RACISM AND THE MYTH OF TRAFFICKING

Nancy Lindisfarne and Jonathan Neale

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The myth of trafficking was invented by right-wing evangelical Christians in the United States. It is untrue, racist and dangerous to sex workers. Yet to many people it seems both feminist and left-wing. This article explores that paradox.

In 2007 the US sociologist Kimberley Kay Huong went to Vietnam to study sex trafficking. She found none, and decided to study sex work, capital flows and masculinities instead.[1] The striking thing is that, even among critical academics in the US, no one had suggested to her that maybe there was no trafficking in Vietnam. Many other anthropologists and sociologists were having the same experience in other parts of the world. When they did the actual fieldwork, the trafficking disappeared.

In the 1990s an alliance between neoliberal corporations, anti-prostitution feminists and evangelical protestants came together to clean up the streets of America.[2] Then they went on to attempt to restructure sex work globally. The key moment for this global restructuring was the passage of the Trafficking Victims Protection Act in the US in 2000. That same year the United Nations agreed the Palermo Protocol. This was followed by the passage of dozens of state laws and local regulations in the US against various forms of trafficking, and by similar laws in Brazil and other countries.

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[1] Kimberley Kay Hoang, *Dealing in Desire: Asian Ascendancy, Western Decline, and the Hidden Currencies of Global Sex Work*, Berkeley: University of California Press, 2015,
[2] Elizabeth Bernstein, *Temporarily Yours: Intimacy, Authority and the Commerce of Sex Work*, Chicago: University of Chicago Press, 2007.

The anti-trafficking campaigners used the word trafficking in four quite different ways. Trafficking could mean:

Helping people of all sorts to cross borders illegally, or
Helping women to cross borders to do sex work, or
Forcing women to do sex work inside a country, or
Helping or forcing young women under 18 to do sex work.

This slippage between these four quite different meanings is what gives the word its ideological clout. As we shall see, a series of myths about sex trafficking titillate and disturb in ways that effectively disguise the contemporary racist onslaught on migrants. And the slippage has other effects.

Let us be clear here. We think trafficking illegal immigrants is a good deed. We want an equal world. Part of that has to be that people can move freely from poor countries to richer countries. Otherwise people will not be equal. The usual phrase for our political position is to be in favour of 'open borders'.[3]

This may seem utopian. After all, 'they' are coming to take 'our' jobs and drive down 'our' wages. At base, this is a matter of who your 'we' is. Our we is not British people, or Americans. It is the working people of the world, and the oppressed in any particular situation. When we look at the pictures from Calais, we imagine we are the people in that camp. Moreover, we have a general rule of thumb for picking sides in political controversies, and we have applied it in many other things we have written. The rule is to ask who is being oppressed in this situation, and what do they say they want? The answer in this case is obvious.

There are many borders where illegal immigrants need help from specialists to cross to the other side. These specialists are almost

[3] Teresa Hayter, *No Borders: The Case against Immigration Controls*, Second edition, London: Pluto, 2004.

always criminals. By definition, they are committing a crime. When the law pushes any trade into the hands of criminals, there is a great deal of abuse, overcharging, cheating and brutality. There is also sometimes a lot of humanity. So it is with 'people trafficking'.[4]

The discourse of trafficking, however, makes brutal immigration policies acceptable to liberals. 'We are not trying to stop poor people from finding work in our country,' the discourse says. Rather, 'we are trying to protect vulnerable people from human traffickers.' And by now, when you read about 'human trafficking' there are always resonances of 'sex trafficking' in the background.

The Anti-trafficking coalition

The strongest political force behind the passing of these US and international laws was the evangelical protestant churches in America. Since the 1980s these churches have been politically conservative. At home, the churches were often strong supporters of home schooling and the right wing of the Republican Party. They were likely to deny climate change and campaign against abortion and gay marriage. But the American evangelical protestants behind anti-trafficking were different. After her research in San Francisco, Elizabeth Bernstein did field research with anti-trafficking evangelicals. She found that the activists were mostly women, mostly young, mostly white, and almost all college graduates. They defended what they saw as the traditional family, which was in fact a conservative version of the new companionate marriage with entitled children. Equality between men and women was important to them. The leaders of these new campaigns were quite clear about the necessity of moving on from the embarrassing old habits of attacking

[4] For the complexities, see the excellent ethnography by Ruben Andersson, *Illegality Inc.: Clandestine Migration and the Business of Bordering Europe*, Berkeley: University of California Press, 2014.

abortion and denying climate change. They saw themselves as ‘social justice’ evangelicals.

The second wing of the anti-trafficking coalition were ‘carceral feminists’ who wanted to use the law and imprisonment (‘incarceration’) to defend women. They campaigned for laws against pornography and prostitution, and the arrest of people who broke those laws. These right-wing ‘radical’ feminists could not mobilise many people on the ground – the evangelicals did that. But many people who would have simply dismissed the evangelicals were willing to listen to feminists.

The third wing of the coalition was the American government. The key agencies were the State Department and the Agency for International Development (AID). The government support for anti-trafficking was bipartisan, under President Bush, President Obama and Secretary of State Hillary Clinton. The American diplomats and aid officials enforced much of the legislation, and they funded the anti-trafficking evangelical NGOs. They liked anti-trafficking because it was seen as feminist and liberal, but it was also an instrument of American power.

This strand of feminism was closely connected to the kinds of marriages favoured by American diplomates and aid workers for themselves. It also fitted with their support for American invasions and occupations in the Middle East. The rhetoric of liberal Islamophobia was that Muslim countries should be invaded because they oppressed women. The feminism of the diplomates was also strongly connected to what was called in aid agency-speak globally the turn to ‘the empowerment of women.’ It was also known as work with ‘women and girls’ and ‘mainstreaming gender’.

