to regulate the use of currency as part of bridewealth. Legislation passed regulating bridewealth exchanges which set legal limits to the *dot* or brideprice in an effort to limit the flow of currency between clans and families. In pre-colonial coastal Cameroon, a *dot* historically comprised such goods as slaves, cloth, palm oil, and a certain number of utensils, and goats or sheep (Geschiere 1982; Nicod 1927). By 1927, though, the *dot* consisted largely of colonial currency, and often the betrothed woman’s family had a large, fixed sum in mind (Nicod 1927). This large circulation of currency outside of the economy for goods and services provided and regulated by the administration was considered a threat to public order and between 1920 and 1945 the French administration aggressively pursued bridewealth practice by decreeing limits and regulating it through increased surveillance (de Christen 1954; Gluckman 2004).

Legislation directed towards increased surveillance of bridewealth customs included the decrees of 1927 and 1934. Each demanded that all marriages be registered with the local civil status center, or *centre d’état civil* so the *dot* payment could be recorded with the approval of the local administrator. Chiefs were instructed to encourage civil status registration and report excessive bridewealth payments extorted by fathers or accepted by wealthy notables. This decree was reiterated and strengthened in 1934 with a decree which read:

native marriages shall remain the jurisdiction of local custom unless the custom profoundly disrupts the public or social order, such as the marriage of pre-pubescent girls, which touches on the authority of the civil state and on the obligation to take over the authority of native law and demand divorce ... polygamy should also be progressively de-emphasized as a measure of social progress out as our presence becomes more effective and powerful in this region. Limits on bridewealth will accompany measures aimed at influencing chiefs to discourage marriages where bridewealth is excessively demanded by the father.”

(Bonnecarrère 1934)

Article 21 of the 1933 *Arrêté* demanded that bridewealth be regulated as a formal contract with the administration, rather than a simple contract between the

engaged families and the chief. According to the commissary in Yaoundé in 1927–1931, “In contracting a marriage, the chief will begin keeping records and begin charging fees for service, as this is to become procedural. the agreement will now be overseen by the administration and will take on the character of a legal contract, rather than an exchange of property” (Faucherand 1948).

In 1925 numerous circularies demanded that French administrators take up the cause of marriage reform in a more serious and dedicated manner. In response, the Decree of November 30, 1925 instituted penalties in the case of premature marriage for a young woman. Its language stated, “Women younger than fourteen and men younger than sixteen cannot enter contractually into marriage. If entered into, the union will be nullified. The *dot* amount will be recorded in order to limit difficulties in the case of the dissolution of the marriage” (Bonnecarrère 1933). The subsequent Decree of June 15, 1939 more strictly worded the age limit law and stated that “no contractual marriage shall be engaged in before the age of fourteen. This is to be strictly enforced, as it will lead to the relief in women’s conditions, the stabilization of families, and the amelioration of their demographic situation.” Xavier de Christen, a French colonial inspector, wrote in his assessment of the colonial legal process:

The first aspect that central authorities attempted to regulate was marriage ... The second part of this endeavor addresses colonial public order. This principle determines which customs are admissible and which ones are not under the demarcation between those moving toward evolution and those which will be replaced over time. “Colonial public order” is also a principle used to determine which customs are contrary to the principles of the French civilization. Legislators have intervened and will continue to intervene in the marriage of pre-pubescent girls, the exclusion of widows, usury, enslavement, trafficking in persons, anthropophagism ... poison trials, corporal mutilation, and the like.

(de Christen 1954)

The rhetoric contained in this legal memo demonstrates the emotional space that marital law came to occupy in the colonial civilizing mission. Marriage customs’ equation with all manners of exploitation and violence served to politicize and radicalize the debate over women and personal freedoms in the colony.

In addition to new practices and procedures, marital laws in Cameroon included delineations of penalties for infractions. The process of criminalizing marriage practices throughout the colony included instituting penalties for breaking new laws regarding bridewealth or betrothal contracts, marriages of pre-pubescent girls, and “excessive polygamy” among chiefs and wealthy men. Sentences included fifteen days in prison and a fine of between one and one hundred francs. Importantly, these laws would be handed down through the African political hierarchy, as the decree stated that it “will be directed mainly against chiefs who allowed these marriage contracts to be decided” (Bayardelle 1944).

In addition to legislating betrothal customs and limiting the marriages of pre-pubescent girls, the French administration commissioned ethnographic research in the rural provinces that revealed more “disturbing” cases of slavery within the institution of marriage. Polygamy was regarded as a threat to women’s “advancement,” but adulterous marriages were likewise considered “a slavery-like practice.” In a 1923 report entitled *Report on African Customs with Special Reference to Adultery* on the state of marriage in societies in Cameroon, the commissary of Yaoundé wrote exhaustively on the practice of adultery within African marriages. He subsequently ruled that judicially, adultery would have sanctions within the process of a legal divorce. The report mentioned the “disturbing” trend of “reciprocal adultery” and the exchange of wives among husbands which he alleged was a form of trafficking and exchange in women. The commissaries wrote, “I have observed ... a high incidence of old, polygamous men ... whose age prevents him from certain kinds of exercise, and who knows that he has neighbors who are younger and more virile than him and take advantage of his stock of wives when they can ... What to do about this?” The report circulated among rural administrators, along with demands to put the African family under greater scrutiny.

Colonial laws were not limited to restrictive prohibitions on marriage and bridewealth. The emancipatory rhetoric of the law, which theoretically was intended to “uplift the African woman from a state of injustice,” also called for a change in African divorce customs (Bayardelle 1944). The administration ruled on divorce first in 1922, per the *Arrêté* of March 1922, which allowed a wife a legal divorce from her husband in the instance of four circumstances: 1) having contracted a contagious disease from her husband, 2) being badly treated by her husband, 3) refusal of the husband to provide for her, and 4) if the husband was a convicted criminal. An *Arrêté* of 1926 added another legal guarantee of divorce by allowing it “in the case of a polygamous fetishist who converts to Christianity, or the case of the wife of a polygamous fetishist who wishes to convert to Christianity.”

The rhetoric surrounding the status of African women and the expansion of legal rights and judicial access very much centered on “liberation” ideology—the notion that granting access to the means of extrication from marriage, as well as Christianization, would help end the slavery and trafficking of women, and uplift the women in the colony. Laws forbidding certain marriage customs and guaranteeing access to divorce, such as the Decree of June 15, 1939 described existent practices as “uncivilized” and “oppressive,” and claimed that “strictly enforced, this would lead to the relief in women’s conditions, the stabilization of families, and the amelioration of their demographic situation in the African territories” (Mandel 1939). A 1923 report on the status of polygamy among African societies in Cameroon reads,

“This is more than enough proof that polygamy is a profoundly immoral practice and that it must be ended. Undoubtedly, however, this will take some time. Monogamy does not always guarantee virtue, but it is an institution that is more in harmony with the spousal psychology of trust and love,

like in our country, and should be instilled for the betterment of the people.” This rhetoric is rampant in government materials, and accompanies legislation aimed at couching restrictive laws in moralistic and ostensibly altruistic terms.

During the 1930s, in response to legal and economic changes in the colony, African fathers and heads of household developed more elaborate bridewealth practices and manipulated long-standing customs to arrange new transactions for their daughters and female kin. These new practices did resemble slavery and trafficking practices more closely than earlier customs, in the sense that daughters throughout the colony were soon engaged in forms of “bridewealth speculation” and “bridewealth marketing schemes” devised by their fathers to create personal wealth. The French administration was quick to recognize such customary evolutions and new laws in the 1930s aimed to reduce bride “repurchasing” exchanges.

During the 1930s, administrators throughout Cameroon had noted that bridewealth had transformed from a standard practice, “negotiated in phases of contraction and endless discussion” (Geschiere 1982), to one of manipulation and extortion between families. Gradually over time, wives were being “resold” to different spouses once their fertility had been proven with the birth of a child. The betrothal and marriage contract was nullified, the bridewealth repaid, and a higher bridewealth payment was received by the father of the bride in a process legally known to the administration as “bridewealth speculation.” According to somewhat crude and generalist administrative language, this practice involved first, assessing the *valeur sociale*, or social value of the woman with the chief, notables, and family members, as well as the interested groom and demanding a *dot* payment; then allowing the daughter to marry and become pregnant; next having the woman birth her offspring and negotiate a return to her father’s house pursuant to a divorce from the first husband; then a repayment of the original *dot*, and finally, the profitable result: a “resale” of the woman to a new husband for a much larger sum as her social value had increased due to her proven fertility (ANC; CAOM 1939–1951). This practice was so commonly observed that the administration in Yaoundé banned it by passing a law against the “trafficking of girls ... through commercial speculation on the marriage market.” The act was punishable by up to two years in prison and six thousand francs fine.

One judge in a tribunal of first instance wrote to Robert Blin in 1939 stating:

I am searching for a method and means to inspire the heads of family to not speculate on the value of their daughters and young girls, as is currently a widespread practice in the territory. For example, the father who betrothed his daughter in 1938 received a *dot* of one thousand francs in cash – without counting various gifts, goats, cloths, charms, and payments for the family. If after her marriage, the father can persuade his daughter to divorce and remarry another man, he can seek a bridewealth payment of between twenty and twenty-five thousand francs. He then reimburses the first husband for his

payment of the thousand francs and comes away with between nineteen and twenty-four thousand francs in profit. This profit-seeking is akin to trafficking in girls and at the moment, this practice is widespread among families in the territory. It would be best if this practice was put to an end because divorces are not occurring because of marital discontent, but rather because of speculative profiteering by fathers. Fathers' practices border on trafficking, slavery, and prostitution ... These facts may seem exaggerated, but I assure you, this is the honest truth. There are numerous means to address this offense: we must make clear that marriage is not a form of legal slave trafficking or legal commerce.

(Blin 1939)

Documentation of what became known as marriage trafficking was not isolated to Cameroon at the time. In 1900, a missionary priest named Father Lejeune working in the French territory of Moyen-Congo wrote extensively on the status of women and attested to speculation in marriages there. Lejeune commented on how women and their kin could amass wealth by engaging in cycles of marriage, divorce and subsequent marriage in search of higher bridewealth payments (Lejeune 1900).

Between 1922 and 1950, the legal and social transformation of social unions not only affected African societies on the ground, but transformed the discourse related to concepts of "liberty," "equality," and most sensitively, "trafficking" and "slavery." While marriage laws were being written and policed by the French administration conflating marriage and slavery, colonial officers and French concessionary companies were carrying out real slavery practices such as *corvée*, forced labor recruitment, and compulsory conscription on plantations, railways, forests. African chiefs were becoming wealthy by organizing and participating in such practices, while missionaries organized resistance efforts to such practices. African chiefs, everyday African individuals, French administrators, and Christian missionaries all accused each other successively of "enslaving" Africans and "trafficking" in African women. The reiteration of claims of exploitation can be traced in written exchanges between all parties in every possible permutation. In this complex interchange of indictment, women's status in the colony was perceived as a target of legal reform or threatened institution. Women's voices in this exchange were largely recorded by the very people who utilized their cause or category to debate the necessity of "emancipation" or "security," as many African chiefs argued that marriage customs protected women from their "enslavement" by colonial labor conscription and French authorities accused African men of "enslaving" women as wives and domestic laborers within the household.

With the legal colonization of Cameroon, African women's roles and perspectives regarding bridewealth, matrimony, divorce, and polygamy, as well as their relation to (or distance from) the institutions of slavery and trafficking were complicated and politicized by family politics and wealth accumulation (Byfield 2000; Roberts 2005). Maximum *dot* payments were legislatively decreed,

as well as the ages of the betrothed. The heads of circonscription from Ebolowa, Kribi, Yabassi, Edea, Abong-Mbang, N’Kongsamba, Dschang, and Bafia sent in their opinions on bridewealth limits for their regions, fixed according to local perceptions of moderation or excess. However, the head of circonscription of Ebolowa complained that rather than a *dot* maximum, the administration should set a *dot* minimum because wealthy African notables were accumulating vast numbers of women from poorer families with little expectations for bridewealth, thus rendering men of equally modest backgrounds without a means of acquiring a wife. The administrator claimed that this led to “destabilized” family configurations in Ebolowa, and offered that perhaps setting a bridewealth minimum (he proposed the sum of one thousand francs) would prevent chiefs from accumulating so many poorer women at low brideprices (Marchand 1928). Arguably, the prevention of vast numbers of wives by a few powerful men would eliminate the overzealous traffic of women (Marchand 1928). This sentiment was echoed by anthropologist F. Clement C. Egerton who lived in Ebolowa between 1933 and 1937 and observed that “At Ebolowa there are one hundred and five women to every one hundred men, yet forty percent of the men are unmarried, simply because they do not have the money. Rich Christians have a way of getting over the difficulty by having one wife and a number of ‘handmaidens’” (Egerton 1939).

Father Pichon of the Minlaba Mission wrote, “In 1922 Governor Cardé limited the amount of the *dot* for marriage. Because of this, unintentionally, there is much more concubinage and extended betrothal periods in our region. Young Africans are reduced to celibacy and the rich are encouraged to practice polygamy” (Pichon 1931). Father Pichon, whose mission was in the Ebolowa region, testified that limiting the *dot* in this region actually had the unforeseen effect of enriching already powerful men with wives. Additionally, legal *dot* limits were also protested vociferously by many African women, themselves. Egerton noted that women often complained to local missionaries that they did not feel “truly married” unless the full brideprice had been paid (Egerton 1939). By suppressing the brideprice and encouraging new religious ceremonies, missionaries and the administration had failed to take into account the mentality of marriage custom whereby contracts were finalized through certain rituals which were now highly corrupted.

Populations across Cameroon also protested the newly legislated pressures against bridewealth. In the Beti region, prominent chiefs such as Chief Zogo Fouda exploited legal bridewealth limits to “hoard” wives, and used their status to accumulate hundreds of wives to work as plantation laborers. This advantage then excluded younger local Beti men from the marriage process, thereby causing unrest among the unmarried elements of rural male populations (Guyer 1984). Many administrators continued to believe in the power of French law in the colony, however, and the ability of civil legislation to eradicate all forms of slavery and trafficking. Administrator Luchaire believed that laws against brideprice would “halt the accumulation of money by heads of family and chiefs which has become scandalous,” as well as “progressively reduce the trafficking of women

and marriage fraud ... as well as the forced sequestration and unlawful stealing of young brides. There are also commonplace divorces in the event of a more lucrative marriage contract can be formed between families. The consequences are divorce, adultery, prostitution, the rise of venereal disease, and finally, a decline in the birth rate" (Luchaire 1951). Although French law attempted to keep pace with the transforming customs by becoming more explicit or severe, it often had the *contre-effect* of worsening imbalances in communities. The relationship between the administration and chiefs throughout Cameroon was fraught with sporadic partnerships, uneven power relations, and manipulative advantage-seeking from chiefs, fathers and husbands. In some cases, cooperation with the administration was an act of chiefly self-interest, in other cases, resistance brought greater reward.

Part II: breaking contracts: divorce and administrative hypocrisy

Beginning in 1922, increasing African women's access to divorce was of particular interest to the French administration. In the early years of colonization the administration encouraged local missionary societies to reduce bridewealth and make divorce freely available in order to bring about the decline in "acts contrary to modern sensibilities regarding marriage" (Cardé 1923). However, as time passed, the number of women seeking divorce grew to alarming proportions. In 1948 Inspector Charles Faucherand of the Ministry of the Colonies investigated the operation of customary tribunals and tribunals of the first degree in Messamena and Doumé in the *Haut Nyong* region of eastern Cameroon. He reported that in 1946 there were six hundred and eighty judgments rendered in Messamena and in 1947 there had been almost seven hundred (Faucherand 1948). Evidence such as this illustrates that women in Cameroon were taking advantage of new legal opportunities made available to them. In the region surrounding Yaoundé, many Beti women took advantage of divorce laws to take their husbands to court. Many missionaries attributed this increase to strong Christianization efforts in the Beti region. Christianization forces were indeed strong and assisted by chiefs such as the Beti leader Charles Atangana. The combined efforts of missionaries and Christian chiefs contributed to the dissemination of knowledge regarding divorce laws, in particular, the divorce guarantees of the Arrêté July 1927 which protected Christianized women seeking exits from polygamous marriages.

As a result of the popularity of new marital freedoms, rural societies began to transform into zones of striking conflict and disruption. Tensions existed between social classes, that is, wealthy chiefs and unmarried men, as well as between sexes. The administration began accusing missionary societies of interfering in African family life too intimately. Historians Ondoa Dzou (1994) and Dussercle (1954) both discuss in their work the occasions of trials against missionaries for their work in publicly denouncing the administration and involving themselves directly in the marriage negotiation process in an attempt to eliminate elements

of “trafficking” within it. In certain cases missionaries negotiated bridewealth adjustments in situations where the betrothed were Christian converts. The *Arrêté* of April 24, 1930 called for “strict regulation of the installment of secondary posts within Christian missions in charge of Africans.” “The catechists,” Marchand wrote, “had become too numerous and too influential in the villages, rivaling the power of the administrative agents, and manifesting an immoderate proselytism” (Marchand 1930).

In addition to their overzealous campaigns against polygamy and the promotion of the liberation of women from trafficking, many missionary societies openly criticized the administration’s work in the rural zones in labor recruitment campaigns and the operation of chiefs’ plantations. As one priest wrote, “the work to elongate the railroads around Yaoundé in Ewondo country threatens to drown the African family in labor demands” (Laburthe-Tolra 1981). Missionaries considered themselves the “moralizers” of communities, and in so doing, sought to undermine the authority of the administration and bring about an understanding among Africans of the sanctity of marriage and the evil of slavery (Guyer 1984; Laburthe-Tolra 1999). Father Pichon, a Spiritain missionary working in southern Cameroon, was known to personally enter worksites and intervene in cases of forced labor. He spoke out vociferously against the administration’s use of *corvée*, as well as the use of women and children for roadwork (Laburthe-Tolra 1999).

As part of the establishment of the missions, the frequent recruitment of women for agricultural labor as well as Christian education often resulted in a larger following of women than men in Cameroon. The Baptist Mission in Douala had a large following of young girls within two missions: the Mission at Bâle in the Bonakou district of Douala had fifty-five young Cameroonian girls and another at Edea had sixty girls (Nicod 1927). The Société des Soeurs Missionnaires du Saint-Esprit recruited eighteen young girls from Yaoundé in 1920 as “*petites internes*” to begin the work of proselytization in their homes. Women figured highly into the conversion mission, and local African women frequently sought shelter and protection within the walls of the mission. Through these series of acts, missionary societies threatened the supremacy of administrative authority. In retaliation, the administration interpreted missionaries’ commercial transactions and sanctuary involving African women as acts of slavery and prosecuted several leaders of missionary societies in Cameroon under trafficking and slavery (*traite de noirs*) laws (Dussercle 1954; Ondo Dzou 1994).

In 1927–1928 a phenomenon known as “Sixa” evolved in southern Cameroon, which involved the desertion of a large number of women from their marital homes (Laburthe-Tolra 1999). The “Sixa” women abandoned their conjugal domiciles without an official divorce and sought sanctuary in the local mission (Beti 2005; Guyer 1984). Derived from the pidgin word for “sister” these former wives came to the Catholic Minlaba Mission, either as refugees or claiming the desire to become converts or novices (Guyer 1984). Local Africans used the term *Sixa* specifically in cases where women were suspected of having been

encouraged to flee by Catholic missionaries because priests and catechists often refused to adhere to local administrative legal demands to return the women to their marital domiciles (Stoll 1927). This practice enraged local leaders who brought their complaints to the administrators, who thence charged the priests with the crime of “trafficking, forced arbitrary detainment, kidnapping, and slavery” (Stoll 1927). In one case, two priests from a Christian mission were prosecuted for repaying the bridewealth of the women who sought refuge from their marital homes in the mission. As a result of these intrusions the French administration accused the missionaries *traite de noirs*, or trafficking and slavery, and they were sentenced to heavy prison sentences (Dussercle 1954; Ondoa Dzou 1994). Monsignor Vogt of the Catholic Mission of Yaoundé was sentenced to house arrest in August of 1930 after “overly promoting divorce as an alternative,” which, according to the administration, “encouraged the trafficking in women” (Marchand 1931).

