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Sex, Slaves, and Saviors: Domestic and Global Agendas in U.S. Anti-trafficking Policy

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**SEX, SLAVES, AND SAVIORS: DOMESTIC AND GLOBAL AGENDAS IN U.S.
ANTI-TRAFFICKING POLICY**

by

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Abstract

In this thesis, I problematize the United States' response to the global phenomenon characterized as human trafficking. The framing of trafficking as policy issue takes place in the context of politicized claims about the nature and prevalence of trafficking, its relation to the sex industry, and the kind of response that is required. U.S. anti-trafficking policy was built and shaped in the context of fears about immigration, global labor, and the sex industry. As a result, trafficking has been used to justify oppressive domestic reactions such as border crackdown, scrutiny of immigrant and sex worker communities, and victim "protection" that barely differs from prosecution. The United States has also leveraged anti-trafficking measures such as the policy prescriptions in the Trafficking in Persons Report and sanctions for countries that fall in the bottom tier to build a global response to trafficking that suits the hegemony of the United States rather than the needs of vulnerable populations. Through the government-subsidized "rescue industry"—an army of U.S.-based NGO's and humanitarian groups—the United States has effectively exported an imperialistic response to trafficking based on Christian ethics and neoliberal economics around the world. These policies are distinctly out of touch with the experiences and needs of the supposed "victims of trafficking," those attempting to survive at the bottom of global capitalist labor markets. As a result, I characterize anti-trafficking as a form of structural violence, and emphasize the need for an alternative movement that addresses the actual problems experienced by global laborers and the complicity of the United States in creating the conditions for labor exploitation.

Introduction

It ought to concern every person, because it's a debasement of our common humanity. It ought to concern every community, because it tears at the social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I'm talking about the injustice, the outrage, of human trafficking, which must be called by its true name—modern slavery....Our fight against human trafficking is one of the great human rights causes of our time, and the United States will continue to lead it.

-President Barack Obama, September 25, 2012

In February 2013, the Trafficking Victims Protection Reauthorization Act was passed in the United States Senate with a majority of 93-5, passing in the House with a majority of 286-138 after being amended onto the reauthorized Violence Against Women Act (GovTrack). Headed by a bipartisan coalition between Senator Patrick Leahy (Democrat, Vermont) and Senator Marco Rubio (Republican, Florida), the passage of the TVPRA signified a point of cooperation for the 113th Congress, a governing body so riven by partisanship that 8 months later disagreement in over budgetary concerns would lead to a government shutdown. In a congress that could agree on almost nothing, the unanimous passage of anti-trafficking legislation indicated the simple truth that anti-trafficking has a powerful ability to generate consensus and mobilize action.

Commonly called “modern-day slavery,” trafficking has been taken up as the pet cause of politicians, activists, movie stars, and journalists throughout the world, but particularly in the United States. These self-described “abolitionists” claim that trafficking is

one of the most pressing humanitarian issues we currently face. Homogenous narratives that capitalize upon the absolute extremes of human misery, sweeping statistics, and emotive calls to action have come to define anti-trafficking discourse: it is a movement with little room for critique, and almost no room for self-reflection. Legislation highlights the simple truth that anti-trafficking has been accepted as an unambiguous imperative. “Trafficking” is codified in both policy and practice as an identifiable problem and abuse of human rights. While discussions continue about how to define, quantify, and end trafficking, only a small handful of voices on the margins of discourse question the accuracy and efficacy of anti-trafficking as a movement for justice. The real debate about human trafficking has in many ways, already been won.

The 2008 documentary *Call + Response* epitomizes the rare unity that journalists, activists, and politicians have exhibited around the issue of trafficking. The pet project of musician Justin Dillon, *Call + Response* brings together some of the most significant voices in anti-trafficking discourse, including politicians Madeline Albright, Chris Smith, and John Miller; celebrity activists Julia Ormond and Ashley Judd; non-governmental organizers Gary Haugen, Kevin Bales, and David Batstone; and journalist Nicholas Kristof who has made an international name for himself through emotive reporting on the “faces of modern slavery.” Dillon’s own contribution is a pastiche of musical performances from him and his friends—indeed, much of the film is spent justifying his approach by comparing Dillon’s music to the rich history of music that emanated from Black slavery, the Jim Crow south, and the Civil Rights movement. Dillon imagines his anti-trafficking initiative as “an open-source movement.” “Everybody just simply needs to write their code on top of it,” Dillon says,

“What are you good at? What do you care about? Has this issue touched you in a way? What’s your response going to be?”

The dramatic narrative created by the documentary leans heavily on contextless images of brown and black children, who are largely silent. Celebrity and UN Goodwill Ambassador Julia Ormond offers this anecdote: “I pretty much always ask the victims what they want to say, what they want to get out as a message, or what they want to say to the UN, that we should be doing to help you. Mostly they say, tell my story, talk about what has happened to me.” Telling the story of the victims is left largely up to Ormond and her peers—the rare intercessions by the “victims” of trafficking are always framed within the assertions of the experts about the nature of trafficking. There is also a consistency within the stories chosen to illustrate the claims that the film makes about the nature of trafficking. The Manichean dichotomy between traffickers and victims is highlighted by the extreme youth of the victims portrayed, the majority of whom are very young girls. Footage from hidden cameras of men posing as johns as they attempt to solicit sex from children, images of middle-aged white men walking hand in hand with teenagers, the huddled forms of women locked into a room—the documentary is not subtle in its mission to evoke an emotional reaction. Adult victims of trafficking and non-sex sector victims are hardly included at all: as Kristof says in the film, “just focus on these kids who are being kidnapped and forced into prostitution” (*Call + Response*).

The normative account trafficking presented in *Call + Response* is so common-place that narratives of trafficking begin to seem like “well-rehearsed scripts: the prison-like brothel, the lured or deceived female victim, and her heroic rescuers” (Soderlund, 77). The

choice to tell stories in this way is as practical as it is ideological. Janie Chuang argues that the prevalence of these narratives represents the “ideological capture” of the anti-trafficking movement by media stars, whose goal of turning emotional response into action results in the privileging of the most “mediagenic” narratives:

The reductive narrative of trafficking as being about women and children forced into prostitution resonates because of its simple narrative structure, with a bad guy (evil trafficker or deviant, sex-crazed male) doing bad things (sexual violence or enslavement) to an innocent, ignorant, impoverished victim (trafficked woman or child, sex slave, or prostitute). (Chuang, 1698).

The resonance of this narrative contributes to its repetition, in a cycle of media scandal that reproduces similar sex trafficking narratives so consistently that a particular response is not only suggested, but mandated by the moral outrage of the public. Trafficking, in this telling, can be broken down into dichotomies that “deemphasize the structural factors that encourage trafficking, subsuming them under a framework of the personal motivations of evil traffickers (greed, power, callousness, and contempt for women)” (Vance, 938). The need for a response is presented as ethically unambiguous: to fight trafficking is to be on the side of good—the complicity of anti-trafficking advocates in systems that create injustice and inequality is never the question.

Anti-trafficking has brought together politicians, NGOs, the media, and the public in a campaign that has extended far beyond the borders of the nation—trafficking is a global issue, and the United States has positioned itself in the fight against it. Claims made about the nature of problems may or may not reflect the realities of these problems (Best, 1990).

Instead, claims makers tailor the description of the nature and causes of the problem to invoke particular types of official responses (Stone, 1989). This process, known as “frame making,” can be manufactured or manipulated by claims makers who use the media to disseminate particular messages to encourage certain interpretations of a social problem and discourage others. (Farrell and Fahy, 618). The lack of mainstream debate around trafficking suggests that trafficking, as a framework for understanding particular human rights violations, has been widely accepted. If anti-trafficking activism relies on constructed understandings of a problem, who constructed the trafficking framework? How did they construct it, and for what purpose has it been used? Perhaps most importantly, why have these questions been largely absent from mainstream understandings of trafficking? In an era of polarized media and partisan politics, why is there consensus surrounding this one issue?

The history of anti-trafficking is certainly not a neutral one: the movement’s historical roots can be traced back to the Victorian fears about “White Slavery.” At the turn of the 20th century, sensationalized media stories about white women being entrapped by procurers and sold in overseas flesh markets, exacerbated by fears about immigration led to a panic about an ultimately fictitious “White Slave Trade.” While activists frequently speak of anti-trafficking as a modern crisis, the ascent of the trafficking framework to the lexicon of policy actually took place as a result of this movement over a century ago. The beginning of the White Slave panic can be traced to 1885, when journalist W.T. Stead published a largely manufactured account of young girls being sold into “sexual slavery” in London’s brothels. Stead contrasted women who “fall either by the seduction of individuals or by the temptation which well-dressed vice can offer to the poor” with the undeserving victims of “organized

rape,” young girls “snared, trapped and outraged wither when under the influence of drugs or after a prolonged struggle in a locked room” (Stead). Stead’s dramatic narrative about the rape of unwitting and unwilling girls—strikingly reminiscent of the narratives perpetrated in modern trafficking discourse such as *Call + Response*—triggered international outrage. Soon, more reports emerged of white girls and young women who had been “discovered” in brothels overseas, stolen from their homelands by immigrant men of color. Very quickly, “white slavery” metastasized into a “white slave traffic” in which Jewish, Arab, black, and Asian men supposedly procured white women for sale in the dark continents, where demand for the sexual purity of white girls was high. Public fear heightened, and there was an outcry for political response. In the United States, the Mann Act of 1910 (still used today to aid in the persecution of trafficking offenses) made it illegal to transport a woman across state lines for the purpose of prostitution. The Act, called the White-Slave Traffic Act at the time of its passage, was heavily leveraged against men of color as supposed threats to white female purity (Luibheid). Through the Mann Act, panic about White Slavery manifested as a limitation the mobility of women classified as prostitutes, and persecution/deportation of immigrant men.

Since most accounts about White Slavery have since been discovered to be largely constructed, critics such as Joe Doezema have since argued that White Slavery was in fact a cultural “myth” around which fears about race, class, gender, and international migration coalesced. The racism fostered by the panic is implicit in the name itself, “implying as it does that slavery of white women was of a different, and worse, sort than black slavery. In America, in particular, this contrast was explicitly used to downplay the black slavery

experience” (Doezema 2000, 30). Women of color were excluded from the category: their innocence and protection was never a concern. The fear and outrage that accompanied the supposed abduction and rape of young white women and girls and the literal panic it inspired based on little to no evidential truth is particularly appalling when held in contrast to the institutionalized and legally sanctioned rape of black women under slavery. The White Slavery scare thus “subverted rather than challenged the racialized understanding of slavery,” a history of appropriation that has held little weight with the activists who so liberally utilize the term “modern slavery” today (O’Brien et. al. 2).

In the modern crusade to end trafficking, three distinct interest groups have emerged in relation to the trafficking framework. “Abolitionism” was a term frequently adopted by activists who fought the fictitious “white slave trade” by which these activists—both feminists fighting for the elimination of a market for sex, and religious “social purity” reformers who believed that prostitution degraded society—meant the abolition of virtually all (white) prostitution. In the context of the history of anti-trafficking, abolitionism is a clearly articulated position associated not only with labor, but with sex. The adoption of the term by the modern anti-trafficking movement traces back to the work of feminist Kathleen Berry, whose 1979 tract on trafficking *Female Sexual Slavery* brought sex trafficking and abuse of prostitutes (in her language) into the feminist political agenda as a symptom of women’s global oppression under patriarchy. Berry’s initial project was to analyze cross-border trafficking, but expanded to encompass a variety of activities within the commercial sex industry:

I soon realized that my assumption that traffic in women and children was different from street prostitution was invalid. From interviews and other research I learned that virtually the only distinction that can be made between traffic in women and street prostitution is that the former involved crossing international borders. The practices used to force women into prostitution are the same whether they are trafficked across international boundaries or from one part of a city to another...Female sexual slavery then refers to international traffic in women *and* forced street prostitution taken together. (Berry, 6)

In Berry's argument, female sexual slavery encompasses a scope of economic exchanges that result, in her estimation, in the oppression of women predicated by the male "demand" for sex. Throughout *Female Sexual Slavery*, Berry depicts trafficking as the symptom of a global slave market for women's flesh, in graphic and emotive language (although there is a distinct lack of first-person accounts of the phenomenon Berry describes). The answer is a call to "abolish" sexual slavery—through the abolition of the context in which slavery takes place, the global market for sex.

Since the 1980's, abolitionist feminists have founded a variety of anti-trafficking organizations. In 1988, Berry helped to found the Coalition Against Trafficking in Women (CATW), an organization with the express purpose of not only ending sex trafficking, but all commercial sexual exploitation through the recognition of prostitution as violence against women (catwinternational.org). For CATW, the violence experienced by prostitutes and the trafficking of women for sex implicates the commercial sex industry as a tool for women's subjugation. According to Dorchen Leidholdt, a current CATW board

member, “when we bring our knowledge about violence against women and girls to an analysis of the global sex industry, what we see is not labor or work, but an institution of male dominance at its most virulent, a system of power and control that keeps women and girls inside it in conditions of perennial gang rape” (Leinholdt qtd. in Kempadoo 2001, 35).

The sex industry is seen as the main site where trafficking occurs, as an economy of abuse and coercion that runs on the sexual demands of the patriarchy. Consent to prostitution is therefore rendered impossible, since contractual agreements that take place within an oppressive system that demands sex can not be considered fully consensual. Kathy Miriam argues that rather than robbing women of agency, the abolitionist problematization of consent instead questions the demand for sexual services that creates the sex industry in the first place:

The root question of an abolitionist approach to prostitution is not whether women ‘choose’ prostitution or not, but why men have the right to demand that women’s bodies are sold as commodities in the capitalist market. The central premise of the abolitionist approach is that, ‘men create the demand; women are the supply. (2)

Abolitionist feminists argue that the exchange of money for sex is the epitome of commodification of the female body, and that “the category of ‘sex work’ depends on a contractual model of agency and its central notion of the proprietary self, and thus a model that both presupposes and conceals the social relations of domination that obtain for prostitution” (Miriam, 5). The sex industry is not an industry like any other, but an economization of rape mediated by the exchange of money rooted in men’s entitlement to sexual access to women.

However, abolitionist feminists do not go unopposed within the feminist movement. The burgeoning sex workers' rights movement holds a diametrically opposed understanding of the sex industry, drawing on both liberal feminist critiques and the growing multitude of political sex workers to argue that sex work is no different from any other kind of labor. This reading of the sex industry emerged from "community organizing, research, and policy advocacy advanced by sex workers themselves, who define their work in prostitution, porn, stripping, BDSM, and other forms of sexual entertainment and fantasy as real work" (Gira Grant, 4). In comparison with abolitionism, the sex work position was primarily concerned with supporting women's (and increasingly, men's) autonomy and agency, supporting their choice to enter the sex industry. However, this understanding of sex work as synonymous with any other kind of labor was rooted in a liberal politics of free choice: "liberalism is centrally concerned with the idea of 'choice,' and construes 'choice' as the exercise of the individual's autonomous will" (Miriam, 2). This emphasis on choice was largely a response to "the neo-abolitionist feminists' assignment of a 'false consciousness' to those who claim the voluntarily engage in prostitution" (Chuang, 1670). While anti-trafficking organizations that embrace people's right to choose sex work are few, one relatively large organization that takes this tack is the Global Alliance Against Trafficking in Women.

However, the "liberal choice" model of sex work is not without problems. Particularly as anti-trafficking organizations gained momentum, sex workers and sex work advocates were forced to differentiate between sex work and sex trafficking "as part of a necessary defensive reaction to the feminist allegation that all prostitution was violence against women" (Doezema 2004, 70). Drawing on liberal politics' emphasis on individual

liberty an choice, embraced a dichotomous understanding of “forced” sex work and “chosen” sex work. Jo Doezema argues that the acceptance of the “force/choice” dichotomy by sex work advocates was largely a strategic response to liberal trends in global politics:

Liberalism’s legacy for feminism is global: as the notion of human rights has expanded and become a legitimate and powerful arena to argue for liberatory ideals around gender, sexuality, and a host of other concerns, global feminism has been highly influenced by liberal arguments, as these fit into a human rights framework. (2004, 69)

While this strategy may have been politically necessary for sex workers’ rights, the acceptance of the force/choice dichotomy “was not a rejection of the feminist conception of prostitution but a refinement of it” (Doezema 2004, 70-1). Accepting that some sex workers are trafficked and coerced reiterated abolitionist assumptions about violence and the sex industry, rather than negating them. The emphasis on “choice” also de-emphasizes the contexts of structural inequality in which choices are made, and “the ‘sex work’ model of agency occludes the reality that it is men’s demand that makes prostitution intelligible and legitimate as a means of survival for women in the first place” (Miriam, 9).

The voluntary/forced dichotomy “creates false divisions between sex workers” that ignore the wide range of intersection forms of coercion that might limit the choices that sex workers have within the sex industry (Doezema 1998, 42). Situating the sex worker as an autonomous human subject who deserves protection of their rights has necessitated the creation of the counter point, of the trafficked woman whose rights are secondary to her rescue. Moreover, this distinction is frequently drawn along racial lines, in which “the

‘voluntary’ prostitute is a Western sex worker, seen as capable of making independent decisions about whether or not to sell sexual services, while the sex worker from a developing country is deemed unable to make this same choice: she is passive, naive, and ready prey for traffickers” since, in anti-trafficking rhetoric, poverty itself constitutes a kind of force (Doezema 1998, 42). In many ways, the reliance of the liberal feminist understanding of sex work on the notion of choice limits its ability to describe the range of sex workers’ experiences and is complicit in the creation of global class hierarchies. By accepting that prostitution can be forced and that any woman from a poor nation must be a forced prostitute by the nature of her poverty, liberal feminist understandings of sex work have set up a model in which the choice of women from developing countries is ignored: her coercion is a foregone conclusion.

The last and possibly most powerful players in the anti-trafficking movement are faith-based aid organizations. The rise of the importance of trafficking in the 1990’s offered aid organizations a major opportunity to influence policy and discourse as they defined modern responses to trafficking. In the 1990’s, faith-based organizations made a concerted effort to move towards “‘common denominator’ concerns such as global warming, prison reform, human trafficking, and HIV/AIDS” (Bernstein, 136). The increase in the importance of faith-based lobbies in political dialogue as a result of this move was so significant that some critics have read the shift in evangelical politics as “a self-conscious effort to expand their base and political power through the vehicle of human rights” (Soderlund, 68). Some of the major faith-based NGO’s that have formed around this imperative are the International Justice Mission (IJM), Shared Hope International,

In her ethnographic study of the convergence of evangelical organizations on the issue of trafficking, sociologist Elisabeth Bernstein argues that rather than reflecting an increased liberalism in evangelical politics, the faith-based response to trafficking is actually a reflection of conservative reactions to modern concerns. Bernstein argues that “Christian campaigns against ‘modern-day slavery’” can be read as “a reaction as much against ‘the modern’ as against slavery” (Bernstein, 135). For faith-based NGOs, fighting trafficking is the perpetration of “a sexual politics premised upon the reinstatement of traditional sex and gender roles underlies the attention that many conservative Christians have granted to the issue” (Bernstein, 133). If “sexual slavery” is, as many claim, “the dark side of globalization” then the logical remedy would be the proliferation of traditional values and religious ethics. The embeddedness of missionism in the is reflected in the common practice of conversion as a form of “aid” that faith-based organizations give to sex workers that they “rescue” from brothels. Using humanitarian agendas to propagate faith, these organizations are concerned as much with moral reform and evangelism as the well-being of others—for faith-based NGOs, salvation is the central goal.