This fashion in aid work did not in fact empower women. Typically, there was no attempt to take on governments or join in national debates over abortion or gay rights. There were no campaigns against sexual harassment by government officials, or

even harassment within aid organisations or UN agencies. Often the idea of violence against women was replaced with domestic violence.

The fourth wing of the anti-trafficking coalition is the mainstream media. Over the last twenty years they have embraced the trafficking narrative in tens of thousands of articles and news segments. Almost all these news reports simply recycle the press packs of the anti-trafficking organisations. In effect, these stories present an opportunity to moralise while exciting readers and viewers with visions of brown and yellow girls being abused.

The achievements of this coalition have been striking. However, almost all the anthropologists and sociologists who have done research with sex workers have said that trafficking is a dishonest and destructive myth. Good examples can be found in the accounts of sex work by Laura Agustin writing on Spain; by Rachel Salazar Parrenas and Claudia Cojocaru on Japan; by Christine Chin on Malaysia; by Pardis Mahdavi on Dubai; Josephine Ho on Taiawan; John Frederick onn Nepal; Natasha Ahmad on Bangladesh; Ana Paula da Silva, Thaddeus Gregory Blanchette, Andressa Raylane Bento and Gregory Mitchell on Brazil, Edward Snajr on Bosnia and Kazakhstan; Elizabeth Bernstein and Elana Shih on Thailand; and Anthony Marcus, Amber Horning, Ric Curtis, Jo Sanson, Efram Thompson and Jennifer Musto on the United States. This is a formidable list. Each of these scholars provide a careful detailed ethnography to contest the trafficking myth.[5]

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[5] The key works are Kamala Kempadoo. Jyoti Sanghere and Bandana Pattanik, eds., *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work and Human Rights*, Boulder: Paradigm, 2005; Laura Maria Agustin, *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*, London: Zed, 2007; and Elizabeth Bernstein, *Brokered Subjects: Sex, Trafficking, and the Politics of Freedom*, 2019.

See also Laura Agustin, 'Migrants in the Mistress's House: Other Voices in the "Trafficking" Debate,' Social Politics, March 2005, 96-

117; Rhacel Salazar Parrenas, *Illicit Flirtations: Labor, Migration and Sex Trafficking in Tokyo*, Stanford: Stanford University Press, 2011; Christine Chin, *Cosmopolitan Sex Workers: Women and Migration in a Global City*, New York: Oxford University Press, 2013; Pardis Mahdavi, 2011, *Gridlock: Labour, Migration and Human Trafficking in Dubai*, Stanford: Stanford University Press, 2011; Pardis Mahdavi, *From Trafficking to Terror: Constructing Global Social Problems*, London: Routledge, 2013; Josephine Ho, 'From Anti-trafficking to Social Disciplie: Or, the Changing Role of "Women's" NGOs in Taiwan', in Kempadoo, 2005, 25-42; John Frederick, 'The Myth of Nepal-to-India Sex Trafficking: Its Creation, Its Maintenance, and Its Influence on Anti-trafficking Interventions', in Kempadoo, 2005, 127-148; and Natasha Ahmad, 'Trafficked Persons or Economic Migrants? Bangladeshis in India', in Kempadoo, 2005, 211-228; Tara Burns, 'Sex Trafficking: A Media Guide,' *Tits and Sass*, 24 March 2016.

It is notable how many of these books, written in fury against the myth of trafficking, still include that word in the title, presumably at the behest of the publisher.

See also Claudia Cojacaru, 'Sex trafficking, captivity, and narrative: constructing victimhood with the goal of salvation,' *Dialectical Anthropology*, 2015; Claudia Cojocaru, 'My Experience is Mine to Tell: Challenging the abolitionist victimhood framework,' *Anti-Trafficking Review*, Issue 7, 2016, 12-3; David A. Feingold, 'Trafficking in Numbers: The Social Construction of Human Trafficking Data', in *Sex, Drugs and Body Counts: The Politics of Numbers in Global Crime and Conflict*, ed. P. Andreas and K. M. Greenhill, Ithica: Cornell University Press, 2010, 46-74; Thaddeus Gregory Blanchette, 'On bullshit and the trafficking of women: moral entrepeneurs and the invention of trafficking of persons in Brazil,' *Dialectical Anthropology*, 2012, 36: 107-125; Ana Paula da Silva, Thaddeus Gregory Blanchette, Andressa Raylane Bento, 'Cinderella Deceived: Analysing a Brazilian Myth Regarding Trafficking in Persons,' *Vibrant*, Vol. 10 (2), 2014, 377-419; Gregory Mitchell, 'Evangelical Ecstasy Meets Feminist Fury: Sex Trafficking, Moral Panics and Homonationalism during Global Sporting Events,' *GLQ: A Journal of Lesbian and Gay Studies*, 2016, 325-357.
Anthony Marcus, Robert Riggs, Sarah Rivera and Ric Curtis, *Experiences of Youth in the Sex Trade in Atlantic City*, John Jay College of Criminal Justice, 2016; Anthony Marcus, Amber Horning, Ric Curtis, Jo Sanson and Efram Thompson, 'Conflict and Agency among Sex Workers and Pimps: A Closer Look at Domestic Minor Sex Trafficking,' *The ANNALS of the American Academy of Political and Social Science*, 2014; Edward Snajr, 'Beneath the master

All the organisations of sex workers, and the organisations defending the rights of sex workers, have also come out against the trafficking narrative. But despite this consensus, the narrative of trafficking now dominates the public sphere. How did this happen?

Let's begin with what 'trafficking' means. This is very difficult to establish, because the word is used in several different ways by the same people at the same time. This confusion of meaning is part of how the narrative of trafficking works.

As we said above, there are four main meanings of the word:

Helping all sorts of people to cross borders illegally.
Helping women cross borders to do sex work.
Forcing women to do sex work inside a country.
Helping or forcing young women under 18 to do sex work.

