

# Verbal Abuse: Anti-Trafficking Rhetoric and Violence Against Women

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There is a significant debate in contemporary feminist political thought and amongst activist organizations regarding the “trafficking of women” and the questions and problems attendant to this phenomenon. Furthermore, the work of many feminist groups now concerned with and often party to the exercise of state and international regulatory power has drawn a great deal of attention to trafficking within the United Nations, individual nation-states (particularly the United States) and a slew of increasingly powerful NGOs. These different organizations all operate at a similar structural and prescriptive level, using legal and normative models to enact protocols and legislation specifically naming, defining and acting on human trafficking. Regardless of the apparent fervor and media attention given to trafficking in recent years, the problem is still widespread, and there is significant criticism of existing trafficking models, both for their failure to achieve even stated goals, and for the way their definitions of trafficking – particularly sex trafficking – affect women.

Primarily, it is not within the scope of this paper to cut the knot tying structures that produce sex work and trafficking and the agency of sex workers. The author presumes here that sex workers, as much as any other individual or group, are capable of and do express agency – within the confines or limits established by given structural conditions – even if the sex workers operate in much more marginal(ized) positions. As such, the paper is concerned with the appropriation of the sex worker by anti-trafficking forces and how these forces interrupt potential agency – limiting and forcibly circumscribing what sex workers can and do achieve through organization and activism. The question then becomes how anti-trafficking rhetoric constructs the agency of the sex worker to justify and promote its own interventionist politics.

Thus trafficking is not autonomous, but is instead a frame that marks the organization of certain values and ideologies – many of them expressly pertaining to structure/agency – that are then operationalized to produce violence against sex workers and women migrants. Looking at the internal workings of this frame allows us, not to provide an alternative, “better” definition of trafficking but, to address alternatives to those values and ideologies that motivate anti-trafficking interventionism.

Much of the analysis will be spent examining how the language of groups and individuals opposing sex trafficking produces and feeds off of certain dangerous conceptions of the subjectivities and bodies of women in the Global South in particular, and the reciprocal relationship that interventions “on behalf of” those women have with such rhetoric. The first section takes the work of Nicholas Kristof written for the *New York Times* on the subject of human trafficking and sex work.<sup>1</sup> Mr. Kristof’s influential position in the media makes his opinions something of a liberal litmus test, but also his unorthodox, even extreme actions make the articles a rich read into the mind’s eye of liberal anti-prostitution sentiment. The second section attempts to examine the more formal-institutional arm of the fight against the traffic in women, examining reports of a raid

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<sup>1</sup> See references below for a catalogue of the articles by Kristof to which this paper refers

conducted on a Thai brothel in 2003 and how similar rhetorical patterns and ways of constructing sex worker subjectivity are used by NGOs and anti-prostitution feminist organizations favoring such interventions. These two foci or arenas, one very individualistic and the other a large network of state and parastatal cooperation, ultimately share similar ideological foundations and a very casual outlook on the use of force and state police and economic power to achieve their ends. Their rhetorical construction of trafficked women as helpless victims begs the question of aggressive intervention, making force (economic and corporeal) seem the only means of addressing the perceived problem, even where different conceptions of sex work and labor already point toward alternative regimes of political and social rights.

### **Anti-Trafficking Adventurism**

Nicholas Kristof, a thoroughly established writer of the *New York Times* for over twenty years and a regular opinion columnist since 2001, is surely one of the main editorial voices of the newspaper and a widely-read and well-received “public intellectual” in general. Kristof’s views are quintessentially liberal, with much of his work reflecting governance liberalism and heavily advocating the use of American and European coercive power (economic and police) to spread and distribute liberal ideals. As such, Kristof’s set of pieces on the trafficking of women in South Asia – spanning three years and over twenty articles – is a particularly relevant barometer of public or normative liberal views on trafficking and one aligned with current legal and policy approaches to anti-trafficking, even if Kristof is more strident than the actual policies at times. Reading through Kristof’s pieces on anti-trafficking demonstrates how a liberal notion of corporeal, individual rights that ignores the possibility of sex work as labor strips sex workers of subjectivity and makes paternalistic, external intervention the only putative solution.

Kristof began his public(ity) crusade early in 2004, traveling to Cambodia to document what he dubs “21<sup>st</sup> century slaves” (2004c). Kristof writes dramatically and leaves anticipatory cliffhangers between his columns, such as “Stay tuned,” “We’ll see” and promises of “what happens next”; Kristof’s work on trafficking itself takes a three-act form: first he creates the Cambodia of his narrative; act two is Kristof’s purchase and resituating of two sex workers; and a final epilogue details their later fates.