African sexual politics in Cameroon were politicized as well as criminalized, and the broad-scale dynamics of colonial rule frequently encountered the intimate sites of implementation (Stoler 2002). The record and documentation of intimacies was essential to the French administration’s work, as well as that of the Christian missionaries. But why the micromanagement of socio-sexual relations? Historian Ann Stoler (2002) argues that such policies were “critical to the making of colonial categories . . . which turned on the racialized politics of classification.” The codification of marriage laws however, allowed for the ascendance of sexual exclusions, greater tensions in gender relations, sexism, and domestic violence. In addition, the process of criminalizing and codifying marriage customs in a manner that paralleled anti-slavery laws was part of a colonial mission to produce a new kind of nuclear African family (Stoler 2002). On the other side of marital law—the practice of divorce—liberation, rather than criminalization, was the ideological thrust. Members of the administration encouraged divorce as a means of eradicating the trafficking in women and encouraging monogamy among African populations. However, when divorce trials dominated the court systems, or when women brought divorce cases against their husbands *en masse* to abandon their marriages—the administration restricted women’s access to such emancipatory opportunities in the name of keeping the peace and preventing widespread rebellion among male populations. The inability of the administration to fully live up to the emancipatory rhetoric of marriage laws demonstrated the hypocrisy of the anti-slavery crusade in legislating against African marriage custom and revealed the administration’s true motives—the transformation, domination, and control of African populations and their institutions. One 1948 report stated, “We must admit that those who espouse our laws in marriage matters checkmate custom, and therefore, custom no longer exists in that case” (Faucherand 1948). It was clear to most Africans and Europeans that the transformation of social mores, political circumstances, and economic opportunities caused by colonial capitalism and legal imperialism forced individuals to consider new horizons and disfavor limitations on themselves, rendering the term custom an even more nebulous concept.

Part III: the power of slavery and trafficking discourse in the imperial legislative reality

Accusations of trafficking and slavery were traded across European and African factions in colonial Cameroon. The administration condemned chiefs' and fathers' trafficking of their unmarried daughters and missionaries decried polygamy's analogous nature the enslavement of African women. In the same vein, the administration accused missionaries of trafficking of women in cases of females seeking sanctuary, and in response, religious societies openly accused colonial concessionary companies and administrators of employing slave labor and trafficking of women. Legal precedents for the prosecution of slavery in Cameroon and Africa in general were not new. The institution of slavery was a legal justification for formal colonization in its earliest forms (Crawford 2002). Since some of the earliest ventures in the legal colonization of Africa dealt with outlawing the institution of slavery, both in the form of war captives and household slaves, it is not surprising that there would be ongoing campaigns against what was perceived as vestiges of slavery. While it is clear most accusations against missionaries and African husbands were purely politically motivated, forms of purposeful misunderstanding of slavery continued to exhibit itself in colonial legislation in Cameroon throughout the French period. In investigating, categorizing, observing, and judging African marriage customs and family life between 1920 and 1945, the administration and Christian missions throughout the territory had come to similar conclusions that the life and prospects of the African female in Cameroon were little better than those of a slave. Some of these conclusions were borne out of lived observation, others from reading anthropological assessments and political communiqués (Delafosse 1930).

In 1928 André Raynaud suggested employing explicit anti-slavery laws in order to combat pre-pubescent marriage in the territory. Raynaud deplored the weak enforcement of the *Arrêté* of December 26, 1922 and subsequent *arrets* and decrees which fixed limits on bridewealth, and legislation which forbade the marriage of girls before the age of puberty. He wrote,

The *Arrêté* of December 1922 attempted to codify in a certain measure the general rules governing marriages between fetishist Africans. These rules have unfortunately not been observed and there have been no sanctions imposed either. The letters of the Protestant and Catholic Missions have gotten our attention ... The important reforms on native customs must begin there. Economic growth in rich regions has actually resulted in backward movements for the anti-polygamy campaigns. It is for this reason that labor managers in certain regions have taken to choosing women as the majority of their workforce, as there are substantially higher numbers of women in the villages than men, and labor on the roads and buildings must be accomplished. In Ebolowa, the results of increased polygamy is most acute. Young girls are married quite young, and we must seriously envisage strategies to protect them. I have suggested sanctioning those men who engage in

marriage to young girls by employing the slavery statutes per the Decree of 1923, which dealt primarily with slavery. This commerce in women can only be halted by applying laws that specifically relate native marriage practices to their primary acts, which are slavery and the trafficking of women.”

(Marchand 1928)

This suggestion was seriously considered by the French administration at the time, although not applied fully. However, later overtures by policymakers and legislators in the subsequent decades conflated marriage with trafficking in women and slavery in legal proposals, and the rhetoric was particularly compelling to missionaries.

In 1939 the “*Decret Mandel*,” also known as the Decree of June 15, 1939 was signed into law by Minister of the Colonies Georges Mandel and aimed to further regulate indigenous marriage and enforce contracts forbidding pre-pubescent marriage by more closely equating marriage practices with trafficking and slavery. Mandel was a firm believer in social intervention and stated at the bill’s passage in 1939:

As part of our engagement and promise to respect established traditions, France has worked to strongly consider its actions before intervening in the social and family lives of its subjects. But the respect of native customs should not always go all the way to the limit of hesitating to transform what we believe we can transform with our influence. In what concerns notably, the native woman, her condition in society is, today, noticeably improved. The moment has come to consecrate a new text of jurisprudence that demands the consent of the young woman, the validity of marriage, and assures the rights and liberties of widows.

After its promulgation in Cameroon, Commissary Richard Brunot commented that, the colonial government:

should find it interesting to apply more forcefully the anti-slave laws, first instituted into legislation within Africa by the Decree of December 17, 1905 and amended and re-instituted by the Decree of August 8, 1920. This would be useful because for the natives of the colony of Cameroon, the woman is still submitted to and vulnerable to all commercial transactions: purchase, sale, removal from family home, exchange, barter, etc. and it appears that the anti-slavery laws could apply to current marriage arrangements as well.

Commissary Brunot then requested:

I ask your permission to modify the marriage law decree of June 15, 1939 by adding the article from December 17, 1905 which states, “By extension of the requirements of the Decree of 17 December 1905 relating to the suppression of slavery and the slave trade in French West Africa and French Congo,

all marriage contracts found in violation of the requirements of this decree shall be considered as an act of enslavement according to the terms of articles 1, 2, and 4 of the stated decree. He who enters into marriage with a non-nubile woman shall be liable for penalties associated with crimes of slavery and in the interest of suppressing slavery, the government shall act accordingly. This new *arret* and decree will contribute to the organization of the family cell based around rational principles conforming to the principles of modern law, the dignity of the human person, and the interest of all local populations.

Although this amendment to the Décret Mandel was not eventually included in written law, it is important to note the extent of support for slavery laws to be extended in order to regulate marriage, and the power of the belief that traditional African marriage customs were brutal, backward social practices aimed at trafficking in and enslaving women. Brunot was not alone in believing that marriage laws should be forcefully worded and include legal allusions to slavery laws in cases of marital law infractions. A French nun, Sister Marie André of the Sacred Heart Convent in Paris who was also a sociologist and a jurist studied the Decree of June 1939 and wrote an analysis and critique of the accompanying *Chartre Matrimonial de la Femme Africaine*, which was also written by Georges Mandel. She wrote, “It is clear that slavery has not been totally eradicated in all its historical forms, as it exists in certain customs and native aspects.” Pursuant to these measures, in 1959, Christian Merlo wrote a report on the juridical foundations of policy and law in the colonies, and urged the continued application of anti-slavery and anti-trafficking laws. He argued:

The complete suppression in all its forms must be resolved. Traditionally, society was imbued with slavery, with distinctions made between war slaves or captives, and house slaves.² These systems have remained and exhibit themselves in homes, which justify the actions of specialized organizations. One form of slavery includes the inequality of women vis-à-vis men, the abusive judgments rendered against women in the courts, issues of debts, conditions imposed on women, both physical and psychological, all of which has been testified to by African novices in our organizations ... all in all the complete suppression of slavery in all its forms should be the sole purpose of this administration. It is a principle of universal perfection, a measure of progress and civilization for the African conscience.

(Merlo 1959)

Stoler terms these legal debates in the colonies “paradigmatic examples of progressive colonial ethics ... motivated by an effort to equalize and synchronize colonial and metropolitan law” (Stoler 2002). These bland generalizations belie some of rural administrators’ analyses and conclusions regarding women, given their extensive use of the courts and increasingly litigious nature over time. In many ways rural women took hold of emerging opportunities and sought to resist

both customary forms of restriction as well as administrative impositions. Nevertheless, the power of the rhetorical blending of African slavery and African marriage was widespread enough to merit new legislation and policy justifying further administrative intrusion in African families' lives (Ndoko 1985).

The vehemence and energy devoted to suppressing slavery as it was perceived within the bonds of African marriage is almost ironic, given the administration's lack of reform of labor practices and failure to amend forced labor statutes until after 1944. Only when West Africans themselves incorporated the European rhetoric of the abolition of slavery in their protests against *corvée* and forced labor practices as part of early nationalist movements was the hypocrisy fully exposed. It was only in the late 1940s when forced labor was officially abolished and abandoned as a practice.

Concluding thoughts

It can be argued that large-scale colonial legal projects aimed at transforming African marriage, the traffic in women, and slavery succeeded in some respects. Throughout variant regions of Cameroon, marriage practices and the everyday lives of married people changed profoundly. Forms of traditions such as bride-wealth, betrothal contracts between families, divorce, and even the everyday routines of polygamous family life were altered by new laws and by new participants in the politics and social life of the region. Many changes in the marriage process were departures from the community's accepted norms, and different individuals with varying levels of access to power welcomed or renounced the new arrangements of functions, families, and finances.

Slavery and trafficking—in its derivative or original forms—remained a contested category of inquiry and conflict throughout the French colonial period in Cameroon. However, for the most part, women's experiences with all forms of social and physical control metamorphosed, rather than abated in response to policy measures aimed at combating it. Women had to contend with new power players in their local regions and the imperial bureaucracy at large in order to counter rapidly evolving constraints on their social mobility and personal freedom. These emergent social strategies evolved into what Robertson and Berger have termed “new structures of ascendancy and power” (Robertson and Berger 1986).

The boundaries and opportunities presented by colonial laws were very much a part of the process of “colonizing the body as well as the mind” (Hunt 1996). The African female and her body entered into colonial politics as an entity that required protection, emancipation, or sanctuary, whether for her personal spiritual fulfillment or the reproduction of the colonial subject. In many instances, colonial misapprehensions structured the logic of administrative rationalities. As Mamdani, Spear and Cooper have articulated, the “modern” European government ruled over “traditional” peoples, and their rituals and customs would be diagnosed and reconstructed to suit new standards (Cooper 2005; Mamdani 1996; Spear 2003).

The evolution of marriage behavior and its consequent criminalization utterly transformed slavery and trafficking discourse regarding Cameroon's female population in the early decades of French colonialism. In the marriage market, great value was placed on women as laborers, agriculturalists, mothers, social leaders, and household managers. Their social utility was then translated into transactional behavior which the administration then deemed a "traffic" in women and girls. In conflating African customary marriage law with slavery and trafficking, the French administration deeply affected both social and economic structures that had been in existence in some form for centuries prior to colonialism.

African societies throughout Cameroon negotiated customary law governing marriage according to emergent circumstances and in some cases abandoned custom or precedent entirely for new forms of law—whether they were administrative directives, Christian principles taught by missionaries, or recently emerging indigenous beliefs which developed under new conditions. Marshalling evidence from variant sources—administrative, concessionary, missionary, and travelogue, as well as indigenous sources—reveals that women's unequal access to power and resources in Cameroon was not exclusively the result of colonialism or powerful men, but rather a combination of indigenous and European, and male and female forms of gender control which reinforced and transformed one another.

Notes

- 1 "The trade" or *la traite* (*les traites négrières*) was the euphemism often pronounced to refer to the enslavement of Africans.
- 2 The terms used here were "esclavage de guerre" and "esclavage de case."

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10 Countering the trafficking paradigm

The role of family obligations, remittance, and investment strategies among migrant sex workers in Tijuana, Mexico¹

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Introduction

Laura Agustín has argued that “research is often used as a weapon ... as researchers insist that their local results can be generalized to enormously diverse contexts” (2007: 59). Given the ways in which research is used to support a variety of policies and programs that impact sex workers around the world, it is crucial that research remains both accurate and sensitive to the complexities of a broad range of sex work experiences. One of the primary difficulties in obtaining accurate and context-sensitive empirical data on sex work experiences is that most researchers approach the field with preconceived notions (and well-meaning intentions) about sex workers and migrants as victims of abuse and exploitation. It is certainly true that sex workers face a variety of occupational hazards and that some deal with human rights abuses as a result of their sex work activities. It is also true that some individuals are forced to work against their will. However, empirical data on sex industries throughout the world illustrate that there is a broad continuum of work experiences and that the vast majority of those who engage in sex work activities do so as a result of poverty and a lack of viable alternatives.

Nevertheless, the concern with human rights abuse must not override the necessity for clear and accurate representations of sex worker realities. This is especially true in terms of measuring the scope and impact of trafficking, or transport, of migrant populations. It has also been argued that those involved in the rescue industry (that is, those who seek to rescue “victims of trafficking”) may have a distorted and exaggerated sense of the scope of sex “trafficking”—and this perspective has encouraged the construction of “prostitutes” as victims who require a class of “helpers” to rescue them, ultimately accomplishing the opposite goal by stigmatizing them further (Agustín 2007). Therefore, one outcome of anti-trafficking work, which presumably seeks to provide services for those who have been transported across international borders against

their will, has been the exaggeration of statistics and abuse at the expense of more sensitive and careful accounts of migrant sex workers' actual experiences, their decision-making processes, and their priorities and needs. In mobilizing support for their cause, anti-trafficking proponents may have unintentionally obscured the everyday realities of the vast majority of migrant sex workers around the world.

Given these critiques, this chapter, like others in this volume, interrogates the anti-trafficking discourse which has become so prominent both in the media and in academia. First, we will review how anti-trafficking discourse and objectives have been used to call into question the very existence of migrant sex worker populations—treating all of those who engage in such activities as “victims” and providing a one-size-fits-all solution (criminalization) to a very complex issue. Second, we discuss the importance of the terminology used to frame our account, rejecting not only the terms “victim” and “trafficking” but also “prostitute.” In so doing, we ally ourselves with a growing constituency of sex work activists and feminist academics who resist the universalizing and totalizing framework that has become so popular. Third, and perhaps most importantly, we illustrate the value of approaching our subjects in a more careful mode, providing a case study of migrant sex workers who work along the US–Mexico border. Finally, we conclude our discussion with a more general set of recommendations of how to approach research on migrant sex worker populations—building from our own “lessons learned” and those provided by other authors.

What is human trafficking?

Typically, “human trafficking” is considered the forced, illegal movement of people across national and international borders and the enslavement of those individuals in their destination country. In the *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, trafficking is defined as:

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(US Department of State 2009)

Yet, definitions of trafficking are highly contested among scholars, nongovernmental organizations (NGOs), feminists, and governments, thus posing challenges in conducting research, organizing statistics and understanding the realities of the subject. Because sex trafficking is defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” (Logan and Walker 2009: 8) traditional anti-trafficking discourse often conflates “trafficking” with “sex work,” creating myriad issues concerning the

reality of trafficking as well as policy-making issues based on the undefined terminology.

Abolitionists argue that prostitution is a violation of human rights, akin to slavery and “an extreme expression of sexual violence” (Outshoorn 2005: 145). They argue that no person can truly consent to prostitution, that no woman would choose to prostitute herself by free will, and that a woman who engages in prostitution is a victim who requires help to escape. This point of view, when applied to the trafficking context, contributes to the portrayal of those who move across borders as victims of force, coercion and/or deception. Outshoorn asserts that from this lens the “trafficking of migrant women is always seen as against their will; they are by definition victims of trafficking. According to abolitionists, trafficking is seen to be caused by prostitution, making the best way to fight trafficking the abolition of prostitution” (2005: 146). Although the focus on gender-based violence, structural inequality, and human rights is to be applauded, the discursive framework which has been created is empirically inaccurate and misleading, doing more to obfuscate than enlighten. As Agustín argues, “the desire to ‘abolish prostitution’ represents a utopian vision of how societies should be: free of gender inequity, sexual obsession and the commodification of bodies” (2007: 161)—yet anti-trafficking discourse rarely suggests realistic approaches to this “solution.” It is this abolitionist view of prostitution, informed by radical feminist theory and reflected in anti-trafficking discourse, which drives the current trafficking discourse and influences US policy (Desyllas 2007). The reframing of sex workers as “victims” by anti-trafficking proponents has provided a platform that attracts funding and builds alliances with highly influential religious conservatives. This political work ignores the struggle of sex worker rights’ activists who have fought hard for governments to recognize sex workers’ right to self-determination.

Migrant sex workers cross a variety of local (e.g. state, city) and international borders in order to increase potential earnings beyond their community of origin. It is believed that just under one million persons travel illegally across international borders each year—and that many of these individuals are involved in the commercial sex trade (US Department of State 2009). Heightened border restrictions, while not slowing the rate of migration across borders, have increased the cost of such travel, and, ironically, the need to employ traffickers (or transporters) to furtively cross the border. The definition of trafficking is xenophobic and ethnocentric, demonstrated by the common conflation of the term “trafficking” with “migration.” As Ratna Kapur states, “In contemporary discourse, human trafficking has come to be variously and yet integrally interwoven with migration—mainly illegal—clandestine border crossing, and smuggling of humans” (2005: 29). Yet, anti-trafficking advocates refuse to acknowledge that stricter border controls exacerbate the issue of trafficking, pushing it further underground (Sharma 2005: 91; Kapur 2005). When conflated with migration, anti-trafficking discourse perpetuates an “us” versus “them” stereotype.

Anti-trafficking discourse veils the full range of work experiences migrant sex workers encounter by constructing a popular image of migrant “prostitution”

which invokes slavery, risqué clothing, and the non-European Other; focusing “on the age of the victim, her helplessness, and the barbaric conditions she is forced to endure” (Agustín 2007: 3). In reality, the work experiences of individuals vary tremendously. For example, Agustín explains that while some kind of intermediary may be present, most migrant sex workers do not have a traditional “pimp” (ibid.). In addition, the type of work itself varies depending on the worker, establishment within which she or he works, or the client. Based on her research on Thai sex workers in Japan, Satoko Watenabe explains that “work ranges from menial service through intellectual entertainment to providing physical and emotional comfort” (1998: 116). Henry Trotter reiterates this notion that sex workers may not always engage in sex itself, explaining that in the case of the dockside sex trade in South Africa, “many seafarers seek nothing more than in-club companionship” (2007: 107). In contrast to the image of exploited child “prostitutes” who are debt-bonded and kept in brothels against their will, Heather Montgomery presents a case study on child “prostitution” from a tourist resort in Thailand. She found the children there were actually free to come and go from the resort and were living at home with their parents; for them, engaging in sex work was a more viable job option than the others available in the area (1998: 143). Based on this range of work experiences, it is clear that most migrant sex workers do not actually fit the aforementioned “prostitute” mold constructed by anti-trafficking discourse.