In campaigns against trafficking, these definitions bleed into each other all the time. So, for example, it is assumed that most

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narrative: human trafficking, myths of sexual slavery and ethnographic realities,' *Dialectical Anthropology*, 2013; Ric Curtis, Karen Terry, Meredith Dank, Kirk Dombowski, and Bilal Khan, *Commercial Sexual Exploitation of Children in New York City, Volume One: The CESC Population in New York City: Size, Characteristics, and Needs*, John Jay College of Criminal Justice, 2008.

Elizabeth Bernstein, 'The Sexual Politics of the "New Abolitionism", *differences: A Journal of Feminist Cultural Studies*, vol 18 (5), 2007, 128-151; Elizabeth Bernstein and Elana Shih, 'The Erotics of Authenticity: Sex Trafficking and "Reality Tourism" in Thailand,' *Social Politics*, Fall 2014, 1-31; Elizabeth Bernstein, 'Militarized Humanitarianism Meets Carceral Feminism: The Politics of Sex, Rights, and Freedom in Contemporary Antitrafficking Campaigns,' *Signs: Journal of Women in Culture and Society*, vol 36 (1), 2010, 45-71.

Suzanne Åsman, *Bombay Going: Nepali Migrant Sex Workers in an Anti-Trafficking Era*, Lanham: Lexington, 2018, also looks important, but we have not yet managed to read it.

women who cross borders to do sex work are assisted by criminal gangs which force them into sex slavery in the new country. As we will see, this does sometimes happen, but it is untrue of the vast majority of migrant sex workers. Or, as a second example, narratives of trafficking are written as if the majority of sex workers are forced into such work by violence. Again, as we will see, this too sometimes happens, but it is rare.

Finally, most narratives of trafficking are written as if almost all sex workers under eighteen are forced into the work and kept enslaved by violence. As we will see, this sometimes happens, and we have written about a particularly appalling example from Oxford elsewhere.[6] But again, the vast majority of underage sex workers have chosen the work and are not controlled by violence.

These different meanings are tied to together by a central assumption of the trafficking discourse. This is that no woman or girl can really choose to do sex work. Or to turn it around, this is work that cannot be chosen freely. So if a woman is doing it, she has been forced, tricked or brainwashed. This assumption often takes the form of an assertion that all prostitution is male violence. On the face of it, this is a metaphor. It's like saying that poverty is violence, or climate change is violence. To which the answer has to be, no they're not, what you mean is that they are in some ways like violence.

But when the metaphor of prostitution as violence is repeated often enough, it can begin to feel like a statement about reality.

These slides in meaning enable the practice of anti-trafficking, which is to arrest women. And this is not a metaphor. For example, the police in a country will raid a brothel and arrest all the foreign women working there. The police issue a statement saying that all the women have been trafficked and kept there by force.

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[6] Nancy Lindisfarne and Jonathan Neale, 'Gang Abuse in Oxford,' *Anne Bonny Pirate*, 2015.

The evidence for this is nothing more, or less, than that they are foreigners.

And what form does their rescue take? They are arrested, taken to jail, sent on to a detention center, and then deported. This can, and does, happen all the time in many countries to women who have broken no law.

Two provisions in the American Trafficking Victim law affect women in many parts of the world. One is that the US State Department is required to rate countries each year on their efforts to control trafficking. A country can be rated Tier 1 - Good, Tier 2 – Not Good, Not Bad, Tier 2 with problems, or Tier 3 - Bad. The methodology used to make the ratings involves no actual measures, and has been seriously criticised by the Congressional General Accounting Office, that admirable scourge of corruption and dishonesty. America's good friends mostly end up on Tier 1, as the US always does, and America's enemies on Tier 3. These ratings matter to poorer countries, because there are serious sanctions in terms of US aid and trade. So many countries go to considerable lengths to try to look good.[7]

For obvious reasons the US government cannot directly police, detain or deport sex workers in other countries. Nor can they usually intervene directly in national debates about sexual politics. But the American government can fund local NGOs which work with the police and immigration officers to arrest and detain women. These NGOs can also campaign for a crackdown on both immigrant and native sex workers. These NGOs get their funding from a wide variety governments and donors, but the majority of this funding comes either directly from the American State Department or US AID, or

[7] Pardis Mahdavi, *Gridlock: Labour, Migration and Human Trafficking in Dubai*, Stanford: Stanford University Press, 2011, is very good on this.

indirectly from international organisations funded by the US government.

An important clause in the Trafficking Victims act says the US government cannot fund any NGO unless they sign a statement opposing all forms of prostitution. The effect of this clause is that almost all the NGOs which work on trafficking are opposed to sex work in principle, and in practice are hostile to sex workers. And most discussions in 'civil society' are dominated by NGOs. This means that most of the voices the public hear on trafficking are those of hard-core anti-sex worker. For an illustration of how this works, and how the ideology is diffused from the top down, let's go to Spain.

The anthropologist Laura Agustín did fieldwork with women who travelled from the Caribbean to Spain to do sex work. These women had chosen sex work as the best option available to them. Certainly, their options were limited because most of the women were illegal immigrants. But it was still a choice, and celebrated as such. Agustin had been to going-away parties in Dominican Republic for women leaving to do sex work in Spain.