The settings of Kristof’s pieces conjure an Orientalist tapestry, rife with an exoticism reminiscent of 19<sup>th</sup> century travelogues, as he seeks out brothels in Poipet, “220 miles on bouncy roads from Phnom Penh... a dusty collection of dirt alleys lined with brothels, where teenage girls clutch at any man walking by.” Kristof’s Cambodia is littered with “seedy” hotels in “wild brothel towns” (Ibid.) and villages populated by uneducated (and this point is repeatedly emphasized) farmers. Kristof produces and reiterates this stage over the course of his series on Cambodia, not describing or locating Cambodia so much as dislocating and decontextualizing it. Cambodia in Kristof’s narrative is little if anything more than its brothels and villages, and these brothels and villages themselves exist in a vacuum – unconnected from any history, economy, political processes or locality. Edward Said famously made this point discussing the Middle East, but here the metaphor extends to places like the author’s Cambodia: “On this stage will appear figures whose role it is to

represent the larger whole from which they emanate. The Orient then seems to be, not an unlimited extension beyond the familiar European world, but rather a closed field, a theatrical stage affixed to Europe” (1979, 63). It is on this Cambodian stage that Kristof plays out his narrative of trafficking, using his characters as mere representations justifying imperial intervention.

Kristof’s style is no less evocative and dramatic once he turns his attentions to the two sex workers Srey Mom and Srey Neth, whom he buys from their respective brothel owners. Kristof is purchasing these two women to “free” them, but his actions and the manner in which he documents them are questionable. Kristof’s language switches at times from purchasing the girls’ “freedom” to simply discussing the two girls he had purchased. The entire arc of his narrative here puts Kristof in a position remarkably similar to a pimp or customer himself. Having purchased these two bodies, the distinction between buying to “free” and simply “buying” is not as definite as Kristof would have it be. Kristof, ostensibly to “humanize” his victims, often focuses on their physical attributes, sexualizing and feminizing Srey Mom and Srey Neth, even titling one of his columns “A Cambodian Girl’s Tragedy: Being Young and Pretty” (2006e). By his inability to detach his objectives from the actual women’s bodies, and indeed even their sexuality, Kristof undermines his whole critique.

In this way, Kristof performs much of the same script that motivates prostitution, even if he means to condemn it: he reduces the women to little more than their bodies and produces the victim-like quality and absolute frailty of these bodies.<sup>2</sup> Kristof describes how “[a] year ago, a pimp handed me a quivering teenage girl,” (2005c), and elsewhere how “Srey Mom [grabbed] at me as I walked down the street. She wouldn’t let go, tugging me toward the inner depths of her brothel – but she looked so young and pitiable that I couldn’t help thinking that she really wanted me to tug her away” (2004b). Kristof in this last quote is both writing his own intentions on the bodies of this woman while engaging in detail on the verge of the pornographic. The entire course of meeting and purchasing these two women contains this lurid underside, but where the ordinary client receives sexual pleasure for his money, Kristof’s dollars (and he is quick to point out exactly how much everything costs) buy him pleasure sublimated in the form of “ethical” enjoyment. The women are not subjects in Kristof’s schema but bodies to be used as a means for justifying his critique – bodies objectified for a much wider audience than when they are used physically. Kristof’s motives, and even his admissions that purchasing individual sex workers out of brothels is no “real” solution, may be mitigating, but they do not silence the fact that there lies no difference between his actions and those of other customers with respect to the commerciability and sexualization of women’s bodies.

The coda of Mr. Kristof’s drama occurs after his purchase of Srey Mom and Srey Neth, when he returns them to their home villages and provides them with roughly \$100 each to start small food stands. Kristof takes a year interim from his project, and then returns to “find out how they coped with freedom” (2005c). Herein lies Mr. Kristof’s predominant attitude towards these women. Whereas he ostensibly never worries about how he copes with his own freedom, the question preoccupies much of his discussion of Srey Mom and Srey Neth. He engages with another form of essentialization, mixed with pop-psychology, that presumes these women are indelibly

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<sup>2</sup> The more cynical might ask if Kristof is merely a fan of the film *Pretty Woman*.

stained by the brothels – that because they were prostitutes, their subjective experience with and relationship to “freedom” will necessarily be problematic. Kristof exudes resentment, as he is effectively unable to understand why Srey Mom returned to the brothel and why Srey Neth’s business did not work out. He describes how aid workers find it “*unnerving* that they liberate teenagers from the bleak back rooms of a brothel, take them to a nice shelter – and then at night the kids sometimes climb over the walls and run back to the brothel” (2005d, emphasis added). Kristof attempts an explanation by talking about how prostitutes are “shattered and stigmatized” and cannot cope without the brothel after their “liberation.”

Ultimately, this pseudo-Stockholm syndrome explanation reflects the contradiction inherent between the subject’s necessary victimhood, as posed by Kristof, and the actual agency expressed by the women. A liberal model such as Kristof’s can only understand subjects as either acting in their own rational self-interest (as measured by Western, utilitarian norms) or as passive, non-subject victims. The actions of the two women – neither those of Western, autonomous subjects, nor those of victims seeking the protection of the state – confounds Kristof’s analysis. Irresolvable at a conceptual level, Kristof moves to break the contradiction through a violent reorganization of its perceived cause.