Given the problematic and totalizing assumptions made within anti-trafficking discourse, and the real world impact of anti-trafficking policies and programs on the everyday experience of sex workers, we propose an alternative lens to better understand the broad range of experiences and perspectives among those who engage in sex work activities. Instead of referring to our participants as “victims of trafficking,” we argue that it is more appropriate and accurate to think of them as “migrant sex workers.” We recognize that many of those who cross borders in order to work do so intentionally and that anti-trafficking programs, including forced deportation (which will occur after a “trafficking victim” is no longer needed by law enforcement to prosecute the trafficker), present a major obstacle to those who paid a substantial amount of money to border cross. Additionally, such programs may actually increase risks and costs associated with border crossing. The term “migrant sex worker” abandons the exploitive and muddled connotations of “trafficking victim” in exchange for a term that validates the choices made by the sex workers within particular sets of circumstances and contexts. This framework avoids a totalizing discourse that presents sex workers as a homogenous group of individuals who lack agency and subjectivity.

Sex workers or prostitutes?

Abolitionists, who seek to eliminate all forms of sex work regardless of the particular conditions and needs of individual sex workers, refuse to consider the sex worker, or specifically, the migrant sex worker, as an active agent negotiating

a complex set of circumstances that impinge on his or her well-being and survival. Instead, it is thought that criminalization is in a prostitute's "best interest." Not only does this viewpoint smack of paternalism, there is surmounting evidence that criminalization, and policing and surveillance in particular, actually increase harms associated with sex work activities (Katsulis 2009). Criminalization has not been shown to be an effective deterrent—instead, those who wish to curb the spread of sex work in impoverished areas should focus on job training, social services, substance abuse treatment, each of which would help reduce the pressure on those who engage in sex work activities in order to survive.

What are the outcomes of criminalization? Sexual assault and coercion at the hands of police, forced relocation into more dangerous work areas, confiscation of condoms and/or condoms being used in court as "evidence" of wrong-doing—each of these is linked time and again to "crack-downs," or criminal enforcement and zero-tolerance policies.

For the purposes of this chapter, the term "sex worker" is primarily used as a label for those individuals who perform some sort of sexual service in return for financial compensation. This category may encompass a variety of roles, including "prostitutes," pornography performers, exotic dancers, etc. As Vicky Funari asserts:

There is no standard sex worker. Each woman has her own reasons for working, her own responses ... her own ideas about the work and her place in it. This work can be oppression or freedom; just another assembly-line job; an artistic act that also pays well.

(Funari 1997: 28)

The concept of "sex work" is preferable to terms like "prostitute" or "hooker" because it actually describes the labor in which these individuals engage. "Sex work" recognizes sexual commerce as a more acceptable occupation, in contrast with such terminology which invokes negativity and shame (Leigh 1997). The term "sex work" implies that workers are not sellers of their bodies but rather of their time and skills, much like most other workers (Highleyman 1997). Using language like "sex work" challenges the prevalent discourse surrounding "prostitution" by conceiving of it as a legitimate form of labor like any other, rather than focusing on its exploitative and victimizing properties.

This chapter primarily concerns itself with "migrant sex work" and the discourse surrounding it. The terminology "migrant sex work" can essentially be considered the same as "sex work" as described above, except for the added concept of individuals moving across borders and engaging in sex work. For the purposes of this piece, whether or not the migrant possessed an awareness of or intention to engage in sex work prior to migrating is irrelevant. While undoubtedly in some cases deception is involved, it is important to recognize that "migrants widely understand that *any* migratory project carries with it risks and dangers" (Agustín 2007: 33). This chapter seeks to uncover and explore the variety of factors that may be relevant for these migrant sex laborers, particularly examining how anti-trafficking

discourse ultimately obscures many of the facts and day-to-day realities of migrant sex work. For example, anti-trafficking discourse does not consider variations in individuals' motivations for engaging in sex work, the range of work experiences they encounter, how they spend their resources, or the material realities of their daily lives. Often the relative scope of sex trafficking is exaggerated as well. All of these items will be addressed in the following chapter.

Historically, "trafficking in persons has been equated with prostitution" (Ditmore 2005: 108), arguably due, in part, to the campaigns of US-based Coalition Against Trafficking in Women (CATW) who have been making "anti-trafficking a major issue of debate in both feminist and governmental circles since the 1980s" (Sharma 2005: 90). CATW's understanding of trafficking as "sex trafficking," and "a modern form of slavery for many girls, especially those who are poor and uneducated" has since been entrenched within the United Nations (UN) new definition of trafficking (Chesler and Hughes 2004: B7). For example, the UN's *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* states:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation ... shall be irrelevant where any of the means set forth ... have been used.

(United Nations 2000: 2)

According to Nandita Sharma, the inclusion of the reference to prostitution in this definition was a hard fought victory for members of CATW who challenged for them over other feminists who wanted to remove any such reference because it would contribute to the further policing of sex workers (2005).

This definition, and the subsequent inclusion of the term "prostitution," clearly suggests the ideology behind anti-trafficking discourse. Utilizing the term "prostitution" in the context of anti-trafficking discourse highlights the exploitive properties of selling sex—it invokes images of female (sexual) slavery, focusing attention on the "victim," her helplessness, and barbaric conditions forced to endure (Agustín 2007: 3). Utilizing the term "prostitute" additionally aligns anti-trafficking rhetoric with religious conservatives. For example, in 2008, then President George W. Bush stated:

Human life is a gift of our Creator—and it should never be for sale ... Worldwide at least 600,000–800,000 human beings are trafficked across

borders each year. Of those it is believed that more than 80 percent are women and girls and that 70 percent of them were forced into sexual servitude ... We've got a problem; we need to do something about it.

(cited in Janofsky 2004: A8)

Ditmore argues that proponents of anti-trafficking discourse believe “[p]rostitution as a condition is assumed to be so inherently intolerable that no rational person could freely choose it for themselves; therefore, if anyone appears to have chosen it for themselves, it can only indicate that they are either not rational, or they are victims of coercion or deception; that is to say, victims of trafficking” (2005: 117). This myopic view of sex workers lends itself well to the abolitionist approach to trafficking, which is arguably the primary priority of anti-trafficking discourse. Given that these ideologies do not reflect the everyday lives of the sex workers who participated in this study, the authors reject the use of the term “prostitute” in this chapter and instead refer to our study participants as sex workers.²

Case study: Tijuana, Mexico

Migrant sex workers, as well as those who provide sexual services to migrant populations, are an important feature of the social landscape along the US–Mexico border. The volition of migrant sex workers is often denied or ignored in debates about human trafficking in the border region, and the rights of migrant sex workers to register and work legally is often limited due to citizenship and documentation restrictions. Neither the debates about trafficking nor the legal restrictions imposed on migrant workers have made a positive impact on the everyday lives of sex workers in this region. To help put things into perspective, this chapter provides results from ethnographic work with a group of sex workers in Tijuana, Mexico. The chapter builds on findings from eighteen months of extended field observations (1999–2001) by the first author and an additional 197 surveys with female, male, and transgender sex workers.³ Purposive sampling and a chain referral system were used to identify participants from a range of work settings and backgrounds, resulting in a diverse profile of participants working within a variety of settings and life circumstances. Some had migrated to Tijuana to work as sex workers, others went there to pursue other occupations, only to find that these were not viable alternatives. Still others had lived in Tijuana since they were children, some had been born there, the children of migrants who moved to Tijuana a full generation earlier. One of the primary goals for this research was to document the experiences of a diverse range of sex workers who live and work on the US–Mexican border. Additional information regarding the social history of the local sex industry, and the role of law and policy as it relates to disparities in health and safety is described elsewhere (Katsulis 2009).

Setting

Tijuana is a city located on the busiest migration corridor in the Western Hemisphere. It hosts just over one million residents, over 56 percent of whom are

recent arrivals from southern Mexico (Ganster 1999). An estimated 20 percent are not permanent residents, and over 50,000 are in transit to the US. Contrary to popular fears of illegal immigration, only 1 percent travel over the border into the US illegally. About 25 percent of the city population is considered a floating population; they are not permanent residents of Tijuana and are in transit to and from the US. The northward migratory flow is based on incentives found in the US, including jobs in agribusiness, construction, domestic and hotel/restaurant services. This flow ensures cheap (if not always legal) labor which increases profits and keeps costs low for consumers. Migrant workers are able to make more money in the US than at home, but most must leave their families for long periods of time in order to do so.

The vast majority of migrants work in the US not just because it provides an attractive option, but because they are unable to make ends meet at home. According to the Mexican Secretary of Social Development, more than half of all Mexicans live in poverty, making less than \$1.50 US per day in rural areas and \$2.10 in its cities (MSN 2002b). One quarter do not have enough to eat. Since the 1990s, an additional 4.7 million Mexicans live in extreme poverty, comprising 52.6 percent of the population in 1992 and 69.6 percent after 1995 (*ibid.*). Today, poverty levels are close to 65 percent, and in 2002, another 1.3 million Mexicans fell below the poverty line (*ibid.*).

In rural areas, more than 70 percent of Mexicans live in poverty (MSN 2002c). The decreased quality of life in rural areas is directly connected to commercial openings and free trade under the Fox administration's agricultural policies. Local producers have been unable to compete with heavily subsidized US farmers in the globalized marketplace. Although the Mexican government promised subsidies to local farmers, at the time of the study, the subsidies had not yet arrived. In 2003, as a result of the continuing removal of tariffs on agricultural imports, an estimated five million *campesinos* (peasants) migrated northward to the US (MSN 2002a). Those who are unable to cross the international boundary provide the labor pool for the tourist/service and manufacturing sectors, which comprise 99 percent of the city's gross regional product (Ganster 1999).

Sex tourism and the rapid flow of transport workers and male migrant workers traveling through the city has generated a growing demand for the industry, which is filled by women (and men) from a range of backgrounds, many of whom also migrate northward as a way to earn money for themselves and their families. Sex work in Tijuana has a quasi-legal status—that is, sex workers can pay to register and work legally in Tijuana in designated tolerance zones, as long as they pass mandatory monthly health screenings at the local municipal clinic. According to that clinic, approximately 1,000 sex workers are currently working legally in Tijuana, with about 300 newly legal workers replacing those who leave the industry each year. The number of full-time sex workers who work illegally, and are not legally registered with the city clinic, is unknown, but estimated to be substantially larger than those working legally. There are many parts of the city where one can observe a thriving local sex trade, and these areas are not targeted by health inspectors. In addition, there are certainly a large number of part-time

sex workers working just to make ends meet. In fact, the majority of the sex workers in this study engaged in sex work part-time prior to their official registration with the clinic. Those who are new to the city often work full-time without registering, until health inspectors and police make this option less appealing. After being threatened, fined, or jailed, some come to the clinic to register only to be told (because of their age or documentation status) they are not eligible to work legally. Thus, many continue to work illegally regardless of the consequences, and simply do their best to work in areas where they are less likely to be caught and/or hassled by inspectors or police. Those who work illegally are not only greater in number, but they are also the most vulnerable to extortion, manipulation, and violence, with little legal recourse due to their own fear of prosecution. Although there is no official estimate of the total population of sex workers in Mexico, it has been increasingly recognized that Mexico is a favored destination for US and European sex tourists (Hughes et al. 1999), as is evidenced by the fact that most homeless girls accessing shelter services in Mexico have engaged in sex work prior to their entry into the shelter system (Harris 1997).

Reflecting the unequal social standing of the US and its neighbor to the south, the considerable commercial sex industry in Tijuana came into existence primarily to serve the sexual needs, desires, and fantasies of American men, however, the enormous flow of Mexican and Central American male migrants traveling through the city has ensured a growing demand for the industry. Although US tourists are easy to spot in the *Zona Norte*, the majority of customers seen in the red light areas and elsewhere are Latino migrants, not tourists. This migratory flow is closely tied to the historical and contemporary relationship between the US and Mexico. From the early colonial period onward, residents of the Tijuana–San Diego region have utilized class and race relations to establish a commercialized sex industry and govern sexual relations. Unequal relations between the US and Mexico have allowed the US to practice a policy of containment that repeatedly attempts to discourage vice on one side of the border (the US), while allowing the vice industry on the other side of the border to flourish. The shifting political economy of the border, including the “revolving door” of US immigration, and the global assembly line, allow multiple corporate interests to generate increased profits, and has had a tremendous impact in drawing men, women and girls to the border in search of employment. Rural-to-urban and transnational ties continue to link migrants to their home communities, profoundly shaping their motivations, labor strategies, attitudes, and practices. By the 1980s the migrant population comprised nearly half of the total border population (Ganster 1999). It has been said that, more than any other factor, migration has shaped the demographic picture of the US–Mexico border region (*ibid.*) The supply and demand for sex work on the border will continue to expand if these larger demographic shifts remain unchanged.

The growth of a highly commercialized sex industry marked by national and international trade and migration is not isolated to the US–Mexico border. Although commercial sex work is a widespread and visible phenomenon, it has been difficult to estimate the extent of industry worldwide because of its illicit nature. Additionally, in many countries, estimates come from a variety of sources

using different methods and definitions. Because these reports are not always explicit about those methods or definitions, it is impossible to correlate comparative data between national sources. Thus, any statistical referents are necessarily partial and flawed. Measuring the extent of sex work is also complicated in that sex work exists on a continuum, with informal sexual exchange for a variety of resources (food, shelter, clothing, etc.) on the one hand, and more formalized, commercialized sexual exchange on the other. Most of those who engage in informal kinds of sexual exchange often do not identify themselves as sex workers and would not want to be identified as such by outsiders.

Study sample

The only requirement of participation in this study was that the participant obtained most, if not all, of their income through sex work activities. The sample therefore included sex workers with a broad range of work experiences and personal histories. The study included female, male, and transgender sex workers who worked in a variety of indoor and outdoor settings (e.g. massage parlors, brothels, nightclubs, streets, parks, and beach areas). In all, the study included interviews with 249 sex workers, 88 of whom worked legally (86 females, two transgendered females), and 161 of whom worked illegally (105 females, 14 transgendered females, 42 males). These sex workers served multiple groups of clientele, including tourists from the US (93.4 percent), other countries (76.6 percent), and other areas in Mexico (67.5 percent), local residents (90.4 percent), and migrants from other areas in Mexico (79.2 percent).

Demographic data indicated that these workers are not substantially different from the general population in terms of educational attainment and literacy (96 percent could read and write Spanish; 27 percent could speak some English; 62 percent had less than an eighth grade education). Female sex workers were more likely to have children than male or transgender workers (81 percent versus 19 percent and 0 percent) and to have them living under their care (54 percent versus two percent and 0 percent) rather than with parents or a former partner. The need to provide direct and indirect care (through remittances) to dependent children thus figured prominently in the concerns of female sex workers, whose roles as both mothers and daughters created a potent combination that led them to seek sexual exchange as a way to support the family. Although sex work deviated from the idealized form of sexual and social respectability, the reality of everyday life in Tijuana—poverty, limited opportunities for economic advancement, partner abandonment, family responsibilities, or drug addiction—provides a context wherein sex work “makes sense” in comparison with the alternatives.

The story of Guadalupe

Guadalupe, age 27, was born in Sinaloa, Mexico. She attended school through the sixth grade, when she dropped out to help supplement the family’s household income. A woman with two young children to raise, and no male partner to

support her, Guadalupe was forced to rely on jobs in the informal economy to make ends meet. She received no support from her parents—her father had moved away from the family home when she was three years old, and her mother operated a small street-side vendor operation that brought home barely enough money to put food on the table. Because Guadalupe wanted her children to attend school, she was highly motivated to work in spite of the compromises she would have to make on the job. Holding down a job with two children to support is next to impossible for many in Mexico. Even in the US, which has social services available to the poor, this is a difficult endeavor. In Mexico, where there is no welfare system in place to provide financial assistance, housing assistance, and assistance with day care, there are few options, even for those with job skills and an education. Many move to the border area to work in factory jobs for up to 50 hours a week, earning about \$40 US, nowhere near enough to support a family on a single income. Factory jobs are among the best paid jobs for the working class, but have little job security and few, if any, benefits.

Looking at the limited options available to women who want or need to be economically independent, one cannot help but be struck by how many actually do not engage in commercial sex work—a better question for a future study might be why some women do not choose sex work over other options, given the stark contrast in earned income and the scheduling flexibility that is so important to a woman with children. Why would a woman choose to labor in a potentially risky environment, where she can be exposed regularly to industrial waste and toxins, sexual harassment, and long work hours when she can make in one hour what factory employees make in a week? When asked about how she got started working in the sex industry, Guadalupe responded:

I did not have a job. [Some of my friends] told me that you could earn well here [in Tijuana]. And I came over here all by my little self. I had worked at three pool halls but the owners always wanted me to drink with the customers, and one time they put something in my drink and the owner raped me. Later, a man who was a customer at a restaurant where I worked gave me \$300 pesos each time we went out, and I decided it was better if I charged whatever I wanted. I needed money and I met a friend who told me there was a place where they earned money. A girlfriend who worked at a massage parlor told me you earned good money and they needed masseuses where she worked and since I needed money, I started to think, and I said: “That is OK.” A girlfriend of hers opened a massage parlor and invited me to work there. I just went to visit and that was it, I decided to do it and I stayed. I told a co-worker from my last job about the work massage parlor and we both started working here.

Guadalupe’s narrative points to the significance in obtaining a degree of personal control over living and working conditions, both prior to, and as a consequence of, entry into sex work. Although there is no one typical profile for a sex worker, there is one thing that most sex workers have in common—each express his/her degree of personal autonomy within a particular social environment, an environment

that structures both their opportunities for, and constraints against, particular forms of action. Their personal experiences as sex workers are as diverse as the reasons they give for entering into (and continuing) commercial sexual exchange. Both their motivations for engaging in sex work and their experiences as sex workers are largely shaped by their individual frame of reference, their social location vis-à-vis others, their perceptions of various alternatives, and the social environment in which they are embedded.

The most common motivation for sex work among participants in this study was the desire to escape a low quality of life; however, there are important differences between female, male, and transgender sex workers that need to be considered. One in three female sex workers, for example, stated that they were the primary provider for their families, whereas no males or transgender sex workers stated this. Many stated that although they tried to find other forms of employment, they were unsuccessful because of specific barriers, such as a lack of documentation, lack of education and/or skills, physical disability, sexual orientation, or transgender status. The inability to find alternative forms of employment was discussed often, especially by transgender workers who were often discriminated against by potential employers. Addressing barriers to employment is an unmet need that could facilitate the utilization of alternatives to sex work.

Like any other worker, sex workers in Tijuana decide they are looking for a particular kind of job and then go get it. They are not forced to engage in sex work by pimps or caught in a vicious cycle of debt with a brothel owner. In fact, pimps are rare figures in the lives of sex workers in Tijuana. The vast majority harbored no delusions about what sex work entailed when they started in the business; they simply needed money and were not able to get what they wanted or needed from another resource. Most of them have particular reasons why they cannot make ends meet—they are a single parent and have children to feed; they have been abandoned by a spouse or partner; they have been fired or laid off; they cannot get a job because they lack the necessary skills, education, or documentation; they do not make enough money at their current job; they have had to leave home at an early age because of sexual or physical abuse or harassment; they are living on the street with no one to help provide for them; they are addicted to drugs or crave a glamorous lifestyle; they want to save up for a house or a car; or they want to complete high school or get a vocational or college degree. For many, it is not just one incentive but a combination of reasons why an alternative form of work is not feasible. After all, a skilled sex worker can make five times what the average professional worker can make, including business owners, professors, doctors, and city officials. And they can easily make ten times what the majority of residents in Tijuana make, including factory workers, domestics, receptionists, and service staff.