In Madrid, Agustin went to a three day conference on the topic:

> The hall is a large, ornate symbol of high culture in the centre of the city. Marble columns, flags, formal flower arrangements and official seals festoon the room. The height of the stage promotes a sense of great distance between those above and those below, about 300 middle-class women who work in government and mainstream NGOs. The speakers are well-known on the abolitionist circuit; many have performed together in other countries. We hear that 'prostitution' is slavery, and violence against women, that in 'prostitution' men force women to have sex with them, that 'trafficking' and 'prostitution' are the same thing and that the only solutions

> are abolition and punishment of the exploiters. For three days these ideas are repeated over and over again, with rarely a word from the audience. . .
>
> A psychiatrist who proclaims the universally harmful effects of 'prostitution' on women is supported by a local woman who runs a flat where troubled women can spend the night; she mentions mental retardation as a typical attribute of 'prostitutes'. A Swedish man is cut off abruptly in his presentation on why men 'use prostitutes' when he makes a slightly compassionate remark ... For three days Holland is referred to repeatedly as a demon, without explanation, and no Dutch speaker has been invited . . .
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> Near the end, wine and canapes are served in an elegant period room, all polished wood, flowers and beautiful pictures. Given the non-stop representation of poverty, misery and violence imposed by the conference, the rich setting is offensive. I speak to an enraged Bolivian woman who cannot believe what she has seen at this conference. . . We have both noted the constant, agitated whispering occurring outside the meeting room, compared with the audience's complying inside it.

The Bolivian woman tells Augustin that in her country people stand up for what they believe in. All she sees at this conference are Spaniards who are too scared to disagree with the officials.

Last-minute political pressure on the organisers has led to the inclusion of local city projects in the programme. But only one woman from a 'rights-based' project has had the courage to speak out for sex workers in this venue:

> Speaking last, she is mocked and misquoted by one of the organisers. Amidst the hubbub, a desperate voice from the

> audience asks to hear what some 'prostitute' has to say. At that, the representative of the international women's programme, wearing dark glasses, grabs the microphone and barks: 'We don't have to talk to prostitutes to know what prostitution is.'[8]

Then the woman in charge says that they have consensus from the conference in support of further laws and initiatives against trafficking. No one speaks up. Disgusted, a well-known activist nun walks out.

The activist nuns have a flat where women who have been forced into sex work can stay. Agustin visits the flat, and asks if the nuns take away the women's mobile phones so they cannot contact the men they work with. Agustin asks this question because she knows other refuges confiscate the phones.

No, the nuns say, of course not. Lots of times we want to grab the phones and smash them against the wall, but we don't.

What about if the women want to walk out of the flat and go back to sex work? Agustin asks this question because she knows that many of the rescue organisations for prostitutes in Spain are in fact holding women against their will.

Well, the nuns answer, we don't like it if they go back to the life, but of course we don't stop them.

Some of these nuns have marched carrying banners supporting the rights of sex workers. For this, they have been called terrible names. But they are nuns, so they work with the downtrodden. They see Mary Magdalene as their sister, and they do not bow down to Pontius Pilate.

Agustin attends another, very different, conference:

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[8] Agustin, 2007, 159-161.

'Seminario Internacional Sobre Prostitución' is on the printed programme, but the banner tacked to the platform adds 'y Tráfico'. A highly placed representative of the Ministry of Labour inaugurates the event, followed by a university rector and Spain's representative at UN hearings on international crime. All condemn 'prostitution', but spend most of their time haranguing about 'trafficking' in unenlightening terms. When these august figures leave, the real conference begins, and the change of tone and terms is drastic.

Presentations are good, misleading research is not used to represent 'facts', and presenters acknowledge the complexity and variety of experiences among people who sell sex. The speakers, mostly not Spanish, are names associated with human and labour rights for sex workers . . .

Early on, in an obviously prepared action, a group of women in the audience loudly and indignantly walk out . . . Towards the end, a highly placed functionary arrives. Obviously, neither she nor her speechwriter has been present at the conference, since she reads, 'As we have seen in the last few days, prostitution is always a form of violence against women' and more of the usual rhetoric, which, in fact, since the first morning, we have *not* heard. There are two different reactions from the audience: the foreigners exchange befuddled glances as the translated speech reaches them through headphones, while the Spanish appear to accept the incongruence without surprise. This is, after all, what is *always* said in in public in Spain, so it's not strange to hear it now . . . The woman on the podium, eyes down on her reading, is unaware of the unrest until a sex worker from Canada stands up to object; when the translated words reach her, the official is horrified.

> After the [Canadian's] speech, a woman in the audience launches into a tirade against her couched in the most virulent personal terms: she is a traitor to feminism. We now realise that the group that flounced out the first day is back with reinforcements. In full tilt, the heckler will not let go of the microphone, but the [Canadian] raises her voice to defend herself. The moderator is unable either to stop the shouting match or to make the usher wrest the microphone free. Other members of the audience jump into the fray, and the conference ends in disarray. It is a well-planned assault.[9]

Several things in the trafficking discourse stand out from Agustin's account. One is that the discourse against trafficking is organised by upper class and professional women. For the upper class women, the sex workers are trash. The nuns are repelled by the discourse precisely because the nuns are not posh.

The second thing is the deep anger towards women sex workers. Sex worker activists sometimes use the word 'whorephobia'. It does not just mean prejudice or fear. It means hatred.

The third thing is the entire absence of male sex workers from this discourse. The fourth is that the anti-trafficking organisations cannot engage with the sex worker organisations, or the rights organisations, in any form of cooperation or public debate. If they do, they risk losing their funding, because of the American rules. So they resort immediately to mockery or shouting, or they walk out. They have no alternative, if they are to keep the NGO going.

Who has ever met Maria?

How many women have been trafficked? The Brazilian anthropologists Ana Paula da Silva, Thaddeus Gregory Blanchette,

[9] Agustin, 2007, 180-181.

and Andressa Raylane Bento have picked apart the standard narraitve of trafficking used in their country. They call it the myth of Maria. And they ask: who has ever met Maria?[10]

In November 2012, da Silva and her colleagues reported on their research to a meeting of federal anti-trafficking investigators and 'several NGOs engaged in combatting trafficking in the state of Rio de Janiero'. The anthropologists told these people that they had done research with many women from Rio who had gone to Europe to do sex work. But they explained that 'everyone we had talked to said that they had migrated of their own free will and likewise freely worked as prostitutes.'