Kristof has not been able to conceive, throughout his narrative, of any causes for prostitution or trafficking; focusing only on the individual “victims,” he has at best sketched a crude model of patriarchy and subordination of women to explain trafficking. The limits of this model, however, are quickly reached. When Srey Mom returns to the brothel, he must psychologize her actions and locate them within some individual trauma. His musings of a “tidier world” where “slaves [seek] freedom” (Ibid.) show how this impoverished construction of the trafficking dilemma leads to a resentment towards the supposed victim; these wounded subjects are marked by their difference from a western liberal subject, one who does not need to “cope” with a presumed de facto freedom.

Similarly, when Srey Neth’s grocery is effectively pilfered by neighbors and malnourished members of her family, Kristof merely quips that “in a Cambodian village, nobody listens to an uneducated teenage girl” (2005c). There is no consideration of property and familial regimes, or of the way that structural adjustment and trade liberalization have scarred the Cambodian countryside in recent history, when Kristof returns Srey Neth to her impoverished village in a position irrationally wealthier than everyone around her. Kristof seems to think that the Western entrepreneurial spirit and protestant work ethic are Srey Neth’s means of salvation and that they can be simply transplanted irrespective of social conditions. Furthermore, once the attempt at salvation understandably fails, it is treated as an inevitable result of the backwardness of the family/culture. Kristof again takes up his condescending tone against a culture and situation he all but calls uncivilized or barbaric.

Ironically, Kristof himself does not seem to believe in his actions or the possibility of effecting change within the system. As if he expects his own experiment to fail from the start, Kristof mentions throughout that the only real solutions to trafficking can come from the intervention of American and European state power: “nothing will happen unless we get higher-

level outrage in Washington and other foreign capitals” (2005a). Kristof, at times a critic of the Iraq war, has absolutely no qualms throwing about the morals of the United States by virtue of its military, demanding that “today’s great powers must bring their economic and military might to bear on this most crucial of undertakings” (2006e). Kristof makes open-ended ultimatums like this in nearly all of his pieces, frequently employing a language of pandemic, so often emphasizing that what he discusses is “not hyperbole” one must nearly assume that it is. Even if Mr. Kristof were not exaggerating the dangers of trafficking – and there is cause to say he is, at the very least given his quoting of numbers from a much-undermined government study (Chapkis 2003, 925-6; Kim and Chang 2007, 321) – his manner of “solving” the problem, besides its rabid militarism, presumes by its silence that states and societies like Cambodia’s are too atavistic or incapable to produce any change, and, more importantly, that the sex workers themselves cannot act in their own right to better their situations. Thus, the stage is set for “humanitarian” intervention.

Whereas Nicholas Kristof at best represents an influential voice of persuasion in the media, and thus a limited prescriptive force for implementing such intervention, his rhetoric and treatment of trafficking closely engages with that of many anti-trafficking groups who have managed to incorporate themselves into state and disciplinary machineries. Such groups, particularly the Coalition Against Trafficking in Women (CATW), also engage with trafficking under the presumption that sex workers are damaged subjects, unable to act on their own. Reading through some of their rhetoric and interventions, as a complement to our reading of Kristof, will bring out the violent ends of this state power as it affects the putative “victims” of trafficking.

### **Anti-Trafficking Interventionism**

If Kristof’s narrative conjures up the Orientalist travelogue and late imperial morality crusades, much of the work done by trafficking NGOs and other parastatal organizations reads like vigilante novels. NGOs have had resounding successes as neoliberal management and structural adjustment have vitiated much of the developing state’s regulatory and administrative capabilities. As Janet Halley comments in a dialog on Governance Feminism and trafficking, the Global South has been particularly affected by non-state actors, because “the South, accessible through the language of international human rights law, presented a theater of opportunity at a time when the radical feminist project in the North was embattled...” (2006, 353). Lamia Karim, in a parallel example, has shown how microfinance organizations such as the Grameen Bank in Bangladesh have effectively supplanted traditional realms of state power, including police power (2007). The scope of authority wielded by anti-trafficking NGOs may not have reached the same degree of control, but they too wield significant power by virtue of the weakness of developing states and the backing of American and European monies and aid conditions.

The turn of the millennium marked the passage of the United Nations’ Palermo Protocol<sup>3</sup> and the United States’ *Trafficking Victims Protection Act* (TVPA), the two documents most extending

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<sup>3</sup> *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime* (2000)

western anti-trafficking efforts into the Global South. Since 2000, the US has elaborated on and expanded the TVPA with reauthorization acts in 2003 and 2005. The TVPA in particular has been one of the greatest forces incorporating the language and rhetoric of western anti-trafficking into a policing regime, motivating trafficking intervention by NGOs abroad and compelling Southern states to participate with Western NGOs. As part of this law, the State Department publishes an annual *Trafficking in Persons Report* (TIP Report), giving nation-states a ranking on a three-tiered scale. Based on relative compliance with US policing policies, states can either be sanctioned or given aid (Kim and Chang 2007, 330). This carrot-and-stick system has been remarkably effective, if not at stopping trafficking than at least providing for a global regime of trafficking enforcement based on U.S. definitions of trafficking and values around sex work. South Korea, for instance, “[d]espite protests by sex worker rights groups, has instituted a sweeping anti-prostitution law, the first of its kind since 1961. The reform includes prison sentences and fines for traffickers *and for women in the sex industry*” (Ibid., 331, emphasis added). Korea in this way jumped from Tier 3 to Tier 1, and the United States further expanded its reach on the matter. Since the passing of the TVPA and the release of annual TIP Reports, almost all of the 154 countries examined within the reports have followed suit by conforming at least in part to the UN/US standards on trafficking (Department of State 2008).