Each of these three groups have played a role in shaping the framing of trafficking; qualifying who the term applies to, how it can be understood, where it emanates from, and what can be done about it. However, feminist abolitionists and evangelist groups have largely captured both the political momentum and national attention for their narratives about trafficking. As a result, sex workers’ rights voices have played a marginal role in shaping responses to trafficking—the emphasis that most anti-trafficking advocates place on the evils of the sex industry have made anti-trafficking work a hostile sphere for sex workers’ rights

organizations. In the context of the fervor around trafficking, many sex workers rights' organizations have distanced themselves from debates about framing, realizing that "the best way of protecting sex worker rights in the debate on defining trafficking was through making sex workers invisible" (Doezema 2004, 78). As a result, anti-sex work perspectives have dominated the debate, and the exclusion of sex workers (especially non-white, non-Western sex workers who fall outside the model of the "liberated" sex worker) has resulted in a silencing of alternative readings of sex as labor. In this environment "the migrant woman sex worker becomes the ground for competing claims and theories, silenced by not only the master narratives but also the Western gaze" (Kempadoo, 2012, ix).

In this thesis, I will trace the embeddedness of anti-migrant, anti-prostitution ideologies in the political response to trafficking, and the real, human costs that these policies have elicited both domestically and abroad. By re-situating trafficking policy in its political context and in its lived effects on the target populations of the anti-trafficking movement, I will construct the imperative for an alternative to the trafficking framework. I argue that the injustices created by the mainstream response to trafficking are not, as some critics argue, the result of the "ideological capture" of trafficking by social actors with hidden political agendas, but are ideologically embedded in the construction of "trafficking" as a particular kind of labor abuse (Chuang). By reinforcing divisions between "forced" or "enslaved" and "free," between sex work and other kinds of labor, between gender and autonomy, and between those who benefit from the inclusion within nation-state and those who are "crossed by borders," the trafficking framework ultimately serves hegemonic orders rather than the needs of oppressed, exploited, and abused people. As an instrument for human rights, the

anti-trafficking movement is bankrupt—at best, it is useless and disynchronous with lived experience, at worst it can be experienced as a perpetuation of structural violence. However, as a social construction that justifies nationalistic policy responses, a vilification of global movement, invasive and neocolonialist interventions in overseas policy, and the moral agency of activists intent on rescue, anti-trafficking thrives.

In Chapter 1, I will discuss the transformation of ideology into policy both at an international level, and in the United States. Highlighting the influence of abolitionist/evangelist coalitions in creating a definition of trafficking that serves particular policy aims, I will demonstrate how policy makers were able to embed political agendas underneath the “apolitical” issue of trafficking through the Trafficking Victims Protection Act. I will then discuss how, through the various Trafficking Victims Protection Reauthorization Acts, shifting concerns about national security and increasingly conservative approaches to the sex industry were embedded into anti-trafficking legislation.

In Chapter 2, I will discuss the domestic enforcement of the Trafficking Victim’s Protection Act through border control, hyper-visibility of migrant communities, victim-identification and “protection,” and the prosecution of both the sex sector and migrant communities under anti-trafficking mandates. I will argue that national security and citizenship concerns—not human rights— motivate the criminal justice-driven response to trafficking. I will then discuss how the response fails to meet the real rights needs of migrants, ignoring the underlying motivations for migration and even directly counteracting the strategies for social and economic mobility that migrants enact in situations of cross-border labor.

In Chapter 3, I will take up the global enforcement of U.S. Anti-trafficking standards and how capitulation to the policy agendas of the United States is exacted through the annual Trafficking in Persons (TIP) Report. I will demonstrate how through rankings, policy prescriptions, and sanctions trafficking is leveraged for political ends that have less to do with human rights than the national interest of the United States. I will also address the failure of the TIP Report to address the global policies that truly motivate the abuse and exploitation of migrants by perpetrating global inequalities that drive people across borders. I will then discuss how the particular how targeting of women as potential victims of trafficking and delimiting their migration ignores the growing impetus for women to move around the globe, and actually increasing their risk of exploitation.

In Chapter 4, I will analyze the troubling coalition between NGOs and the State through the government-subsidized global “Rescue Industry” (Agustín). Focusing on case studies where rescue is experienced as structural violence by targeted populations, I will demonstrate the contradictions between the narratives put forward by anti-trafficking activists and the women they constructively identify as “victims.” I will then discuss the links between neoliberal ideology and the rehabilitation of victims of trafficking, arguing that rescue frequently amounts to little more than integration into the global economy that produces the economic disparities that drive people into “trafficked” situations.

The reinforcement of global hierarchies of gender, class, and race that these policy implementations reflect create a pressing need for an alternative to the trafficking paradigm, which has become little more than excuse to inflict structural violence on the populations characterized as the source of the trafficking problem. To create this alternative, we must

rigorously interrogate not the lived repercussions of anti-trafficking, but the assumptions that underpin its creation as a framework to understand human rights abuses that lie at the confluence of gender, race, and globalization. In other words, to take up Johan Lindquist's call to action, we need to move "beyond accepting the term trafficking as an empirical problem and starting point. Instead, we need to consider how 'trafficking' has emerged as a transnational phenomenon in socio-historical terms" (Lindquist, 322). Only then can the possibility of real justice for the oppressed and abused workers tossed about by global labor markets be addressed.

Chapter 1

Policy Formation and Anti-trafficking Agendas

We've got a problem, and we need to do something about it.

-President George W. Bush, 2004 address to the National Training Conference on Human Trafficking

In the new millennium, trafficking took on a renewed importance as an international moral issue, as international regulations and national policies reflected the imperative to deal with this “modern form of slavery.” In the global arena, anti-trafficking activists mobilized both national power and international human rights dialogues to create an internationally applicable definition of trafficking. The resulting ruling, the United Nations’ Optional Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (commonly called the Palermo Protocol) which outlined the goals and minimum standards that participant nations should take to combat trafficking. However, this definition was rendered essentially meaningless by the competing interests of activists and nations. Not only was the United Nations powerless to enforce its own legislation, but the definition was so vague that it essentially left a vacuum for national policies (with their own agendas) to fill.

After the Palermo Protocol was formed, it became clear that the United Nations had done little more than create a shield of “human rights” for nationalistic policies. The earliest and most internationally potent of these policies was the anti-trafficking legislation passed in the United States: the Trafficking Victims Protection Act of 2000, commonly abbreviated as the TVPA. While the dialogue around the TVPA made it seem a necessary response to

(overstated) claims about the scale and nature of trafficking, the legislation was formed in the context of powerful bipartisan coalitions that sought to embed abolitionist assumptions and agendas within the United States' response to trafficking.

In the context of regime change after the 2000 election of President Bush, these claims became more blatant: through the TVPA, trafficking became a way to re-codify fears about sexual morality and global immigration in the context of the War on Terror. Like to its counterpart, the War on Trafficking was rendered as a moral fight against the constructed, stateless global evil of “trafficking,” but in reality mobilized to serve nationalistic ends. In this chapter I will demonstrate that, through the construction of the TVPA, policies that ostensibly had little to do with rights were contextualized within a rights framework and given energy by the moral call to “do something” about trafficking. I will trace the political coalitions that formed between the far left and the far right that created an imperative to embrace a definition of trafficking that located the sex industry as a site of “modern day slavery,” both at the international level but particularly through the Trafficking Victims Protection Act. I will detail how mandates for protection were curbed by fears about “floods” of immigrants abusing trafficking protections, fears that ultimately proved unfounded. Through this discussion I will argue that the anti-trafficking movement has been an accomplice to anti-prostitution and anti-migrant agendas, politically utilized as an “apolitical” moral shield for dubious agendas.

Problematizing Trafficking

As anti-trafficking advocates gained momentum near the end of the millennium, anti-trafficking activists began to mobilize around the need for an international definition of

trafficking, and a set of global rules about how to combat it. Formally separating trafficking as a particular kind of crime was necessary to justify the political lens of anti-trafficking activists, who saw trafficking as distinct violation of rights that was separate from or even beyond gender violence, migrant exploitation, and violation of laborer's rights. There was a need to clearly define who was a victim of trafficking and who was not, a need made even more clear by the intersecting rights claims of "trafficked victims:"

The imperative of adequately and indubitably identifying 'genuine' victims of trafficking is derived from the ambivalent relationship that human trafficking has to other social problems. Victims of trafficking are and are not illegal migrants. They are and are not prostitutes...the classification as victims simultaneously closes down and opens up specific possibilities of action. (Aradau, 6)

Control over definition was therefore a primary concern and site of immense opportunity for anti-trafficking activists with various political agendas, and nation-states with agendas of their own. In response to the imperative set forward by these activists to create new trafficking policies, the United Nations began drafting a new trafficking protocol, opening the opportunity for political agenda-setters to codify their positions into law. Abolitionist advocates in particular pushed for the inclusion of prostitution in the United Nations' definition, as they wished the definition to reflect their claims that the sex industry was a major site of trafficking of women. They leveraged their power within their own national arena, lobbying U.S. Secretary of State Madeleine Albright "to push for tougher anti-prostitution language in the protocol. These groups even buttonholed a few members of

Congress, complaining that the American negotiators were too lenient and were actually supporting prostitution” (DeStefano, 25).

Initial drafts of the protocol generated some serious concerns about the potential human rights violations implicit in several of the protocol’s articles. National interest foregrounded many member country’s willingness to sign an international protocol, and as a result they advocated for responses to trafficking that served those interests: “because, to a large degree, trafficking involved immigration crimes, the draft protocol contained a number of articles dealing with law enforcement measures designed to thwart illegal migration” (DeStefano, 22). The then-High Commissioner for Human Rights Mary Robinson issued an informal note to the delegation regarding some concerns with the draft, including the failure of the document to address that migrants “precarious situation in society often leads to violation of their most basic human rights” and include a migrants’ rights clause, the “implementation difficulties inherently associated with undefined, imprecise and emotive terms such as ‘sexual exploitation’ when used in connection with adults,” and the use of the term “rehabilitation” in reference to victims, a term that “is generally reserved for offenders” (Office of the United Nations High Commissioner for Human Rights 1999). Robinson recommended provisions that would guarantee permanent asylum for migrants seeking protection under the protocol, and prevent countries from creating immigration policies that would have “discriminatory effects or infringe upon the right of an individual to leave her or his country or legally migrate to another” (Office of the United Nations High Commissioner for Human Rights 1999). These recommendations were not included in the final draft of the Protocol.

The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children was ratified by 159 states in 2000. In the United Nations' new protocol, trafficking was defined as a discrete kind of offense through the use of "force, fraud, and coercion":

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...The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons."

(United Nations 2000, Annex 2, Section I, Article 3).

This definition is at once troublingly vague and problematically specific. On one hand, what is meant by "vulnerability" or "coercion" is unclear. Particularly since the consent of the victim to "trafficking" is rendered meaningless; in this definition, trafficking covers a broad variety of offenses: "by making the consent of the migrant in her/his movement across borders 'irrelevant' if they experience any form of deception, coercion, or abuse in the

process, this definition dramatically expands the scope of trafficking” (Sharma, 90). Abolitionist activist Janice Raymond of the Coalition Against Trafficking in Women applauded the broad scope of a definition of trafficking that does not take into account the consent of the victim. “Only this kind of principled and inclusive definition of trafficking would take the burden of proof off the exploited and place it on the exploiters,” writes Raymond, arguing that this kind of definition would “make no distinction between deserving and undeserving victims of trafficking—those who can prove they were forced and those who cannot” (494).

However, other critics have noted how the irrelevancy of consent in the Protocol reflects abolitionist goals to include all sex workers in the category of “victims of trafficking” and neutralize the agency of women who enter sex work: “as the space for consent dwindles to nothing, the myth of trafficking grows to encompass all prostitution” (Doezema 2004, 74). Many sex workers actually avoided engaging in the debates that resulted in the protocol’s formation, realizing that “when ‘trafficking’ is a target, prostitutes will also become a target” (Leigh qtd. in Doezema 2004, 76). In the broad definition of consent put forward by the protocol, the sex industry is characterized a specific target for anti-trafficking action. Sex workers’ networks had already engaged in international advocacy surrounding trafficking, and one project issued a report to the United Nations “which examined how a range of human rights abuses in sex work, including those referred to under ‘trafficking’, would be covered if existing international law was applied to sex workers” (Doezema 2004, 76). Ultimately, however, the emotional appeals of anti-trafficking activists made the international arena increasingly hostile to pro-sex work approaches to trafficking. As a result, sex workers

increasingly withdrew from international trafficking debates, realizing that “the best way of protecting sex worker rights in the debate on defining trafficking was through making sex workers invisible,” and that any mention of prostitution in the Protocol would likely single out the sex industry as a particular site of scrutiny (Doezema 2004, 78). Their concerns were ultimately overridden by the strong political pressure to link trafficking and prostitution that abolitionists were placing on the United Nations and its member states.

The messy and over-broad nature of the Palermo Protocol’s definition has thus lead some critics to conclude that the Protocol “is not a human rights instrument. It is an instrument designed to facilitate cooperation between states to combat organised crime, rather than to protect or give restitution to the victims of the crime...Border controls and police cooperation, not human rights protection, lies at the heart of [the trafficking protocol]” (Anderson and Andrijasevic, 136). By offering little in the way of guaranteed protection for victims and promoting the legal enforcement of borderlines, the Protocol is primarily a litigative instrument designed to facilitate international cooperation in criminal prosecution of trafficking as the primary mode of giving “justice” to the trafficked. Enforcement of the Protocol falls under the United Nations Office on Drugs and Crime, and explicitly compels the signing countries to “adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol” (United Nations, Annex II, Section I, Article 5). The Protocol thus prioritizes a criminal response; although “trafficking, and the rights of persons who have faced abuse within forced labor or migration, is a human rights issue” in the foremost international standard, trafficking “has fallen under the umbrella of crime” (Mahdavi, 15)

However, the Protocol fulfilled the need of anti-trafficking activists to have trafficking acknowledged as a discrete problem, and given an operable international definition. The Palermo Protocol, even if it offered little in the way of protection for victims offered much in the way of political legitimacy for the trafficking framework. The debates around and eventual ratification of the Protocol provided a springboard for anti-trafficking activists to enact anti-trafficking policies on the national level. During the debates around the Palermo Protocol, similar debates were occurring in the United States to solidify the American response to human trafficking. The vagueness in the Palermo Protocol made it clear that the strongest trafficking legislation would be formed at the national level, and it was in this arena that anti-trafficking activists redoubled their efforts. In the context of American politics, this ripe political opportunity for change resulted in a unique coalition between two anti-trafficking factions that shared little common ground. This union between evangelist christians and radical feminists ultimately resulted in what Janie Chuang has characterized as an “ideological capture” of trafficking debates. These two disparate parties joined forces to normalize shared assumptions about the magnitude, nature, and necessary response to trafficking through policy, embedding these assumptions in the definitions and power of the TVPA.

Embedded Ideologies in Trafficking Victims Protection Act

In the new wave of international interest in abating the “modern slave trade,” the United States was among the first to ratify legislation that specifically dealt with human trafficking. Policy initiatives in Congress occurred simultaneously with debates around the Palermo Protocol, and the first potential anti-trafficking legislation appeared before the

Senate in 1999. Sponsored by Senator Paul Wellstone (Democrat, Indiana) with the support of the Clinton administration, this bill “understood sex trafficking as one of many forms of coerced labor” and also “conceived of prostitution as a form of labor whose characteristics were linked to the conditions under which it was performed” (Soderlund, 73). Displeased with the “pro-prostitution” stance of the bill, Representative Chris Smith (Republican, New Jersey) introduced a second piece of legislation, the Trafficking Victims Protection Act (TVPA). Smith had no previous record as an advocate for women and immigrants, following the conservative party line on immigration policy, welfare cutbacks, and the opposition of reproductive rights and family planning efforts. However, through anti-trafficking Representative Smith was recast as a champion for women’s and migrant’s rights. The TVPA, constructed with the assistance of Gary Haugen of the faith-based International Justice Mission and feminist Laura Lederer of the Protection Project, garnered significant support in the Republican-led House of Representatives. Forced to abandon his bill, Wellstone was able to amend the TVPA in the Senate. The act was re-packaged with the Violence Against Women Act, and together they became the Victims of Trafficking and Violence Protection Act. The bill ultimately passed 371/1 in the House and 95/0 in the Senate in July of 2000, months before the ratification of the Palermo Protocol.

The passage of the TVPA with such an overwhelming majority “made it clear that human trafficking was now on the government’s radar and could garner, when the time came, considerable political consensus” (DeStefano, 15). The emergence of trafficking as a nonpartisan issue was largely thanks to the active participation of anti-trafficking interest groups in the formation of the bill. In the United States, the mutual interest in including

abolitionist attitudes in legislation led faith-based anti-trafficking organizations and radical feminists to form a powerful alliance. This “left/right coalition” was able to, as one key policy player put it “capture the soft middle” (Footen Bromfield, 254). Anti-trafficking activists who took a more liberal stance towards sex work found their voices drowned out as the coalition between radical feminists and conservative evangelists dominated discussion and promoted their common definition of trafficking that rooted the problem in the sex industry. One activist said that the discussion on trafficking “became forced prostitution very quickly” as “the conservative portion of the Republican party was beginning to increasingly dominate mainstream human rights issues that the liberals, Democrats, and moderates had generally stewarded” (Footen Bromfield, 250). The alliance of conservative and radical feminist groups on the issue of trafficking gave them the power to “ideologically capture” the trafficking debate for their own political and moral ends (Chuang, 2010). This coalition made feminists uncomfortable but effective allies:

Feminist and faith-based groups find themselves arguing for similar moral imperatives, even when their value judgements are not totally aligned. Where faith-based groups focus on the harms of sex outside marriage, monogamy and family, for example, the radical feminists refer to the performative harm of men using women’s bodies for sex. Both claims, however, seem to be grounded in a moral imperative about acceptable sex, making them awkward but definite bedfellows.

(O’Brien et. al., 33)

Through their union, abolitionist feminists and abolitionist evangelical NGOs were able to summarily exclude alternative arguments about the nature and framing of the trafficking problem, particularly those that characterized prostitution as labor.