Material realities

Data on resource expenditures can provide one way to examine the material realities of migrant workers; they can also illustrate the range of circumstances

and constraints sex workers find themselves in around the world. Consider the multitude of expenses and obligations with which an individual sex worker might be burdened. To start, the costs associated with migration may be extremely high, including the cost of actual travel, travel documents, identity papers, and work registration. In Tijuana, sex workers are required to pay what amounts to two weeks of salary to register to work legally, in addition to a regular monthly fee to keep their health card current. Upon entering the sex trade, there are a variety of start-up costs as well, which may include such items as makeup, clothing, and hair and nail styling. In Tijuana, the first major investments for sex workers are often breast augmentations and dental work—these are seen as important investments that enable a higher return for sex work activities. Gym membership, health food, and vitamins have also become increasingly popular. As noted by Agustín (2007), working class migrants may need to achieve a more cosmopolitan lifestyle, in that they may need to work and socialize in upscale establishments with their clients. As a result, these women must spend a good portion of their earnings in order to maintain their high class image. General grooming and hygiene is also an important expense. Regular waxing,⁴ for example, is a major expense that many Tijuana sex workers incur on a monthly basis. Other major expenses unique to sex work potentially include fees to bars or restaurants, condoms or other safe sex supplies, physical protection, or fines for arrests or citations. These expenses are in addition to general expenses including food, lodging, and transportation.

Finally, sending money to family in his or her home country is often where the majority of a migrant sex worker's earnings are directed. This income may serve as the primary source of money for the family back home. In addition, in "The Migrant Tightrope: Experiences from the Caribbean," Kempadoo explains how "the prestige of having a daughter ... who has 'made it' overseas raises the social status of the family at home" (1998: 133). Kempadoo explains that because of their family's reliance on the remittances they send, many migrant sex workers may ultimately choose to continue sending money to their family rather than use it to provide for his or her own welfare and activities (1998: 133). Although the role of family obligations has generally been considered only within an international context, the role of sex workers as remittance providers is applicable to internal migrants as well.

Participants in the Tijuana study negotiated a range of material constraints and obligations. At the most basic level was a concern for meeting the needs basic to survival. Food, clothing, and shelter for themselves, and their children, were a significant impetus to sex work activities in this particular context. In the absence of a social welfare system, which might have helped the most vulnerable to meet their basic needs, sex workers in Mexico often had no assets other than their own bodies standing between themselves and certain destitution. However, a small number of sex workers also utilized sex work as a means of social mobility—that is, not just to meet basic needs, but also to help build a modest family home, pay medical costs for elderly parents, start a small grocery business, attend beauty school, or send younger siblings to high school. Given that financial credit was

largely unavailable to the poor, and income beyond the basic subsistence level was also hard to come by, the influx of cash provided through sex work activities enabled some to reach a higher standard of living than they would have access to otherwise.

Anti-trafficking discourse tends to conceal some of the material realities migrant sex workers face on a daily basis. These realities may include their lack of civil rights, level of impoverishment, their ability to obtain access to public aid or social services, or conflicts with local sex workers. Anti-trafficking discourse does not address the fact that a large number of migrants do not have civil rights in the region or country where they are working (Agustín 2007: 59). A migrant sex worker's criminal status as a "prostitute" makes him or her particularly susceptible to physical abuse from clients or economic exploitation from entrepreneurs or officials (Kempadoo 1998: 129; Trotter 2007: 109). These individuals take advantage by playing upon the migrant sex worker's fear of deportation (Agustín 2007: 31). Ultimately, because "prostitutes" are not given workers' permits or rights on the same basis as other migrants, they lack some of the basic options and resources they need to survive. As a result, some migrant sex workers may choose to work in "less free situations," such as a brothel, because lodging, food, transportation, and protection are all included (*ibid.*). This helps them to consolidate costs while abroad, allowing more money to be sent "back home."

While anti-trafficking discourse generally suggests that all individuals are motivated to engage in sex work for economic reasons, there are in fact a plethora of other factors that may influence an individual to engage in sex work after migrating. Many make the decision to engage in sex work based on their struggles to ensure economic and material survival, "caught between the risks and benefits of living life independently ... and dependency on a particular man or a particular family" (Phoenix 1999: 74). However, their decision-making cannot be reduced to economic considerations alone. Some may travel for pleasure and are initially attracted to the migrant sex worker lifestyle because they perceive it to be exciting and glamorous. Many are also attracted to this type of work because they desire independence, flexible work schedules, and access to luxury items they would be unable to afford otherwise.

In order for migrant sex workers to be eligible for international protection or government assistance, they must present themselves as innocent "victims" (Doezema 1998); this may reinforce the stereotype of sex workers as poor and destitute—easy prey for those who seek to exploit them. Joanna Phoenix recounts the experiences of sex workers who acknowledged that they had to rephrase the official version of their stories "in order to become what the official agencies saw as a legitimate victim" (1999: 165). A sex worker could be disqualified from being a "legitimate victim" simply for "not wanting to better [herself]" (Phoenix 1999: 165). One final material reality of migrant sex workers' lives which anti-trafficking discourse largely obscures is potential conflicts with the national or native sex workers. Even if a nation permits citizens to practice sex work, the majority of nations prohibit migrants from working as "prostitutes" (Wijers 1998).

Thus, the presence of migrant sex workers may interfere with and possibly impede the progress of national efforts to legitimize the industry (Agustín 2007).

Gender, migration and family-based networks

Sex workers of every age are not just sex workers—they are also daughters, sons, mothers, fathers, sisters, and brothers with very real economic responsibilities that may encourage commercial sex work. Family obligations to parents, siblings, and children, as well as planned investments in their home community (building a home or small business, school costs for younger siblings, children, and often nieces and nephews) are the most common motivations for entry into sex work. These represent the most significant regular expenses (other than personal living expenses) for the majority of the sex workers participating in this study. Sex work is a strategy that allows marginalized people to earn more money than they would be able to otherwise.

Migratory work is an integral part of subsistence strategies for many families in Mexico, often taking the form of agricultural work throughout California, Florida, and the mid-west. Sex workers also follow these migratory networks, traveling to border areas like Tijuana or venturing into agricultural areas in the US on a seasonal, rotating basis. Sex work migration appears to function in much the same way as other forms of migration. Many of the participants in this study discussed the role of sex work activities in relation to seasonal work routes, extensive regional social networks, and economic support in the form of remittances. As noted by Dilip Ratha (2003), remittances are the second largest source of external funding in low-income countries. India and Mexico lead the world in reliance upon remittance-based income from foreign countries, which amounts to just under ten billion dollars a year for Mexico alone. Although the majority of these remittances come from work in the US, internal migration strategies are also common, providing a substantial revenue stream in addition to remittances sent across international borders.

Because participants did not readily identify themselves as migrant workers, the migratory status of sex workers was assessed in several ways. Although roughly 30 percent of the sample could be considered migrant sex workers (this is a conservative estimate, based on whether or not remittances were provided regularly to family in other areas), even in this small study it was readily apparent that the precise number of “migrant” sex workers in any population will depend very much on the ways in which this status is defined. These complexities are important to consider, particularly for survey studies that seek to measure specific outcomes among migrant populations. In a survey, a distinction should be made between permanent migrants (that is, those who move to a new location and reside there permanently) and seasonal, or temporary migrants (that is, those who work “away from home” in one or more locations throughout the calendar year, or for a short duration). Some migrants settle in Tijuana permanently, even though they do not consider the city their true “home.” The relative strength of ties to home and family in one’s sending community should also be assessed.

In this study, this was assessed in several ways, including the amount of financial support provided through remittances, how much time was spent “at home” during the calendar year, and for mothers, whether or not their children stayed “home” (usually with grandparents) while they were away.

Although the majority of sex workers in this study had lived in Tijuana for at least five years (49.2 percent) or for their entire lives (17.3 percent), just over one in three were relatively new arrivals (33.5 percent). Of these, 14.7 percent had lived in Tijuana for less than one year, and 18.8 percent for between two and five years. Many sex workers in Tijuana are tightly integrated into family networks extending into other areas of Mexico. Even though many reside in Tijuana for much of the year in order to work, a significant portion of the population have family ties in other areas of Mexico where they spend a substantial amount of time (38.1 percent). Of these, just over half (50.6 percent) spend up to a month with those family members each year, while others live with them between one and six months (36.5 percent) or six or more months (12.9 percent) out of the year. Even so, only one of out five planned to return “home” (that is, the city or town that they originated from) permanently. It is not clear why this was the case. Some stated a growing preference for a newfound standard of living in the city, a new life, or identity apart from the family, or a needed separation from a more conservative home community. Others feared that family and neighbors would know of their activities as sex workers and that they would be forever ostracized by members of their community of origin.

Family ties and economic responsibilities configured prominently in the lives of sex workers. One in four (25 percent) of all sex workers in this study sent money to relatives to pay for basic living costs. An additional 5 percent of the full sample sent money to relatives to help build the family home, to send siblings to school, or to pay for medical care for aging parents. Of those who sent money home on a regular basis (about 30 percent of the full sample), most, on average, sent home about half of what they earned. As is evidenced by remittance patterns, ties with home, or sending communities, remain strong. Forty-one to 45 percent visit family in other areas of Mexico regularly every year, 29 to 41 percent live with those family members (usually parents and siblings) while they are there, and many (19 to 31 percent) plan to return home someday. Few were involved in the wage labor market when at home, choosing to spend their time reconnecting with their friends and loved ones, especially their children.

Social networks and migration experiences are gendered. Many female sex workers sent regular monetary support to family members in other parts of the country, in addition to supporting family in Tijuana. Male remittances were much lower. Surprisingly, the transgender workers in this study were also heavily involved in the support of family members in sending communities (even more so than females)—over 50 percent sent money home on a regular basis. The reasons for this are not clear. It may be that female gender identity, which can include roles such as a dutiful daughter or sister, encourages higher remittances among women and transgender females. This is a finding that needs to be explored with additional research.

Contrary to how immigrants are portrayed in the US media, permanent migration to the US was not the goal for most participants. Although one transgender worker indicated that she wanted to work in San Francisco as a “drag queen,” and a few others indicated that they enjoyed traveling in the US or making money there, few wanted to move to the US permanently. There were a few who wanted to stay in the US but were deported because they did not have the necessary documentation to stay legally. The majority preferred Mexico, saying they were treated poorly in the US, and they had experienced too many linguistic or cultural barriers and discrimination. The greater cultural emphasis on family and social relations in Mexico was both more familiar and appealing. This point is evidenced by the fact that many participants had more than one opportunity to remain in the US (42 percent to 63 percent migrated back and forth from the US in order to work, but also to visit family, have fun, shop, and travel), but most returned from the US willingly, preferring to live in Mexico among their family, friends, and cultural homeland.

Discussion

As noted by Agustín, “People who desire to travel, see the world, make money, and accept whatever jobs are available along the way do not fall into neat categories” (2007: 2). Consequently, variation in such factors as race/ethnicity, sexuality, local legal and social status of “prostitution,” or different “prostitution” sectors may greatly alter an individual’s experience as a sex worker. Anti-trafficking discourse masks the existence and importance of such factors. Race, ethnicity, and appearance can greatly affect a sex worker’s success depending on the country or context. For example, Kempadoo explains that White European women have higher class positions in the Caribbean, while local Afro-Caribbean “prostitutes” are more likely to work in the streets (1998). This hierarchy could be reversed in a European country, for instance, where Afro-Caribbean women may be viewed as an exotic minority. Sexuality also appears to play a differing role depending on the environment. For example, Khartini Slamah reports that 70 percent of all transsexuals in Malaysia engage in sex work (1998: 210). The legal status of “prostitution” in a particular region or country has important implications as well.

Whether a prohibitionist, regulatory, abolitionist, or decriminalized system is in place greatly impacts the migrant sex worker experience. In terms of social status, Coco Fusco explains how in Cuba “on the street these women are perceived as heroic providers whose mythical sexual power is showing up the failures of an ailing macho regime” (1998: 154). Finally, Henry Trotter explains how “the many prostitution sectors are all structured differently, creating great diversity in the experiences women have as sex workers” (2007: 106). Consequently, it is difficult to generalize the experiences of high-priced escorts, streetwalkers, urban brothel women, hotel sex workers, or dockside prostitutes to one another. Trotter describes other important factors which relate to violence against sex workers including the social and legal status of the client, location of negotiation, location of

sexual act, level of discretion in the solicitation process, and role of third party involvement (*ibid.*).

Some migrant sex workers indicate that they derive some psychological benefits from their activities. In discussing his HIV/AIDS prevention work in Rio de Janeiro, Brazil, Paulo Henrique Longo suggests that at times money may actually be a secondary, rather than primary objective for the male “hustlers” with whom he has worked (1998). Based on her work with female sex workers in Cuba, Amalia Lucía Cabezas (1998) further reiterates how financial incentive may not always be the main priority for engaging in sex work. She explains how important gaining control over their own bodies is for many Cuban women. Cabezas also points to nationalism as “an extremely important and explosive factor” for engaging in sex work in Cuba based on “the desire among the populace for the kind of nonproductive leisure and pleasurable consumerism that the Revolutionary government had once linked with capitalist corruption” (1998: 163). This notion is cemented by sex workers’ common defense of their right to work: “We’re helping the country!” (1998: 165).

There are some individuals in the world who are forced or coerced to engage in sex work activities against their will and are moved across borders by those who profit from these activities. However, there is no evidence that these circumstances represent the vast majority of commercial sex activity around the world. How can we reconcile these vastly different viewpoints? It is possible that both viewpoints have some merit.

In a move away from a hegemonic feminism that universalizes women’s experiences of gendered subordination, many feminist scholars now attend to the complex interrelationships between gendered subordination, racial discrimination, and economic deprivation by using an intersectionality framework (Mann and Kelley 1997). Intersectionality theory works to highlight the multiple and interconnected ways that subordination affects our experiences—but it also recognizes that not all individuals are subordinated in the same way. It is this framework that sets the foundation for understanding the multi-dimensional relationship between an individual’s position within the sex work hierarchy, their differential exposure to occupational risks, and their ability to successfully manage those risks in everyday life. In the sex work hierarchy, gender, race, and class are not the only social forces that have an impact on the experiences of individual sex workers. Legal status, migratory history, age, worksite, and language skills also shape work experiences by filtering the kinds of customers they may come into contact with, the kinds of working conditions they may have to deal with, and the relationships they might have with health inspectors, clinic staff, or police. Occupational risks are not distributed evenly. And, the ability to successfully deal with occupational hazards depend very much on individual position within the hierarchy and individual resources.

Anti-trafficking discourse, which tends to frame all migrant sex work as inherently exploitative and abusive, ignores the fact that there are few viable alternatives for migrants in most countries. This stance can prevent us from recognizing that many widespread economic changes need to occur before sex workers

decide to move into another line of work. For many, sex work is perceived as the lesser of two evils in comparison with other exploitative forms of labor such as sweat shops, factory labor, domestic work, and the like. Many migrant women choose sex work because they find “the pay and working conditions of respectable domestic service” insulting, consider personal enjoyment important and do not see selling sex as different from any other job (Agustín 2007: 126). Additionally, these other job options generally provide “little security, stability, or prospect of occupational mobility, promotion or training” (Phoenix 1999: 77). Furthermore, Slamah explains how transgender sex workers in Malaysia turn to sex work because it is generally the only employment option where they can dress as a woman at work (1998: 212). In her chapter, “An International Perspective on the Sex Industry,” Jo Bindman reiterates, “Slavery is not inherent to the sex industry. Many women all over the world go to courageous lengths to enter the sex industry ... These are women considering all the dangers ... and still calculating that this is their best available option” (1998: 68).

Finally, for individuals who have migrated alone, involvement in sex work actually has the potential to increase their social support system, make them feel more at home, and increase their quality of life. For some, involvement in sex work activities “has increased their circle of friends, widened their social networks and given them a sense of community” (Phoenix 1999: 87). This is not meant to overly romanticize this kind of work, but rather to acknowledge that for some, it may provide access to a new and better life that they would not have access to otherwise.

Given that sex workers negotiate myriad dangers and constraints in their everyday world, who better than they to tell their own stories? To have a say in what they do with their own bodies? To decide their own futures? We, activists and academics alike, need to listen and then work to ameliorate the conditions which heighten vulnerability. There is room for middle ground between those who emphasize abuse and exploitation and those who tend to focus on agency and autonomy. As noted so eloquently by Radhika Coomaraswamy, former UN Special Rapporteur on Violence Against Women, “The root causes of migration and trafficking greatly overlap. The lack of rights afforded to women serves as the primary causative factor at the root of both women’s migrations and trafficking in women ... By failure to protect and promote women’s civil, political, economic and social rights, governments create situations in which trafficking flourishes” (US Department of State 2009).

Notes

- 1 This research was supported by the National Science Foundation, Americas Program Grant # 6028113. Additional support was also received from the Center for International Studies at Yale University, the Center for Interdisciplinary Research on AIDS at Yale University, and the Association of American University Women.
- 2 It should be noted that this decision is not without its problems. Participants in this study giggled at the notion that they were “sex workers,” as many of them saw sexual exchange as something they “do” not something they “are.” Those who did reference

what they did in terms of identity instead referred to themselves in the pejorative sense, as a *puta* (Spanish for whore).

- 3 One survey was eliminated from the analysis due to incompleteness.
- 4 Based on her own experience as a sex worker in Japan, Momocco explains that sex workers consider their sexual organs to be “business tools, just as appearance and communication,” so consequently place great effort and expense in maintaining them (1998: 179).

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11 Between trafficking discourses and sexual agency

Brazilian female sex workers in Spain¹

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Introduction²

During the first decade of the twenty-first century Spain attracted significant numbers of Brazilian immigrant women. At the same time, sex trafficking along routes leading to Spain became a matter of serious concern fed by international police actions and anti-trafficking media campaigns undertaken by the Brazilian government and nongovernmental organizations (NGOs) (Blanchette 2008; Grupo 2005; Piscitelli 2008). Taking this public anxiety as reference point, the present chapter examines the migratory processes and work experiences of Brazilian female sex workers active in Spanish cities.

My principal argument is that the meanings presented by Brazilian sex workers clash with those which are expressed in the notions of prostitution and international trafficking of people present in the current public debate regarding these topics. Simply put, Brazilian migrant sex workers' acts and beliefs defy political and cultural protocols on the national and international level and also fly in the face of the "destiny" which Brazilian society lays out for these individuals.

My analysis here is based on anthropological research conducted over seven months at different moments between November 2004 and April 2009 in Barcelona, Madrid, Bilbao and Granada. My field work included direct observation in spaces where sexual services were offered, such as the streets, in apartments and clubs. It included in-depth interviews with fourteen Brazilian women and five Brazilian transgendered individuals who offered sexual services for sale in these cities, a further two Brazilian women who were integrated into the social networks of the other interviewees (but who did not work in the sex industry) and with five Spanish clients. I contacted some of my interviewees through NGOs which offer aid to sex workers and these initial contacts gained me access to other sex workers, their friends, colleagues and clients. My interviews were conducted in places in which sexual services were being offered for sale, during my interviewees' breaks, and also in cafés, bars and apartments. Most of my interviews were recorded with the consent of the informants.³

My field work also involved informal interviews with four owners of prostitution-oriented establishments and in-depth interviews with 28 agents who worked for entities which offered aid to migrants and/or sex workers, as well as the legal

representative for the Asociación Nacional de Clubs de Alterne (ANELA) in Barcelona, Brazilian consulate workers in Barcelona and Madrid and functionaries of the *Comisaría de Extranjería*. Finally, my research included analysis of secondary sources and material as well as migration statistics, academic research and reports regarding prostitution, media material (particularly articles in *El País* newspaper) and a Spanish internet site frequented by prostitutes' clients.

Ethnography, the central methodology I used in my study, has proven to be a powerful tool for unpacking a series of widely propagated suppositions regarding the migration of sex workers. I refer here to the prolonged insertion into a given field as a participant-observer for months at a time, a situation in which direct observation is fundamental and in which intense interactions affect the material collected in "ethnographic interviews" (Pack 2006). My ethnographic labors were of fundamental importance for my comprehension of the perspectives expressed by my interviewees and of the different spaces in which agency operates during the migratory process.