As a general schema, the U.S.-based model is strongly anti-prostitution and anti-sex worker. Pushed into law by the strange bedfellows of moral conservative and Christian groups united with anti-prostitution feminists such as CATW, the act has been strongly criticized by many activists and scholars for its over- and under-reachings. One of the most dangerous aspects of the law, as addressed by its critics, is the way in which it forces a distinction between “innocent” and “knowing” victims, and thus to what extent the enforcement arm of the legislation directly and negatively affects women involved in sex work, legislating against them as much if not more than it stops egregious forms of labor exploitation and human rights violations (Chapkis 2003, 929-30). Furthermore, the TVPA and its parallel enforcement schema by other states have been strongly censured for their use as tools for punishing immigrants and putting excessive controls on the migration of women across borders (See Sharma 2005; Chapkis 2003; Adams 2003). Without engaging in a critique of the entirety of the TVPA or similar frameworks, the law has introduced language condemning and marginalizing sex workers, licensing a global juridical and policing system with dangerous consequences furthered by the application of such laws by NGOs like CATW.

In May of 2003, a “raid and rescue” operation was undertaken in a brothel in Chiang Mai, Thailand by the joint efforts of at least two Western anti-trafficking organizations, backed by local police. The Chiang Mai raid is perhaps an exemplary illustration of current anti-trafficking efforts and much of the problematic aspects of this work. In addition to their exposure by the colluding feminist anti-prostitution organization TRAFCORD<sup>4</sup> and the Christian, faith-based anti-trafficking NGO International Justice Mission (IJM), the brothel and sex workers within were closely tied to a

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<sup>4</sup> Anti-Trafficking Coordination Unit Northern Thailand. They are registered as a Public Benefit Organization charged with coordinating between government and NGOs to combat trafficking.

Thai-based sex worker's labor rights group, EMPOWER. Examining the rhetoric and criticisms from both sides reveals how current enforcement practices result in overt control over women and women's bodies and the treatment of ostensible "victims" as passive or voiceless tokens in anti-trafficking measures.

The raid itself was a spectacular event, as journalists and news media were permitted to accompany the raiders, photographing many of the 28 women seized in the action.<sup>5</sup> These women were then taken to a Public Welfare Boys Home and effectively detained without the ability to make contact with relatives or EMPOWER. The women were detained in this way for over a month, being interrogated and pressured to give testimony by TRAFCORD representatives. Four of the women detained fled the building through the gates and went to EMPOWER, believing the raid had been intended to arrest the girls working. Numerous rights violations were claimed by EMPOWER and other observers, namely the confiscation of the girls' property, photographing of the women without their consent, their involuntary and extended detention, and the deprivation of their rights to work. Even TRAFCORD representatives expressed some regrets about the undertaking of the operation, but only weakly and without any self-reproach about the measures taken (EMPOWER Chiang Mai 2003; Ruprecht 2003b).

Niki Adams has similarly documented the bathetic aftermath of a 2002 London raid where over 60 sex workers and other women were detained; these women likewise were granted little or none of the supposed protections afforded to victims (2003, 138). This time the raid occurred not at the hands of foreign NGOs operating within the Global South, but under the aegis of the British government. The results, however, were hardly different; the Soho raid Adams describes was no less spectacular than the Chiang Mai raid. Police had been conducting surveillance in the neighborhood for months in advance, even interviewing and talking to many of the individual sex workers. However, none of this concern seemed to carry over into "liberating the victims of trafficking," and in the middle of the night 50 police officers, characteristically accompanied by a slew of reporters and journalists, raided the neighborhood. Among the immigrants and sex workers culled were several asylum seekers applying for refugee status, many of whom were summarily deported without any sort of due process. Other deportations were halted only after a significant backlash by concerned local organizations.

Adams describes how UK anti-trafficking law, borrowing from the initiative of the Palermo Protocol, attempts to avoid the complications of dealing with the expressed interests and desires of sex workers that are often highly contradictory to the intentions of their supposed rescuers. The law seeks to diminish law enforcement's reliance on the testimony of witnesses deemed "vulnerable and intimidated" (Ibid. 137). Ultimately, the result is the ability for police and prosecutors to conduct raids and arrests against even willing sex workers and other individuals, merely by virtue of their fitting the definition of trafficking or being otherwise valued targets for the state. This definition conceals a vicious circularity; if being trafficked requires being forced against one's will, and all sex

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<sup>5</sup> In a similar that took place in the spring of 2000, IJM raiders were accompanied by the cameras of *Dateline NBC* to film the event for American viewers (Jones 2003).

workers are presumed to be vulnerable and intimidated, then they can never express any real will or intention and can be presumed to have been trafficked. Consequently, the state effectively gains total control over these women's bodies and livelihoods by fiat decision. Compounded by the increasingly carceral and hostile immigration policies of most European nations and the U.S., this mandated ability of the state to decide who can be a subject and who is a victim further threatens the safety of any and all women migrating and crossing national borders.