The charged rhetoric that motivated the passage of the TVPA focused on the propagation of a particular narrative of victimization that mandated a decisive response: “Congressional testimony in the lead-up to the TVPA played on the imagery of women and children forced into literal sexual slavery, utilizing graphic images of women and girls locked in trailers, raped, and deprived of food” (Chuang, 1695). Victims who fit this narrative were found and paraded before Congress, or their stories were recycled through the mouths of abolitionist advocates. Tellingly, “none of the 43 individuals who gave testimony at the [TVPA] hearings provided evidence as sex workers or as a representative of a sex workers’ organization” (O’Brien et al, 48). Instead, advocates focused on portraying the sex industry as universally evil and entirely dependent on trafficking to sustain itself. Since the data didn’t exist to support these claims, advocates turned their to political allies to legitimize this narrative. In the coming years, the Department of Justice would fund reports such as the 2001 report “Sex Trafficking of Women in the United States” by CATW chairs Janice Raymond and Donna Hughes. The report made sweeping statistical generalizations about the prevalence of violence and trafficking in the United States’ commercial sex industry based on interviews with 40 women who had worked in the sex industry (Hughes and Raymond). This research, although motivated by the need of abolitionists to perpetuate their claims about the nature of trafficking and in particular, their claims about the prevalence of sex trafficking, became enmeshed into policy. This ideologically driven information-gathering and

abolitionist lens was written into the language of the bill and permanently enmeshed in policy.

Contained in the introduction of the TVPA are two statistics: first, the bill finds that “At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders” and that “approximately 50,000 women and children are trafficked into the United States each year” (H.R. 3244, Sec. 102[b]1). In reality, “the 50,000 figure actually encompassed trafficking of men, women, and children into the United States for sweatshop labor, domestic work, and agricultural labor (and was downgraded in 2003 to a figure of 18,000-20,000)” (Chuang, 1695). By 2004 the “at least 700,000 annually” figure, which had already fallen from the supposed millions of people trafficked each year, had fallen to 600,000-800,000 per year (U.S. Department of State, *2004 Trafficking in Persons Report*, 6). However, in 2006 the U.S. Government Accountability Office issued a report casting doubt on this estimate due to the questionable tactics that went into the creation of this estimate, lack of any documentation about how it was reached, and the “considerable discrepancy between the numbers of observed and estimated victims” (Government Accountability Office, 2). The TVPA places emphasis on the sex industry as the primary site of trafficking, although information gathered by the International Labor Organization indicates that approximately 22% of people living under conditions of forced labor are victims of sexual exploitation, compared with 68% that are living under forced labor exploitation in “industries such as agriculture, construction, domestic work and manufacturing” (ILO 2012, 13). Additionally, the TVPA’s assertion that “traffickers

primarily target women and girls” is belied by the ILO’s estimate that women and girls make up 55% of forced labor victims—a majority, but not an overwhelming one (ILO 2012, 14).

It is not then surprising, given the misinformation that is literally written into the Act, that the definition of trafficking put forward by the TVPA places an emphasis on sex trafficking as a particularly common and egregious kind of offense. The TVPA defines two classes of victims, as either victims of “sex trafficking,” by which is meant “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” (H.R. 3244, sec. 103[9]) or as victims of “severe forms of trafficking in persons”:

The term “severe forms of trafficking in persons” means 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. (H.R. 3244, sec.103[8])

A victim of sex trafficking can therefore include anyone who has ever received any assistance or shelter while working in prostitution, and those who are complicit in their trafficking are pimps, madames, agents, brothel-keepers, and a wide swath of other people who work in the sex industry. However, the victim of trafficking is not subject to any particular protection, the main purpose of her inclusion is the prosecution of her traffickers. Instead, it is the “victim of severe trafficking” who receives the bulk of protection under the TVPA. Her protection is a matter of more concern, and the majority of protections offered in the TVPA are only for the person who has been “severely” trafficked. Victim-creation in the

TVPA thus works to “constrict the ways victimhood can be imagined; for instance, sex trafficking victims must be distinguishable from illegal aliens or prostitutes, whose assumed consent writes them as criminals and not victims” (Hua, xv). By identifying victims, the TVPA therefore creates an “exemption” to criminality for those who fit particular definitions of victimhood, offering protection rather than the prosecution they would otherwise face.

The focus on sex trafficking shows the influence of abolitionist rhetoric on the TVPA. Adding an explicit definition of sex trafficking as separate from other kinds of trafficking reflects the abolitionist “value judgement...that trafficking for sexual exploitation is distinct from trafficking for other forms of forced labour, and therefore needs to be addressed separately” (O’Brien et al., 29). In accordance with the necessary nuance that abolitionists use in the promotion of their attitudes towards the sex industry, “this does not necessarily imply a condemnation of legalized prostitution; however, the uniqueness of sex trafficking is justified through arguments that the sex industry is not a normal or legitimate industry” (O’Brien et. al. 29). Additionally, the focus on sex trafficking “reinforces the notion that migrant abuse is largely a problem of the sexual violation of women and children” (Chapkis 927). Gendered narratives about forced prostitution are implicit in the wording of the TVPA, reflecting the power of ideological groups in the policy’s formation.

However, the distinction between trafficked and non-trafficked “labor and services” is equally as important as the distinction between sexual victimization and “normal” victimization, although the emphasis on sex trafficking down-plays the larger problem of non-sex sector labor exploitation. Trafficked labor is defined by the presence of “force, fraud, and coercion” that supposedly does not exist in a contractual labor situation. “A key problem

here arises from what is actually meant by ‘force’,” argue Anderson and Andrijasevic, “how to distinguish trafficking from legally tolerated employment contracts?” (141). “Force, fraud, and coercion” lies at the heart of the differentiation between freely contracted labor and a trafficking offense, and in the simplistic narratives that provided the emotional motivation for the TVPA, the evidence of force, fraud, and coercion was clear (or at least presented to be so). However, beyond the Manichean narrative of “ideal” and unambiguous victimization, the distinction between forced and free, fraudulent and authentic, or coerced and chosen may not be so clear. When the minimum wage is not a livable wage, when welfare programs partner with employers to force welfare recipients to accept bottom-rung jobs or lose their benefits, when prisons contract with private firms to provide cheap labor at bottom dollar, a distinction between trafficked labor and tolerated labor exploitation seems little more than an arbitrary division of convenience. “Violence, confinement, coercion, deception and exploitation can and do occur within both legally regulated and irregular systems of work, and within legal and illegal systems of migration,” yet by distinguishing between the market for free labor and the market for forced labor, the TVPA draws a line where a scale of coercion exists, neatly concealing legitimized labor exploitation under the guise of action against trafficking (Anderson and Andrijasevic, 141).

The law “[addresses] the reality that trafficking is not primarily a problem of forced migration of unwilling women but rather of economic desperation” and offers a variety of “economic alternatives to prevent and deter trafficking” (Chapkis, 933; H.R. 3244, sec. 106 [a]). Proposed programs include microcredit lending programs, “programs to promote women’s participation in economic decision making,” programs to promote girls education,

“development of educational curricula regarding the dangers of trafficking” and “grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries” (TVPA 200, sec. 106 [a] 1-5).the TVPA mandates the identification and protection of victims of trafficking. Most importantly, the TVPA exempts victims of trafficking from prosecution for crimes related to their trafficking and offers them health services, shelter, and immigration assistance. The major legal protection offered to victims of severe trafficking is the “T-Visa.” The T-Visa is a special class of visa that allows identified victims of “severe forms” of trafficking to remain in the United States for as long as they are useful to the investigation and prosecution of their traffickers. During the debates around the TVPA, a major issue of contention was how many T-Visas could be given out per year. Republicans were concerned that the T-Visa would become a way for illegal immigrants to gain legal status in droves, by claiming to be victims of trafficking:

Amendments restricting eligibility of victims to only the most severely abused and the most purely innocent were put forward by anti-immigrant representatives such as Lamar Smith from Texas. Smith justified the restrictions on the grounds that they would ‘prevent hundreds of thousands of people claiming to be trafficking victims ... [leading] to a massive amnesty for illegal aliens’” (qtd. in Chapkis, 929).

Conversely, Democrats with more liberal stances on immigration were concerned about putting a cap on T-Visas given the belief that 50,000 people were trafficked into the United States each year. After much debate, a 5,000-per-year cap was set on the issue of T-Visas, with an option to readdress the cap if more T-Visas proved to be necessary.

Regime Change and the Reauthorization Acts

Months after Clinton signed the TVPA in 2000, the United States elected a new President who would eventually make trafficking a major issue of his administration. President George W. Bush's conservative politics and embrace of faith-based policy making made more open abolitionist policy possible, "significantly [altering] the 'political opportunity structure' for anti-prostitution forces, [and] providing a degree of access and influence that had not existed since the Reagan administration" (Weitzer, 449). Additionally, Bush's open avowal of a Christian mission in his Presidency allowed faith-based groups unprecedented influence in creating trafficking policy, and faith-based NGOs were integrated into the Bush Administration's anti-trafficking response structures. As a result, "legal frameworks to combat trafficking have been redeployed in the context of regime change from the Clinton to Bush administration" in a way that strongly favors not only abolitionist goals, but discourses of national security and anti-globalization, anti-immigrant responses (Soderlund, 66-7).

In the early months of the Bush Administration, trafficking was not a high-priority issue and the administration was largely silent on the efforts it was taking to enforce the newly-passed TVPA. However, after the 9/11 attacks, trafficking was catapulted alongside terrorism as a central focus of Bush Era foreign policy. Global migration became an issue of national security as fears about global terrorist networks made immigrants more than just an economic threat, but a present physical danger. As Bush launched the War on Terror, immigrant rights were superseded by security discourses and cracking down on immigration became a primary safety tactic. Global movement was the new threat to American

sovereignty: “The new War on Terror has created space for a more strident and alarming response to the global movements of people, reducing it at times to nothing more than an evil threat” (Kapur, 35).

Beliefs about the organized nature of trafficking circuits were incorrectly conflated with global terrorists networks, and although there was no supporting data, the Bush administration quickly jumped to the conclusion that trafficking was funding terrorism (Mahdavi). According to an official in the newly-minted U.S. Office to Monitor and Combat Trafficking in Persons, “it’s all part and parcel of the same thing, trafficking and terror” (qtd. in author’s field notes, Mahdavi, 10). The belief that slavery and subjugation accompanied terrorism was used as a moral front to justify aggressive action against supposedly “terrorist” nations. The trafficking discourse “[contributed] to tropes about Muslim women and the need to save or protect these women through any means necessary, thus legitimizing acts of violence across the world” (Mahdavi, 18). In this way, “discourse and policies regarding both the war on terror and the war on trafficking fuel and reproduce themselves, with policy slippages between the two wars” (Mahdavi, 14). The Bush Administration’s emphasis on surveillance, border control, and militaristic neocolonial intervention was justified by both “wars,” pairing rights and security discourses in a deft political move.

The use of trafficking as a moral smoke-shield for the War on Terror was particularly evident in Bush’s 2003 address to the United Nations, when he went before the UN for the first time since launching the internationally opposed War on Iraq and circumventing the UN’s judgement and authority. In the same speech, Bush justified the move on Iraq and publicly spoke, for the first time, of his administration’s commitment to ending trafficking.

Bush made no differentiation between trafficking and sex trafficking, launching almost immediately into century-old rhetoric about the particular ignominy of this “old evil:”

There's a special evil in the abuse and exploitation of the most innocent and vulnerable. The victims of sex trade see little of life before they see the very worst of life -- an underground of brutality and lonely fear. Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others. And governments that tolerate this trade are tolerating a form of slavery. (CNN)

President Bush’s appeal to extreme youth of “the victims of the sex trade” was a narrative over a century old. His “oratory was laden with nineteenth- and early twentieth-century anti-prostitution rhetoric,” using an appeal to good and evil that mirrored the epic story-telling emanating from the White Slave panic a century before (Soderlund, 77) Fed by an increasingly polarized and sensationalist media, “an amplified mood of public sentimentality on the part of U.S. audiences in the post-9/11 era guaranteed the domestic success of this rhetoric” (Soderlund, 77). In a nation gripped by fear about the threats that globally mobile Others presented to the homeland, anti-trafficking gained increased momentum not only as a moral cause, but as a matter of protection.

The Bush Administrations acceptance of faith-motivated policy agendas also played an important role in emphasizing anti-trafficking as an avenue of foreign policy. One of the administration’s early appointments was the appointment of former Republican Congressman John Miller as the Director of the Office to Monitor and Combat Trafficking. John Miller was already a favorite with faith-based groups, who actively lobbied for his appointment to the

chair (Bumiller). Miller was unabashed about his opposition to the sex workers' rights framework, arguing that the very term "sex work" serves "to justify modern-day slavery, [and] to dignify the perpetrators and the industries who enslave" (Miller qtd. in Bernstein, 130).

The integration of religiously-motivated abolitionist policies into the official anti-trafficking approach of the United States was a godsend for faith-based groups. The channeling of USAID money to faith-based organizations during the Bush Administration is well documented, and one survey found "identified 159 faith-based organizations that received more than \$1.7 billion in USAID prime contracts, grants and agreements from fiscal 2001 to fiscal 2005" (Boston Globe). Trafficking was not exempt from this preference, and "in 2003, [Attorney General John] Ashcroft allocated 91 million dollars in appropriations for anti-trafficking initiatives while awarding million-dollar grants to evangelical groups like Shared Hope International and International Justice Mission" (Report to Congress qtd. in Soderlund, 76). The benefits of the institutionalization of abolitionist politics also refracted to radical feminist organizations, as their input became increasingly important in policy circles. Laura Lederer was given an official position in the administration as a Senior Advisor on Trafficking in Persons to the Under Secretary of State for Democracy and Global Affairs. Additionally, Donna Hughes of CATW was called to testify before the Senate, where she promoted the abolitionist agenda of ending projects that aimed to protect sex workers through health measures such as condom distribution:

In some places, such as Thailand, aid programs claim that 100 percent condom use policies has resulted in lowering the incidence of HIV, but it has come at the cost of

overlooking and even excusing the sex slave trade in women and children. This approach results in sacrificing the safety and freedom of women and children for the good of public health. (U.S. Senate, Committee on Foreign Relations)

Feminist concerns about harm-reductionist projects were soon law, motivated by the argument that harm-reduction was a form of acceptance. With the 2003 re-implementation of the Mexico City Policy instituted under Reagan (more commonly known as the Global Gag Ruling) President Bush effectively ended funding for sex work projects by cutting all aid to organizations that provide condom distribution and family planning services. Although the activities that the Global Gag Ruling banned “are all legal in the US; it [was] the Bush administration’s position, however, that they must not be supported outside the US, regardless of their proven effectiveness in saving lives or improving public health” (Ditmore 2012, 118).

These restrictions became permanently embedded in anti-trafficking legislation with the Trafficking Victims Protection Reauthorization Act of 2003. Contained in the law were increased border controls, measures to combat international sex tourism, but most importantly a “limitation on the use of funds” that restricted funds appropriated under the TVPA from going to any organization that would use them “to promote, support, or advocate the legalization or practice of prostitution” (H.R. 2620, sec. 7[g]1). Additionally, no funds were to be given to any organization “that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution” (H.R. 2620, Sec. 7[g]2). This section of the new legislation, authored by Representative Smith, effectively required organizations that received USAID funding to

make an “anti-prostitution pledge. Although Assistant Attorney General William Moschella issued a letter to the Committee of the Judiciary containing concerns that the amendments in the 2003 TVPRA constituted a free speech violation, his successor Daniel Levin withdrew the concerns in 2004 (Moschella to Sensenbrenner, 2003; Waxman to Gonzales, 2005).

Through subsequent reauthorization acts, the TVPA was increasingly utilized to perpetrate conservative policy agendas. The 2005 TVPRA contained language that “established the crime of ‘domestic trafficking’ on a moral and legal par with previous cross-border understandings of the crime” (Bernstein, 142). More particularly, the 2005 TVPRA :

With the aim of shifting enforcement priorities toward the policing of street prostitution in urban areas, the TVPRA established \$5,000,000 in federal grants to local law enforcement agencies to “investigate and prosecute acts of severe forms of trafficking in persons [. . .] within the territorial jurisdiction of the United States. (Bernstein, 142)

Significantly, the 2005 TVPRA included more of the sex industry under the jurisdiction of trafficking than ever, allowing the Attorney General to use anti-trafficking funds “to investigate and prosecute persons who engage in the purchase of commercial sex acts” and “to educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts” (H.R. 972, sec. 204[a]1.A and B). The bill also authorized anti-trafficking appropriations for the Department of Homeland Security, fixing in law “the interrelationship between trafficking in persons and terrorism, including the use of profits from trafficking in persons to finance terrorism” (H.R. 972, Sec.104.c.4).

Bernstein, through attendance at anti-trafficking police training sessions in New York and Las Vegas, learned the implications of the TVPRA for law-enforcement:

Pimps can now be charged with the federal crime of sex trafficking and given upward of ninety-nine-year prison sentences; prostitutes can be apprehended by law enforcement as a means of securing their testimony in their “traffickers’ ” prosecutions; and clients (whose “demand” for the services of prostitutes is declared by TVPRA to be the underlying cause of trafficking) can be arrested and their cars apprehended as a means of financing “antitrafficking” activities. (Bernstein, 143)

The modifications made to the TVPA in both 2003 and 2005 through the Reauthorization acts indicated that under the Bush Presidency, the underlying abolitionist goal of combatting the sex industry as part of the “War on Trafficking” was embedded into anti-trafficking policy. However, the inherently anti-prostitution politics written into trafficking law has received little to no attention: “the policy prescription that follows from the core assumption of a link between prostitution and trafficking—that is, a focus on eradicating prostitution writ large—has...gone largely unexamined by U.S. policymakers” (Chuang, 1723). By couching a crackdown on the sex industry within the TVPA, lawmakers and influential parties have been able to sidestep the democratic process, evading controversial debates about regulating the sex industry through the moral imperative of anti-trafficking.

As national politics shifted away from conservatism resulting in the election of President Barack Obama in 2008, the political consensus around anti-trafficking remained the same. That same year, Congress reauthorized the TVPA with the William Wilberforce Trafficking Victims Protection Reauthorization Act. The 2008 TVPRA expanded the

programming of the TVPA to include partnerships to prevent the sale of “any item, product, or material produced or extracted with the use of labor from victims of severe forms of trafficking” (H.R. 7311, sec. 101 [2]A). Additionally, the legislation expanded the criminal category of “perpetrator” of trafficking to all who knowingly benefit from participation in a trafficking venture, and broadened the category to encompass fraudulent foreign labor contracting (H.R. 7311, sec. 1593A; sec. 1351). By the time the 2013 TVPRA passed in Congress with no changes made to the anti-prostitution pledge section of the law, the inordinate focus on sex-trafficking as a particular category of concern (despite updated information that this focus on sex-trafficking was not mandated by the data), and the false dichotomies between “regular” exploitation and exploitation under trafficking; it had become clear that on the issue of trafficking, the new administration would follow the footsteps of the old.