In the first section of this chapter I describe the debate regarding trafficking of people in Brazil and Spain and comment upon certain aspects of the sex industry in the latter country, creating in this fashion a context for reader comprehension of my Brazilian interviewees' views and opinions. I then depict these women's migration trajectories, the routes they followed to their insertion in the European sexual market, their manners of traveling and the principal notions and concepts under which they operate. In conclusion, I demonstrate which ideas are of central importance in these workers' definitions of trafficking of people. It is my contention that they conceptualize the phenomenon in a way which calls into question current understandings of trafficking as codified by national and international laws.

The debate over trafficking of people in Brazil

The Palermo Protocol⁴ is the world's most recent attempt to develop a legal definition of trafficking of human beings. The Brazilian government ratified the Protocol in 2004, in a context of intense social mobilization regarding the issue. The Brazilian process demonstrated certain particulars when compared with other nations' experiences with ratification, however. First of all, it included participation by civil social movements. Secondly, it took place under fairly intense pressure by multilateral international agencies. Finally, it inaugurated two different and conflicting definitions of "trafficking" within the Brazilian legal system.

Analyses of how the Palermo Protocol was prepared call attention to the divisions present among Anglo-American feminists over the issues of pornography and prostitution and how these lobbies impacted upon the Protocol's confection (Doezema 1998; 2001). While the debates regarding the "sex wars" raged on in the English-speaking world (Friedman and Thorne 1984; Chapkis 1997), the feminist movement in Brazil was engaged with other topics which, by and large, did not include prostitution. Beginning in the 1970s, Brazilian feminism first concentrated on the struggle against the country's dictatorship and also worked

against domestic violence and, later, in favor of health and reproductive rights (Corrêa 1984; Moraes 1996). Towards the end of the 1990s, when civil society began to take up the struggle against the trafficking of people, the main stimulus came not from the feminists but from children's rights groups.

This process was intensified due to the political pressures from and the financial support given by multilateral supranational agencies, in particular the United Nations Office on Drugs and Crime (UNODC). In accordance with a technical cooperation agreement made with the Brazilian government, UNODC injected large sums of money which subsidized a series of activities undertaken by the government and civil society and which culminated in the formulation of Brazil's National Policy for Confronting Trafficking of People in 2007 (Ministério da Justiça 2007). The policy's elaboration process included widespread consultation with civil society movements and organizations but it did not include any substantial interaction with Brazil's prostitute organizations, which had existed since the late 1980s. On the few occasions in which these groups' representatives participated in the meetings regarding the Policy, their interventions provoked tension as the prostitutes saw anti-trafficking discourse as yet another means to combat prostitution, this time supported by widespread public opinion.

The anti-trafficking movement ended up affecting Brazilian feminism, however. From the second half of the 2000s onwards, people trafficking became one of the main themes of certain important coalitions of women's groups and through their engagement with the trafficking issue, these groups began to incorporate an anti-prostitution discourse as well. Brazil's prostitution laws can be qualified as abolitionist in intent and scope. Though prostitution is not considered to be a crime, all activities surrounding prostitution are criminalized.⁵ Brazilian feminism, with some exceptions, began to position its understanding of prostitution within these terms, refusing to see it as work, rejecting calls for legalization and somehow recreating on a Brazilian level the discourses proffered in international debates which situate sex workers as slaves and which rarely take into consideration these women's voices (Agustin 2003; 2005; 2007; Kempadoo et al. 2005). In this fashion, echoes of the English-speaking world's "sex wars" finally impacted upon Brazilian feminist discourse via the trafficking debate, 20 years after their formulation in the northern hemisphere.

Though Brazil has ratified the Palermo Protocol, the crime of people trafficking in Brazil continues to follow the Brazilian Penal Codes dispositions, established in 1940. The Palermo Protocol considers trafficking victims to be people who are targets for fraud, coercion, abuse or the exploitation of some sort of vulnerability during the migration process in order that they might be economically exploited in any activity or subjected to forced labor or situations analogous to slavery. The Palermo Protocol includes several ambiguous definitions in its listing of situations understood to be human trafficking. However, it does not intend to qualify simple migration in the function of labor within the sex industry as trafficking, given that this does not necessarily result in forced labor as a prostitute (Doezema 2001; 2004).

By contrast, the Brazilian Penal Code exclusively links trafficking to prostitution and, moreover, defines the crime as aiding or abetting the movement of women who will work as prostitutes, regardless of questions of consent, exploitation, or respect of human rights.⁶ Originally, this law saw only women involved in international travel as potential trafficking victims. However, recent modifications in the law have widened its coverage to people of all genders and domestic as well as international travel.⁷ Different from the Palermo Protocols then, Brazilian laws regarding trafficking do not base their definition of the crime on the use of fraud, violence, threats or forced labor – these sorts of situations simply increase the crime’s gravity, making stipulated punishments worse. The Brazilian penal code qualifies any migration for sex work as “trafficking” and punishes as criminals anyone who aids women during their movements. This includes anyone who loans these women money, helps them buy tickets, gives them shelter or in any way helps them to travel (Castilho 2006).

The varied interpretations of prostitute migration which are made possible by two different and competing legal definitions of “trafficking” have predictably resulted in significant divergences between how these migrations are seen and acted upon in any given situation. One of the most important effects of this dual legal code is that police actions and judicial interpretations which have supposedly been undertaken to repress human trafficking in Brazil have, in fact, largely focused upon repressing prostitution, even in those cases where sex work involves consenting adults and no human or workers’ rights violations at all (Castilho 2008; Oliveira 2008).

These practical effects of the “anti-trafficking struggle” have tended to be ignored in public debates regarding the phenomenon in Brazil, which continue to be orientated by the “trafficking as slavery” discourse. The materials distributed by anti-trafficking campaigns (especially in airports) offer an example of how the problem is still being perceived: posters and handouts circulated by the campaigns generally show images of enchained, crying, imprisoned women. Another commonly held belief which increases social panic surrounding the trafficking theme (Grupo Davida 2005) is the idea that trafficking is somehow orchestrated by international “mafias.” The overall effect of these campaigns and their propaganda is to cast a suspicious eye upon the social networks which have traditionally aided migration in Brazil – especially when the migrants involved are poor, female, or transvestites. Within this new discourse of social panic, even migrants’ relatives are considered as suspect, supposedly being accessories and allies of internationally organized criminal groups.

The discrepancies between these two definitions of trafficking and their legal effects are only now being publicly discussed in the Brazilian debate regarding the phenomenon. Proposals to harmonize the two definitions are still in their infancy and are hampered by the necessity of changing the Brazilian Penal Code in order to decriminalize activities surrounding consensual, non-human rights violating prostitution (blanchette 2008; Castilho 2008; Nederstigt e Almeida 2007). Within Brazil, the alliances and actions surrounding the anti-trafficking struggle quickly multiplied while remaining almost completely disassociated from the country’s

legal realities. Listening to the majority of anti-trafficking activists discuss the problem in the final years of the first decade of the twenty-first century, it was as if no legal contradictions existed. Within this context, a widespread and diffuse movement geared towards repressing prostitution began to take hold in the country's major metropolises. This movement generally used the rhetoric of "rescuing enslaved victims" from the claws of "international organized crime networks" as justification for the institution of anti-vice campaigns. This contextual background must be kept in mind as we turn towards our analysis of Brazilian sex worker understandings of prostitution and migration in Spain.

The Spanish sex industry

During the 1990s, the internationalization of labor migration began to have a significant impact upon many Spanish economic sectors, including domestic labor, work in the agricultural and fishing industries and, finally sex work. More and more, foreign laborers from several different parts of the world became a significant presence in these industries.

The diversified Spanish sexual industry includes sex phone lines, peep shows, strip clubs, erotic show halls, internet sites and the offer of sexual services in bars, along highways and streets, in rented apartments (*pisos*) and in clubs (Pons et al. 2002). *Pisos* are different from other venues in their organization, size and "level" (as expressed in the prices charged and in the social typifications of the workers active in them). Some employ female workers exclusively while others employ "trans"⁸; some have a mono-national workforce while others are ethnically diverse.

Clubs concentrate a significant portion of the sexual services on sale in Spain. These venues are quite diverse, encompassing relatively small "traditional" establishments (whose profits either come from the sale of drinks and/or from a percentage of the sexual services negotiated on the premises) at one extreme and the big new *hotéis-plaza* at the other. These are organized according to the strictures of modern "management philosophy" and may employ up to 150 women work and live there for up to 21 days at a time. In the *hotéis-plaza*, owners' profits come from the women paying to use the space and paying for food (Pons 2003).

Clubs and *pisos* are apparently going through a period of expansion, following the intensification of Spanish government programmes which attempt to reduce the demand for sexual services. In the first half of 2000, under pressure from the European Union to reduce irregular migration and international human trafficking, Spanish laws regarding prostitution and migration were simultaneously modified.⁹ The synergy between the two new legal codes made it so that the massive presence of foreign immigrants in the sex industry (who were often in Spain irregularly) was read almost automatically as proof of illegal activities, the result of human trafficking.

In 2006, at the high tide of Spain's social panic regarding prostitution, a congressional and senatorial committee opened up discussion regarding the possible recognition of prostitution as work. The resulting fierce debate divided

feminists, political parties and labor organizations and concluded in 2007 with a request that prostitution not be recognized as work as it is “a form of sexual exploitation, of violence towards women who are, in their majority, foreign and connected of human trafficking.”¹⁰ It was then proposed that Spain create a national plan to fight the demand for sexual services. At the same time, the municipal governments of several cities intensified the repression of street prostitution through the use of *ordenanzas* which restricted behaviors in public places, a form of repression of prostitution similar to that used in other cities of the northern hemisphere in neighborhoods slated for gentrification (Bernstein 2007). In Spain, these measures – in large part associated with activities undertaken by the country’s immigration police – have resulted in fines for prostitutes’ clients and the deportation of women who are irregularly in the country.

The immediate effect of this debate was to intensify the moral tone of Spain’s anti-prostitution campaigns, increasing penalties against clients and rising the vulnerability of those people offering sexual services in the streets and along the highways. These sex workers became ever more subject to police intimidation and the resulting situation ended up provoking a reorganization of the Spanish sex industry. Street prostitution is becoming absorbed by closed spaces, clubs and – in particular – apartments.¹¹

Many reports point to a significant presence of Latin-American women (including Brazilians) in some regions and niches of the Spanish sex industry. Some of these women work in the street, but most tend to concentrate in closed spaces: *pisos* and clubs of varying size. The opinion of the representative of the ANELA in Barcelona confirms this impression. According to the ANELA representative, some 14,000 women were at work offering sexual services in the Association’s establishments during the second half of the first decade of the twenty-first century. Of these workers, some 40% were from Eastern Europe (Russians, Romanians, Czechs and citizens of the successor nations of Yugoslavia). Latin American women – mainly Brazilians and Colombians, though also Uruguayans, Venezuelans, Dominicans and very occasionally Argentineans – made up another 40%. Africans, clearly considered to be inferior, had a smaller presence.

Trajectories

The Brazilian women I interviewed were very diverse in terms of their insertion in the sex industry, the amount of time spent in Spain, their legal situation, age, state of origin and skin color. Research has shown, however, that in spite of this diversity, certain patterns were recurrent in terms of the notions these women had with regards to sex work and human trafficking.

These women worked mainly in clubs and *pisos*, but some also worked the street. The amount of time they had spent in Spain varied between one and ten years. All had entered the country as tourists and it’s relevant, in this context, that Spain does not request tourist visas for Brazilians, but restricts their permanency in-country to three months. Only five women had obtained legal residency, most of these through marriage and only one had subsequently stopped working in the

sex industry. The rest of the women were in Spain irregularly and were fighting extradition and “expulsion notices”¹² and had begun some sort of legal struggle in order to legally remain in the country and not be deported.

Brazilian women working in the European sex industry tend to be imagined as very young and very poor mothers, Black or dark-skinned, with low levels of formal education, originating from the country’s poorest states and without any prior history of work in the sex industry. It is also imagined that they have largely been exposed to fraud and/or violence on the part of “trafficking mafias” who cynically manipulate these women’s socio-economic vulnerabilities to entrap them in a situation analogous to slavery. The profile of my informants puts these stereotypes into question.

Some of the younger (around 20 years old) women I interviewed moved into the European sex market upon completing adolescence. Others, however, were in their thirties and some were even in their forties. This last group of women struggled with the fact that their age was considered “advanced” in Brazil where they had to increasingly struggle to make money in the sex trade. For these 40 year olds, migration to Europe became a way of extending their career as sex workers, given the fact that prejudices against more mature women are felt to be greater in Brazil. As one of my interviewees put it:

Here [in Spain] there are women in there 70s who are still working ... In Brazil, men have that mentality that only young women, 18 to 20, are worth anything. In Europe, it’s different ... Here if you’re 70, you can still make money ... Even find a husband ... I have clients who range from 18 and 20 years old on up to 90.¹³

The level of formal schooling these women have received is, indeed, relatively low, with only one having attended university, but most of them have more years in school on average than is the norm in Brazil. Some were born in the poor states of the Brazilian Central West and Northeast, but the others were from regions considered to be relatively wealthy in Brazil: the South and Southeast. Only two had left children behind in Brazil. In terms of the racial classifications currently operative in their homeland, most considered themselves to be white and only two thought of themselves as brown or *mulata*. Most of the women were lower middle class at the time of their migration from Brazil and only two were members of the lower classes. Economic conditions were determinative for most of the women’s insertion into the Spanish sex market, but this in no way signified that their lives in Brazil can necessarily be considered to have been miserable. Most of my interviewees spoke of a feeling that they lacked an economic “future” in their country of origin. According to one woman:

I don’t need to be away from my family in order to eat. In Brazil, you can plant manioc, raise chickens. You’ll eat, all right. It wasn’t hunger which made me come here: it was me trying to do something with my life. ... I’ve always worried about tomorrow, about what things will be like when I’m 60.¹⁴

All my interviewees worked in the sex industry in Brazil, prior to migration, following other activities in both the formal and informal sectors of the economy.¹⁵ Prior to becoming sex workers in Brazil, they had worked as baby-sitters, maids, factory workers, waitresses, school teachers, saleswomen, secretaries and even small business women. They considered these forms of labor to be poorly paid in comparison to sex work, especially in terms of the amount of labor required for money earned. This was the motive these women cited to explain why they decided to work in the sex industry.

While still in Brazil, some women worked in the sex industry only intermittently. Some ended up doing *programas*¹⁶ for brief periods of time with Brazilians and foreigners in Rio de Janeiro or in the loosely organized sexual tourism of the Brazilian northeast. Others, more “professional” survived exclusively on *programas* for several years before finally migrating to Europe.

Most of the interviewees migrated with the express purpose of working in the European sex industry. One, however, came to Europe to work as a nurse and only later decided to go into sex work upon learning that this paid far more. In my interviewees’ testimony, sex work was portrayed as tempting due to the difficulties migrants – and especially irregular migrants – confront in finding well-paid work that’s not subject to extremely exploitative conditions. In this context, they emphasized the relative advantages prostitution offered over other kinds of available work in terms of flexibility of labor conditions and benefits gained for effort expended:

If I were to work in anything else. what would I have left over for me? Cleaning floors ... You make so little and that’s the problem. If I were to make a lot, hell, I’d sweep the streets. ... But to work for 800, 900 euros [a month]? No way. I like working as a prostitute. Some people say it’s easy money, but it isn’t. However, you do have more opportunities to make more money. If you want more, you just work more hours. Our advantage is that we’re free. You’re free to do what you want!¹⁷

Only one of my interviewees returned to Brazil when her tourist visa expired and declared that she wouldn’t be coming back to Spain. However, once back in her hometown, a comparison of the dynamics of the sexual market of that city with sex work in Bilbao and the amount of money which could potentially be made in Spain made her decide to return to Europe:

I started comparing what I made here and what I made there and it didn’t make sense to stay [in Brazil] ... This was in 2000. One *programa* with a *gringo*¹⁸ back home would make me 100R\$ [USD50\$] and the same thing with a Brazilian was only 30 or 40R\$. And in Brazil, you have to stay all night with the man, whereas here it’s only 20 minutes ... If you’re with someone you don’t like – a fat old man, for example – it’s horrible to have to spend the night with them ... When you’re with many different men, things change at least. One’s more handsome, another nicer, another cruder ...

What really weighs on you there is knowing you'll have to spend the whole night with one man for 100 reals when here you could have made 3 or 4 thousand reals in the same period if you really put your head to it, understand?¹⁹

Voyages

Studies of international trafficking of human beings focus on travel in order to offer clues as to how to detect international trafficking networks operated by organized crime. My interviewees report three types of international voyages. The first type of travel is undertaken autonomously and under the women's own free will. It does not involve indebtedness, nor does it engage a large number of intermediaries. The women pay for their own trip and travel with the express purpose of finding work in the European sex industry. One woman describes the process in the following fashion:

I worked [as a prostitute] in São Paulo and I heard the women coming back from Spain and talking about how good it was over here. So I bought a ticket with my own money and I invited two other girls to travel with me. I brought along 800 USD. I had a contact address over here in Coruña [in Galicia]. This place was a club, however and an older woman like me doesn't make much money in clubs. So we came to Barcelona. I began to make money [working on the street] at Carrer Sant Ramon.²⁰

Debts appear as a constant element in the second type of travel. In this, overseas voyages are financed by Spanish clubs and necessarily involve wider networks of people. In some cases, the women are contacted in Brazil. In others, the women invest time and effort in order to obtain the necessary contacts. Testimony from women who migrated from different Brazilian cities to work in clubs in Bilbao and Almeria, in Andalusia, allude to these intermediaries and to the role debts play in these voyages, practically tripling the normal price of an air ticket:

I worked in Rio de Janeiro. An Argentinean contacted me and asked me to come to Bilbao. The problem is that he wanted to make too much money off of me. Through him, I came directly to the club in Bilbao.²¹

I used to go to a disco. There was a taxi driver I knew who'd take me there and he'd say "Girl, don't you want to go overseas to work?" I said that I did ... He said I could make a lot of money. ... He helped us get our passports ... and we came ... through Paris. I didn't realize what a risk we were running if the police caught us ... We came here by bus from Paris ... As soon as we arrived in Bilbao, we called the person who was waiting for us ... and they came to pick us up ... Later [he] took us to the club ... The cost of the voyage was 3 thousand euros ... and we had to pay the club 40 euros a day. I got desperate when he told me about the 3 thousand euros ... Our passports stayed with us and our return tickets home, too ... I spent several days

crying ... One time, the guy who picked us up at the bus station asked if I wanted to go home. This was without me having paid off the debt ... I said no, because I didn't want to have any trouble with these people. I said I'd pay off the ticket and then go home if that was what I wanted. And I paid everything off in a month – less, even ... What I made afterwards was mine alone.²²

It took me awhile to find out how to get to Europe. More than a year ... I had a friend who had a friend ... And that's how we got the information, at a travel agency ... First, I went to a club in Almeria, which wasn't a good place. But I had a friend who had contacts with another girl in Barcelona who had worked in a club and was a good friend of the owner. The woman who owned this club in Barcelona finally sent money for us to pay off our debt and come to Barcelona ... [When I arrived in Barcelona], I still had to pay off 800 euros, but in the first week I got lucky: I made 1700 euros, paid off my debt and had money left over to send back to Brazil.²³

The third type of voyage is predominant in my informants' testimony, however. This involves informal networks of friends, acquaintances and relatives who are already living in Spain. These networks are analogous to those used by other types of Latin American migrants and, in the past in Brazil, by internal migrants coming down from the north and northeast of the country to look for work in the southeast. The main difference is that the networks which are activated in order to work in the European sex industry are basically made up of women and, in particular, female friends, neighbors and relatives. This type of trip may or may not involve debts. When it does, it tends to involve interest which is similar to that charged by clubs and discussed above. When this interest is not "excessive," it is seen as "logical" and is understood to be an "obligation" to pay back the "help" received. One interviewee made clear her disgust with the girls she "helped" to travel:

I brought five girls over here. You help with the costs of the ticket, you loan money. When they get here, they screw you over ... They don't want to pay you back ... Now, with the mafias, no. They take your passport, understand ...? If I decide to bring someone over again one day, I'm going to charge first in Brazil and THEN bring them over ...²⁴

When a plane ticket is a present that is part of kinship reciprocity circuits, this kind of trip doesn't require the migrant to pay back any debts. According to one interviewee who was "helping" her sister:

My sister was [studying] production technology in Brazil. Her classes ended in December and seeing she couldn't find work, I paid her ticket for her to come to Spain. Here, she was able to work part time in her field and part time in prostitution, which is where you make real money.²⁵

According to the Brazilian Penal Code, all three of the modes of travel described above can be understood as criminal international trafficking of people. As is the

case with any immigrant, all of my interviewees had some sort of help or support in either their journey overseas or their insertion into the Spanish sex industry and this can be legally understood as “facilitating trafficking.” Some women, in fact, were both “trafficking victims” and “traffickers” at the same time, being that they had helped other women migrate and/or find work in the sex industry. In defining trafficking strictly according to the Palermo Protocol, however, only those voyages which were subsidized by Spanish club owners combined transnationally organized groups and the existence of debts, elements which are understood as being relevant to the crime of human trafficking. However, following this definition of trafficking, it would still be necessary for “exploitation” to exist in order for the situation to be qualified as trafficking.