The language of CATW and the "Rambo" operations of IJM and other such organizations (McBride 2001) demonstrate a problematic link between the rhetorical opposition of trafficking in women and the ultimate perceived necessity and justification of interventionist force. The supposedly structural problems and causes of sex trafficking are simultaneously relied upon and ignored. The structural nature of sex trafficking is (ab)used by states so they may name their victims while avoiding or disregarding the testimony of sex workers themselves. Indeed, such testimony is doubly ignored, as such prosecutorial and police measures target and punish individual sex workers without any consideration of the effects on the individuals apprehended or the situations presented. The structural causes of trafficking become a pretext for state violence, as the state uses the complexity of the situation to vitiate the agency of sex workers as false consciousness, meaning only forces outside of these particular structures (Western state power) can consequently effect change.

The Chiang Mai and London raids are exemplary instances of this bootstrapping, where effectively abstract rhetoric invoking patriarchy and narratives of victimization become not only the justification for the raids but also the means allowing "rescuers" to ignore or efface any contrary concerns of the sex workers affected. A CATW presentation before the UN demonstrates this position quite succinctly:

The notion that prostitution is work – "sex work" is the dangerously misleading term – ignores both these powerful social forces of poverty, violence, and inequality that propel women and children into sexual exploitation and the harm that women and children sustain as a direct consequence of sexual exploitation. (Leidholdt 2000)

There is no doubt that poverty, violence and inequality are extremely prevalent factors affecting labor – in both the North and South – and that women are generally most severely and adversely exposed to such conditions; however, the connection between structural forces and the lived experience of subjects in the world is hardly so direct as CATW would have it. The CATW/TRAFCORD position is flawed if for no other reason than the fact that only those who have already been deemed "victims" of trafficking are considered to be subjects of patriarchy, the economy or cultural structures; just as Mr. Kristof never questioned how he coped with his own freedom, CATW rhetoric never questions the autonomy of Western female subjects, but presumes a structurally determined lack of agency for those women on whose behalf anti-trafficking forces would seek to intervene. Notions of structural determinism are asymmetrically applied, and the access gained to the Global South by Northern economic and police power, facilitated by human rights law, allows for the success of this maneuver. Theories of the subject and actions that may receive intense scrutiny or are deemed violative of rights and personal autonomy in the West –

outdated or idealistic at best – are unreflexively considered “good enough” for the “victims” of the South, and can be deployed and even lauded by popular media sources and the United States government.<sup>6</sup>

This rhetorical approach towards combating trafficking – fighting the battle at the level of the sex worker’s subjectivity and body – consequently forms an exclusionary system wherein anti-trafficking NGOs, faith-based groups and state policing apparatuses have effectively determined in an arbitrary and abstract fashion that the consent of those involved in prostitution is not and cannot be considered, and therefore, it is left in the hands of those organizations to decide who has been trafficked, who will be rescued, who will be arrested and deported, etc. In defense of this, CATW feminists point to certain clauses within the International Criminal Tribunal for the former Yugoslavia and Rwanda (ICTY and ICTR) procedure that allow rape convictions “irrespective” of victim’s consent and have successfully at times extended this to apply to trafficked women. It is a truism that the two situations are incontestably different and should be treated as such, but in any case, ICTY and ICTR procedure also affects who can be considered a subject, and who is merely an object to be rescued. Vitiating the consent of sex workers on the one hand furthers the imperialistic presumption that these women are somehow damaged subjects, incapable of proper rationality or suffering false consciousness, and on the other hand, it totally exposes the sex worker to the will, intentions and sometimes violence of the aid worker, however arbitrary these may be. In a peculiar reversal, anti-trafficking efforts in this way “free” women from the supposed domination of brothel and pimp, only to effectively dominate their wills and bodies to suit other political and ideological ends.

### **The Violence of Abstraction**

The above discussions of Adventurism and Interventionism have, in dealing with more discrete examples and interventions by traditional anti-trafficking groups and authors, attempted to give shape to a critique of current rhetoric and practice. Kristof’s writings point towards the individual or micro-level, whereas the rhetoric of the raider – whether Police or NGO – is representative of macropolitical and large-scale efforts against trafficking. However, the two are linked by similar ideologies and constructions of their supposed victims, and each highlights the flaw in the other. Where Kristof focuses on individuals and the actual bodies of two women while CATW focuses on the moral wrong of prostitution as a function of patriarchy, thereby ignoring the agency of sex workers, both levels of argument use the language of women as pure victims incapable of self-representation or agency to justify extreme and violent actions.