What had changed, however, was the tactic for legitimizing legislation that only thinly veiled political agendas unrelated to human rights concerns. Compared with President Bush’s emotional appeal to universal moralism, President Obama’s anti-trafficking rhetoric took a much more rational (and perhaps therefore more insidious) tack. Eschewing rhetoric laden with religious ethics and the black-and-white language of “good and evil,” President Obama has instead favored a logical presentation of trafficking as a disruption to the American way of life. Presenting trafficking as an abuse of human rights that “tears at the social fabric...distorts markets... [and] endangers public health and fuels violence and organized crime,” Obama framed trafficking as more than a moral outrage, but a tangible

threat to the benefits enjoyed by “free” world (U.S. Office of the Press Secretary). Fighting trafficking is now not about morality, but about maintaining the status quo.

Over the course of a decade and a half, and three administrations, the trafficking framework has become embedded in national policy as a useful vehicle for legitimizing anti-sex work agendas, panic about global migration, and the vast majority of labor exploitation that occurs outside the limited purview of “trafficking.” The direct influence of abolitionist agendas on policy, the use of the TVPA and the TVPRAs to serve anti-migrant and moralistic agendas, and the simultaneous mobilization of trafficking and terrorism to not only justify imperialist interventions but to foster fear about the threat that globalization presents to the homeland suggest that “the ethical mandate to fight trafficking “is actually a form of anti-politics’: it smuggles politics in under a ‘humanitarian agenda’ seemingly geared towards the assistance and protection of victims” (Anderson and Andrijasevic, 138). U.S. anti-trafficking legislation is not, as anti-trafficking advocates and politicians would have us believe, a fundamental change. Instead, the trafficking framework has simply been used to negatively reinforce hegemonic structures of immigration, race, gender, and mobility as the norm.

Chapter 2

The Role of Nationalism and Security in the Domestic Implementations of Anti-trafficking Law

We didn't cross the border, the border crossed us.

-Immigrant rights slogan

The Trafficking Victims Protection Act and its subsequent reauthorizations have demonstrated that, as framed in law, trafficking is little more than a container for political agendas that vilify global migration and target the sex industry. As a result, while the definition of trafficking allows for victimization outside of the context of migration and sex work, in practice the anti-trafficking mandate of the TVPA has focused inordinately on migrant sex workers. The focus on sex further conceals the abuse of laborers in regulated and licit industries, leading to uneven enforcement of domestic laws for laborers outside of the sex industry who face abuse: “What is called ‘trafficking’ when it involves sex is often called ‘international labor migration’ when it involves other kinds of labor” (Chuang, 1704).

The widely non-controversial nature of trafficking as a political issue belies the work that the TVPA does as a set of laws, regulations, and capabilities that are utilized against marginalized communities. While presented as a human rights framework, trafficking ultimately upholds the exclusionary politics that motivate trans-border migration and subsequent exploitation. While it is evident in both critical circles and official dialogue that trafficking is fueled by global migration circuits, policies focus primarily on barricading the United States against traffickers and their victims rather than addressing the factors that draw laborers en-masse into a vulnerable state of mobility: “most laws that target trafficking do not

increase job opportunities at home but rather increase vulnerability of migration for who choose illegal and unregulated means” (Mahdavi, 48). When enacted, anti-trafficking policies enforce the nationalistic security and economic concerns of the United States, rather than addressing the needs of vulnerable populations:

The Trafficking Victims' Protection Act helps to define "compassionate conservatism": a willingness to provide assistance and protection for a few by positioning them as exceptions, proving the need for punitive measures used against the many. The law thus symbolically and legally separates trafficking victims from economic migrants who are understood to have unfairly benefited from facilitated migration. (Chapkis 930)

Trafficking, as a framework, is not about identifying and protecting victims while prosecuting only the guilty. The rights of the populations that are rendered hyper-visible (and therefore, more vulnerable under the trafficking framework) “remain to be taken up in a systematic fashion within the dominant anti-trafficking discourse” (Sanghera, 9). In this chapter, I will highlight case studies that demonstrate that within the United States, the trafficking framework is utilized to enact anti-immigrant, racist, protectionist policies under the guise of rights and justice. I will demonstrate that domestic anti-trafficking has manifested as a restrictive regime of exclusion; closing legal pathways for migration, making migrant populations and sex workers hyper-visible under the guise of victim identification, and prosecuting those who anti-trafficking legislation was supposed to protect. Through this case study I will argue that the lived reality of anti-trafficking enforcement suggests that federal anti-trafficking efforts have amounted in practice to little more than thinly veiled

persecution of marginal communities who challenge the sovereign interests of the nation, rather than a protection of human rights. For vulnerable people, being brought under the anti-trafficking apparatus does not signify an end to abuse, but is itself experienced as structural violence.

Prevention at the border

Borders present an ideological problem—as a purely theoretical idea, a border is little more than an arbitrary and imagined line between two states, line of convenience that carries no intrinsic meaning. Borders are simply a construction, a way of dividing the world into more manageable pieces. However, centuries of border-conflict, oppressive regimes of border protection, and the enormous meaning given to citizenship identities delineated by borders suggest that in reality, borders are a physically meaningful construct. Borders are particularly important when being born or integrated to a border-delineated state defines the economic opportunity, class mobility, structural value, and human rights protections that a person will have. Citizenship is the state of being that gives meaning to borders—citizens constitute and legitimize the state by their willingness to accept the burdens of being governed (paying taxes and complying to legal codes, for example) in exchange for a variety of benefits, both economic and civil, that come from living within the boundaries of a strong state. The exclusion of those outside the borders of the state from citizenship rights is integral to “the process of constructing the nationally integrated state— the state that defined the rights of citizens and simultaneously defined who was to be excluded” (Kerber, 99). Citizenship is also the primary means by which rights are governed and protected—as the United Nations’ inability to enforce the Palermo Protocol and its subversion by nationalistic

policies indicate, international governing bodies have little power to protect rights. Instead, rights are granted and enforced by states through the nexus of citizenship.

The liberal state and the liberal subject are based on the idea of fixed borders, but global markets that require the mobility of not only goods and capital but people have made the exclusion of non-citizens from states much more complicated:

The liberal state and the liberal subject are based on the idea of fixed borders, with clearly identifiable interests and identities. Yet globalization, which produces the challenge of migration and non-state actors to the legitimacy of the borders of the sovereign state and the autonomous subject, indicates otherwise. (Kapur, 38)

On one hand, privileged global elites who bring enormous cultural and physical wealth wherever they go are granted the mobility to live and travel wherever they like. These “flexible citizens” are granted the protections and benefits of citizenship wherever they go, as their business is integral to the global economy (Ong). Terms such as “expat” and “jet-setter” differentiate this desirable global laborer from their economic opposite, the “migrant.” Migrants, who cross borders to find jobs and better wages are configured as a drain on the state whose labor takes jobs from “deserving” citizens, deflates wages, and fosters illicit labor economies (such as human trafficking).

However, due to the low value of their labor, migrants are not given the same flexibility to travel across borders— in fact, their claims to any citizenship at all are hardly legitimate. “If citizenship is linked to work...then what citizenship can be claimed by those trapped jobless in the underworld of the global marketplace?” asks Jacqueline Bhaba (2003). For those at the bottom of global markets for labor that have been subjected to the

fluctuations of capitalism, citizenship is an empty construct. Borders are not sites that constitute identity and grant rights, but obstacles that prevent low-value migrants from pursuing strategies of economic mobility. These migrants do not cross borders but are “crossed by them” in their attempts to move about in the lowest levels of the global labor market.

Anti-trafficking action is a framework in which the tension between migrants “crossed by borders” and nations whose entire existence is predicated by the meaning of borders has played out in a variety of problematic ways. The prevention of trafficking has manifested almost entirely through locking down borders, exacerbating the vulnerability of migrants and resulting in the very high-risk migration strategies that can lead to the exploitation and abuse anti-trafficking claims to fight. The promises made in the wording of the TVPA to take actions to prevent trafficking by alleviating the conditions that motivate people, particularly women, to take risks in order to migrate has gone unfulfilled. However, appropriations for this purpose under the original TVPA amounted to only \$15 million over 2 years and have not increased since, while “in contrast, the federal government spends nearly 1 billion dollars annually to patrol the U.S./Mexican border” (Smith qtd. in Chapkis, 933). The majority of the “prevention” measures have been undertaken at border-points, international ports, and confluence zones between the U.S. and “everywhere else.” Coordinated efforts by Homeland Security departments such as U.S. Customs and Border Protection (CBP), the U.S. Coast Guard, the Transportation Security Administration, and U.S. Immigration Customs Enforcement (ICE) to combat human trafficking have been united

under the “Blue Campaign,” which has undertaken a variety of border patrol and awareness initiatives to combat trafficking.

Prevention through awareness is the mission of the CBP’s “No Te Engañes” (Don’t Be Fooled”) campaign, which circulated disturbing Spanish-language anti-trafficking ads in Mexico and Central America, in addition to key immigrant destination cities in Florida, Georgia, and Washington (Ahlers). Additionally, the CBP placed posters at southern border crossings, containing graphic, gritty and violent images of Latin@ women and men (although most of the posters featured women) being strangled, tied or chained up, and put behind bars (cpb.gov). The posters bear emotional captions in Spanish: “I paid double, with dollars and with my liberty,” “I asked God to help me get out of my country and the devil heard me,” and “they took more than just my papers” (cpb.gov). All of the posters bear the No Te Engañes slogan: “you too can be a victim of trafficking in persons” (cpb.gov). While the CBP states that the aim of the campaign “is to raise awareness amongst potential migrants, informing them of the dangers of human trafficking and help them avoid becoming a victim,” the campaign seems to hinge primarily on fear. The posters suggest the many ways in which people can be “fooled” as they attempt to migrate, suggesting that this can happen to anyone who attempts to cross borders, even those who possess legal documents. While the CBP acknowledges that “with global demand for labor decreasing, impoverished workers find themselves taking greater risks than before in order to survive” their main solution seems to be deterring migration by making potential migrants more fearful of crossing borders than they are of the economic conditions that compel them to do so.

The No Te Engañes campaign reflects truth of anti-trafficking efforts in the United States: the problem is not exploitation, abuse, or inequality; it is the audacity of laborers who move across national borders and the problems that arise when they arrive. Increased scrutiny of potential migrants and locked down border control has become the primary way in which trafficking is prevented, an approach that typifies Bush and now Obama-era national security agendas. However, the national dialogue surrounding trafficking conceals the anti-immigrant trends exhibited in anti-trafficking efforts. “The discourse of trafficking needs to be seen as part of a more general attempt to depoliticise the question of migration,” by making the closure of porous borders a moral imperative to end “slavery,” instead of a nationalistic exclusion of dangerous and undesirable migrants (Anderson and Andrijasevic, 142). When trafficking and immigration are linked in the minds of policy makers and their constituencies, “attempts to restrict immigration can then be packaged as antislavery measures; would-be migrants are would-be victims whose safety and well-being are ostensibly served by more rigorously policing of the borders” (Chapkis 927). Prevention at the border has manifested as terror: by closing borders and therefore motivating migrants to move through increasingly dangerous channels, and then fear-mongering about the risk that both licit and illicit migration presents, anti-trafficking efforts have both created and capitalized upon danger to migrants.

The focus on border control as a form of prevention detracts from the actual conditions in which trafficking takes place: an increased and global impetus to migrate for work. Trafficking vectors follow migrant flows, and irregular migration patterns “play a key role in shaping trafficking patterns” as the context in which many traffickers are able to

practice “force, fraud and coercion” against vulnerable migrant peoples (Dinan, 60). No amount of fearmongering will deter migrants from pursuing economic mobility across borders, and in increased border crack-down instead creates the very conditions for illicit channels of migration. It is increasingly evident that as U.S. Border Control and Protection escalates its efforts, more and more irregular migration channels are established to compensate for the closure of legal means of border crossing:

Efforts at regulation do not eliminate illegality but play a role in market regulation since the method, intensity and focus of law enforcement directly reconfigures the location and form of the illegal activity, as well as the size and structure of criminal organizations, and the cost and profitability of their activity. (Mahdavi, 46)

Border policing efforts do not prevent trafficking, but instead increase the danger and the risk that people must take to cross borders, and the cement the importance of cross-border smuggling as a migration strategy. Border anti-trafficking measures have thus reinforced the very phenomenon they are attempting to alleviate by forcing people into patterns of irregular and vulnerable migration.

Since the prevention of trafficking at borders does more to harm potential victims of trafficking than to help them, why are these efforts favored so heavily over structural programs that may alleviate the “push” factors driving immigrants over national borders and into vulnerable contexts? The answer is rooted in national security: trafficking, as a facet of illegal migration, plays on nationalistic fears about takeover of the national by immigrant workers:

The worsening economic situation for many countries, and the growing polarity between rich and poor countries, has led inhabitants of rich countries to feel that they are under threat from hordes of ‘economic migrants’ out to grab what they can...it is precisely in these times of crisis, when community identities are threatened, that the policing of boundaries becomes paramount. (Doezema, 44)

If the migrant laborer whose willingness to work for low wages undercuts the economic well-being of American citizens, how much more threatening are “victims of trafficking” who can do the same work for free? “The image of the Victim of Trafficking is used to invoke an emotional reaction and an image of large numbers, echoing fears of ‘floods’ and ‘hordes’ of (‘illegal’) migrants,” and while victims of trafficking elicit “pity rather than fear, but the effects are very similar” (Anderson and Andrijasevic, 137). Through border control, both feared and pitied migrants can be excluded together and the boundaries of American nationality protected from outside threats.

The deep-seated nationalistic concerns revealed by this response are reflected in the ideological links forged between the War on Trafficking and the War on Terror in the process of regime change. Border protection has been embraced as a primary strategy to deter terrorism in post-9/11 security regimes, and the confluence of the two security concerns of trafficking and terror has constructed global migrant flows as a primary threat to American security. The person who suffers most under the anti-trafficking, anti-terror regime is ultimately the migrant:

The space for the migrant is being eroded through the discourse of trafficking and the discourse of terrorism and threats to the security of the nation. Yet criminalizing or

victimising those who cross borders forces these people to continue to move through illicit channels and to remain vulnerable, stigmatized, and illegitimate. It seems unlikely that the security of what is left of the nation-state can be achieved at the cost of the security of the alien migrant...it will only serve to encourage the construction of a paradox, where the security of the alien migrant is perhaps less threatened by people-smugglers and clandestine migrant-mobility regimes than by the current international system of protection offered to people who moves as migrants, refugees, or asylum-seekers. (Kapur, 36)

In an effort to protect national security, the border security regime of the United States has positioned itself (not trafficking) as the primary peril migrants face. The goal of preventing trafficking has catalyzed, in practice, as an imperative to prevent cross-border migration and the multiple threats that migration poses to the state. While trafficking prevention may have originally contained lofty goals of increasing economic opportunity everywhere, these concerns have been abandoned in favor of protecting American sovereignty.

Protection and Prosecution

Protection for trafficking victims through the T-Visa was one of the major provisions of the TVPA, and hailed as a triumph by many anti-trafficking activists. However, despite legislator's beliefs that a "flood" of immigrants would lay claim to trafficking protections, out of a potential 5,000 per year only only 6,206 T-Visa requests were granted between 2002 and 2013 (Pei). Attempts to find and protect victims have resulted in a regime of hypervisibility where the category of victims of trafficking "emerges through the very practices of security that states deploy towards migrants," as victims are identified at borders,

through federal investigations, and through the criminal justice system (Aradau, 6). However, once identified, “protection is offered selectively and at a cost: it only stretches to those deemed innocent, while it persecutes, criminalizes, or ignores those who are seen as complicit in their victimization” (Soderlund, 83). For the populations that are made hyper-visible through anti-trafficking efforts, protection has overwhelmingly manifested as prosecution.

One of the primary problems that law enforcement faces when following federal anti-trafficking mandates is victim-identification—actually detecting victims who fit into the narrative of “severe trafficking” is extremely difficult. As a result, victim-identification has become a major part of federal “protection” strategies. In addition to efforts by the CBP to identify victims at borders, one of the main victim-identification tactics used to identify victims of trafficking is the mobilization of citizens to conduct their own surveillance on migrant populations and economic activities, and identify potential victims. In 2009, the ICE launched the Hidden in Plain Sight awareness campaign, designed to spread information about victim identification and provide the public with the number of the Homeland Security Tip Line--a phone number used to report any suspected immigration violations (Contreras). In addition to a TV spot, the Hidden in Plain Sight campaign placed billboards in major immigrant destination cities around the United States, including Atlanta, Dallas, Los Angeles, Miami, New York, San Francisco, and Tampa (Contreras). The billboard featured the tip line number and a large image of brown eyes set in a brown-skinned face. The implications of including that particular image with a plea to the public to report potential victims of trafficking, particularly in these migrant-worker heavy cities, are racial--turning the scrutiny

of the public on already marginalized populations under the guise of victim identification. Awareness campaigns thus reinforce racial divisions as well as divisions of licit and illicit populations by deputizing the general population: “the policies of many so-called ‘trafficking destination countries’ reflect another aspect of ‘boundaries’: the fear of the racial/cultural ‘other’”(Doezema, 43).

The major problem with victim-identification by the state is that identification is no guarantee of protection. The identification of victims makes them visible to a state whose primary motivation is exclusion, and has no incentive to protect those who do not fall into its limited definition of trafficking. In their analysis of a British poster campaign similar to “Hidden in Plain Sight,” Anderson and Andrijasevic argue that the promise of protection that these awareness campaigns offer to both abused migrant workers and the citizens who identify them is a hollow one:

Not all those horrendously abused or caught in what some people describe as ‘modern day slavery’ will count administratively as victims of trafficking even when they are migrants who are grossly exploited...The consequences, for those who may fit the descriptive but not the administrative categories, are that the promises that ‘you have nothing to fear from the authorities’ are simply not true. (Anderson and Andrijasevic 2009, 154)

Instead, for the vast majority of migrant workers who fall under the scope of the trafficking framework, the failure to fit into the trafficking narrative excludes them from the services and immigration assistance offered to victims of trafficking, while those that are able to convincingly identify themselves as “trafficked” are rarely offered long-term immigration

solutions. The extension of protection only to those who are useful in prosecution suggest that “the T-visa, then, is designed not so much as a means to assist the victim as it is a device to assist prosecutors in closing down trafficking networks” (Chapkis, 932). To convince their rescuers that they are victims, they must demonstrate that they were coerced to leave their sending countries, and as soon as they cease to be useful, are returned home.

Protection therefore relies on a “victim’s” ability to convincingly perform victimization, tailoring her experiences to preconceived notions about the nature of trafficking. In applications for T-Visas, the burden of proving that she has been trafficked frequently falls on the victim, and to be considered a viable candidate her trafficking experience must fit into “a normative narrative of victimhood” that reproduces assumptions about extreme exploitation and abuse (Andrijasevic qtd. in Sharma, 104). The normative narrative of victimhood is not only gendered (the focus on sex trafficking in the TVPA was included specifically to address the belief that trafficking happens to women and girls) but also requires women to show that they are undeniably coerced. Willing participation in the sex industry or in her migration process at any point casts the veracity of a victim’s claim to trafficking into doubt. Visa programs created for victims of trafficking “demand that women applying for legal status both denounce and leave sex work. Women who do not perform the role of trafficked victim or whose performance is not believed by state authorities cannot legalize their status and are often deported” (Sharma, 104). The focus on the victim of sex trafficking in both the TVPA and the legal response mandated by the law makes it difficult for those who are forced to labor and abused into other sectors, or those whose consent has

not been verifiably violated, to access the category of a “victim of trafficking,” and the accompanying protections.