An intern from one of the anti-trafficking NGOs spoke up:

> "Maybe the reason you're not finding women who've been forced or tricked into prostitution is due to the fact that you've been working with prostitutes," the intern said. "Our organization works mostly with non-prostitutes, so that's why we find all these cases of women who've been lied to and tricked or forced into prostitution overseas."
>
> "That could very well be the case," we replied. "We are certainly open to that possibility. How many cases of women, tricked or forced into prostitution overseas has your organisation discovered?"[11]

The intern said she had only been at the NGO for a year and did not know of any cases. But she said one of the civil servants in the room had worked for that NGO for most of the last decade, only recently leaving. The intern asked her to answer the question.

The civil servant waffled on about how much outreach and education work the NGO had done, not answering the question.

[10] Da Silva, Blanchette and Bento, 2014, 0000.,
[11] Da Silva, Blanchette and Bento, 2014, 401.

The researchers asked again: “How many cases of women tricked or forced into overseas prostitution did you discover?”

The civil servant replied, “There was one case involving two women six or seven years ago.” She indicated that the president of the NGO, also in the room, could tell them more about the two women.

The NGO president could not remember the case. The people from the NGO then talked it over and finally remembered ‘two women who had migrated to Spain, worked as dancers and later voluntarily decided to work as prostitutes because the money was better, only to become frightened by possibility of coercion, returning to Brazil.’[12]

In the end the authors, and all the assembled experts, could find no between 2002 and 2012 who was actually trafficked internationally from Rio, a state with a population of twelve million, and the sex work capital of Brazil.

But here we run into one of the effects of the slides in meaning of the word trafficking. Under pressure from the United States, Brazil has passed a law against international sex trafficking. This law says nothing about women being forced to work abroad. It merely makes it a crime for any Brazilian to go abroad to do sex work, or to help someone go abroad for that purpose.

Of course there have been many arrests of women for being trafficked, or for attempting to be trafficked. That is why the federal anti-trafficking investigators were in the room at the meeting. But all the women who were arrested were going to Europe on purpose to be sex workers.

Paula Da Silva and her colleagues also deconstruct the silences and strange details in the standard myth of Maria in Brazil. These

[12] Da Silva, Blanchette and Bento, 2014, 402.

same story elements are found in trafficking myths in many countries.

The myth of Maria tells of a naïve young woman, almost always black or of mixed race, usually working as a servant for a white professional family. An unscrupulous man from an international criminal gang tempts her into going abroad with promises of good wages, interesting travel and decent work. When Maria arrives in Spain, other members of the international gang immediately take away her passport and keep her captive, forcing her to do sex work. She is finally rescued.

There are some questions to ask of this story. The first is why is Maria always innocent? Working class Brazilian women in their late teens or early twenties are very impressive people, sophisticated, tough and worldly wise. Moreover, in this story it never occurs to any of the large numbers of sex workers in Brazil to go to Spain and do the same job for better money.

And what's with the passport? The gangsters taking away the passport has become a standard feature of anti-trafficking stories all over the world. You probably know at least one person who has had their passport lost or stolen. If so, what did they do? They went to their embassy or consulate, reported the passport lost or stolen, and obtained a new one. Brazilian sex workers in Madrid could do that too if they wanted. So why is that detail about the passport always part of the story?

It is covering something in the story that is hard to believe. How do the gangsters stop the women they have tricked from running away? Keeping them locked up all the time requires a lot of expensive minders, and it would probably put off at least some punters. Given that there are many immigrants willing to work in the sex trade, imprisoning women makes no economic sense.

This is linked to another odd silence in the narrative. How did Maria escape? In trafficking narratives around the world, this

moment is almost always covered in a phrase or a sentence. But in any media piece, this should be one of the most exciting bits of the story. The desperate woman running down the street, hiding in a doorway, stopping a passer-by and begging for help in little bits of Spanish, the thugs scouring the streets for her. Instead, there is nothing.

There are three reasons for this silence. The usual one, as with the story of Maria, is that the story never happened. The second is that any believable story of escape would suggest that many other women can and do escape pretty quickly, because it is so hard to hold people against their will. The third is that the woman was arrested in a police sweep and then taken to a refuge run by an NGO, where she was detained. This is a powerful story, but not story the anti-trafficking NGO wants to tell.

Also, notice that in the story the woman always has to be naïve about the meaning of the promised work in Europe. Because it is hard to imagine how criminals force unwilling women to get on airplanes, sit in their seats for nine hours, wait in the immigration line at the airport for an hour, and then talk convincingly to the immigration officials.

It is widely believed, however, that criminals force women to go the United States or Europe as unwilling captives. The media in the United States have invented a way that this could happen, in a narrative that is now widely used on television and in novels. In this narrative, a group of sex slaves are imprisoned in a shipping container and moved on boats and in trucks. Sometimes they are rescued by a hero who opens the container. More often the slave women suffocate in the container or die of thirst.

We have done a reasonably good search on Google, and can say with some confidence that scenario has never happened anywhere on earth. What does happen, often enough, in many countries, is that a group of migrants are found thirsty, suffocating or

dead in the back of a shipping container or a truck. Many of these stories are heart rending. All of them involve mixed groups of men and women, and often children, who got into the truck or the shipping container because they wanted to cross borders illegally to live and work.

These tragedies, when they occur, are appalling. Media coverage usually blames the 'people traffickers', when in fact it is the border controls that have put peoples' lives at risk. The same thing happens when migrants drown trying to reach Europe on overcrowded small boats. Many hundreds of people die this way each year. When they do, the traffickers who arranged the boat trip are blamed. No media blame the officials who will not allow people to migrate by ferry and land safely.