The Palermo Protocol more thoroughly explores the concept of exploitation when it discusses economic activities outside of the sex industry. In these cases, exploitation is clearly associated with the idea of forced work, slavery, or servitude.²⁶ The concept becomes murky, however, when sexual exploitation is discussed. This term is not defined by the Protocol and, as we’ve discussed above, its meaning is hotly debated.

Abolitionists consider sexual exploitation to be any sort of prostitution whatsoever, including the sale of sex by consenting adults who work for themselves. In these readings of the phenomenon, prostitution is considered to be an act in which sexuality itself is the object of violence, provoking deep wounds in the prostitute’s psyche due to the abuse and dehumanization to which she (and it is almost always exclusively a “she” in abolitionist literature) is subjected (Barry 1997). By contrast, those understandings of prostitution that support sex worker organizations make a clear distinction between prostitution and exploitation. In this line of thought, exploitation is linked to the characteristics of the global labor market, which are intensifying due to globalization (Kempadoo 1998). This understanding of the prostitution/exploitation dyad maintains clear congruencies with my informants’ testimony.

Work

Work conditions in the Spanish sex industry change in accordance with occupational niche and the type and “level” of the establishment, the region of the country in which it’s located and the immigration status of the workers involved. My interviewees differ on which sort of work venues they prefer. Clubs are generally more appreciated by the younger women, when they offer work conditions which are considered to be adequate, due to the possibility of making a lot of money and of working together with other girls of the same age. These aspects of club work are made explicit by one of my informants, who worked in a club in Bilbao:

Some days you can turn 3 or 4 tricks and some days 5, 6. ... He [the club’s owner] charges a daily club use fee and the rest is yours. ... I made up to 400, myself. But then, I wasn’t the kind of girl who’d keep her nose to the grindstone. For me, club work was mostly fun, because I was with my friends and

we'd always talk about the fact that we lost a lot of money because we'd sit around and talk to each other instead of working the clients ... In the bar or the club, you're with the client and the client buys you a coke, which costs 18 euros, 9 of those euros are yours ... If he buys a 6 euro bottle of water, half or that – 3 euros – was yours. How much would I make ...? I threw away a lot of money by taking breaks and holidays ... We'd travel and stay in top-rate hotels, take taxis and I regret all that now, for not having taken better advantage of my situation. We lived in the club and ate at the restaurant just like normal people ... If you didn't eat there, they gave you back your money. You could have boyfriends, even, but it was like "OK, but whatever you do, please be here at 6 PM ..."²⁷

The payment of club use fees or the retention of part of the cost of the trick by club owners are mentioned by those interviewees who work in the streets as negative aspects of club work. According to these women, even though they only charge about half of the cost of a club *programa*, they end up making almost as much as club girls because they pay no fees and suffer no deductions. Aside from this, the street workers state that the street offers other advantages: they can set their own hours and maintain social contacts which are not involved with sex work. According to one of my interviewees who used to work in a club but now offers sexual services for sale on the streets of Barcelona:

I've already worked at Club X ... and it's not good, because you have to work nights, which I don't like. You have to take *plazas*²⁸ for 21 days at a time and during that period, you don't see anyone else, because you arrive mornings, sleep and then head back to the club. You have to drink with the men. You have to always be nice, ready to chat and I'm not that way all the time. I prefer this kind of life. I work days, I can meet with friends and, if I want, I can quit work at any time and go window shopping. You really don't make more money in the clubs. You make more, actually, but you also have to pay the club fee ... There are many places on the street where you can make a lot of money ... 4 thousand euros a month, on average ...²⁹

Among my interviewees, the concept of exploitation is purely economic and never sexual in nature. Some consider any portion of money, retained by others from the cost of tricks, to be exploitation. Others associate this idea exclusively with excessive retentions and financial abuse. The testimony of one of my interviewees, who I will call "Verônica," clearly defines this second concept of exploitation in terms of work relations. Her narrative describes the kind of work conditions which are possible for a sex worker in a country which refuses to legalize prostitution, especially when this situation is aggravated by irregular immigration status which includes exposure to violent situations.

Verônica went to Spain to work in a club in Andalusia believing that she'd be making 100 euros an hour. Only after her arrival did she learn that half of this would be taken by the house itself. Due to a "slow period," after a month of work

she still had not paid off her debt of 2500 euros. Verônica didn't like work conditions in the club, which she considered to be bad and insecure: "the clients were mainly Gypsies and Moroccans, which are the worst clients for us, because they put knives to the girls' throats." Later, Verônica worked in a club in Barcelona, where security was better and the clients were generally "calmer" Spanish and occasionally foreign tourists. She still felt exploited in this second club, however:

They exploited me I paid 450 euros a months for the room I divided with three other girls; I couldn't use the phone to order food and the manager charged an absurd 20 euros for even a small pizza. At the club in Almeria, the exploitation was less and we could go out and buy our own food.³⁰

In Barcelona, Verônica paid off the rest of her debt in two weeks. After a time, inserted as she was in a widespread network of social relationships, she was able to rent an apartment with colleagues from work, a situation which she considered to be ideal because costs were shared evenly. She "earned well" for a time, but work became harder to find in Spain because "more girls began to show up and there was a lot of competition." Verônica's body style is in accordance with the preferences of Spanish men who consume sex in mid-level prostitution niches. She is 30 years old, but looks younger, is slender but well built, with delicate body movements, harmonious features, light-colored skin and dark silky hair. Her body made it possible for her to work in "good" apartments in Barcelona, which were sophisticated, safe and expensive. She did not have access to these work spaces, however, because of her lack of "papers."

Verônica began to work in apartments in the smaller cities of Catalonia, which were less secure. In one of these, she went through the most dramatic situation she ever faced in her sex work career: "I was working ... and a client tried to kill me ... He's in jail now, accused of rape and battery." Following this traumatic experience, Verônica decided to work in a safer environment: a massage parlor which accepted undocumented immigrant workers. In one of my last meetings with her, in 2008, she reported that she was only working days and felt safe because her clients were "normal people." She complained, however, that she wasn't making enough money.

Between "mafias" and "help"

Verônica associates the concept of violence with the experience she lived through, described above. But she also sees violence in human trafficking, which she understands to be a synonym of slavery:

The slaves ... now those people are victims. I met one. Her father sold her when she was 16 years old. This happens a lot with the Romanians and Bulgarians. Once, on the street, one of them began crying and begging us to help her get out of there. These girls want to escape, to go back [to their parents], even if they have to be deported to do so.

In Verônica's view of things, however, there's an immense distance between the experiences of trafficking victims and her own experiences as a prostitute, a point which was reiterated by all my interviewees. The way these women think about their experiences, then, and the relationship these have to the phenomenon of human trafficking is thus quite different from the views of abolitionist feminists regarding prostitution, trafficking and the legal definitions (and indefinities) of these two phenomena. The interviewees contest notions which are present in the Brazilian legal code regarding the crime of trafficking, but repeat some of the ideas and themes which are present in anti-trafficking campaigns and the Palermo Protocol. However, the women modify these concepts, attributing specific feelings and meanings to generic terms such as coercion, organized criminal groups, fraud, abuse of vulnerabilities, exploitation and violence.

According to their view of things, trafficking is synonymous with deprivation of liberty and forced work. It is linked to "mafias," understood as organized groups which work together to undertake criminal activities. These Brazilian women, however, believe that the "mafias" control women from other parts of the world and especially from Africa and Eastern Europe. One of my interviewees, a woman who works the streets of Barcelona, was quite explicit in distancing herself and her Brazilian colleagues from these groups:

Mafia is when a woman is enslaved, imprisoned. When she's sold. That happens here with the Romanians. But then the police go and arrest those women and not the men who are out there on the streets running the show! And those girls have to work whether they want to or not. They can't stop to eat and they have to eat what's given to them.³¹

If a woman does not know that she needs to repay a loan for a plane ticket, with interest, this is seen as either innocence or "stupidity" on her part and not as the result of fraud. It is also not seen as being necessarily an indication of human trafficking: for that to occur, according to the women, a person needs to be imprisoned or enslaved. The fact that a woman is "watched" while she is in the process of paying off her debt is not understood to be a form of imprisonment. These definitions are quite clear in Verônica's testimony, when she claims that the club where she initially worked did not limit her movements or confiscate her passport, only "watched" her. In order to demonstrate that she was not obliged to stay at the club, she explained to me that one of the colleagues with whom she migrated ended up returning to Brazil without paying off her debt and was able to do so without any problems.

Indebtedness is considered a phase in the migratory process of those women who do not otherwise possess the necessary resources to migrate. It is also associated with two other concepts which are, in turn, linked to different forms of international movement: "deal" and "help." My interviewees believe that when they become indebted to the owners of clubs they are making "deals," as in any other form of commercial transaction. The fact that these club owners are integrated into relatively organized international networks does not transform these

men into members of “mafias.” One of my informants specifically defined the situation in this manner:

What is a mafia? Is it charging twice the cost of the plane ticket? That’s not a mafia ... you want to go to Europe, but don’t have money for the ticket. The ticket costs 1000 euros, I buy it for you because I have money, but I want 3000 euros in return. You accepted the deal. It’s a done deal. Period.³²

“Help,” on the other hand, is linked to travel undertaken with the aid of informal networks made up of people who are close to the migrant. It involves temporary loans of money which are repaid with interest similar to that charged by a club for a similar service. It may also involve an offer of a high-priced vacancy in an apartment and/or aid in inserting oneself in a given point on the street. It is worth pointing out here that these sorts of practices are not limited to Brazilian immigrants alone (Oso Casas 2005) nor are they limited to immigration for sex work, being commonplace among work migrants in other economic sectors. Those of my interviewees who “helped” with the migration of other Brazilian women charged interest of around 100% on the loans they made. They believed that they were acting in accordance with an economic logic that is present throughout today’s international migration circuits and also felt that they were basically doing a good deed: “helping” colleagues to take the first steps towards building a better life than the one they had in Brazil.

Exploitation – that rather imprecise notion much mentioned by the Palermo Protocol and exclusively defined as economic in nature by my informants – may or may not be associated with payments of the kind of debts described above. Having had widespread experience with many types of poorly paying work in Brazil and perceiving the relationship between work and the kinds of salaries paid to migrants in Spain, most of my interviewees consider exploitation to be a situation in which the majority of the money made by them is retained by someone else. In this fashion, exploitation for debt is a situation which the Brazilians associate with Nigerian immigrants, who need to pay off 30,000 or 40,000 euros.

In analogous fashion, house fees or “the house’s part” paid in clubs and in some apartments may or may not be perceived as a form of exploitation. Even in those cases where it is understood to be exploitative, however, this sort of exploitation is not in and of itself enough to qualify a situation as trafficking; in order to be a victim of trafficking, one must be enslaved or forced to accept the exploitation.

My interviewees also differentiate abuse from the concept of situation of vulnerability. In the international debate regarding trafficking of people, the concept of abuse is linked to migration from the poorer regions of the world. In the Brazilian discussion the term is linked to those women who are poorer and with lower levels of formal education, those who migrate from regions that are distant from the country’s metropolitan centers, black women and, occasionally younger women. Among my interviewees, however, regardless of their age, original economic situation, or education level, migration to work in the Spanish sex industry was undertaken in accordance with a strong belief that Brazil

contained few opportunities for a better life. In this sense, then, these women's consciousness of their social "vulnerability" in their home country served as impetus for migration in search of new economic opportunities.

My interviewees clearly delineate the concept of violence in their testimony, but do not link this to turning tricks (*programas*). To them, violence involves physical or moral damage, suffered by other woman at the hands of "mafias." Violence also occasionally appears linked to clients and, to an even greater degree, to the immigration police. It is evoked, with much anger and fear, when the women discuss the Spanish government's anti-trafficking activities:

I do not know any Latin American woman who was forced [to come here or to work in the sex industry]. They're looking in the wrong places because they are looking for trafficking victims among those of us who came here because we wanted to. They arrest people because some of the girls in the clubs are working illegally. They arrest people for lacking immigration papers and for this reason the women are detained and deported. Some of these women have just paid off their debt and right when it becomes possible for them to actually start making money, they get deported ... What they do is deport women who don't have the proper papers but who know that they came here to do and want to do it!³³

These sex workers consider anti-trafficking activities to be a means by which the Spanish government facilitates the deportation of irregular Brazilian immigrants. In the experience of my interviewees trafficking is not the greatest threat they face: it is the Spanish government's anti-prostitution and anti-immigrant activities which worries and frightens them the most. In these sorts of situations, the NGOs which aid sex workers acquire maximum importance and are highly respected. In particular, they are valued for their work in favor of prostitutes' rights and for their help in getting women their "papers," which are desired, in most cases, precisely so that these women can continue working in the Spanish sex industry, but in a more regular fashion. This is the sort of help and outreach which the women themselves say they need with maximum urgency.

Agency

Like Brazilian immigrants in other sectors of the labor market around the world (Assis 2004), sex workers in Spain maintain tight connections with their homeland. Though they have many different plans for the future, these tend to revolve around the idea of returning to Brazil and generally involve investments in projects for the social protection of self and family through the acquisition goods in Brazil and through the gathering of savings which will supposedly guarantee a tranquil old age.

Only some of the women move back and forth between Spain and Brazil, because irregular immigration papers make it difficult to leave and come back to Europe. Aside from this, those women who are recent immigrants are generally

too preoccupied with accumulating savings to want to spend money on trips back home. Those women who can travel without these difficulties do so regularly and use the opportunity to reinforce personal relationships, especially with other family members. They also use their voyages to seek out profitable economic investment opportunities which are associated with the idea of their permanent return to Brazil over the long- or medium-term. Real estate is seen as a valuable acquisition. Three interviewees bought houses or apartments in Brazil and one of them bought land and cattle. In this fashion, sex work in Spain is directly related to lucrative investments in Brazil.

All the money I make here I invest in Brazil. Why? Because two, three, four years down the road, that's where I want to be, with my family. I have land there, some cows ... in Rondônia. My kids are there and my son takes care of things for me. I send money every month so that two years from now I won't have to work at all. I send about 1,500 euros [a month] to Brazil. For this reason, I've always appreciated what this here [in Spain] is. I'm patient with the old [clients] because I know that the 20 euros they give me for 20 minutes [of sex] pays four days of a cowboy's salary back home. You need to have a wide view of things. I want my cows over there to be shitting money for me. My son's already getting 100 liters of milk out of them every day. But I want to fix things to where I have a fixed income of some R\$5.000,00 a month. I want ten houses I can rent out. I already have my retirement all set up.³⁴

Those studies which attempt to analyze the feminization of today's migrations tend to consider these as part of family-based strategies (Anthias 2002). The migratory projects of my interviewees do not contest this interpretation, but also demonstrate significant components which are geared towards individual projects. Most of these women recognize and honor kinship obligations to their children, in those few cases where these were left behind in Brazil, but also to mothers, brothers and cousins. Family obligations are manifest in purchases of goods and payment for house refurbishing and reform, as well as in monthly remittances of money and further remittances on special occasions. Moneys are sent back via wire transfer and vary between 100 and 1,500 euros per month. According to different interviewees:

My mother lived in a mud hut ... I rebuilt her house, with five bedrooms and a patio with a tiled floor. I bought a refrigerator, a T.V., a wardrobe ... everything, everything in that house from the spoons to the plates, I bought. I wanted to give my brothers the things they'd never had. I bought a bicycle for each of them. They're like my sons. Every month I send 100 euros – more if there's an urgent need.³⁵

My whole family's there [in Rio]. My mom (Dad's dead), my brothers, my cousins ... I don't have children, but I send money every week. I get the feeling that the whole family lives off this money.³⁶

I send money every month. I pay all the expenses in the house where my mother, father and sister live. Aside from this, I pay for a house I bought. I send at least 800 euros a month. 600 for rent and expenses and the like and 200 for my house, which is being paid for in small increments.³⁷

In the testimonies of these women, remittances of cash and presents are part of a continuous circulation of material and symbolic goods. These exchanges offer significant resources to members of the kinship network who are in other countries. As is the case with other women migrants in other sectors (Viruell-Fuentes 2006), phone calls, often made on a daily basis, are extremely important sources of moral support, especially for the more isolated women. At the same time, these phone calls are a way to interfere in family life on the other side of the ocean. Through these contacts, my interviewees maintain a daily presence in the lives of their home social circuits and regularly interfere in the lives of the people they are helping. Transnational circulation of goods also has political effects, amplifying these women's influence. Anchored in a position of relative economic strength which they have acquired overseas, my interviewees make a series of daily decisions for their families which range from what sort of clothes and food to buy, how and when to reform houses and whether or not to install telephones or visit doctors and dentists. They even become involved in the educational plans of younger family members.

My interviewees also report "gains" which go beyond the strictly material or familial. These include the widening of their cultural horizons due to these social interactions and this, in turn, prompts a re-evaluation of Brazil. But aside from this, such contacts also end up creating new autonomies and new gender-based projects. In the words of two women who work in the sex industry in Barcelona:

Working in prostitution here you end up learning a lot about different cultures and histories. I find this to be enchanting. Here in Spain, you also live with the French, English, Germans and Greeks. So when I leave here and go back to the Brazil and talk to people, I see how big I've become in cultural terms, understand? You learn a lot here. When I came here, for example, it was as if the world opened up to me, understand?

Now I'm not gonna want to limit myself to just one man. Now I want to have who I want ... We cook, clean and care for them and they're always on the lookout for someone else. No, now I want him to cook, clean and care for me. Now my mind's changed and I tell him, "Now that woman you knew is someone else. Now I'm the one with the cards in my hand."³⁸

In the midst of these gains, violence and exploitation, these women – even those who see themselves as white – also see themselves as subject to a process of racialization which is linked more to their nationality than to their color, *per se*. This process is expressed in the Spanish view that Brazilian women have certain "tropical" qualities such as a sensual, tender and "hot" temperament. These qualities sexualize Brazilian women – and, indeed, other Latin American

women – in Spanish eyes. These ambiguous stereotypes can be used in racist fashion to situate Brazilians as inferior. My interviewees, however, tend to use the stereotypes in a strategic manner by attempting to transform them into factors which create extra economic value for their activities on the sexual market. According to them, the stigma associated with prostitution (Garaizabal 2005) more intense in Spain than in Brazil affects them more seriously than racism.