Moreover, the focus on sex trafficking embedded in the the TVPA has resulted in hyper-scrutiny of sex workers and migrant sex workers in particular. Despite current information that labor trafficking is far more common, the criminal justice system has focused overwhelmingly on the sex industry:

A review of prosecutions commenced under the TVPA shows that sex cases far exceed the number of labor cases...sex trafficking cases are easier for law enforcement to prosecute than labor cases are. Sex cases tend to focus on brothel and massage parlor situations, the kinds of establishments that police vice units can easily target and then report to federal officials if they find evidence of trafficking. With the passage of the TVPA, officials at state and local levels have become more sensitive to the fact that prostitutes in immigrant neighborhoods might be trafficking victims and thus subjects of interest. (DeStefano, 83)

The inordinate focus by law enforcement on the sex industry as a potential site of trafficking and migrant sex workers as potential victims “belies the reality that non-sex-sector trafficking accounts for nearly as many--and arguably more--trafficking cases worldwide” (Chuang, 1696). However, as a community that already lives on the margins of the law, migrant sex workers are an easy target for legal action. It is not a matter of grave concern for law enforcement if prostitutes get put in the way of punishment or illegal immigrants deported in the process of victim identification.

On June 30th, 2005 a combined force of over 1,000 federal and state officers descended on Los Angeles and San Francisco, targeting fifty Korean brothels. This was the culmination of “Operation Gilded Cage,” which targeted a supposed sex trafficking ring operating all along the West Coast (DeStefano 2007). In this grandiose charge of the cavalry, over one hundred women were “rescued” and taken into “non-punitive custody” (DeStefano 2007, 92). Of these one hundred, fifty-three “were deemed non-material (unlikely to have significant evidence or uncooperative)” and were subject to deportation (DeStefano). Of the 29 people charged in the case, a year later only 14 defendants were still facing criminal proceedings. Many, such as the taxi driver “who did no more than drive women on two occasions to a brothel” were dismissed or given only minimal charges (DeStefano 2007, 93). Operation Gilded Cage revealed fundamental misunderstandings between federal definitions of trafficking and the lived realities of those supposedly “saved” by the TVPA:

As allegations in the Operation Gilded Cage indictment showed, the managers took control of women’s passports and travel documents to ensure that they would repay their debts. Although the law considers such an arrangement to be a form of debt bondage, many of the women had agreed to it beforehand. They saw it as a condition of employment that allowed them to migrate to the United States and tap into a potentially lucrative job. (DeStefano 2007, 93)

The stories, motivations, and ambitions of many of the women taken in Operation Gilded Cage did not fit into the narrative of trafficking embedded in the TVPA. As a result, they did not have access to the protections that the legislation offers and were classified instead as illegal immigrants, subject to prosecution and subsequent deportation. Given their

willingness to work in conditions of debt bondage in the sex industry in order to remain in the United States and earn money, by revealing their lack of legitimate immigration status to the eyes of the federal government Operation Gilded Cage did more to harm these women than their “traffickers” ever did.

As Operation Gilded Cage made evident, identification as victims doesn’t consistently end in protection for irregular migrants, as their access to immigration assistance is not only predicated by their ability to fit certain trafficking narratives, but their usefulness to law enforcement investigations. Identification as a potential victim of trafficking, particularly to the ICE, directly counteracts the victim’s original purpose migration, to enact a strategy of economic mobility. Even when this strategy results in precarious and dangerous situations for migrant workers, frequently they prefer to remain in exploitative and abusive situations rather than risking return to their countries of origin. “Many women consider deportation an even worse prospect than accepting the situation in which they find themselves, and try to survive in the hope that at some point they will succeed in realizing their original aims for migration” (Marjan, 75). The result of their desire to remain in the United States is that “trafficked persons invariably live hidden and invisible lives. Much of their energy is spent upon averting either state agents such as law enforcement officers from apprehending them” (Sanghera, 9). Their constant state of deportability creates the conditions for abuse, and through identification, potential victims of trafficking are brought into the sphere of the very authorities that they have remained in exploitative situations specifically to avoid. When their stories do not align with the definition of trafficking fixed in the TVPA, they are re-classed as illegal immigrants and deported. “Victim” is an exclusive category, that

most narratives will not be able to conform to. “The ability to achieve definitional agreement about what constitutes trafficking comes with a price,” writes Musto, “namely the insufficient identification, visibility, and protection of trafficked persons whose experiences do not align with dominant discourses” (2009, 286). Contrary to its conceptualization as a tool to identify and thus protect victims, the definition of victimhood in the TVPA (particularly the built-in assumption that victimhood is a protected class that many “undeserving” migrants will wish to access) does significantly less to help migrants than policy makers and agenda-setters had hoped.

Even if those identified under these protective matrices are able to gain a T-Visa and thus avoid prosecution, that doesn’t necessarily translate into permanent status. The T-Visa only allows continued residence for as long as victims of trafficking are useful to the prosecution of traffickers. To achieve permanent residence status “victims must also demonstrate that they would ‘suffer extreme hardship involving unusual and severe harm upon removal from the United States’” (TVPA, sec. 107 [F] ii, qtd. in Chapkis, 932). The extension of permanent resident status to victims was conditioned by reports of retaliation against victims that returned to their home countries, but where safe for victims repatriation is the favored strategy for victim assistance:

As definitions of trafficking do not fail to mention, migration, prostitution and irregular work have been external forceful impositions on these victims. Victims of trafficking are eventually voluntarily returned home, after having testified against their traffickers and having undergone more or less extended periods of rehabilitation.

Instead of deportation, voluntary return. Instead of detention centres, rehabilitation shelters. Instead of illegal immigrants, victims. (Aradau, 2)

The effect, for the victim, is the same as if she had been immediately deported and treated as an illegal immigrant. However, in the dominant narrative about trafficking (the narrative that her protection is conditional upon her identification with) she has been completely coerced in her removal from her home. Her return is read as the happy conclusion to her story and the success of anti-trafficking policy, rather than an obstruction of her migratory goals and ambitions.

Protection and punishment or prosecution are thus distinctly confused by the anti-trafficking rhetoric. “Rescue has become code for deportation, where rescue maintains positive and helpful connotations to its more menacing deportation counterpart,” but “many rescue strategies are premised on the notion that migrants wish to go home, that home is a clear cut place, or that home is a better option for them than their current situation” (Mahdavi, 61). Return to the economic and social conditions that may have prompted migrants to move through illicit and dangerous channels is rarely the lasting solution that the protection and repatriation narrative would suggest. Additionally, while this may not constitute “unusual and severe harm,” if upon repatriation, it becomes known in her community that a woman was “trafficked,” the conflation of sex work and trafficking will frequently result in her stigmatization as a prostitute. In reality “identification as a ‘trafficked person’ [increases] obstacles to reintegration” rather than offering protection and assistance to victims as they are sent back to where they came from (Napier-Moore, 243). “In the shift from illegal migration to an emphasis on the human rights of victims of trafficking...what

appears to change is rather the form of incarceration or the mode of normalization,” through the shift from fear of invasive immigrants, to pity of helpless victims of trafficking (Aradau, 2). However, “the logic of their removal from the space of the political community they attempted to enter irregularly remains the same:” deported or rescued, for migrants attempting to remain in the United States, the effect of the shift in frameworks is much the same (Aradau, 2).

As an instrument for prosecuting “trafficking” the TVPA has actually proved to be rather ineffective. In fact, a review of trafficking cases reveals that they frequently turn into immigration cases, where no protections are offered to “victims” and the offense is not one of human rights abuse, but border violation:

The first prosecution under the [TVPA] was initiated in January 2001 and involved Russian women and a strip club in Alaska....although federal prosecutors had promoted the case as the first prosecution under the new trafficking law, they quickly decided to drop the charges related to kidnapping and forced labor...Allegations that some of the dancers were younger than age sixteen was only a small part of the case; primarily, it concerned immigration fraud. (DeStefano, 47)

The failure of the TVPA as a criminal justice framework became a trend. Early prosecutions under TVPA had “a conviction rate of 60 percent, which is below average for federal prosecutors, who usually convict 80-90% of indicted defendants” (49). While the primary purpose of the TVPA had been the “framing of trafficking as a crime problem,” in reality trafficking cases quickly diverged into crimes of immigration (Farrell and Fahy, 623). The relationship between trafficking persecutions and immigration persecutions was reflected in

the consistent targeting of immigrants as traffickers. There is a consistent theme in trafficking cases: immigrant employers are convicted for “enslaving” their domestic workers, crime networks composed of immigrants are broken up, immigrants use their transnational connections traffic other immigrants into brothels, and police crack down on trafficking in liminal zones such as American Samoa and the Northern Mariana Islands (United States Department of Justice, DeStefano). “The crediting of trafficking to the foreign ‘Other,’ who is configured as a threat to Western societies and civilization, serves thus as a scare tactic to corral racist, nationalist sentiments and to obfuscate the interaction between the state, corporate capital, and underground sectors” (Kempadoo, 2012, xxvii). However, more consistently “those trafficked into non-Sex sectors tend to be viewed simply as exploited migrants rather than trafficked persons; the problem is viewed as one of hiring illegal immigrants, not of abusive labor conditions” (Chuang, 1698). While trafficking prosecutions have expanded to look at forced domestic servitude, in general, the closer exploitative working conditions are to the formal or industrial economy, the less likely they are to be viewed as trafficking offenses. Abused migrant laborers in manufacturing, construction, and agriculture do not fall under the scope of trafficking—by undercutting American workers, these laborers create the conditions of their own abuse and their deportation is of little consequence.

By increasing scrutiny of migrant communities as both potential victims and potential traffickers, the trafficking framework offers prosecution where it claims to protect, and resulting in the hypervisibility of vulnerable communities. Wendy Chapkis suggests that ultimately, trafficking serves as a politically-motivated moral front to deeper anti-immigrant

agendas, “creating a politically strategic exception to a punishing rule” (Chapkis, 924). The mobilization of state apparatuses to combat trafficking detracts attention from the state’s complicity in creating the context in which the abuses currently classified as “trafficking” (and a wide range of other abuses that don’t fit into this narrow definition) occur. Instead, by their theatrical pursuit of the real “bad guys,” the government positions themselves as heroes: “abuse of migrants becomes fully the fault of traffickers who must be stopped, not the by-product of exploitive employment practices, restrictive immigration policies, and vast economic disparities between rich and poor nations” (Chapkis, 926). Those who bear the cost of this strategy are the migrant men and women targeted as both potential victims and perpetrators of trafficking, then re-framed as immigration offenders.

The blurred lines between prosecution and protection that constructs both victims and traffickers as a threat highlights the ultimately nationalistic function of trafficking paradigms: “Anti-trafficking campaigns act as the moral regulatory arm of White nationalist movements by denying migration to those who are deemed incapable of deciding for themselves if and when they should move” (Sharma, 105). Trafficking is a framework through which race, nationality, and global class are reinscribed; disguised as a humanitarian agenda and “mobilized to simultaneously help illegal migrants as well as maintain and legitimize the state’s repressive actions towards them” (Sharma, 94). The problem is not, primarily, that people are trafficked: the problem is the global redistribution of people across borders, and the challenges that this redistribution poses to the ideological composition of nationality and state sovereignty. The convergence between the oppressive state apparatuses of deportation, surveillance, and punishment in anti-trafficking practice “points not to the hijacking of the

anti-trafficking agenda by the state but to the fundamental, anti-migrant assumptions embedded within it” (Sharma, 94). The discord between the lofty, altruistic goals espoused in the political framing of anti-trafficking as a moral mission, and the lived effects of this mission for victims do not indicate a corruption of an initially humanitarian cause by government agendas, but instead highlight the global class divisions intrinsic to the trafficking framework and the complicity of anti-trafficking efforts in replicating inequality.

Chapter 3

Hegemony and the Trafficking in Persons Report

Ending modern slavery must remain a foreign policy priority. Fighting this crime wherever it exists is in our national interest. Human trafficking undermines the rule of law and creates instability. It tears apart families and communities. It damages the environment and corrupts the global supply chains and labor markets that keep the world's economies thriving.

-Secretary of State John F. Kerry, Introduction to the 2013 Trafficking in Persons Report

The TVPA has had a major impact beyond the domestic sphere—since trafficking is an issue that frequently takes place in international contexts, the law also includes guidelines on how countries can best combat trafficking (modeled on the United States' response) and creates foreign policy prescriptions around these guidelines. Using these definitions, the United States positioned themselves as world trafficking police through the production of the foremost international report on trafficking, the Trafficking in Persons (TIP) Report. Through the TIP Report, the United States' has exported its anti-trafficking agenda, particularly to the most politically vulnerable nations. Although the TIP Report's methods, veracity, and policy recommendations are extremely questionable and increase the difficulties faced by the populations the TIP Report supposedly protects, the report continues to be a powerful tool in the implementation of U.S. foreign policy. The combined effect of these two policy tools, the TVPA and the TIP, is the global enforcement of U.S. policy attitudes and ideologies under the "a-political" guise of anti-trafficking:

Like the war on terrorism, what abolitionists have called the global "War Against Trafficking" is decidedly U.S. directed. The United States is also using its status as a

superpower and major donor nation to force other countries to allow its citizens to raid brothels and send prostitutes into rehabilitation programs as well as to create domestic legislation that further criminalizes sex trafficking (and by extension other forms of prostitution). (Soderlund, 76)

However, despite the use of the TIP to exercise power over entire nations, there is “a troubling lack of independent assessment of U.S. anti-trafficking foreign interventions” (Chuang 1723-4). There is no critical or objective measure of how the policy prescriptions that the U.S. mandates for the world actually effect trafficking. Instead an increasing body of work suggests that “rather than combatting trafficking, global police initiatives such as the TIP report produce conditions of illegal migrancy” (Mahdavi, 66). In this chapter, I will discuss how the Trafficking in Persons Report has been leveraged as a foreign policy tool, eliciting policy responses from nations that fall under the Report’s scope that mirror the United States’ approach to anti-trafficking. I will argue that by promoting the closing of international borders and heightened law enforcement activity, the United States is actually perpetrating an approach to trafficking that serves its national interests, attempting to stem the flow of problematic migrants. I will discuss how the real cost of these policies is paid by the most vulnerable and how the targeting of female migration that has resulted in paradigm where women who face increasing pressure to migrate are forced into illicit migration. The US-led global movement to end trafficking is ultimately a hegemonic project that favors cosmetic solutions over real change, and fails to address the actual causes of global migration.

America, Global Sheriff

The TIP Report has become an international standard in assessment of anti-trafficking response. Frequently cited by officials, reporters, and anti-trafficking activists, “the Reports have become part of the global human rights architecture, accepted by the human rights establishment as ‘an effective tool for holding governments accountable’” (Amnesty International 2010 qtd. in Gallagher, 383). The standards that the report uses to assess the efficacy of trafficking policies are laid out in the TVPA, and focus primarily on the compliance of governments to the 3P model (TVPA of 2000, sec. 104). However, the demonstrated influence of political agendas on the formation of the TVPA and its definitions of trafficking suggest that these standards are anything but neutral assessments and instead depend on biased perceptions of trafficking, the ideologies of particular influential groups, and the political needs of the state. The predominance of the TIP Report as an international standard that draws its definitions from the United States’ definitions of trafficking rather than the United Nations troublingly indicate that “the performance of governments with respect to trafficking is currently being assessed, not with reference to the international rules that states (including the USA) have collectively developed and freely accepted, but against criteria drawn up and imposed by US bureaucrats and politicians” (Gallagher, 382). The political nature of the report has resulted in its use as leverage against the perceived political enemies of the United States, particular through the option to sanction countries that the United States does not perceive as meeting minimum standards. In the dominant anti-trafficking discourse, “the TIP Report constitutes an example of the United States exerting moral leadership in the world” and is an important tool for fighting global slavery (Soderlund, 76). However, this valorization of the report and US anti-trafficking leadership

ignores the “larger foreign policy goals” that are written into the report’s anti-trafficking rankings (Soderlund, 76).

The primary function of the Trafficking in Persons Report is to organize the countries of the world into “tiers,” based on that government’s response to trafficking. The 2013 Trafficking in Persons Report contains colored maps that give a picture of the global distribution of the tiers. “Tier One” countries, colored in green, are notably concentrated in particular parts of the globe. Most of Western Europe is green, as is the United States, Canada, and Australia. In Asia, South America, the Middle East, and Africa, few green countries appear, and those that are green have a particular thing in common: a strong diplomatic relationship with the United States, or open acceptance of United States military interventions. Israel is the only green point in the map of the Near East, South Korea and Taiwan are the only green countries in Asia, Colombia and Colombia and Nicaragua—countries with a strong U.S. military presence—are the only green countries in South America.

On the opposite end of the spectrum are the red Tier 3 countries. While these appear all throughout the Global South, suggesting a relationship between the “development” trajectory of a country and its willingness or ability to legislate trafficking, Tier 3 also contains every country with traditionally tense relations with the United States. The list includes all four officially designated State Sponsors of Terrorism, Cuba, Sudan, Syria, and Iran, as well as China, Libya, Russia, and North Korea. All countries in Tier 3 can be subject to withdrawal of non-humanitarian aid on the basis of their response to trafficking. In-between these two extremes are a variety of countries, primarily former Soviet Bloc countries

and former colonies, that fall into Tier 2 and the Tier 2 watchlist categories. While countries in the middle can drift between categories, Western or “developed” allies of the United States remain consistently at the top, while diplomatic enemies of the United States are fixed at the bottom. Until 2011, the United States did not even include itself in its own assessment, and upon its inclusion has never wavered from its Tier 1 status.

While the TIP Report claims that these rankings are based solely on objective information about the prevalence of trafficking in certain countries and the efficacy of official response, the information-gathering techniques used in the report are neither particularly transparent or consistent with standards of scientific rigor. The first report, produced in 2001, “confidently cited unverified and unverifiable statistics, declining to acknowledge the complexity of the trafficking phenomenon and the immense difficulties involved in obtaining and synthesizing credible data” (Gallagher, 385). Upon closer examination, it became apparent that the information for country reports had been obtained through brief consultations with foreign embassies, whose own information-gathering techniques underwent no scrutiny. The State Department’s “self-proclaimed ‘rigorous’ evaluative methodology appeared to be little more than a crude information-collection exercise, delegated to untrained embassy officials” (Gallagher, 385). While the scope of the report has expanded and information-gathering techniques have become more refined since its conception, the data still relies heavily on information provided by embassies, whose presence in other countries serves specific foreign policy agendas. There is an obvious incentive to gather information that supports certain foregone conclusions about the nature of trafficking, and for the State Department to interpret that information in a particular way.