What seems to be happening with the meme of the sex slaves in the container is that these real migrant tragedies have been reappropriated and reimagined for another purpose. After all, the people who offer the container passage to working migrants are 'traffickers', and the criminals who control sex slaves are 'traffickers' too. Use the same word, and they must be the same thing. As a salacious bonus, the viewers get to see pictures of partly clothed or naked dead Ukrainians. [13]

From Romania to Japan

Claudia Cojocaru is a criminologist at the John Jay College of Criminal Justice in New York. Her work is particularly interesting because she was 'trafficked', but has been rejected by anti-traffickers because she is the wrong kind of trafficked person. [14]

[13] See, for example, Ed Burns and David Simon, creators, *The Wire, Season 2*, 2003; or Lee Child's Jack Reacher book, *Worth Dying For*, London; Bantam, 2010.
[14] Cojocaru, 2015 and 2016.

Cojocaru grew up in a village in Romania. As opportunities for migration opened up after 1989, many young women from her village went abroad to work. When they came back they had clearly been making good money, and said they had been working as bar staff, maids, or dancers. No one questioned them further. Everyone had a pretty good idea that sex work was also involved. But Cojacaru didn't want to go that way. So she applied for work in a resort hotel at the other end of Romania. When she got there, the man who hired her beat her up to force her to do sex work. Within weeks, she had run away. That was the first time she was trafficked.

The second time was when she went to work in Japan. Again, she was told she would be doing hotel work. When she arrived, and refused to do sex work, she was beaten in front of all the other women who worked there. She was humiliated and cowed. At the end of six months she went home, and then went back to Japan. This time she stayed for eight years, working at several venues.

This time Cojacaru had a plan. In every place she did sex work in Japan, a minority of the women had indeed been tricked or forced into the work. The majority had volunteered for the work. In all the venues, these free workers spent a lot of time mentoring the trafficked women, explaining to them how to survive in this situation, how to deal with clients, how to leave the employer, and how to find other work. As a result, almost no one remained 'trafficked'.

Cojocaru's purpose, over those eight years, was to find other tricked and forced women workers and help them get free. She rented her own apartment, and offered other women a bed for a time while they got on their feet and found 'freelance work'. This was admirable, even heroic.

Cojocaru tells a hilarious, and chilling story, of talking about her experiences being trafficked to a class of law students at New York University. The two professors who invited her to speak began by being sympathetic to her as a vulnerable and abused woman. But

they kept pressing her to tell humiliating stories in front of a room full of people. They grew angry whenever she tried to talk about how people could escape coercion and work on their own. Cojocaru ended up looking at the floor, meeting the eyes of none of those students, because she knew what she would see in their eyes was an unpleasant mixture of pity and excitement.

Teenage sex workers in the US

Accounts of underage sex workers in the United States offer examples of the other problems with the trafficking narrative. The first issue concerns the age of consent. Under trafficking laws in America, it is illegal for anyone under the age of 18 to sell sex. It is not necessarily illegal for those same people to have sex. In 32 of the 50 United States, the age of consent at which a boy or girl can decide to have sex is 16. In another ten states, the age of consent is 17. Only in ten states is the age of consent 18. Across Canada it is 16, and the average age of consent in Europe is 15.[15]

Moreover, many the young American women below the age of consent in their state are having consensual sex. The Centre for Disease Control does an excellent sample survey of teenage health. In 2015, they report, 58% of girls in twelfth grade had already had sex. Twelfth graders are mostly aged 17 or 18. The CDC also says that 48% of eleventh grade girls, 34% of tenth grade girls, and 21% of ninth grade girls have already had sex. These figures probably

[15] In European countries the median age of consent is 15. In 15 European countries, including Austria, Germany, Italy and Portugal, the age of consent is 14. In 12 European countries, including Denmark, France, Greece, Ireland, Poland and Switzerland, it's 15. In another 20 European countries, including Finland, Netherlands, Norway, Russia, Spain, Switzerland and the UK, the age of consent is 16.

underestimate the real rates, because they do not include girls who have dropped out of high school.[16]

In other words, a solid majority of American women have sex before they are 18. The women under 18 selling sex are part of that majority. But the consequences of trafficking laws for teenage sex workers in America are often serious. Young women who have been caught selling sex are routinely locked up for extended periods, without being sentenced or charged with any offense. They are simply detained. This is not legal, but it is common.

In *Control and Protect*, Jennifer Musto explains how this works: 'Cara, an infectiously energetic Christian turned antitrafficking advocate … described what protection looks like on the ground at Sunny Dawn, the shelter she runs.'

Cara explains to Musto that ankle monitor bracelets are essential to stop teens running away:

> This piece of technology is huge in keeping them safe … All I can share with you right now is my experiences of the thirty-six or forty kinds that we've dealt with … I can tell you right now that what they need [is] to be treated as if they are a victim of a crime. However, we can't treat them like typical victims of a crime who come to you wanting help. I have to convince them that they're a victim of a crime … So they don't necessarily even want to stop what they're doing … If we don't have a way to keep them safe, they're just going to go back on the street. So right now, that's juvenile hall and ankle monitors.

[16] Laura Kann et al, *Youth Risk Behavior Surveillance – United States, 2015*, Centers for Disease Control and Prevention, MMWR, June 10, 2016, 26.