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<sup>6</sup> Jacques Ranciere has made a similar statement very pointedly, worth quoting here: “Ultimately, those rights [enjoyed by the West] appear actually empty. They seem to be of no use. And when they are of no use, you do the same as charitable persons do with their old clothes. You give them to the poor. Those rights that appear to be useless in their place are sent abroad, along with medicine and clothes, to people deprived of medicine, clothes, and rights. It is in this way, as the result of this process, that the Rights of Man become the rights of those who have no rights, the rights of bare human beings subjected to inhuman repression and inhuman conditions of existence. They become humanitarian rights, the rights of those who cannot enact them, the victims of the absolute denial of right” (2004, 307).

This double-myopia – at both structural and individual levels – illustrates how liberalism as a whole constructs subjects in an abstract-universal sense. The liberal subject, being a subject traditionally constituted in rights, is effectively *a priori* in any liberal society. This subject is then universalized insofar as its priority makes it the groundwork consideration for all other liberal subjects. Ultimately, however, this subject only refers back to its *a priori* foundations, and not the discrete social and material processes of subjectivization. As Wendy Brown states, “Indeed, in a smooth and legitimate liberal order, the particularistic ‘I’s’ must remain unpoliticized, and the universalistic ‘we’ must remain without specific content or aim, without a common good *other than* abstract universal representation or pluralism” (1993, 392). This depoliticization becomes particularly dangerous in the context of women’s bodies and trafficking discourse, for as we have seen, the abstraction of individual subjects by virtue of supposedly universal rights packages is one of the primary enabling factors for CATW and other intervention.

This abstraction of the subject is one of the primary means by which the rhetoric of anti-trafficking efforts promotes its own ability to intervene. Jo Doezema has shown how liberalism encourages both the creation of these identities, based upon the failure of the liberal rights package, and the capture and control of these identities within the sovereign system. Borrowing from Wendy Brown, Doezema discusses how the promised rights package of liberalism cannot be effectively delivered to all; the contradiction between liberalism’s supposedly universal rights and their manifest absence in certain situations becomes the site of “injury” and creation of the “victim” category. Anti-trafficking rhetoric, as we have seen, is quick to name these injured subjects and victims.

As such, groups attempting to claim these missing rights or those seeking redress must assume this language of injury to make their rights-based claims. Doezema writes that “this paradox results in a politics that seeks protection from the state rather than power or freedom for itself” (2001, 20). Doezema practically demonstrates how anti-trafficking groups such as CATW have formed their concept of trafficking victims by applying these abstract notions of identity. However, as should become apparent, the reliance of this injured identity on the state and parastatal agencies severely limits anti-trafficking efforts to those mandated by the state (police or military power, economic sanctions, etc.). The “truth” of the prostitutes’ experience held in comparison to the abstract liberal subject, the kernel motivating strong-arm interventionism, becomes the fact of their status as incomplete or injured subjects, and thus any other narrative or set of experiences becomes “ontologically impossible” (Ibid. 27-28).

This reductionism and its consequences becomes clearer in the context of the “raid and rescue.” Many of the women detained in the Chiang Mai raid claimed that intensive and coercive measures were used to secure testimony (EMPOWER 2003), and in other situations women are often forced to make the choice between cooperation with prosecution and renunciation of their way of life or deportation/imprisonment – a Catch-22 with both ends exposing the sex worker to impoverishment and further abuse. Chapkis shows that in many cases women must effectively renounce their own status as subjects to receive protection or assistance, becoming in the eyes of the state “no more than unwilling goods, exchanged between unscrupulous men” (Chapkis 2003, 930). Having already presumed an injured identity in the sex workers, the TRAFCORD representatives

were able to justify all of their violations of the sex workers' rights based on the supposed injury that they had been suffering within the brothel. The various indignities imposed on the sex workers by their interveners become a form of "collateral damage," apparently without need of justification as such damage is overshadowed by the initial ontological trauma *presumed* on their behalf.

Just as it produces problematic, victimized identities, an additional consequence of the "lazy structuralism" of anti-trafficking advocates is its inability to recognize that prostitution can be considered work without legitimizing prostitution or deeming it a normative good, thereby allowing sex workers access to rights under labor and welfare systems. Just as the "truth" of prostitution prescribes that all sex workers be victims, this victim identity implies that sex work is purely exploitation, not to be considered as labor. Some of CATW's most strident assaults have been not against traffickers but organizations such as EMPOWER and The Global Alliance Against Traffic in Women (GAATW, a pro-sex worker coalition); CATW argues that any attempt to justify the labor value of prostitution and sex work is tantamount to condoning and supporting prostitution and the sex industry, and it even goes so far as to draw spurious linkages between such organizations and pornographers and pimps.