In many ways, the TIP report is a tool to globally reproduce the United States' definition of trafficking and appropriate responses around the world (despite the fact that an international definition already exists). The minimum standards that the report uses to assess countries are directly stated in the Trafficking Victims Protection Act, which mandates the production of the report and acquires funds for its continued existence. The anti-prostitution politics written into the TVPA are therefore reflected in the TIP Report, further demonstrating the link between the political maneuverings of Washington and a supposedly objective and a-political report. From the very beginning, the report has promoted anti-trafficking measures that include increased supervision and circumscription of the commercial sex industry, insisting on the yet-unproved causal link between sex work and trafficking (as opposed to other forms of sectors). The first TIP report focused almost exclusively on sex trafficking, and this legacy is continued through the report's focus on brief tableaus that highlight stories of victimization within the sex industry; showing an obvious preference for victim narratives that take place within the context of the sex trade. However, in many other ways the TIP Report is not subtle about its anti-prostitution stance. In the 2013 report, a special section of the introduction focused on the linkages between commercial sex and trafficking, promoting government efforts to curb demand for commercial sex (27). "Too often, trafficking victims are wrongly discounted as 'consenting' adults," the Report claims, "the use of violence to enslave trafficking victims is pervasive, but there are other—more subtle—forms of fraud and coercion that also prevent a person from escaping compelled servitude" (TIP Report 2013, 27). By including a range of invisible forms of coercion in its scope of analysis, the TIP Report has engaged in a vast problematization of consent. Particularly in the context of a

discussion about prostitution, the Report is suggesting that all sex work is potentially non-consensual through “subtle forms of fraud and coercion” and that to detect trafficking, all sex workers (even those that seem like “consenting adults”) should be brought under government purview. The TIP Report has fostered “protection in the form of surveillance” and as in the United States, has “shifted governmental attention away from migrants’ rights (the real heart of trafficking violations) to hyperscrutiny of the sex industry” (Mahdavi, 64-5). While the report has expanded to analyze other forms of labor abuse, there is no indication that it is moving away from its anti-prostitution stance, and sex remains at the heart of the TIP’s “colonial gaze” (Doezema, 37).

Moreover, the TIP Report is not simply an incriminating information-gathering exercise. The Report puts tools “at the administration's disposal [that] can be used to further other geopolitical ends and are inseparable from the larger arena of international politics” (Soderlund, 77). The morality of trafficking has been mobilized multiple times to justify the political maneuverings of the United States. After the 2002 report placed several key allies on the tier 3 lists, “President Bush released a memorandum in which he justified aid sanctions against certain tier 3 nations while rationalizing his decision to to avoid similar actions against others,” arguing that the countries exempted from sanction action had all taken significant steps to combat trafficking since the report was issued (DeStefano, 123). When similar maneuvers were repeated in the following years, “it seemed clear that Washington would always find a way to keep tier 3 nations from suffering aid cuts, as long as those countries weren’t otherwise considered outlaw nations” (DeStefano, 125). The position of Venezuela, for example vacillates based on the amicability of U.S.-Venezuela relations.

Venezuela remained in Tier 3 for much of the early 2000's, when tensions between the Bush Administration and Chavez were at their height:

When Chavez handily survived a referendum in August 2004, the United States retaliated by pulling support for \$250 million in loans that Venezuela had requested from international finance institutions. Venezuela's record on trafficking in women and children was cited as the reason for this diplomatic maneuver. (Soderlund, 76)

Venezuela's position eventually rose to the Tier 2 watchlist in 2008, dipped back to Tier 3 in 2011 (the same year that the Secretary of State imposed sanctions on Venezuela for exporting gasoline components to Iran) and returned to the watch list in 2012 (TIP Report 2013, 391; U.S. Department of State, "U.S. Relations with Venezuela"). The open use of TIP status to leverage economic capitulation in the case of Venezuela is only one of many examples on how trafficking status has been used in political and economic maneuvering that has ostensibly nothing to do with trafficking. While these processes carry on largely behind closed doors, researchers have already discovered the use of trafficking to elicit better outcomes for the United States in bilateral negotiations with the UAE (Mahdavi, *Gridlock*).

Additionally, "the TVPA has been used to justify both continued economic sanctions in Cuba and the continued freeze on diplomatic relations in North Korea" (Soderlund, 77). The high presence of State Sponsors of Terrorism and Arab-majority countries in the Tier 3 and the Tier 2 watch list also reflect the linked discourses of "traffickingandterror" already implicit in U.S. fears about international terrorist organizations profiting from human trafficking (Mahdavi 2014). In these dialogues, the prevalence of trafficking in Arab-majority countries is a reflection of systemic, culture-wide violence against women and therefore a

justification for imperialist interventions. Indeed, Mahdavi found that “in conversations with various TIP officers, the one theme that emerges repeatedly is the need to rescue and save women in the Middle East who are particularly vulnerable” (2014, 29). Linking trafficking and violence against women to Arab-majority, Islamic countries justifies the cultural target that the War on Terror has placed on this area of the world and the wider Arabic diaspora. The foreign policy demands of the United States are explicitly served by the universal execution of its national anti-trafficking mandates, an aim perpetrated by the Trafficking in Persons Report.

Migration Policy and the “Feminization of Survival”

Sanctions are not the only way in which the United States can elicit complicity with its global anti-trafficking agendas through the TIP Report. There has been a demonstrable response by countries with less political negotiating power to capitulate to the policy prescriptions contained in the report and rise to meet the United States’ standards, at least in appearance. When the Malaysia was downgraded to Tier 3 in 2007, the government’s “response to trafficking abruptly changed direction” (Gallagher, 389). Although Malaysia already dealt with the exploitation of foreign workers “through laws related to prostitution and immigration,” the fact that they did not define trafficking as a crime above and beyond labor exploitation meant that they did not meet the U.S. minimum standards (Gallagher, 389). Instead of challenging the trafficking framework as redundant, the Malaysian government swiftly responded: “A comprehensive law was developed and, with no public discussion, quickly adopted. Shelters for victims were established. Malaysia's criminal justice agencies sought and received specialist training in the investigation and prosecution of TIP cases

(ASEAN 2007) and several prosecutions were initiated” (Gallagher, 389) . Other countries have attempted to alter their Tier status by curbing female migration, targeting the population that the TIP report has portrayed as most vulnerable to trafficking:

Many countries have rushed to tighten borders to prevent female migrants in particular from leaving their homes. Examples of these laws include the Philippine Household Service Reform Package of 2006, as well as a recent law passed in Ethiopia, both of which state that women under the age of 30 and unmarried women should be discouraged from migrating abroad. (Mahdavi, 50)

In a similar vein, Thailand “conducts extensive investigations of female passport applicants aged 14 to 36 (only), and denies passports, and thus the ability to travel abroad legally, to those whom public welfare officials believe are ‘being procured to sexual business in foreign countries’” (Department of Public Welfare, Ministry of Labor and Social Welfare qtd. in Dinan, 67). Responding to anti-trafficking incentives by restricting the mobility of young women, and in particular young women suspected of being sex workers, actually reproduces the conditions of vulnerability that create the forms of abuse that qualify as “trafficking,” along with a range of other exploitative situations. “The problem with these policies is that women still need to migrate to make ends meet,” writes Mahdavi, “when these laws are passed, female migrants must rely on illicit networks to facilitate their journeys to countries with employment opportunities that can ensure their families’ livelihoods” (2014, 50).

Because these policies do not address the underlying motivations for women to migrate, they fail to alleviate the actual conditions that send women abroad: an increased responsibility for the welfare of their families, an inability to fulfill this responsibility due to dire economic

circumstances in their sending countries, and a demand for gendered kinds of labor in wealthier parts of the world.

A growing body of research indicates that in the last several decades, women make up an increasing majority of the world's poor (Footen Bromfield). Women are also playing a more important role in the support of households, as widespread unemployment in Third World countries requires that women work to support their families either as a supplement to their husband's wages, or because they are the sole providers for their households. Saskia Sassen calls this trend the "feminization of survival," as women become increasingly responsible for both the survival of both families and national economies. Kamala Kempadoo that the "emerging economic order has already wreaked havoc on women's lives," since despite the fact that women have become a crucial component of the global labor force they must still "deal with declining real wages, lower wage structures than men and longer working hours" (Kempadoo 2003, 144). As a result, there is a tremendous incentive for women to seek out higher-paying work wherever possible—frequently, through overseas migration.

On the opposite side of this equation lies the demand for women for particular kinds of gendered labor from nursing to domestic work, from nannying to prostitution. Third World women are considered ideal for this kind of work, not only because they are willing to accept lower wages to perform it, but because the conflation of the Third World with "backwardness" has actually created a market for Third World women for positions that require care because of their supposed alignment with "traditional" values (Ehrenrich and Hochschild). In this same paradigm, women of color are also in high demand in the sex

industry due to their appeal as erotic/exotic subjects for western consumers. “Women of color remain in various ways racialized as highly sexual by nature, and positioned as ‘ideal’ for sex work” and as a result the global sex industry has come to “[lean] heavily on the bodies of women of color” (Kempadoo 2001 40, 33). Sassen characterizes these combined incentives for women to migrate for work as “push” and “pull” factors. A lack of secure, well paying jobs at home “push” women from their home countries, where they respond to the “pull” of labor opportunities in the Global North. Policies that attempt to curtail women’s migration “are targeted only toward the supply of trafficking or the victims” while ignoring the demand factors that pull people across borders, through increasingly dangerous and illicit means (Sanghera, 8).

These policies also ignore the role that women’s earnings play in bolstering national economies. The earnings of migrant workers have become essential to developing economies, as “remittances are now the second-largest source of external finance for developing countries after foreign direct investment” (Dinan, 65). Sassen argues that has resulted in a dependence on women’s wages in overseas jobs, driven largely by massive international debt owed to both international organizations such as the World Bank and large nations such as the United States. Ironically, the economic conditions at home that result in women seeking work overseas are frequently related to “Structural Adjustment Programs” imposed on indebted countries that impose contractual economic policy and austerity measures. As a result of these heavy-handed debt programs, the economic growth of indebted countries has been anemic and entirely dependent on the whims of the global market. The anti-migration policies promoted by the Trafficking in Persons Report fundamentally

misunderstand the causes of global migration and the United States' complicity in creating those conditions. The failure of the Report to link

Ultimately, U.S. policy prescriptions have had very little effect on the problems qualified and quantified as “international human trafficking.” The 2006 GAO report on the efficacy of anti-trafficking measures analyzed the available data and concluded “there is little or no evidence to indicate the extent to which different types of efforts—such as prosecuting traffickers, abolishing prostitution, increasing viable economic opportunities or sheltering and reintegrating victims—impact the level of trafficking” (GAO 2006, 25). By urging reactions unfounded in data, the TIP Report has fostered an international response to trafficking that is “hastily conceived and poorly executed...foreign governments, sometimes in response to the US tier system, [are] primarily focusing on law enforcement and the criminalization of trafficking rather than the needs of victims” (DeStefano, 125). The ultimate result has been a global increase in law enforcement action against populations that supposedly contribute to trafficking, spurred on by an army of government-backed NGOs. By promoting a persecutive response that has been widely embraced in the international community, the TIP Report has elevated the United States to the rank of a Global Sheriff, deputizing governmental and non-governmental actors alike into its internationally-staged War on Trafficking.

Chapter 4

The Problem with Rescue: Savior Discourses and Structural Violence

I am an Abolitionist! Now urge me not to pause; For joyfully do I enlist in Freedom's sacred cause, A nobler strife the world never saw than the enslaved to disenthral, I am a soldier for the war, whatever may befall.

- "I am an Abolitionist," performed by Justin Dillion

In the global front of War on Trafficking, the most important actors have undoubtedly been NGO's deploying state resources to enforce the vision of anti-trafficking laid out in the TVPA and the TIP Report. Thanks to the discrepancies in funding between abolitionist NGOs and organizations that embrace a more liberal approach to the sex industry under the anti-prostitution pledge, the United States has almost exclusively empowered organizations that embrace its anti-prostitution approach to combatting trafficking. Even those that do not fully embrace abolitionist ideology are still compelled to acquiesce to particular models and agendas by the government's reservation of its right to withhold funding to organizations that embrace sex-work positive approaches to combating trafficking. Through the extension of the anti-trafficking mission to the global arena, "NGOs in the United States increasingly function as an extension or dislocated arm of state sponsored policies" (Musto, 26). The proliferation of these NGOs, particularly since the institution of the TVPA, has led to the creation of a modern and government-subsidized "rescue industry."

As the lyrics of the 1848 song that Justin Dillion performs in *Call + Response* suggest, it is increasingly clear that anti-trafficking activists view themselves as a small coalition of righteous warriors in a global conflict. On NGO websites, major news networks, and political

stages the anti-trafficking movement is frequently characterized as the “fight” against modern-slavery, and (The CNN Freedom Project, Polaris Project, Not For Sale Campaign). The battle-cry of modern-day slavery has mustered a humanitarian army, deployed in combat throughout the world. However, as in most wars, the global War on Trafficking has had many casualties. In this chapter, I will trace the practices, outcomes, and motivations of the modern anti-trafficking rescue industry. I will discuss the lived experiences that demonstrate that for the targets of rescue, salvation at the hands of ideological warriors frequently results in abuse, confinement, and coerced rehabilitation. The purpose of the rescue industry seems to be primarily self-fulfillment, constructing and perpetrating victimization in order to constitute its own existence. I will argue that “saviors” empower themselves rather than their subjects through rescue, justifying their approach through discourses of power, privilege, and agency.

“Save us from the Saviors”

Overseas NGOs have readily absorbed the rescue model of protection already in action in the United States. The perceived weakness of many Third World government’s police response to trafficking enables NGOs to fill the void that law enforcement supposedly has left:

In gallant rescue attempts—usually broadcast on television and the Internet, but also increasingly forming the substance of entire books—large sums of money may be handed over to secure the release of individual ‘slaves,’ generating new sources of income and new business arrangements for small-time recruiters, people smugglers, and employers. (Kempadoo, 2012, xxiv)

The purchase of “sex slaves” to rescue them from brothels has generated career-defining media attention for Nicholas Kristof, who bought two Cambodian women from their brothels and then wrote about their reunions in both his regular column in the New York Times and best-selling book *Half the Sky*. Kristof’s almost voyeuristic intrusion into these women’s lives generated controversy when one of the women (whom Kristof called “girls,” despite offering no information about their age) returned to her brothel. Kristof credited this rejection of her rescue to his assumption that she was addicted to meth, and later relayed a tearful reunion when he once again visited her brothel, at which point she “kneeled on the floor and begged forgiveness” (Kristof, 39). When Srey Momm was later cast out onto the street by a brothel raid, she married a customer in what Kristof sees as a happy conclusion to her story (Kristof, 40-1).

Going beyond purchasing slaves to free them, NGOs and media stars frequently partner to coerce local police into action, engaging in highly publicized brothel raids coded as “rescues.” Kristof controversially rode along with the Somaly Mam organization and local police while they raided a brothel, sharing the experience live on twitter. The International Justice Mission partnered with MSNBC to film a special on child prostitution in Cambodia that culminated in a dramatic brothel raid, captured on camera for American viewers:

With the consent of the Cambodian government, MSNBC and IJM put together a self-styled American posse to fill the vacuum left by local law enforcement...Guns were drawn, sirens blared, children wailed, and panicked men and women ran in every direction. The IJM investigator rounded up as many children as possible in the

midst of the ensuing chaos... Raids were conducted throughout Svay Pak that day, leading to the capture of 37 women and girls, the arrest of madams and pimps, and the barricading of many of the shantytown's brothels. At the day's end, the women and children under the investigator's charge were taken to a safe house. They would be tabulated and referred to as '37 victims rescued' in subsequent International Justice Mission (IJM) accounts of the raid. (IJM 2004, qtd. in Soderlund, 65)

IJM pioneered this model of combatting trafficking: their male employees go into brothels to attempt to buy sex from children, then use this information to leverage police into action. Afterwards, the collected "victims" are taken to safe houses, where they are given access to health services and other resources that they would need to exit the sex industry—and encouraged or even required to convert to Christianity to maintain this access. Other NGOs have embraced rescue projects somewhat disturbing ways. The Stop Child Trafficking Now initiative claims that they have recruited special operatives "familiar with what it takes to infiltrate, investigate and bring justice to the predators victimizing children worldwide" (qtd. in Mahdavi, 18). When the initiative calls these partners "special operatives" they mean it very literally—they have specifically sought out operatives trained through the war on terror.

However, anti-trafficking organizations' claims about the success of the "raid, rescue, and rehabilitate" model belies the frequently violent experience of brothel raids and police or NGO intervention for the women working and living in the sex industry. "Raids are often violent not only for those accused of being traffickers but also for the sex workers themselves," write Aziza Ahmed and Meena Seshu of Indian sex workers' collective VAMP, "the insistence on using the police in the context of raids and rescues has been pushed by

neo-abolitionists despite the evidence of police violence against sex workers” (155). Contrary to the confident assertions of NGOs that these raids “rescue” victims of trafficking, “Sex workers who are rounded up during police raids are beaten, coerced into having sex by corrupt police officials in exchange for their release or placed in institutions where they are sexually exploited or physically abused. The raids also drive sex workers onto the streets, where they are more vulnerable to violence” (World Health Organization qtd. in Ahmed and Seshu, 155). In her fieldwork in the United Arab Emirates, Mahdavi recounts the story of Layla, a sex worker who personally experienced “rescue” by law enforcement:

They [the police] said they were coming to help us. To save us, they said. But they hit us, treated us like animals. One of them grabbed me by my hair and threw me in the truck. My friend Laudan was taken in the back and raped by another officer...then they sent us to jail. (qtd. in Mahdavi, 59).

Layla was then interrogated by police for information about her traffickers:

“I didn’t have a trafficker, I didn’t even know what that was,” Layla remembered.

“So, they beat me. They said they would beat his name out of me”...They told her she was not eligible for residence in the local women’s shelter and would receive no protection because she was uncooperative and did not testify against her trafficker.

(Mahdavi, 60)

During her time in police custody, Layla and her fellow prisoners were visited by a social worker. “This lady kept saying she was there to help, that she was going to help us all go home...But we didn’t want to go home, we wanted to stay in Abu Dhabi and keep working. (Mahdavi, 59). Layla was eventually returned to Iran, where her family learned that she had

engaged in sex work, beat her, and threw her out. At the time of her interview, she was living homeless in Tehran.