Juvenile hall is a prison for young people. What Cara is saying is that she puts ankle bracelet monitors on the teenagers and if those bracelets show they are leaving Sunny Dawn, perhaps to go back to sex work, she has the deputy sheriffs catch them and put them in prison. Because, Cara says:

> If we take that away from law enforcement, if we say, "Okay, we're going to do safe harbour law, and that means none of those children can be taken to juvenile hall or ankle monitored for prosecution at all," then the question is, what are we going to do? … And that's hard, because they're not a probation kid? These are hard questions that we've got to wrestle with, but in the end, it comes down to keeping the kids safe, and how are we going to do that?[17]

Musto found example after example of this detention of juveniles across the US, and cooperation between the police and NGOs was common. In many jurisdictions, volunteers or full-time workers from anti-trafficking campaigns scoured the internet and Facebook for evidence of possible juvenile sex work. They then informed the police.

Anti-trafficking workers also routinely accompanied police on raids. As soon as the arrests were made, the anti-trafficking activists took over minding the young women. The police wanted convictions of the men they had arrested, who they assumed were pimps. For that they needed testimony from the young women against the young men. The NGO workers talked privately and sympathetically with the girls, and tried to convince them to help the police.

[17] Jennifer Musto, *Control and Protect: Collaboration, Carceral Protection and Domestic Sex Trafficking in the United States*, Oakland: University of California Press, 2016, 5-6.

The girls usually resisted, from a variety of motives. Some of them were afraid of what the man would do to them or their families. Some of them loved the man. In other cases he was a friend. Some of them knew that they had wanted to do the work, and the man had helped them. For many of them, the man was also the only person who would help them get a lawyer so they could escape detention.

If the young woman refused to testify, she was often detained in a facility run by the NGO, or in a jail. This was often phrased as being for her own protection. That ignored just how common rape and sexual abuse is for girls jails, prisons and care homes.

There are larger issues at stake, too. In a book review on the sex workers' site *Tits and Sass*, Fae Mills writes:

> When I got arrested recently, my copy *of Domestic Minor Sex Trafficking: Beyond Victims and Villains* by Alexandra Lutnick came along with me to jail… After bail, tearing open my blue possessions bag, I couldn't help thinking this book was meant to be in lockup with me. It wasn't published solely for those with degrees in social service… These minors should be viewed with respect, as conscious proponents of their own motives… Those left behind in systems of oppression are far more likely to be involved in sex works, as an escape from their abusers as well as systemic violence. As a young femme, there was nowhere for me to go besides the streets. There was money there, opportunity for advancement and excitement. [18]

Most important, it is simply not true that sex workers under eighteen are forced into sex work and controlled by pimps. The best field

[18] Fae Mills, 'Domestic Minor Sex Trafficking: Beyond Victims and Villains', *Tits and Sass*, 11 August 2016. The book is Alexandra Lutnick: *Domestic Minor Sex Trafficking: Beyond Victims and Villains*, New York, Columbia University Press, 2016.

studies for what happens in practice in the US were done by Anthony Master, Amber Horning, Ric Curtis and their colleagues at John Jay College of Criminal Justice between 2008 and 2012.[19]

They did two research projects. One was with young people selling sex on the street in New York City. For this project, they made friends with people on the street and then worked through those people's contacts to find a much larger sample.

Their second research project was in Atlantic City. This was a largely successful attempt to survey the whole of street sex work in the city. They used interviews combined with participant observation – hanging out and chatting – and one of the researchers lived in several boarding houses also used by sex workers.

The study used both professors and students as researchers, and they managed to have someone on the streets four nights a week for months. At first the sex workers suspected they were cops. But as the researchers returned night after night, and never bought either sex or drugs, the workers warmed to them. The pimps working on the streets became especially supportive, and did everything they could to direct the researchers to sex workers they might have missed. Both sex workers and pimps felt that an honest book about their world would be a good thing.

The women sex workers warned the researchers, however, not to put too much faith in what they called 'pimp talk'. They said that

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[19] Anthony Marcus, Amber Horning, Ric Curtis, Jo Sanson and Efram Thompson, 'Conflict and Agency among Sex Workers and Pimps: A Closer Look at Domestic Minor Sex Trafficking,' *The ANNALS of the American Academy of Political and Social Science*, 2014; Ric Curtis, Karen Terry, Meredith Dank, Kirk Dombowski, and Bilal Khan, *Commercial Sexual Exploitation of Children in New York City, Volume One: The CESC Population in New York City: Size, Characteristics, and Needs*, John Jay College of Criminal Justice, 2008; Anthony Marcus, Robert Riggs, Sarah Rivera and Ric Curtis, *Experiences of Youth in the Sex Trade in Atlantic City*, John Jay College of Criminal Justice, 2016.

pimps liked to boast, and that they would greatly exaggerate the amount of control or influence they had over women and girls.

One of the virtues of both the New York and Atlantic City studies is that they included large numbers of young men selling sex, almost as many as the young women. The Atlantic City study, however, had difficulty locating sex workers under eighteen. In the end, they could only find twelve, almost certainly because there were only twelve in the whole city. So the researchers included many men and women under twenty-four who had begun sex work before they were eighteen. They had no difficulty finding those people.

The New York and Atlantic City studies between them interviewed 119 girls, 111 boys, and 19 transgender youth. Most of the young sex workers in both cities worked without a pimp, and had found their own way into the industry. In New York, 14% of the young women and 8% of the young men had a pimp. To put it the other way round, 86% of young women and 92% of young men were working the street without a pimp. 16% of young women, 1% of young men and none of the trans people had started work with a pimp. For 47% of the total, it was a friend who introduced them into the work. For 23%, it was a customer who came up to them and suggested it.