Contrary to this assessment, Berta E. Hernandez-Truyol and Jane E. Larsen note that the opposition between a right to work and human rights is a "false dichotomy"; conflating a legitimate critique of the conditions under which prostitution operates with the refusal to recognize prostitution as a form of labor "means that...complex social [realities] cannot engage the underlying human rights principles invoked, preventing human rights understandings from deepening and expanding" (2004, 405). Taking Hernandez-Truyol's argument further, by ignoring the fact that prostitution is labor, human rights discourse around the subject becomes shallow and ineffectual, and far worse, it is merely a tool for interventionism and laws targeting and punishing migrants and women, both directly and indirectly. Raid and rescue operations, based in abstraction take little account of actual working conditions within brothels and the women's abilities to otherwise earn a wage.

The conflict or contradiction of rights produced by humanitarian interventionism of anti-trafficking organizations eschews the productive capacities and potential autonomy of the subject, instead paternalistically reading rights as the "protection" of bodies. The Hernandez piece also importantly highlights the distinction between first and second generation rights: the former are purely negative liberties such as basic bodily security and freedom from physical abuse or political tyranny, and the latter involve more constructive rights such as conditions of fair and equitable labor. These second generation rights do not even come under the consideration of anti-trafficking workers. As we have seen, the considerations of labor-based rights, founded in the same UN protocols that organizations such as CATW use to justify their work, are dismissed. Those rights presume the existence of a subject who claims them, and even though the existence of sex worker organizations such as EMPOWER speaks to sex workers' abilities to comprehend and access such rights, the CATW and TRAFCORD narrative ignores and negates any constructive freedoms as the mere "false consciousness" of the prostitute.

If second generation rights and the agency of the immigrant or sex worker are to be ignored, the actual situation of these women is reduced to the “tragedy” of being “young and pretty,” or “empty holes surrounded by flesh, waiting for a masculine deposit of sperm” (Doezema 2001, 26). The rights-based focus, when it arises out of the abstract constructions of identity and injury, cannot seem to disengage the subject from the threatened or injured body, and as a consequence, potentially all women, or at least all women of the myriad territories of the Global South, become subsumed within the purview of anti-trafficking schemes.<sup>7</sup> Statist and legal mechanisms for enforcing these identities are themselves limited, and can only criminalize and penalize. The London raid is exemplary of this, where the ultimate end of the raid, if not its stated goals, was the violent uprooting and deportation of women immigrants and sex workers. Nandita Sharma’s work further demonstrates how the collapse of the subject into the body produces severe disciplinary controls on women’s bodies, particularly as regards the movement of women across borders for purposes of seeking any labor, least of all sex work. Sharma points to the formation of a “Global Apartheid” (2005) wherein the putative risk of trafficking marks women’s bodies against the possibility of migration and labor opportunities, as women are all – ontologically – presumptive victims of trafficking.

What benefits are on offer by the state-protectionist system are highly conditioned, as in the above example where the Chiang Mai sex workers were interrogated and coerced into cooperation with state and NGO investigation. In the US, the special trafficking visa (T-visa) authorized by the TVPA and issued to “victims” of trafficking, for instance, is conditioned on their being “willing to assist in every reasonable way” with the investigation and prosecution of traffickers. To secure permanent residency in the United States furthermore requires that the trafficked person would “suffer extreme hardship involving unusual and severe harm upon removal from the United States” (TVPA, S.107[E]). Jennifer Nam, looking at civil suits filed in the U.S. by victims of trafficking under the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), notes that, besides the paucity of lawsuits in general, *sex trafficking victims have not filed a single suit* under the act authorizing civil remedies for victims of trafficking, 18 U.S.C. S.1595 (Nam 2007, 1656). The majority of these reports have been filed by agricultural, domestic or industrial workers. There is reason enough above for sex workers to be discouraged from participating in state anti-trafficking efforts, and S.1595 contains requirements of participation in prosecution and other similar disciplinary controls and hurdles before victims can access a remedy. Many of these conditions are particular to the sex trafficking claim, whereas claims for “forced labor” and “trafficking into servitude” lack much of the spectacular trauma and disciplinary aspects of the former. Even under the banner of a moral crusade

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<sup>7</sup> Kristof is not alone in his attempt to use dramatic and sometimes shocking individual stories to attempt to prove a point about trafficking, nor is it only a journalistic conceit. Dina Francesca Haynes begins an article in *Human Rights Quarterly* with the story of one particular victim. It is particularly relevant here that Haynes, a proponent of law enforcement methods who is generally in line with the CATW position, uses a narrative about a Moldovan woman named Madelina, but at no point is the woman given any voice or intentionality. Madelina is effectively a placeholder victim who allows Haynes to justify a critique of “smugglers” and criminal traffickers, echoing what has been discussed above.

to save and protect these women, they must be made into docile and pliant objects as the state interest in controlling immigration and the flow of bodies trumps real security.