While Layla's inability to fit her story the trafficking narrative made her ineligible for services, those who are rescued and brought to shelters rarely fare better. After one IJM mission into brothels in Chiang Mai, Thailand, "police descended on two brothels and two nearby houses and rounded up 43 women and girls" (Jones). While IJM counted this as a successful rescue, reporter Maggie Jones followed the women and girls beyond their "rescue" to their "rehabilitation:"

The rescued women and girls were locked into two rooms of an orphanage by Public Welfare authorities, and many of them hardly seemed relieved...During the one hour each day when they were allowed outside the building, four girls soon slipped out the front gate and disappeared. A few nights later, 11 of them strung together sheets, shimmied down the second-floor window of the orphanage, and climbed over a concrete and wire fence. Nine more ran away weeks later. During one of the escape attempts, a woman fell from a second-story window and was hospitalized with back injuries. (Jones)

Jones' story, although unique because published on a quasi-mainstream news site, reflects what those who have been working directly with the "victims" of trafficking in order to document their experiences have already confirmed. The assumption that these girls had been "rescued" was belied by their attempts to leave their shelters at risk to their own well-being, suggesting that while women may experience oppression, violence, and abuse in a variety of labor contexts (the sex industry not excluded), this does not necessarily mean that they need

to be rescued. Rescue presumes removal from an oppressive and coercive situation into a state of freedom, but by escaping from their rescuers women demonstrate that they were always able to free themselves—and thus, probably did not need freeing in the first place.

Other women taken into these shelters are not able to escape and are detained for long periods of time, as NGOs have learned lessons about the frequent unwillingness of their “victims” to undergo rehabilitation. Ahmed and Seshu relate the story of RA, an 18 year old who took out a loan from VAMP member and brothel-owner KB, and repaid it by working in her brothel. RA’s loan was quickly repaid, but she continued to work there. However, Indian Rescue Mission, a local faith-based NGO that receives funding from US-based trafficking initiative Exodus Road, learned about RA’s loan. Interpreting this arrangement as an example of debt bondage, they urged local police to conduct a raid. “As described by the sex workers who were present on the scene, the raid itself was violent with the police dragging the women out by their hair,” recount Ahmed and Seshu, “when the government hospital certified that RA was an adult, the magistrate transferred her from the juvenile home to the government correctional facility” (160). Indian Rescue Mission made a post on their website about the raid. “Although RA is an adult, the photo accompanying the press release is one of a crying girl who looks to be approximately four or five years old” (Ahmed and Seshu 2012, 161). Once at the correction facility, RA was kept from contacting VAMP and her friends in Sangli:

Despite her legal capacity as an adult and her desire to be released, she remained in a correction home under the auspices of rehabilitation for several months. The correction home where RA was purportedly rehabilitated is a locked home located an

hour away from Sangli. Women who are awaiting permission to be released by the court occupy the home. The rehabilitation activities vary from encouraging employment in cleaning services at the local hospital to marrying the girls to men that visit seeking wives. (Ahmed and Seshu 2012, 160)

RA's experience in the correction home indicates that for many women who fall under the auspices of anti-trafficking efforts, "rehabilitation has sometimes meant nothing more than a change in venue of the victim's incarceration from a brothel to a shelter" (Sanghera, 22). It's not uncommon for women to experience violence in these shelters, and while some do find work outside of the sex industry after leaving the center, "others perceive the rehabilitation process itself as a punitive form of imprisonment thereby complicating the captivity/freedom binary asserted by abolitionists" (Soderlund, 66). While the rhetoric of anti-trafficking constructs "captivity and freedom as diametrically opposed states of existence," transfer from a brothel to a shelter is rarely a move between the two—at least not in the direction that rescue missions suggest (Soderlund, 65). Due to the determination of rescuers to do their work in spite of their victims' noncompliance, "in current sites and practices of abolitionist intervention the line between rescuers and captors has become increasingly blurry" (Soderlund, 65). Rescue, in the lived experiences of those who have been identified "victims," is rarely experienced as liberating, but instead as more oppressive than the situations that they have been "rescued" from.

In a quantitative study of 100 Cambodian sex workers, Joanna Busza, Sarah Castle, and Aisse Diarra "found that 'rescued' women usually returned to their brothel as quickly as possible," exercising mobility and agency that, according to rescuers, they don't possess

(1370). Furthermore, “police presence in the raids scared off custom, thus reducing earnings, increasing competition for clients, and further limiting sex workers’ power in negotiating improved work conditions” (Busza et al, 1370). Raids also made conditions in brothels more restrictive and decreased the ability of sex workers to obtain vital services, as “raids and rescues could also damage the relationship between service providers and brothel managers, who restricted sex workers’ mobility, including access to health care, to avoid arrest” (Busza et al, 1370). Busza, Castle, and Diarra’s research support Ahmed and Seshu’s conclusion that “the ongoing raids disrupt...systems of safety and self-governance established by sex worker collectives” (Ahmed and Seshu 2012, 162). In many ways, the dynamic solutions that sex workers have attempted to create in the face of the adversity they have traditionally faced as populations outside of the protection of the law have been severely curtailed by attempts to bring “victims of trafficking” under the protection of the law. “Rescue” can be an extremely violent process, both for those who are deemed worthy of rescue and those whose rights and well being are violated in brothel raids. As a result, rescue “can feel more abusive than the ostensible force, fraud, or coercion they are thought to be experiencing” (Mahdavi, 22). Increasingly, Third World sex workers have started to organize against the humanitarian efforts of NGOs like the International Justice Mission, publicizing the detrimental effects that global anti-trafficking regimes have had on their lives and livelihoods. Their fear and anger is not directed towards the specter of trafficking, but towards the organizations that are attempting to save them from trafficking: “At a recent global gathering of sex workers in Kolkata, India...sex workers marched under the banners ‘Save Us From Savors’ and ‘Rights, Not Rescues’” (Gira Grant, 5).

White Savior-Industrial Complex

Despite the outcries of sex workers, the government of the United States and the NGOs that they partner with have remained willfully ignorant of the effects of their humanitarian efforts on women's lives. "IJM director Gary Haugen says he's never met a prostitute who's been upset about being rescued," writes Jones, who obtained a quote from Haugen upon discovering the lengths that women were going to escaping from shelters: "All the conversations I've had have been with victims who expressed how grateful they were to be released from a place of horrific abuse." Haugen's remarks indicate his entrenchment in what Laura Agustín calls *noblesse oblige* or "noble obligation." Her decisive work *Sex at the Margins* criticizes the construction of charity as a profession during the Victorian era—simultaneously, as it were, with the panic about White Slavery— and the ongoing effects that the industrialization of rescue has today. Agustín argues that through rescue, "Victims become passive receptacles and mute sufferers who must be saved, and helpers become saviours, a colonialist operation warned against in discussions of western feminism's treatment of third-world women and now common in discussions of migrant women who sell sex" (Agustín, 39). More commonly, this construction of victimhood in order to reproduce the role of the savior is called the White Savior complex, linking the race and class privilege that saviors exercise in their global work.

White Saviors prioritize their own compulsion or "obligation" to engage in humanitarian rescue over the expressed needs of the populations they target. Ostensibly, they are quicker to defend their own right to intervene against criticisms that their interventions have denied rights to others. "The savior mentality avoids nuance in its quest for salvation

and leaves little room for self-doubt,” as objections to their tactics are neatly overridden by the moral imperative that White Saviors feel to “do something” (Chuang, 1718). Instead, “doubt is always planted about the condition of the sex worker’s state of mind” and her own ability to consent to sex work (Agustín, 35). The common assertion among anti-trafficking NGOs that victims of trafficking have suffered severe trauma and therefore cannot be trusted to effectively identify themselves as victims of trafficking is so widely accepted that it is now engrained in official reports. The 2013 TIP report speaks in particular of the “psychological manipulation” that victims of sex trafficking undergo (29). By problematizing the psychological soundness of victims, anti-trafficking NGOs are able to easily sidestep concerns about the carceral practices used in shelters, and even justify further restrictions. If “victims” escape, they will not be able to access the psychological services needed to deal with their trauma (or drug addiction, or fear of retaliation) and therefore must be kept under constant surveillance and detention for their own good:

The ability of the concept ‘victim’ to rob the (feminized) individual of any notion of agency and subjectivity, and to ideologically locate the migrant woman or sex worker as helpless and pitiful, has strong implications for how change is imagined or taken up in policies and interventions. Victims, who by this definition are passive and child-like, are deemed incapable of undertaking any action, thus requiring ‘rescue’ or ‘saving’ from their circumstances by others who stand outside of the trafficking process and who, it is believed, “know best.” (Kempadoo 2012, xxix).

The White Savior mentality is thus reproduces itself—by ideologically constituting people and populations as victims and accusing them of trauma if they reject this label or attempt to

return to the sex industry, Saviors justify their own actions and legitimize intervention where it is neither necessary or welcome. This categorization of victims as traumatically damaged and therefore unable to make their own decisions neatly silences all dissent from within the populations targeted for rescue: “self-proclaimed ‘sex workers’ who defy the dominant narrative are explained away as suffering from a false consciousness and thereby unaware of their oppression or as deviant in desiring abuse” (Chuang, 1699). It is the agency of saviors, not the agency of victims, that is supported by the rescue mentality. Saviors’ voices are systematically privileged in global discussions about trafficking, so when any one of their “victims” assert that they have a “right not to be rescued,” their resistance is silenced by the insistence of the Rescue Industry that they are “voiceless.”

This voicelessness is reinforced by the power of Rescuers vis-a-vis their subject, a power that is both constructed by western assumptions about the backwardness of the Third World and the victimization narratives that Rescuers perpetrate. Rescue takes place along axes of inequity, and through the Rescue Industry the anti-trafficking movement has reproduced and exacerbated these inequities. The global operations of U.S.-based anti-trafficking are “undergirded by a racialized morality” that “inadvertently reinforces distinctions between white saviors and the minorities who require their help and interference” (Mahdavi, 58). In her ethnographic work with anti-trafficking NGOs, Elizabeth Bernstein has chronicled a wide-spread tendency to view trafficking as a culturally-produced phenomenon produced by Third-World backwardness. At one IJM conference, one attendee turned to Bernstein after a presentation and remarked that “People in those countries just don’t know how to treat women!” (2007, 138). The racial and cultural biases implicit in the

U.S. response to trafficking are reproduced internationally through the action of non-governmental actors who operate on “the premise that people, especially in certain parts of the world or in certain industries require ‘saving’ more than others (most often women, women of color, or women in the sex industry)” (Mahdavi, 62). The Savior mentality is implicitly ethnocentric, promoting “a flawed developmentalist framework” and reproducing global classes of race, ethnicity, and nationality (Mahdavi, 62). This framework is also explicitly gendered. Women are the overwhelming target of NGO rescue efforts, largely because it is assumed that they are the weakest and most vulnerable members of their society—backwardness and sexism are explicitly linked in trafficking paradigms, further justifying the turn of the Western philanthropist’s gaze on the Third World.

In this way, NGOs render their subjects doubly victimized: not only are they victims of their traffickers, but they are victims of the backwardness and oppression inherent in their cultures and circumstances. In the discourse of rescue, Third World victims are “pictured as poor, naive, and ‘unempowered’...unable to act as agents in their own lives or to make an uncoerced decision to work in the sex industry”(Doezema, 37). Their unwillingness to be rescued is explained away not only by their trauma, but by their inability to exert “free will” due to their cultural surroundings, lack of education, and poverty. Their protests are rendered effectively mute by the belief that they are without any agency in their lives and thus cannot be trusted to know their own minds, desires, or motivations. The Third World woman is rendered effectively voiceless by her position at the center of all intersecting matrices of oppression, vindicating the ignorance of her loudly voiced wish not to be rescued.

Those who ultimately benefit from this silence are, of course, the mouthpieces. The

cycle of victim construction, identification, and rescue grants power to those who control each of these processes. The rescue industry this specifically reproduces not only itself, but the inequalities in power that result in the very abuse that it has characterized as trafficking. As Agustín argues, “the social constructs its own objects in order to study, organise, manage, debate and serve them” (192). Even “regimes that may appear completely benign on the surface” hinge on the power of helpers to define, problematize, and respond to constructed social issues. In short, rescue is a power project that supports the hegemonic position of rescuers, making them masters of a discourse that they have themselves defined. In the context of the global reach of anti-trafficking, this power reifies global race and class distinctions—the humanitarian anti-trafficking army is engaging in its own imperialistic projects, under the benign facade of rescue.

Neoliberalism as rehabilitation

The focus on the “poverty as force” argument to justify the rescue of women from conditions that they have consented to only goes so far. While convenient for constituting women as an absolute and unqualified victim, this analysis does not extend to a more holistic understanding of the global markets that have systematically concentrated wealth in the hands of the few. While victimization may be a poverty issue, trafficking as a global phenomenon is *not* about disparities in wealth. Gary Haugen has argued in multiple places that “trafficking is not a poverty issue. It’s a law enforcement issue” (qtd. in Bernstein, 137). For Haugen, trafficking is not a symptom of global inequality, but of weak governments’ inability to effectively enforce laws, thus justifying the intervention of the IJM’s “posse.” However, underlying the belief that trafficking is not about global poverty, but about the

permeability of global borders and the legal disorder in “less developed” areas of the world is an ignorance of the colonial origins of the economic world order: “The presumed threat of weak states obscures the role of strong states and neocolonialism in producing a political economy that leaves some countries less developed than others” (Mahdavi, 29). While IJM and its compatriots may be very concerned with the protection of the poor, they do not extend their concern to the global markets that create poverty.

It is this bounded realm of inquiry that allows gestures that would otherwise seem hypocritical: the conflation of social justice and market action. This linkage between capitalism and self-actualization is evident by the belief of anti-trafficking organizations that entry into legitimate labor markets is the final solution to trafficking. As one IJM staffer revealed to Bernstein, “our real goal is to bring people out of slavery into the free market” (Bernstein, 140). Much of IJM’s programming involves initiatives to integrate its

Christian humanitarian organizations...orient former prostitutes toward entry-level jobs in the service economy, teaching women to bake muffins for Starbucks and to prepare Western-style drinks and food. Other evangelical groups...as well as a growing number of liberal, secular groups have also hopped on board with the approach, no longer framing the problem of human trafficking in terms of the broader dynamics of globalization, gendered labor, and migration, but rather as a humanitarian issue that global capitalists can help combat. (Bernstein, 140-1)

In 2006, Christianity Today covered a variety of organizations who were in “the ‘business’ of helping the sexually exploited help themselves” (Herzog Jewell). According to the paper, these “cutting edge organizations...include work opportunities in their model for personal and

spiritual restoration...Whether it'd through manufacturing handbags in India or producing soymilk in Cambodia" (Herzog Jewell). Like the shelter that confined RA, frequently entry or re-entry into capitalist labor markets is configured as the ideal and ultimate rescue for victims of trafficking. Being "freed" from slavery means that victims can "escape from 'the bleak back rooms of a brothel' and into a ready-made outside world where former sex-slaves can return to sometimes oppressive family structures, work in factories, or serve as nannies and maids for the global bourgeoisie" (Soderlund, 83). The humanitarian arm of the anti-trafficking movement has fully embraced the capitalist conception of agency and choice as something that happens within market relations: helping victims of trafficking has become synonymous with teaching them to "help themselves." Through the trafficking framework, "freedom, either as a utopian quest or bedrock of democratic thought, has apparently been downgraded to the ability to engage in wage labor" (Soderlund, 83). Whether workers find themselves equally or even more oppressed upon entry into local labor markets that are neither stable nor lucrative is not a concern, or even a question that is being asked.

In addition to the perpetration of neoliberal solutions for the victims of trafficking, the anti-trafficking regime has also promoted similar solutions for consumers, "advocating a form of political engagement that is consumer and media-friendly, saturated in the tropes and imagery of the very sexual culture that it aims to oppose" (Bernstein, 140). Anti-trafficking is, simply put, an extremely lucrative cause. In addition to securing significant government funding, anti-trafficking organizations have been the recipients of large grants from a variety of corporate actors. In 2011, Google donated \$11.5 million to anti-trafficking organizations, \$8 million of which went to the International Justice Mission (Molko and Cohen). While the

involvement of millennial-infused Silicon Valley companies in humanitarian initiatives is perhaps not surprising, the response of corporations to anti-trafficking has not been limited to liberal businesses. Wall Street has also been the site of several anti-trafficking initiatives, demonstrating the particular attraction of the anti-trafficking call even to sectors of society not traditionally known for their global-mindedness:

When Wall Street tycoon Swanee Hunt began pushing her end demand strategy of ending trafficking through ending demand for sex work (or prostitution, as she characterizes it), the response of Wall Street was almost audible. Several groups rushed to fund her initiative, not recognizing the inherent downfalls of the end demand strategy, nor the problematic nature of framing trafficking as an issue rooted in the sex industry. (Mahdavi, 31)

The focus on the sex industry as the site of trafficking has, up till now, been viewed as a result of the “mediagenic” nature of sex crimes and the ease of identifying migrant women and sex workers as victims, due to their already-marginalized status. However, the fixation of corporate donors on sex trafficking suggests yet another motivation for focusing on sex. “Hunt and her friends are not proposing we end demand for sweaters or rugs made by forced labor, fish caught by men in bondage on fishing boats, or that we end demand for domestic work,” explains Mahdavi (31). Instead of calling attention to forms of forced labor which many corporations are at least partially complicit in producing, the fixation on sex keeps attention on a sector that does not directly benefit American corporations and by extent, American citizens through the provision of cheap goods. Low-wage labor is essential to productive economies that “depend on a flexible oversupply of labor and a race to the bottom

in terms of prices for goods, services, and most recently labor” (Mahdavi, 32). The focus on sex detracts from this complicity—sex is not a good that most Americans consume (or admit to consuming), so targeting the commercial sex sector is a sensational but innocuous move. Thus, for corporate America, the focus on sex trafficking instead of other forms of trafficking is literally more affordable.

While some anti-trafficking campaigns have started to draw attention to the complicity of American corporations and consumers in buying products made by exploited laborers, this exploitation is bounded by “slavery.” For example, *Call + Response* attempts to position itself as not only a film, but an entire social movement by initiating campaigns such as the “Chain Store Reaction” to demand “slave free standards.” While *Call + Response*’s focus on sexual slavery makes it unclear what exactly “slave free” standards for manufactured would look like, it can be assumed that the majority of workers would not be considered slaves. By calling for the elimination of “slave labor,” these kinds of projects ignore and normalize the spectrum of labor violations that vulnerable populations face. Ultimately, by advocating for consumption-motivated response to trafficking, “the modus operandi of NGOs that have appropriated ‘new slavery’ rhetoric is to wage neoliberal, consumer campaigns wherein citizens are turned into consumers and encouraged to ‘shop their way to social justice and change’” (Musto 2009, 284).