As is the case with other forms of migration from the world's poor regions, these Brazilians' travels are inserted in a structural framework made up of unequal intersections of gender, sex, and nationality/ethnicity. These women's strategy of leaving Brazil does not result in their freedom from being inferiorized in their new lives overseas. However, migration offers ways to escape from the webs of inequalities which are formed in Brazil. In this sense, those readings of migrant experience which are not simply oriented by "western" feminist values, but which pay attention to third world women's subjective experiences (Ong 1999), have greatly aided me in reflecting upon my interviewees' testimony. This requires me to situate their experiences within the interconnected web of material and symbolic processes which make up translocal systems of gender.

In Brazil, the economic activities of these women were already precarious, stigmatized and poorly paid. In general, my interviewees consider their work in the Spanish sex industry to be superior to prostitution and to other forms of work in Brazil in terms of benefits earned for labor expended. They perceive their lifestyle in Europe to be better than that which they had in Brazil and this is a central point in the permanent comparison which they establish between the two nations. The social mobility which many of my informants obtained in their trajectories of transnational migration has effects upon their possibilities for social agency, provoking admiration and even envy in their places of origin. In the permanent contrast which these women describe between the spaces linked by their migratory project, they clearly situate migration to Spain for sex work as something which creates material and symbolic gains. Above all, they salient that immigration results in improvement in their socio-economic positioning vis-a-vis those who they leave behind in Brazil.

Conclusion

My interviewees' testimonies describe migratory flows which involve several different types of voyages but which emphasize those international movements which are undertaken with the support of informal interpersonal networks. Their trips always involve other peoples' "help" and sometimes even indebtedness, but cannot be considered to be the result of the activities of organized international criminal groups. Ethnographic work reveals that, to the contrary, we must problematize the generalizing narratives regarding sex work migration which currently limit both the sexual rights and the free movements of sexual workers across international borders.

Economic rationality and creativity are intrinsically intertwined in the practices of these Brazilian sex workers. These women utilize the cultural configurations which assign to them an inferior position in Europe, but which also make them

attractive as workers in the sex market. They also employ strategies of social ascension which often result in concrete improvements in their life conditions and in the life conditions of their loved ones in Brazil. According to Judith Butler (1990), subversion is linked to movements which interrupt the hegemonic cultural order. The inequalities which mark my informants' migration to Spain and their insertion in the sex industry of that nation makes it difficult to apply this term to the effects of their choices and voyages. However, though these women's activities in their search for social mobility may not alter the collective social order, they do indeed confront concepts of prostitution and trafficking of women which are currently hegemonic in Brazilian and international debate and this, in turn, confers upon them an important measure of social agency.

Notes

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- 2 This chapter was translated by Professor Thaddeus Blanchette.
- 3 During my research in Madrid and Granada, I contacted several organizations associated with the anti-trafficking struggle and visited shelters for trafficked women. During these visits, I met no Brazilian women, though I heard some second-hand reports regarding them. None of my interviewees, however, understood themselves to be trafficked and the typical trafficking narratives talked about in the NGOs and shelters I visited do not correspond to their experiences as sex workers and immigrants.
- 4 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, 2000.
- 5 According to the Brazilian Penal Code (Chapter 5, Articles 227 to 231), prostitution which involves people above the age of 18 is not considered a crime, but the exploitation of others – or pimping – is.
- 6 Chapter V, Article 231, 1, 2 and 3.
- 7 Law no. 11.106, March 28, 2005.
- 8 A term used in Spain to designate those transgendered individuals known as transvestites in Brazil.
- 9 In the 1995 Penal Code, non-coercive prostitution involving consenting adults was not considered to be a crime. Pimping was penalized, but was only understood to be such that the pimp extracted money through abuse of power, coercion, or fraud (Mestre 2004). Because of the legal reforms discussed above, obtaining any money whatsoever from prostitutes, even when these were adults working voluntarily, became considered pimping. Furthermore, according to the new *Ley de Extranjería* (Article 318 bis), it became a crime to aid illegal immigration, a crime considered to be aggravated if it involved migration for sexual exploitation (Cantarero 2007).

- 10 “La Comisión Congreso-Senado pide que no se regule la prostitución como trabajo.” *El País*, 21/02/2007.
- 11 Clubs are raided by the police with a certain frequency. Apartments, however, only tend to get raided when the neighbors report them.
- 12 A document issued by the immigration police, which demands that the migrant leave the country.
- 13 Interview in Barcelona, December 2004.
- 14 Interview in Barcelona, December 2004.
- 15 It is important to remember that my research is qualitative in nature and I thus do not intend to make generalizations based upon. Other studies have uncovered the presence of Brazilians in the European sex industry who had not done sex work prior to immigration (Ministério da Justiça 2006).
- 16 An emic term which is the Portuguese/Brazilian equivalent to the English *trick*.
- 17 Interview in Barcelona, December 2004.
- 18 Interview in Bilbao, December 2004.
- 19 An emic term used to refer to foreigners.
- 20 Interview in Barcelona, November 2004.
- 21 Interview in Bilbao, November 2004.
- 22 Interview in Bilbao, November 2004.
- 23 Interview in Barcelona, September 2006.
- 24 Interview in Barcelona, December 2004.
- 25 Interview in Barcelona, February 2008.
- 26 This point becomes evident in the judicial decisions of the European Supreme Court for Human Rights, in which notions of “exploitation” are clearly outlined in cases involving human trafficking for domestic labor. This clarity disappears, however, when the topic becomes trafficking for sexual purposes (Munro 2008).
- 27 Interview in Bilbao, November 2004.
- 28 Club vacancies.
- 29 Interview in Barcelona, December 2004.
- 30 Interview in Barcelona, September 2006
- 31 Interview in Barcelona, December 2004.
- 32 Interview in Barcelona, November 2004.
- 33 Interview in Barcelona, November 2004.
- 34 Interview in Barcelona, November 2004.
- 35 Interview in Bilbao, December 2004.
- 36 Interview in Barcelona, December 2004.
- 37 Interview in Barcelona, September 2006.
- 38 Interviews in Barcelona, November 2004.

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12 So if you are not “Nastasha,” who are you?

Revealing the other trafficked
women and their uses?

John Davies and Benjamin Davies

Introduction

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was adopted by the United Nations in Palermo, Italy some ten years ago. In 2009 the International Organisation for Migration (IOM) organized a retrospective of the negotiations of the protocol in Palermo and invited many of the leading commentators and campaigners who participated in lobbying or framing those negotiations to reflect on what had been achieved through a decade of anti-trafficking work. The conference presenters were asked to specifically comment on anti-trafficking initiatives and what might be the future of trafficking. In my own contribution to the conference I suggested that such were the inherent failings of trafficking as a conceptualization of vulnerability in migration that in 30 years time the trafficking protocol would probably be forgotten and modern trafficking would be remembered as just another inadequate moral panic about the mobility of poor women (Davies 2009a). I imagined that the trafficking protocol would then be of no more particular relevance than other mostly forgotten UN conventions such as the 1949 Convention on the Prostitution of Others (Davies 2009a). However, I also stated the instigators and the greatest beneficiaries of what are the present trafficking harms in Europe should be clearly named and shamed. Hopefully, this would allow the history of trafficking when it is written to identify who were the real and substantive beneficiaries of trafficking (Davies 2009a).

At the Palermo retrospective there was a surprising consensus that the last decade of anti-trafficking work had fundamentally failed the migrating poor and the most vulnerable in particular. There were numerous caveats about some particular success or supposed good practice but the overwhelming view was trafficking was an inadequate understanding of vulnerable migration and populist notions of masses of women and children being subjugated into sexual exploitation were alarmist and superficial (Danziger 2009; Giammarinaro 2009). The populist conception of trafficking in Europe is dominated by the “Natasha” myth. In particular the representation of “Natasha” as a young European woman from outside the European Economic Area (EEA) who through deception or coercion is subjugated into sexual slavery as being the most typical person in trafficking is

a pervasive myth that has come to dominate much of the trafficking discourse (Davies 2009b). The Natasha myth is represented by the portrayal of women who experience trafficking, as being overwhelmingly naïve and poor who are unable to resist sexual exploitation (Malarek 2004). These women are then presumed to require law enforcement and nongovernmental organization (NGO) interventions to rescue them from harm (Malarek 2004). In the following account about a “Natasha” this typology is represented in its typical form.

Two years ago on the advice of a “friend”, Natasha, 22, from Russia, left her secretarial job in her home country to seek work in the UAE, lured by the promise of generous, tax-free wages.

“I thought that I could save enough money to make a difference to my life,” she said.

She used her meagre savings to book an airline ticket to Sharjah, where she was met by a Russian woman who she had been assured would help settle her in, find her work and deal with her paperwork. Entering the country on a tourist visa, she and several others in the same position were driven to Abu Dhabi where they were greeted by a man who took their passports. He said he would sponsor them and help them find work.

“We were then locked in the apartment, alone, they didn’t let us out. I started to get scared,” says Natasha, which is not her real name. She was told that she had to go and “work” in the clubs of Abu Dhabi to buy her freedom back.

She refused, but was abused and threatened. She was also told that if she did not do as she was told that she would be handed over to the police as a prostitute and face jail. She is kept under the close watch of her traffickers, who do not let her keep any of the money she makes, which is about Dh500 for an hour and up to Dh1500 for the whole night.

“I hate my job,” she said grimly.

According to the UN, those most vulnerable to human trafficking crimes are women between the ages of 10 and 35 who are poorly educated and impoverished. These women are often forced into prostitution and the UAE is one of the world’s many destination countries for the trade. Sara Shuhail, executive director of the Ewa’a shelter in Abu Dhabi that houses women and children who are victims of sexual exploitation, sees many cases like Natasha’s.

“They’ve been forced into prostitution, they are tricked into thinking they will be given good jobs in the UAE, work as a secretary or waitress, but when they reach our country they take away their documents and passports and force them to do this. They really, really have no choice,” she said.

(Morris et al. 2009)

The failure of the Nastasha myth to properly inform the framing of the focal problem in trafficking was clearly acknowledged at the recent conference in Palermo. The conference provoked various commentators (Danziger 2009;

Giammarinaro 2009) to note that in spite of some successes, overwhelmingly the interventions based on the “Natasha” presumptions had failed. Danziger the head of IOM’s Counter-Trafficking Unit went as far as to state that inadequate conceptualizations of trafficking are a barrier to assisting many traumatized migrants who have suffered serious harm. Danziger declared regarding addressing such harms and experiences ... “The [trafficking] protocol is not the way forward ...” (Danziger 2009).

Therefore it was also particularly poignant when Ms. Giammarinaro (2009), a National Expert at the European Commission, responsible for the fight against Trafficking in Human Beings, conceded that only 3000 victims of trafficking had been identified and assisted throughout the EEA in the last decade. This small number of rescued women is all who have been found by the countless interventions from amongst the hundreds of thousands of women and children who have supposedly been trafficked into the EEA during that time. Giammarinaro considered this disparity to reflect a series of serious misunderstandings about what trafficking was and how it was evolving in the EEA. The importance of understanding that there is a substantial group of migrant women who encounter trafficking harms who are not “Nastashas” takes particular poignancy when it is understood that the alternate postulation is not that there also are large numbers of “Mariskas” or “Svetlanas.” These other women in trafficking who might be imagined as representing other typologies are apparently experiencing trafficking in much greater numbers than the “Nastashas.” These large numbers of other women are entering and leaving trafficking and are avoiding contact with any formal interventions. Furthermore these other trafficked women report their experiences as having little or no resonance with the experiences of “Natasha” but that they do experience other harms (Agustin 2005; Davies 2009b). Consequently rather than creating other mythical beings we need to recognize and understand better the majority group that can simply be called “Not-Natasha” and we need to better understand who really does orchestrate and benefit from the majority of “Not-Natasha” trafficking experiences.

Who benefits from trafficking?

In the mid-nineties and through to the early part of the new Millennium I wrote and spoke extensively on how trafficking was being created and sustained by migration policy throughout the EEA¹ as means to increasingly criminalize all forms of irregular migration and to then reopen the contested debate about forced prostitution. Since that time the distinctions between the various degrees of migration irregularity that were demarked in the protocols to the Trans-national Crime Convention (UN 2003) have effectively been collapsed into trafficking. Anyone who assists an irregular migrant, including a refugee seeking access to the EEA, can be demonized as a trafficker (Koser 2001). NGOs that are proactive in seeking to help endangered asylum seekers reach the safety of the EEA are subjected to rigorous sanctions and harassment (Pauckstadt 2004). Any migrant woman who enters the EEA and is involved in any form of sex work is considered

trafficked by many commentators, even if any harm she experiences is not specific or related to her mobility and regardless of her intentions or agency regarding her migration trajectory (Giammarinaro 2002; Gradin 1996).

The “evils” of trafficking have also resulted in increasingly repressive anti-prostitution laws in the EEA that are justified as being required to protect weak and vulnerable women from outside the EEA (BBC 2007a; BBC 2007b). However, the impact of such legislation is the repression of all sex work activities, and the legislation is widely promoted by organizations that are not primarily seeking greater and secure mobility for women but, rather, a general suppression of all forms of sex work (Davies 2003; Hughes and Roche 1999; Weitzer 2005; Weitzer 2006). Therefore, it is obvious that the trafficked woman is a very useful person to have under your control. By capturing her body and voice it is possible to pursue a number of political goals, apart from any criminal gains. Thus the trafficking contest in the EEA is not between criminals who would exploit and control the trafficked women for financial gain and those who would seek the safe mobility of women, but is between all those coercive groups that seek to use the trafficked woman to secure their political or criminal agenda and those who seek the right of women to move freely and securely in the globalized world. I call these political actors who deliberately use trafficking to benefit their political agendas rather than seeking to secure safe mobility for migrant women “political traffickers.”

Therefore, the existence of the trafficked woman is a tangible benefit to those who gain financially or politically from her existence and, as such, a strange alliance has formed by which the political traffickers create the space in which trafficking can take place, the criminal traffickers then exploit her in that contrived space and, finally, the political traffickers reconstruct the trafficked woman and her “needs” according to their political priorities (Davies 2002). This exploitative partnership trades in trafficked women and has created a vast industry where not only are the bodies of “weak” “foreign” women repeatedly raped in every media, but—equally humiliating—their voices are stolen to serve political agendas that have little or no resonance with their own migration agendas (Agustin 2005; Doezema 2001). This analysis deliberately posits an active facilitation in the EEA by political traffickers of criminal traffickers, with the political traffickers having the power to direct the course and extent of criminal trafficking enterprises. Therefore, this analysis fundamentally challenges the presumed roles of many political stakeholders in the current EEA trafficking discourse.

In recent years an increasing number of feminist and other scholars have expressed concerns regarding various state interventions supposedly undertaken on behalf of “foreign” women (Agustin 2003; Doezema 2000). These interventions were undertaken and then justified in the public domain as actions intended to protect women from abuse from other, usually patriarchal, actors. Young (2002) has questioned the use of “woman protection” as a rationale for the support of the war in Afghanistan, and its subsequent reappearance as a justification for further war in Iraq. Trafficking is another issue where powerful state and institutional forces are using the supposed vulnerable bodies of women as the justification for the protection of women, according to an agenda of imagined mutual convenience.

The protection of women is sought, rather than seeking the means by which women might be empowered to overcome harm, or allowing for prejudicial institutional arrangements to be adjusted, so reducing vulnerability to trafficking harms. This compounding of obstacles to overcome trafficking and associated negative outcomes for migrant women has been considered unexpected “collateral damage” by Dottridge and others (2007), but I would argue that such outcomes were neither unwelcome nor unexpected by many political traffickers.

Reconstructing the trafficking contest

This departure from the normative methods for considering a trafficking contest is supported by the work of Foucault (1991) and Butler (1999). Although their work does not offer a complete theory for explaining vulnerability in trafficking, it does offer radical alternatives for considering how power is used by various actors to dominate trafficked women and how resistance to exploitation might be made more effective (Butler 1999; Foucault 1991; 1993). If, as Foucault suggests, modern power has replaced pre-modern brutal violence and physical repression with more subtle and effective modes of domination represented by various social science technologies (Butler 1999; Foucault 1991), the present contest for control over trafficked women could be seen as representing a contrived contest between pre-modern methods of domination and the modern systems of discipline and control. The contest between criminal traffickers and political traffickers such as NGOs and governments would then not be a contest to seek emancipation for the trafficked women from the supposed pre-modern dominance of the criminals. Instead, the various groups would be competing to dominate the bodies and to capture the voices of trafficked women within an arena constructed by the migration policies of the more powerful political traffickers.

Fraser (1989) documents aspects of this mode of contest and specifically considers how various actors that supposedly oppose pre-modern dominance actually support and manipulate such processes for their own ends. This requires consideration regarding the purposes for which these competitors seek this control, given that the outcomes are not the personal emancipation of the women concerned. Fraser’s suspicions regarding the real goals of the claimed altruistic actors seem to reflect Hayek’s (1944) free-market analysis of ethical behaviors and control being driven by personal or partisan interests.

The means by which power is exerted over the trafficked women represents various contests. Exploiting criminal men supposedly rely on traditional power such as physical violence (Choudhury 2003; Kirby 2005; Raufer and Quéré 2000), while the state and most other actors depend on law enforcement agencies to forcibly dispossess the organized criminal and turn over the women involved to their control (De Stoop 1992; Wong 2002). The International Labour Organization (ILO) recognizes this disingenuous paradox by which the trafficked person is not liberated or emancipated, but just transferred to another controlling agency: “Law Enforcement Agencies may simply move trafficked people from one system of control to another- from being controlled by traffickers to being controlled by law

enforcement officials” (ILO 2003: 14). An EK Albanian trafficked woman in Lyon, France, 1999 reported that “The Cuna² beat you and threaten you, the police beat you and threaten you, so what is the difference?”

Therefore, there is a need to examine if any of these interventions are welcomed by a trafficked person, or whether such action is just a matter of a change of controlling agent from traffickers to law enforcement or NGO. Possession of trafficked women’s bodies affords criminal men money; disposition of those bodies allow states to demonstrate their rights to control their borders; possession of the voices of trafficked women offers others power to influence policy on gender, migration, and other social issues. The benefit to trafficked women of such circumstances should be examined more thoroughly to see what, if any, benefits accrue to the trafficked women. It would be of considerable interest if an audit of benefits was to credit the criminal traffickers with offering more significant benefits for trafficked women than political traffickers.

The evolution of trafficking vulnerability

In 1993–4 two prominent anti-trafficking NGOs in Belgium and Holland, Payoke and STV³ reported CIS⁴ and certain CEE⁵ women, particularly Hungarian and Poles, were seeking assistance in considerable numbers (IOM 1995). Since that time, women from the CIS have continued to be highly represented in reports regarding “trafficked” women, while women from the first wave accession countries⁶ have been noticeable by their increasing absence and replacement in most trafficking accounts of the late nineties by women from the Baltic States, Albania, Romania, and Moldova (IOM 2002; RCP 2003). Therefore, there is a need to examine and consider the circumstances by which this apparent reduction in trafficking has taken place among the women of the first wave accession countries for EEA membership. Certainly, women from the accession states have continued to migrate to participate in sex work and yet they are either more successful in avoiding the previous trafficking harms, or they are being subjected to a form of trafficking that is successfully preventing them from seeking or being extended assistance.