## Conclusion

In the wreckage of the raid, the lives and livelihoods of these ostensibly rescued women become collateral damage, and the self-satisfied press releases of the rescuers never make mention of their fates. Such outcomes cannot be considered incidental or contingent; they must be seen as a more active and purposive form of harassment and violence visited on sex workers and women migrants. What little has come of punishing traffickers and severe forms of labor abuse must be contrasted with the extreme violence and injury visited upon the supposed beneficiaries of such laws and raids. Beyond the Chiang Mai and SoHo operations, many other parallel events chronicle the extremely threatening presence of the state and legal mechanisms in the lives of women migrants and workers. The triumphalism of media cameras at the scene and photos of young girls in anonymous rooms<sup>8</sup> disguises the way in which state and parastatal agents directly create systems that seek to control and isolate women's bodies. This control extends from the individual level of pernicious anti-prostitution campaigns – which lead to the arrest of the women to be putatively saved – to the tightening of national borders and the limitation and restriction of women's migration across those borders, even for the purposes of seeking asylum or escape from conflict and poverty.

Jennifer Nam, in her assessment of existing remedies for the victims of trafficking concludes on a note of frustration, stating that “*something* is missing” (Ibid. 1659), though she is unable to effectively name that something. This viewpoint, however, still presumes an impossible separability between the means used to combat trafficking and the after-effects of intervention. The rhetorical construction of the victims of trafficking has already ensured the necessity of force and state power; this force is itself blind to the existence of these various women as anything but victims, due to the way that trafficking presumes its subject (as object). Victim is, however, a category that is temporally fixed and permanently abstract – a state of being without the a matter of a situation; as such these women victims cease to exist at the point of their “rescue.” They are not freed so much as they are effaced or erased. This is evidenced by the unspectacular fates that are visited on the women singled-out by these laws after the spectacle of the raid and rescue operation.

Perhaps it is not that something is missing from existing remedies, but that the current frame of sex trafficking must move away from its targeting of women's bodies and instead focus on the actual, expressed rights of sex workers. The EMPOWER report states: “The rights of adult trafficked victims as workers must be acknowledged. We should receive recognition of our work and compensation...” (2003). Indeed, a great deal of the voices critical of current anti-trafficking discourse would seek to address the issue under the frame of work and labor. The sex trafficking framework, using and producing notions of the sex worker as a victimized object, cannot address

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<sup>8</sup> The most recent U.S. *Trafficking in Persons Report* carries such photographs, accompanied by narrative, on almost every other page.

sex work as labor. However, understanding sex work precisely as labor may stand to produce the most gains for the women involved.

Escaping the ideological and imperial logics surrounding sex work would clearly expand the scope and means of remedy for the actual, identifiable harms of trafficking. The Hernandez-Truyol article discussed above provides a comprehensive and instrumental approach to this problem. Beginning with the notion of labor as a fundamental human right, the authors argue that it is violative of such rights to consider sex trafficking exploitative or abusive *per se*. Instead, it must be asked in any case whether or not the labor arrangement meets conditions of slavery, forced/coerced labor or exploitative labor (2006, 428-38). By avoiding the initial roil over whether prostitution can be considered labor, instead presuming sex work to be a form of labor and then interrogating its possible unjustness *qua* labor, much more work can be done. The labor framework does not guarantee a solution, but turning the problems of sex work into problems of labor diverts the scrutiny and power of the state away from the regulation and disciplining of women's bodies and agency.

Shifting the frame of sex trafficking away from values based upon control of women's bodies and the non-agency of victimized identities provides a potential way out of the vicious circularity between anti-trafficking rhetoric's construction of the victimized third-world prostitute and the ensuing violence that results. The narrow focus on stopping prostitution, seen in Kristof's crusade through Cambodia and CATW's efforts on a larger scale, bootstraps and legitimates violence in presuming that the sex worker cannot exert any agency over her body or labor. In the attempt to create even minimal guarantees against the worst forms of sex trafficking abuse and labor exploitation, the administrative apparatus of state and parastatal organizations have spawned vast panoptical, disciplinary machineries. As I have tried to show above, the rhetoric currently surrounding these problems brings about pernicious and often violent entailments. In the case of those seeking to cross a border or those targeted by the brothel raid, these results and mechanisms of control vastly outstrip the structure of the security granted in fact. Changing this rhetoric from a language of control over women's bodies to one where sex workers and women can control the conditions of their own labor may be one of the first steps needed to end this violent cycle.

## **Appendix: Definitions of Trafficking**

### Victims of Trafficking and Violence Protection Act of 2000 (22 USC §7102)

#### SEC. 103. Definitions

(3) COMMERCIAL SEX ACT - The term "commercial sex act" means any sex act on account of which anything of value is given to or received by any person.

(8) 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.

(9) SEX TRAFFICKING- The term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(13) VICTIM OF A SEVERE FORM OF TRAFFICKING- The term “victim of a severe form of trafficking” means a person subject to an act or practice described in paragraph (8).

(14) VICTIM OF TRAFFICKING- The term “victim of trafficking” means a person subjected to an act or practice described in paragraph (8) or (9).

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Article 3: Use of Terms

For the purposes of this Protocol:

( a ) ”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;

( b ) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph ( a ) of this article shall be irrelevant where any of the means set forth in subparagraph ( a ) have been used;

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