Even the Federal Government has embraced the model of consumption-as activism. In 2012, the Obama Administration announced the “Made in a Free World initiative to help buyers and suppliers identify and eliminate supply chain vulnerabilities” as well as the creation of the “Global Business Coalition Against Trafficking” (Office of the Press

Secretary). The State Department has even provided free advertisement for businesses that it sees as taking a stand on trafficking, highlighting a “fair food agreement” between fast-food chain Chipotle and the Coalition of Immokalee Workers in the 2013 Trafficking in Persons Report (U.S. Department of State, 11). Participation in philanthropy has become marketable. By encouraging consumers to shop “slave free,” anti-trafficking efforts are promoting market solutions rather than problematizing the labor markets that create abuse in the first place. The widespread conformity to the idea that consumer power can be harnessed for good highlights the fact that anti-trafficking, as a movement, was created by those who benefit from global hierarchies of wealth and power. Anti-trafficking activists “are late capitalist culture’s victors, who can deploy their advantages to achieve their vision of justice.” (Bernstein, 145). By failing to challenge these hierarchies, the trafficking framework becomes simply another part of how those in the highest global classes justify and reproduce their own power. It does nothing to challenge the world economic order that results in gross inequities, consumptive practices that justify and perpetrate these inequities, or even the privilege of its own participants. It would be much more accurate to characterize the anti-trafficking movement not as a fight against slavery, but a (redundant) fight for the globalization of capitalist labor markets and the legitimization of “free” labor in contrast to “unfree” labor. This contrast serves not those experiencing a spectrum of structural violence under the fluctuations of global capitalism, but those who have always and already triumphed through the capitalist economic order.

Conclusion: Markets and Justice

Since its inception as a social problem over 100 years ago, the term “trafficking” has been closely related to anti-immigrant, anti-sex work discourses. The persistence of this relationship is so continuous throughout the history of anti-trafficking movements, the ideological agendas that form around the anti-trafficking cause, and the policy response to anti-trafficking advocates that it is not ridiculous to suggest that rather than having been appropriated for nationalist or neoimperialist purposes, the trafficking framework arises from these discourses. The concern with trafficking arises from concerns about global migration, the growth of the sex industry, the increased permeability of borders (in both the real and imagined sense), and collisions of privilege and unprivilege that these shifts have brought about. By accessing the emotional history of enslavement—pulling it out of the context of race, imperialism, and state complicity—the anti-trafficking movement has construed itself as the only ones taking action against a hidden global phenomenon. As such, they are beyond reproach, or even a degree of self-consideration. Critical perspectives that see trafficking as “shaped by hegemonic and local patriarchies, globalized capitalism, and the widening gaps in income and wealth, as well as by reconfigurations of empire under late-twentieth-century globalization that reinscribed international hierarchies around notions of racial, religious, and national difference” are completely “overshadowed by the criminal justice and sex trafficking abolitionist paradigms” that rely on emotional knowledge and response (Kempadoo, 2012, xix). As Lindquist points out, for every scholar or activist promoting a more thoughtful approach to “trafficking,” “there is an Ashton Kushner or Mira Sorvino who

finds critique confusing when there are 13-year old girls being raped and sold into sexual slavery” (Lindquist, 322).

Much work in the realm of “anti-anti-trafficking” has involved engaging with the celebrities, media stars, and advocates whose conviction of their own importance in ending “modern day slavery” allows no room for reflection or dissent. The power of these discourse makers is disturbing, especially given their influence over policy creation, and there is a continued need to challenge the assumptions underpinning of the anti-trafficking crusade through continued data-gathering about the effects of anti-trafficking on target populations, as well as the collection and compilation of stories that complicate or contradict master narratives about the nature of trafficking. However, while these efforts to diminish the power and homogeneity of trafficking discourse are crucial, opposition and criticism does not in itself constitute a substantial platform for an alternative to the anti-trafficking crusade. “Anti-anti-trafficking,” as Lindquist calls it, still legitimizes the trafficking framework even as it critiques it. By engaging with anti-trafficking advocates, advocates for a more self-critical approach are not challenging the underlying assumption that there exists in the world a problem that can be accurately described as “trafficking.” As both qualitative and quantitative research on the populations where trafficking supposedly occurs expands, it is becoming increasingly evident that the term “trafficking,” no matter how it is defined, is distorted (or even redundant) category of labor abuse. These projects, by aiming to include the wide variety of experiences that abused migrant laborers have to offer in the narrative construction of trafficking, have instead raised serious questions about the aptness of trafficking as a way to understand particular migrant labor experiences: “the words of these migrants tell us not

that there are no abuses or problems but that ‘trafficking’ is a woefully inadequate way to conceptualise them.” (Agustín, 48).

The trafficking framework creates an isolate category of laborers who anti-trafficking advocates believe can be reasonably qualified as “slaves.” However, the narratives of migrants and exploited laborers demonstrate that the delimited abuses that qualify someone as a “slave” in the eyes of the anti-trafficking crusade in fact rest “along a continuum of forced migrant labor” and structural violence (Soderlund, 70). Even more nuanced or inclusive understandings of the term still enforce divisions between “‘trafficked’ and ‘not trafficked but just-the-regular-kind-of-exploitation’ migrants” (Anderson and Andrijasevic, 141). Whether it is called “slavery” or “human trafficking,” this separate categorization of particular kinds of labor abuses belies the myriad ways in which exploitation and violence is inherent in labor markets, both licit and illicit:

Whether migrant or not, workers cannot be divided into two entirely separate and distinct groups--those who are trafficked involuntarily into the misery of slavery-like conditions in an illegal or unregulated economic sector, and those who voluntarily and legally work in the happy and protected world of the formal economy. Violence, confinement, coercion, deception and exploitation can and do occur within both legally regulated and irregular systems of work, and within legal and illegal systems of migration. (Anderson and Andrijasevic, 141)

In particular, the conflation between “trafficking” and “slavery” reinforces harmful binaries between acceptable and unacceptable amounts of abuse. While the term “slavery” carries important historical weight for black communities in America, black scholars have already

suggested that as a re-usable legal category of abuse the term “slavery” has limited usefulness. In *Black Reconstruction in America*, W.E.B. Dubois eschews the term “slave” in favor of “black worker,” situating the abuses of the Trans-Atlantic Slave Trade in a larger narrative about the costs that markets for labor elicit from those who are situated at the bottom of global hierarchies. Transnational feminist Kamala Kempadoo underlines the importance of this distinction for trafficking studies as well, arguing that contrary to “the permanent and legal ownership of one human being by another and the power invested in the owner to command that property at will” that defines historical, government-backed slavery, “debt-bondage, indentureship, and forced labor are lodged in contractual, wage relations and principles of free labor power and its market exchange value” (Kempadoo, 2012, xxvii). Yet, through the framework of trafficking, these abuses are categorized as “slavery;” an aberration of the free market, rather than central to it. The opposition between “slavery” and “freedom,” where freedom is taken to mean the whole spectrum of violent abuse and exploited labor that slavery does not encompass, is not neatly supported by the actual stories of migrant and exploited laborers.

Instead, migrant and exploited laborers narrate experiences that demonstrate the complicity of global systems of labor exploitation, rather than the individual actions of “traffickers” or “modern day slavers.” While abuse by employers plays a role in many of these stories, the mechanisms of the state, the limits that nationality or ethnicity places on economic mobility, the workings of markets, and the high cost of poverty plays an equal or larger role in their experiences of oppression. Rather than attributing exploitation to an isolated phenomenon like “slavery” or “trafficking,” these discourses suggest that “political

economy and structural violence in the form of failing economies, or employment opportunities that favor certain genders, classes, or races can often be the bad guys that force people to choose from a limited series of options” (Mahdavi, 35). Trafficking, by its common definition, may be global but is not structural: the central idea of the anti-trafficking crusade, that trafficking can be eradicated, belies the fact that it is a symptom of much more pervasive and problematic inequalities. The isolation of trafficking as a discrete phenomenon and therefore possible to abolish hinges entirely on ignorance of the broader context in which trafficking occurs:

The ideology of anti-trafficking does not recognize that migrants have been displaced by practices that have resulted in the loss of their land and/or livelihoods through international trade liberalization policies, mega-development projects, the loss of employment in capitalist labor markets, or war...Most migrants are are victims of the daily, banal operation of the global capitalist labor markets that are governed by nation-states. (Sharma, 89-91)

The reliance of anti-trafficking movements on market strategies for seeking justice reinforces the fact that the movement is decidedly ignorant of the structural inequalities created by the postcolonial world economic order. “The economic and social links forged by colonization, for example, are now reflected in strong patterns of migration from post-colonial countries to their former colonizers” (Dinan, 65). Dislocating trafficking from a more historically rooted and holistic understanding of international flows of labor, capital, and power severs the ties that make global elites (the group who began the anti-trafficking movement in the first place)

complicit in this order—the whole trafficking framework arises not from the need for justice, but from the need to dislodge structural understandings of violence in favor of a model that places the reason that locates the responsibility for suffering in individual actors, “traffickers” and the employers that directly engage in the use of “slave labor.”

Corporations that join the anti-trafficking crusade do so despite (or perhaps because of) the fact that they benefit from global disparities that produce vulnerable sources of labor. In the United States, “low-waged migrant labour is permitted, and sought by employers, precisely because it can be exploited” (Anderson and Andrijasevic, 141). Participating in a global anti-trafficking movement is a convenient way for corporations to detract attention from the benefits that they are currently reaping from low-wage labor, benefits that their current growth is contingent upon. The race for cheaper and cheaper goods, which political economists and other theorists have called “the global race to the bottom,” has led to a reliance on unprotected and cheap labor. The corporations that contribute to the anti-trafficking cause do so to conceal that “the demand for cheap goods and products has led many corporations to become reliant on offshore labor activities that lend themselves to the force, fraud, or coercion that undergirds human trafficking” (Mahdavi, 32). The reliance of anti-trafficking organizations on corporate contributions specifically discourages the linking of trafficking and production even as they fight the outcomes of this link. Within the movement and without, the assumption “that corporations and capitalist forces rely on a flexible oversupply of cheap labor to remain competitive in the market place is accepted without much questioning” (Mahdavi, 33). It is a strategy of convenience and opportunity for all involved:

For modern-day abolitionists, the dichotomy between slavery and freedom poses a way of addressing the ravages of neoliberalism that effectively locates all social harm outside of the institutions of corporate capitalism and the state apparatus. In this way, the masculinist institutions of big business, the state, and the police are reconfigured as allies and saviors, rather than enemies, of unskilled migrant workers, and the responsibility for slavery is shifted from structural factors and dominant institutions onto individual, deviant men. (Bernstein, 144)

Excluding all narratives that do not support the qualification of trafficking as a “micro” offense, the trafficking framework is a false front for the global classes that most benefit from labor practices that produce “slave labor,” as part of a vast spectrum of other unethical labor practices.

The trafficking framework rests upon these dichotomies: free and slaved, forced and coerced, legal and illegal, formal and informal. However, this reliance on polar understandings of choice occlude agency, casting victims of trafficking as incapable of making choices and giving agency only to their rescuers. To move towards a more useful and inclusive framework, “we have to grant the possibility that less empowered, or simply poorer people, are not by definition passive victims. We have to realise that there is more than one form of autonomy, the western one, which can only occur within western ‘progress’ and modernity” (Agustín, 47). A more relevant and useful framework would re-characterize the populations that trafficking framework currently brings under scrutiny as potential victims as autonomous actors, negotiating agency for themselves within a bounded range of choices. Rather than viewing particular kinds of migrants as without agency, “the concept of agency is

instrumental in delineating the deliberate choices migrants make to move into one industry or another, or to leave their home country in search of work” (Mahdavi, 13). Instead of viewing abused and exploited labors as “voiceless” subjects who must have their freedom to make choices returned to them, an alternative to “trafficking” would take into account the bounded choices that migrants made that resulted in their exploitation, and the contexts of structural inequality that these choices took place within. This kind of movement for the rights of laborers would readdress the abuses currently qualified as trafficking as part of a wider analysis of global labor practices produced by markets, and incorporate the agency (and the circumscriptions of agency) that workers employ as they navigate these markets, not as victims but as strategic actors, in their analysis.

Inclusion of sex work in the category of labor would be crucial to this alternative framework. Rather than viewing sex work as either entirely exploitative or “just work,” such an approach would take into account the contexts in which women (and increasingly, men) choose sex work, and are marginalized and exploited through social structures. The attention given sex work as a particular and escalated form of trafficking is entrenched in anti-trafficking discourse. Even when organizations and legislation acknowledge the existence of other kinds of trafficking, the categorization of sex trafficking as a different and special case ultimately does little to serve the rights of laborers both within the sex industry and without:

The designation of prostitution as a special human rights issue emphasizes the distinction between sex work and other forms of female, dangerous and low-status labor, such as domestic or food service work, or work in factories and on the land. It hides the commonality, the shared experience of exploitation, which links people in

all such work. The distinction between ‘the prostitute’ and everyone else helps to perpetuate her exclusion from the ordinary rights which society offers to others, such as rights to freedom from violence at work, to a fair share of what she earns, or to leave her employer. An employment or labor perspective, designating prostitution as sex work, can bring this work into the mainstream debate on human, women’s and worker’s rights. It also allows us to recognize that the sex industry is always not where the worst conditions to be found. (Bindman, 66)

None of the abuses experienced by sex workers would be legal if sex workers were included in the category of laborers. These abuses are “covered by existing international and national labour and human rights standards, yet are not applied in the case of the sex industry” (Doezema, 46). Exclusion from the fold of labor rights has not, as abolitionists argue, brought much-needed attention to an abusive industry. Instead, they make an unnecessary and obstructive distinction between sex work and other kinds of labor, excluding sex work from wider analysis of the structural violence faced by global laborers within and across borders.

The inclusion of sex work within a migrant and labor rights analysis attributes the violence faced by sex workers not to the fact that they are sex workers, but to connect this violence to larger structural analyses like racial violence, gender violence, and violence against those (migrants and sex workers alike) who fall outside the realm of legally protected labor. This would encompass a wide variety of narratives beyond the and the image of the autonomous, liberated Western sex worker frequently used to illustrate arguments for sex workers’ rights (Doezema 1998). The evidence that we have been able to gather on the lives

of sex workers “shows variation, rather than uniformity, in the degree to which workers feel exploited versus empowered and in control of their working conditions” (Weitzer, 453). The inclusion of sex work into a labor rights framework is going to Sex workers are neither uniformly liberated, nor uniformly exploited: their experiences are many and varied, and do not fit into either narrative.

However, what these narratives are able to tell us is that the abuses that sex workers experience are not necessarily sexual, but labor abuses: “even when migrants feel deceived, they usually complain of working conditions, not the fact that the work is sexual, and they often prefer to remain in the industry” (Agustín, 34-35). Viewing trafficking as the “rape” of bodies is not mirrored in the narratives of sex workers who claim they do not feel oppressed by “sex act itself, but rather...the conditions that sex workers must endure that often are defined as the problem” (Kempadoo 2001, 44). Purely from a services perspective, “the health problems of women in voluntary prostitution overlap with those experienced by trafficked women in domestic violence situations, and migrant women in other forms of informal, exploitive labor” (Limoncelli 2009, 263). When sex work is re-situated in a labor rights analysis, the intersections of structure and agency that constitute sex work as a mobility strategy for migrant women become apparent. Women, in particular migrant women, are frequently “relegated to the informal and unregulated labor market--without rights and without protection” (Marjan, 71). In reality, almost the only work migrant women are allowed to do is in the entertainment sector or sex industry,” argues Marjan, but “at the same time these sectors are the most marginalized, if not criminalized, in society” (72). It is this marginalization, not the sexual nature of the work, that results in the most exploitation

for sex workers. This is supported by the increasing body of evidence that women who are identified as victims of trafficking frequently were trafficked within (not into) the sex industry: “if it is recognized that the majority of those in the sex-industry who end up on debt-bondage or slavery-like conditions were *already* working as sex workers, it is impossible to avoid the conclusion that it is prostitutes whose human rights are being violated on a massive scale” (Doezema 1998, 45; also see Busza et. al).

Concealing this violation is why trafficking, as a concept, was constructed as an explanation for the abuses evident within the sex industry. Rather than viewing sex workers as part of a wider category of exploited and marginalized laborers, “sex trafficking” became the explanation for abuse--trafficking, at its heart, is really all about sex. Even as it has expanded to include other kinds of labor, this expansion would be redundant if anti-trafficking advocates were truly concerned about laborers rights. Instead, the fixation on sex points once again to the relationship between the trafficking framework and neoliberal ideology. Anne McClintock has argued that by selling that which men expect for free within the construct of romantic relationships and marriage, prostitutes are working outside of “male-dominated, market exchange” (McClintock, 82). Sex work has been a way for women to access economic resources outside of the economic construct of the nuclear family, and it is one of the only markets that has almost always been dominated by women, particularly women “with both serious economic problems and lots of ambition” (Licia Brussa qtd. in Chapkis, 932). Resistance to the inclusion of sex workers rights under the category of laborer’s rights frequently has as much to do with destroying the market for sex as protecting sex workers. This is reflected in the frequent call within the trafficking movement to end sex,

despite studies that show that criminalization of demand cuts into the market power of sex workers: “Because there are fewer clients, prostitutes have had to drop their prices and often cannot afford to reject unstable or dangerous clients” (Chuang, 1719). No such end-demand strategies are in place for other industries where “trafficking” occurs; it is a solution applied specifically to sex work. An anti-trafficking movement that recognizes the right of sex workers to labor protections is a contradiction in terms. Trafficking as a frame for understanding labor abuse is constructed specifically around the separation of sex from other forms of labor, with the goal of disrupting sex work as a means of “protecting” sex workers. Sex workers defy both hierarchies of class and gender by engaging in their work, and a legitimate market for sex would present a strong challenge to the traditional labor markets that the trafficking framework reinforces, markets that trap migrant laborers (especially women) at the bottom.

Taken in this light, an intersectional and inclusive labor rights movement would understand agency within the sex industry, as within all industries, as raced and classed. This more complex reading of the sex industry would have to acknowledge how markets for commercial sex can be “conditioned by, or...sites of resistance to, further marginalization in the contemporary global economy” rather than solely relying on the “choice” of sex workers to engage in sex work as an explanation for why they do (Kempadoo 2001, 43). Dissociating choice from structural factors that effect choice offers no explanation for why. However, this does not occlude an understanding of sex work as an agentive strategy, and instead suggests that migrant sex workers use their status as “exoticized subjects [to] devise strategies to benefit from this situation to the best of their ability” (Kempadoo 2001, 33). The use of sex

work as a strategy is also bounded by the fact that “for many Black and Brown women, and increasingly for young men of color, sex work is more lucrative than Free Trade Zone work, domestic service, export processing, farm work, or other hard manual labor” (Kempadoo 2001, 33). The comparative value of illicit labor is largely due to the undervaluing of legal and acceptable forms of labor. The transnational feminist approach to sex work underlines the necessity for a labor rights framework that goes beyond Western understandings of rights that operate within binaries of liberty and oppression, and instead “locate women's labor rights within a larger context of economic justice, an analysis of global processes including transnational capitalism, and the way that these are gendered” (Limoncelli 2009, 265). A movement for economic justice, that includes sex workers in the category of laborers, has the potential to provide an understanding of the abuses that take place within the context of global migration that goes beyond the trafficking framework, addressing the broader problems that create these abuses rather than isolating them from contexts of race, gender, colonialism, and economic class.

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