Those who had had pimps usually said he had been violent to them at some point. However, every one of the sex workers had experienced violence during their lives at the hands of someone other than a pimp. The pimps did not stand out, and the violence did not ensure control. Anthony Marcus and his colleagues write that:

> Nearly all sex workers in both Atlantic City and New York City described experiencing increasing, rather than decreasing, agency and control over their work over time, regardless of whether they had pimps. In all three studies, we found a range of stories of young women and men who had left pimps because they were violent, mentally abusive, lazy, poor

> business associates, unable to protect them, extracting too much money, or no longer fun to be around. When they left such pimps, they typically aligned with a new pimp, worked and lived alone or in cooperative arrangements with peers, or joined an escort service.[20]

The researchers did discover that many of the young people relied on what they called 'market facilitators' and 'spot pimps'. These were working pimps, friends, casino staff and local small businessmen and women. They would refer potential clients in return for a small payment from the sex worker. Each sex worker would rely on several of these people, and they did not control the worker. The question the researchers asked in interviews to distinguish pimps from such tipsters was 'Does he have rules?'

Fully 87% of the New York sample said they wanted to get out of sex work. When asked what was stopping them, no one mentioned a pimp. More than half mentioned housing. These people were usually homeless and living on the streets, or moving between shelters and crashing with friends.

Some young people, it is true, did describe themselves as unable to escape the control of violent men who kept them in thrall. They were 2% of the total sample. In every case, the controller was either a parent or someone performing the role of a guardian. None of them were street pimps.

Anti-trafficking, though, targets the street pimps relentlessly. The minimum penalty for being a pimp for someone under eighteen is now 15 years, and some pimps are sentenced to 99 years. Mass imprisonment over four decades now makes such punishments seem normal, even acceptable.

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[20] Curtis et al, 2014, 232.

If the young men are convicted of trafficking, it does not necessarily mean they have committed a violent crime. The law does not say that anyone forcing a minor to have sex is trafficking. Rather, it says that anyone who profits from a minor having sex is guilty of trafficking, even if she is of age to have sex legally, and even if she asked him to help.

Elizabeth Bernstein describes one of the consequences:

> The carceral feminist commitment to heteronormative family values, crime control, and the putative rescue and restoration of victims . . . and the broad social appeal of this agenda is powerfully illustrated by the recent film *Very Young Girls*. The film has been shown not only in diverse feminist venues but also at the U. S. State Department [and] various evangelical megachurches . . . The film seeks to garner sympathy for young African-American women who find themselves trapped in the street-level sexual economy. By framing the women as "very young girls" (in the promotional poster for the film, the seated protagonist is depicted as so small that her feet dangle from the chair) and as the innocent victims of sexual abuse (a category that has historically been reserved for white and non-sex-working victims), the film can convincingly present its perspective as anti-racist and progressive. Yet the young women's innocence in the film is achieved at the cost of completely demonizing the young African-American men who profit from their earnings as irredeemably criminal and sub-human. The film relentlessly strips away the humanity of young African-America men in the street economy along with the complex tangle of factors beyond prostitution (including racism and poverty) that shape the girls' lives. At one screening of the film that I attended at a white-shoe [posh] law firm in New York, following the film some audience members

> called for the pimps not only to be locked away indefinitely but to be physically assaulted.[21]

In the midst of all this, we must also remember that the majority of sex workers on the streets in New York are not black, that the large majority do not have a pimp, and that the great majority of American sex workers do not work on the streets. The 'new abolitionism' of anti-trafficking is part of the project of cleansing the streets and deporting immigrant workers.

Modern Slavery

Then there's the media. There have been tens of thousands of media reports on trafficking and 'modern slavery' in the last decade. This metaphor is descended from the campaigns against the 'white slave trade' in the early twentieth century. These campaigns, and thousands of newspaper stories, particularly targeted immigrant sex workers in the United States. Anti-trafficking campaigners never refer directly to this heritage. For one thing, 'white slave' does not sound so good now. But, as Jo Doezema has demonstrated in *Sex Slaves and Discourse Masters*, the links are clear.[22]

Elizabeth Bernstein again, on sex slavery:

> On Sunday, February 18, 2007, 5,800 Protestant churches throughout the United States sang the song "Amazing Grace" during their services, commemorating the two-hundredth anniversary of the abolition of slavery in England. As the congregants sang the lyrics of John Newton, the British ship captain turned abolitionist, they were simultaneously contributing to a growing political movement and to the

[21] Bernstein, 2010, 57-58.
[22] Jo Doezema, *Sex Slaves and Discourse Masters: The Construction of Trafficking*, London: Zed, 2010.

> promotion of a just released film. The film, *Amazing Grace*, which focuses on the role played by British parliamentarian William Wilberforce's evangelical Christian faith in his dedication to the nineteenth-century abolitionist cause, was produced in explicit coordination with a campaign to combat "modern day" forms of slavery, of which the organized Sunday sing-along was a part. "Slavery still exists," notes the movie's Amazing Change campaign Web site, which directs Web-browsers to "become modern-day abolitionists" through prayer, donations to sponsored faith-based organizations, and the purchase of Amazing Change t-shirts, buttons, and caps. As Gary Haugen, founder of the International Justice Mission (one of the campaign's four sponsored humanitarian organizations) has sought to emphasize, "[T]here are approximately twenty-seven million slaves in our world today—not metaphorical slaves, but actual slaves. That's more slaves in our world today than were extracted from Africa during four hundred years of the transatlantic slave trade."[23]

Approximately twenty-seven million? No one has done any counting. The number is invented. What they mean by slavery is that the employer has total control of the worker. And the worker they are thinking of most is a sex worker, though they are willing to include anyone in a sweatshop.

This modern slavery differs from the old fashioned slavery of Jamaica and Virginia in several ways. The people are not owned. The owners do not buy and sell them. The slavery does not last for life. The slavery is not legal. There are no special slave ships. The owners do not have the legal right to punish their slaves in public. If the slave runs away, the police will not bring her back.

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[23] Bernstein, 2007, 128-129.

In other words, modern slavery is not slavery. It's a metaphor for bad treatment, exploitation and violence towards workers. In which case, why stop at twenty-seven million?

Trafficking is a myth, it's racist, it's sexist, and it harms immigrants and sex workers.