From the mid-nineties the women from the accession states were able to travel freely to the European Communities countries as tourists and could manage stays of up to 90 days in the Schengen States or 6 months in the UK. However, many Hungarian women reported that they lacked the necessary social networks by which they could independently sustain irregular employment in the EEA and, consequently, they were usually dependent on criminal men to sustain their stay in the EEA (Salamon 1997). They also widely reported that this vulnerability would lead to a number of abuses that severely compromised their human rights and reduced the utility value of remaining in irregular employment in the EEA (Salamon 1997). Over a period of the next five years women from the accession states devised a number of enabling strategies that allowed them to minimize their exposure to such exploitative men. Such strategies included marriage to EEA nationals; acquiring sufficient local knowledge, language skills, and EEA

documents so as to be able to represent themselves as EEA citizens; and also the development of seasonal work in various EEA locations where they could either control their work or deal directly with local employers (Salamon 1997). Some sex workers from the Czech Republic successfully sought to use country of accession associative agreements to register themselves as self-employed entrepreneurs in the Netherlands (CNN 2001).

In Northern Greece in the late nineties, Polish sex workers with irregular German documents began to dominate the licensed brothels, working according to terms and conditions that were vastly superior to those afforded to undocumented Albanians and that were even superior to those afforded to older Greek sex workers (Davies 2008), while Hungarian and Czech women in Thessaloniki played an increasing and independent role in organizing call-girl and erotic dancing agencies on a seasonal basis. They used their 90-day visa-free travel to the Schengen area as the means by which to avoid engagement with certain types of abusive men and arranged their sex work activities accordingly (Davies 2008). Romanians, Bulgarians and others who did not have such capacity were required to rely on traffickers and their associates to effect and maintain their irregular migration and, therefore, they widely reported trafficking abuse (Davies 2008).

All of these protective strategies were predicated on the ability of such women to move freely and safely to and around the EEA without recourse to traffickers and their mobility networks. Once the necessary local knowledge and social networks had been established, women acted to reduce their dependency on abusive men and they have established a number of successful strategies that have reduced their vulnerability in many cases to that of parity with EEA women (Davies 2003). It should be noted that women working in Thessaloniki sex clubs were paid according to their country of origin—the greater the vulnerability to arrest as an illegal alien meant lower pay as more money had to be given to law enforcement officers and traffickers who sustained the woman's migration in Greece. Therefore, the exposure of women from the accession countries to abusive men and exploitation in sex work is often no more than is common to local and EEA women struggling to deal with a poorly regulated and stigmatized occupation. Such competency and successful agency is not usually acknowledged and lessons have not been learnt from the success of these women in subverting certain trafficking harms (Agustin 2003; Davies 2008). However, over the same period of time women from the CIS appeared in increasing numbers in trafficking accounts. They were joined by women from the Baltic States, Albania, Romania and Moldova (IOM 2002; RCP 2003; Stop-traffic 2001). These women were far less successful in overcoming trafficking harm and reducing their dependence on traffickers to arrange and sustain their irregular migration episode. I would argue that the fundamental factor that divides these groups is the regular mobility opportunities of the women from the accession states, which when coupled with an increasingly well-informed and well-developed series of social networks has allowed these women to pursue their migration agendas without resort to trafficking networks (Davies 2008). When they are required to engage with exploitative men within sex work, they seem to be able to do so with seeming parity with EEA women.

It is of considerable interest that women from Belarus will often try to acquire Polish documents as they understand that such an identity offers them better options for managing their migration and avoiding trafficking harm. Albanians will frequently use Hungarian or Czech documents as often as they will Italian or Greek documentation. Since March 2001, Romanians and Bulgarians have been granted visa-free travel to the Schengen area. Accordingly, considerable numbers of Moldavian women sought to acquire Romanian documents or second citizenship. The numbers of trafficked Romanians and Moldavian with Romanian documents started to decrease as such women started to build migration and social networks based on their new mobility rights that afforded them the same protections as the systems developed by the Hungarians, Czechs and Poles (Davies 2003). The subsequent dramatic fall in the number of “Romanian” women being trafficked through Albania was credited as a result of better policing, rather than the consequence of their new visa privileges that no longer required them to use irregular routes through Albania to reach the EEA (RCP 2003).

In the Balkans there was a nexus of sex work migration routes that represented the power of accessible, affordable and safe mobility in subverting trafficking harm. The first route was a well-documented trafficking route that starts in the Ukraine and Moldova, crosses Romania into Serbia, Kosova, Montenegro, Albania and then into Italy. The second route was a sex work and irregular labor migration route that is sourced in Poland, Czech Republic and Hungary, and passes through Macedonia into Greece. The second route shared its space with a number of irregular migration networks that were used by non-sex working women who travelled to work irregularly in Greece as nannies, home-help, and in the tourist trade. Although the two routes physically intersect in Serbia, where it is possible for Romanian and Moldavian trafficked women to use the same rest-stops as Hungarian and Polish sex workers, the routes are otherwise separate and never link (Davies 2003).

During that time there were no reports of Hungarian sex workers trapped in the sex bars of Prishtina, nor could you find any such sex workers in the oppressive environment of the Arizona trading area in Bosnia. Yet Hungary is geographically close to both locations. However, as Hungarian women did not need to engage with the trafficking networks that supply these areas, they were effectively protected from the trafficking harms associated with these places. A Hungarian woman who wanted to participate in sex work in the EEA could catch the same bus as her girl friend who wanted to be an irregular waitress or au-pair, and they could travel together safely as legal visitors to the EEA. Both could then access extensive and effective social networks that enable them to sustain their irregular work in the EEA without recourse to “traffickers.” Their right to leave and re-enter the Schengen area also allows them to return home, if circumstances become difficult, with the knowledge that re-entry to the Schengen area was a simple formality for them. Many other women without such mobility rights consider themselves compelled to remain in a trafficking harm, because to leave the Schengen area would require them to engage in an expensive and difficult process of acquiring re-entry to the Schengen area (Davies 2008).

In the mid-nineties, Hungarian women were the object of considerable trafficking panic and an IOM⁷ awareness-raising campaign (IOM 1998) was undertaken in the country using fear of rape as its principal message. Young women were told that travel for work outside of the country was dangerous and that sexual assault and slavery were likely outcomes for innocent au-pairs and other migrant women. The campaign offered little effective advice to women on how to ensure their migration was safe, and the campaign offered no advice to women who wanted to travel for sex work, even though IOM’s own research revealed that as many as 6% of young Hungarian women were willing to travel to engage in erotic labor (IOM 1998). An outcome of this campaign was a reduction in the number of applications to registered au-pair placement agencies (IOM 1998). Companies advertising for erotic dancers for foreign employment reported no reduction in applications (Salamon 1998).

It seems likely that trafficking was co-opted in the nineties by political traffickers as a device by which it was attempted to control the growing migration of women through the use of fear of rape (Andrijasevic 2007). The anti-trafficking messages have been consistent in their “don’t leave home or you will be raped” messages, rather than providing women with information on how to effect a safe irregular or regular migration (Andrijasevic 2007).

Solutions to trafficking?

There is also often a presumption that if women are given vocational training and poverty is alleviated, then women will not migrate (Commonwealth Secretariat 2003; Crime Reduction 2004). However, the migration decision making of many young women is influenced by factors more complex than pure economics (Davies 1998). Many women seek to use migration and even a trafficking episode as a transition to a more secure and equitable social condition (Agustin 2002). Many Albanian women interviewed in Lyon, France in 1999–2001 while in their trafficking episode, reported that the trafficking experience was an attempt to access other options and possibilities rather than just acquire money (Davies 2008). During this two year period, all resolutions of trafficking harm among these Albanian women happened as the result of self-solutions that were unassisted by any NGO or other agency (Davies 2008). Self-solutions to trafficking harm have been consistently ignored by governmental and nongovernmental agencies. Consequently many of the “disappeared” women are reported as supposedly dead or as being trafficked to other locations (Malarek 2004), rather than being acknowledged as having successfully resolved the trafficking episode by marrying a local citizen or acquiring some other permanent status, particularly through the asylum system.

I needed him to get here and to have a way of staying here, so of course I give him the money, but what do I need money for? What I need is a French Husband and papers. Once I have those that bastard is history.

(A1 Albanian trafficked woman in Lyon, France, 1999)

Get here, get fucking, get a husband, get the papers, get out, it is the perfect plan and works 100%. Only the silly “I am in love with him brigade” can’t seem to manage it.

(Z1 Albanian trafficked woman in Lyon, France, 1999)

Furthermore, NGOs regularly overestimate the numbers of trafficked women. In Lyon one agency would publicly discuss the 150 sex slaves on the street of Lyon, while in fact there were never more than 50 street sex workers from the CIS/CCE countries working at any time (Davies 2008; Torres 2001). Such overestimations have a direct impact on the funding of NGOs and is a clear example of how trafficked women are used to benefit agencies that chose to “speak” for them (Davies 2008).

From the ESRC⁸ study prepared for the EBRD⁹ it can be seen that the migration intentions of Albanians were more indicative of actual behavior than most other groups. This might be explained by the greater opportunities and access to irregular migration that Albanians had. Young men and young women reported almost equally in their intentions to migrate, so consequently we can conclude that a young Albanian woman who intended to migrate actually would arrive eventually in the EEA (Papapanagos and Sanfrey 2002). Socio-economically, the Albanian groups most likely to migrate were the working poor and the highly educated (Papapanagos and Sanfrey 2002). Therefore, training unemployed women to join the working poor as a garment worker or other laborer will not mitigate her likelihood to migrate at all (Massey 1993). In fact the low paid work might just be sufficient to finance her migration. This would suggest that most prevention and integration programs that seek to mitigate trafficking and migration through the vocational training of women to improve their economic security in the country of origin will not achieve their goals as they do not properly address the real motivations for migration (Davies 1998; Davies 2008).

Many women report their motivation for migration and willingness to risk trafficking harm as the desire to secure lives free from cultural and social repression in their community of origin (Agustin 2002; Davies 2008). Even women in trafficking episodes express an unwillingness to surrender many of the perceived liberties they have acquired, particularly freedom to associate and behave more independently from previous cultural norms (Davies 2008). Therefore, the failure of many repatriation and reintegration services relates to the fact that most trafficked women wish to transit their trafficking episode to a goal of personal security and liberty away from their country of origin. Solutions that do not resolve the migration agenda of the trafficked woman are no solutions at all. They often act as a perverse form of reverse trafficking in which a state exercises compelling force over the migration of the woman, rather than the trafficker, and returns her to her country of origin.

Reverse trafficking versus safe mobility

The exercise of power in trafficking is usually assumed to be the exercise of criminal power intended to assure the criminal traffickers’ effective control over

the trafficked women (Williams 1999; Zakaryan 2005). The trafficked woman’s lack of power to control the terms and conditions of her labor is used to demonstrate the pernicious abuse inherent in trafficking (McCauley 1998; McGill 2003; Pearson 2001). Therefore, being “un-trafficked” would require a previously trafficked woman having the power to access decent work in some location of her choice. Decent work as described by Piguet (2006) is represented as a minimal standard regarding terms and conditions of work, so ensuring access to decent work as described by Piguet could reduce the vulnerability of women who are seeking decent work. However, other actors—and especially political traffickers—often move and control trafficked women with little regard for the wishes or needs of the women so obstructed or constrained. The term “Reverse Trafficking” can be used to describe the processes such as deportation forced upon trafficked women, particularly by political traffickers, which do not allow the women involved meaningful agency.

Reverse trafficking is typically resolved according to the agenda of the more powerful actor. However, the resistance of trafficked women to these outcomes by re-engaging with other traffickers to negate the reverse trafficking imposed on them is of considerable interest. The deliberate re-engagement shows that current assumptions about the objectives of many trafficked women are misplaced or are deliberately ignored. Rather than a satisfactory outcome and conclusion to a trafficking episode, a reverse trafficking experience is often just another aspect of an ongoing trafficking episode. Interventions that result in reverse trafficking offer the trafficked woman only a demonstration of the perverse symbiosis that exists between the criminal traffickers and political traffickers. Each actor seems to parody the other in their treatment of the trafficked women: criminal traffickers take the woman to a place she wants to be, but abuse and exploit her there; the political traffickers often try to stop that abuse but usually insist that the trafficked woman then returns to a place where she does not want to be, or be disposed of according to the political trafficker’s moral or political agenda.

The ICMP¹⁰-IOM¹¹ shelter for non-Albanian trafficked women in Albania was often used by Romanian and Moldavian women as a respite after deportation from Italy so they might prepare to re-enter Italy, rather than as a means to escape trafficking by returning to their country of origin. This use of their services was quite a surprise to some of the staff of the shelter, who then began to view their clients as not being real victims and somehow being complicit in their own trafficking (Davies and Vullnetari 2001). However, there has been little attempt to examine the social exchange considerations that trafficked women use in calculating costs and benefits in using trafficking as a migration tool.

Safe mobility avoids the need to engage with traffickers, but political traffickers have hi-jacked trafficking as a means of engaging in a needless repression of the irregular migration of women (Davies 2002; Agustin 2003). The labor of women is needed, and safe mobility programs would allow young women to engage in sexual labor more safely, or avoid sexual labor in favor of other employment for which women are increasingly required (Anderson 2000; Blanchet 2002). As previously discussed, many women see their participation in migratory sex work

as a means by which to transit to other occupations or greater social adulthood (Agustin 2005; Kempadoo et al. 2005). If direct access was available to other labor, many women would likely reduce their participation in sex work or not enter sex work at all.

The present irregular labor migration of women is certainly driven in part by the increasing need of the EEA for the labor of women (Hear 1998; Koser and Lutz 1998). More rational labor migration policies would allow most women to avoid certain types of trafficking harm by mitigating any need to engage with traffickers to effect their migration (Davies 2002; Plant 2003). Presently, young women are held hostage by the migration policies of the EEA countries, and are sacrificed as the offering required to establish a *casus bellum* for the war on trafficking, which also conveniently allows the authorities to attempt to disrupt the irregular migration networks that occupy the same spaces as trafficking networks. The refusal to acknowledge the sustaining role and support for trafficking of present migration policies will eventually result in the indictment of policy makers as the political traffickers who are the real power behind trafficking (Davies 2002).

Demand and trafficking

There is also a widely disseminated proposition from some commentators that prostitution is a demand-driven industry in which the demands of men for sex with exploitable women increasingly fuels forms of induction that coerce more and more women to be trafficked into forced prostitution (Barry 1995; Hughes 2002). It is therefore presumed that if male demand can be mitigated or controlled, then fewer people would be compelled by various exploitative actors to participate in prostitution and, as a result, trafficking would be reduced (Hughes 2002). According to Shannon (1999: 125), “Any business would collapse without customers; the sex industry in particular is driven by the demands of its consumers.”

Above all, state bodies and non-governmental organizations should understand that prostitution is a demand market created by men who buy and sell women's sexuality for their own profit and pleasure. Legal reforms should therefore create remedies that assist victims and prosecute perpetrators.

(Hughes and Roche 1999: 56)

The demand proposition is apparently based on unreformed Keynesian economic theory (Keynes 1965) and it should not go unchallenged. It should be realized that the supply of sexual services for reward or favors is often first experienced as a form of barter and often as part of a reproductive labor contract in the private domain (Rubin 1975). Men and women will informally exchange sex with a partner in exchange for food, accommodation, and other personal securities in the context of a private consensual relationship (Pateman 1988; Shrage 2004). This behavior is then used as a form of grooming by some exploiters (Barry 1979). As such, sex work—and particularly sex work as a survival strategy for overcoming

poverty—is often a commercialized extension of a pre-existing, common domestic and barter behavior (Pateman 1988; Rubin 1975). Such commercialized behavior is often predicated on the failure of a previous domestic relationship that was based on precisely such a barter arrangement (Davies 2008; Jordan 1991; Lim 1998).

The importance of prostitution’s economic proximity to barter is that it makes prostitution a behavior that is more likely to be represented by Say’s economic laws, rather than any form of rigid Keynesian theory (Hazlitt 1977; Ruby 2003). Say’s theory emphasizes the importance of supply in creating demand and his law is widely acknowledged as being the best explanation of barter economies (Sowell 1972). As critiques of Keynesian economics have progressed, Keynes dismissals of Say’s theory regarding supply are now widely considered to have been ill-conceived and inadequate (Hazlitt 1977; Kates 1998; Kates 2003). This revision regarding the importance of supply has not been readily reflected in work relating to the issue of demand and prostitution (Davies 1998; Lim 1998; Hughes 2002).

While undertaking research in Lyon, France among the clients of Albanian street-based prostitutes, it was noted that many new clients specifically stated that it was the visibility of the women in new locations near to the workplaces of the clients that eventually led the men to engage with the women. These men had not usually bought sex before, and none of them had visited the traditional red light areas of the city. It was a specific incidence of how the supply of a group of sex workers was used to create a demand (Davies 2008).

The National Survey of Sexual Attitudes and Life-Styles found that men in London were more than twice as likely to have paid for sex than men in Britain in general (Field et al. 1990; Field et al. 2000). It would be interesting to discover why London men are successfully demanding more paid sex than men in general. However, it is possible that the supply of sexual services in London has generated increased demand. If demand was the defining element in the supply of prostitution services, we could have expected a more even distribution of men who were able to purchase sex, presuming that male demand for paid sex is actually distributed normally. There is a need for further research around this issue, but the simplistic assumption that trafficking and prostitution is primarily created by the demand of men for commercial sex is probably not sound (Davies 1998; Lim 1998). Therefore, this assumption should not form the primary basis of policy or practice regarding trafficking without proper consideration of how to first mitigate the influence and power of political traffickers.

Acknowledging the role and interests of political traffickers

Hopefully, policy will become more rational and eventually the fear of rape messages will be replaced by safe mobility strategies, and NGOs such as La Strada¹² will eventually be reconstructed as labor recruiting agencies, offering practical and non-prejudicial advice to all female labor migrants to assist them in their migration decision making. Certainly an increasing number of agencies including ILO are beginning to see trafficking as an institution mostly created and

sustained by poor policy that could be most appropriately addressed by better informed and more rational labor migration policy (Lim 1998; Plant 2003).

Trafficking in the EEA must be understood as mainly a construction of policy, and the war on trafficking should not be primarily directed at those members of organized crime who have responded to the opportunities created by policy, but should, as a priority, be directed towards the policies that actually endanger the women whose labor the EEA requires. The beneficiaries of trafficking must also be reconstructed to include all those groups who make political, financial or other gains from the trafficking of others. The importance of trafficking to political traffickers who want to justify repressive action against irregular migrants in spite of the institutional need of the labor markets for such disposable labor must be clearly identified, as should the interests of morality or feminist groups who use trafficking as a means to legitimize the repressing of prostitution.

The demand for vulnerable labor and the need to be able to dispose of such labor when politically expedient as well as the need to justify the increasing policing of irregular migration is the driving force behind political trafficking by state actors. The benefits of increased financing for anti-trafficking agencies that actually have very little engagement with trafficked women and almost no relevance to their migration agendas should also be clearly named as motivation for such groups to promote continuous histrionics about trafficking. Anti-prostitution groups that can now demand the repression of prostitution as the means to protect trafficked women have seen a worldwide revival of interest in their cause which had been faltering for many years.

In summary, trafficked women in the EEA have proved a useful boon to various political actors. The heady mix of sexual violence, erotic foreigners, and organized crime have offered the ready means by which to introduce legislation and programs throughout Europe that conveniently serve various political agendas regarding irregular migration and paid sex. It is time that such uses of trafficked women are more openly acknowledged and appreciated by such political actors and that the role of political traffickers in sustaining trafficking is better researched.

Notes

- 1 European Economic Area.
- 2 Cuna means “boys” and is used by Albanian women to describe the men who control their trafficking episode.
- 3 The Dutch Foundation Against Trafficking in Women.
- 4 Commonwealth of Independent States.
- 5 Central and Eastern Europe.
- 6 Particularly Poland, Czech Republic, Hungary.
- 7 International Organisation for Migration.
- 8 “One Europe or Several” Research Programme of the EBRD, 2002.
- 9 European Bank for Reconstruction and Development.
- 10 International Catholic Migration Project in Tirana, Albania.
- 11 International Organisation for Migration.
- 12 EEA funded network of NGOs in countries of origin, who have often used fear messages to deter female migration.

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