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NOW YOU SEE HER, NOW YOU DON'T: SEX WORKERS AT THE UN TRAFFICKING PROTOCOL NEGOTIATIONS

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ABSTRACT

In December 2000, over 80 countries signed the 'Protocol to Suppress, Prevent and Punish Trafficking in Persons, Especially Women and Children' (The Trafficking Protocol) in Palermo, Italy. The UN Trafficking Protocol was the target of heavy feminist lobbying during the two years in which the negotiations took place. The lobby efforts were split into two 'camps', deeply divided in their attitudes towards prostitution. One lobby group framed prostitution as legitimate labour. The other considered all prostitution to be a violation of women's human rights. Not only feminist NGO networks were deeply divided over the issue of prostitution. Many state delegations used the negotiations as an opportunity to denounce the evils of prostitution, while others (fewer in number) argued that focusing on prostitution detracted from the efforts to come to an agreement on trafficking. These differences were most ferociously fought out during debates on the proposed definition of trafficking, with the pivotal term 'consent'. This article is an examination of the role played by sex workers in these debates, and of 'sex work' in competing definitions of trafficking in women.

KEY WORDS

myth; sex work; trafficking in women; transnational feminism; UN Trafficking Protocol

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INTRODUCTION

IN DECEMBER, 2000, over 80 countries signed the 'Protocol to Suppress, Prevent and Punish Trafficking in Persons, Especially Women and Children' (the UN Trafficking Protocol) in Palermo, Italy. This event was the culmination of over two years of negotiations – from January 1999 to October 2000 – at the UN Centre for International Crime Prevention in Vienna (the International Crimes Commission). The Trafficking Protocol was the target of heavy feminist lobbying during the two years in which the negotiations took place. International networks of feminist NGOs battled both each other and state delegations in their attempts to influence the Protocol. The lobby efforts were split into two 'camps', deeply divided in their attitudes towards prostitution. One lobby group, the Human Rights Caucus, saw prostitution as legitimate labour.¹ The other, led by the Coalition Against Trafficking in Women (CATW), saw all prostitution as a violation of women's human rights.² It was not only feminist NGO networks that were deeply divided over the issue of prostitution. Many state delegations used the negotiations as an opportunity to denounce the evils of prostitution while others (fewer in number) argued that focusing on prostitution detracted from the efforts to come to an agreement on trafficking. These differences were most ferociously fought out during debates on the proposed definition of trafficking, with the pivotal term that of 'consent'.

I and other sex worker rights activists were concerned about the impact of a new international trafficking instrument on the lives of sex workers. Historically, anti-trafficking measures have been used against sex workers themselves, rather than against 'traffickers'. Along with several other activists from the Network of Sex Work Projects, I joined the Human Rights Caucus in their lobby efforts, in the hope of ensuring a result that would not damage sex workers' human rights. This article is an examination of the role played by sex workers in the debates, and by the place of 'sex work' in competing definitions of trafficking in women.

SEX SLAVES AND DISCOURSE MASTERS

This article is taken from my PhD research, which examines global discourses around trafficking in women (Doezema, 2004). In approaching 'trafficking in women' as a discourse, I am concerned with how certain definitions of the problem become dominant, whose knowledge is accepted and whose is sidelined, and the social practices involved in constructing and legitimating knowledge: in short, in the relationship between power and knowledge. My research uses the concepts of myth and ideology to interrogate the knowledge (truth claims) – both empirical and theoretical – about 'trafficking in women' through a genealogical examination of the historical circumstances of their production. I am concerned with, in Hajer's (1995) words, 'the ways in which certain problems are represented, differences are played out, and

social coalitions on specific meanings somehow emerge' (p. 44). This article looks closely at one of these 'social coalitions' – the international activist networks that formed lobbies to influence the Trafficking Protocol negotiations.

Hajer notes: 'it has become almost a platitude to characterize public problems as socially constructed' (p. 42). Nonetheless, most research into trafficking eschews a social constructionist approach in favour of a positivist approach. There are a few outstanding examples of research that takes a discourse approach, such as that by Chapkis (2003), Gibson (2003), Stenvoll (2002), Pike (1999) and Lyons (1999). However, the majority of research on trafficking in women is concerned with documenting and explaining the 'phenomena' of trafficking itself: it attempts to establish who is being trafficked, who is doing the trafficking, how it is happening, why it is happening, and what can be done. This research can be helpful in correcting assumptions and misunderstandings about 'trafficking in women', and can serve as a basis for creating policy that will better protect the human rights of migrant (sex) workers.

However, an approach that seeks to establish the 'facts' about trafficking, valuable as it may be, leaves unanswered the questions of how these 'facts' will be interpreted and which interpretations will come to be accepted as legitimate knowledge. To answer this, we need to look at the effect of power on knowledge: the way in which social power is exercised in knowledge creation and the ways in which representations of people and problems are used to legitimate knowledge. Foucault (1975/1991) suggests that we abandon the idea that knowledge can exist where power is absent:

We should admit, rather, that power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, *nor any knowledge that does not presuppose and constitute at the same time power relations* . . . In short, it is not the activity of the subject of knowledge that produces a corpus of knowledge, useful or resistant to power, but power-knowledge, the processes and struggles that traverse it and of which it is made up, that determine the forms and possible domains of knowledge. (pp. 27–8, emphasis added)

Even social constructionist research which focuses more directly on power, such as feminist research, tends to look at power relations only in so far as they are seen to cause the 'real practices' of 'trafficking in women'. Thus trafficking is characterized as the result of women's sexual subordination (Barry, 1979, 1995) and/or women's economic subordination (Wijers and Lap-Chew, 1997) as well as the result of inequitable development and globalization (Wijers and Lap-Chew, 1997; Outshoorn, 1998; Lazaridis, 2001; Sassen, 2002). Of course, power relations – gendered, economic, class-based – do impact on migration for the sex industry, and are worthy of investigation. However, what is missing in these accounts is a critical

examination of the power involved in producing knowledge about 'trafficking in women' and the ways in which dominant constructions of the issue emerge and are incorporated into policy. What remains to be investigated are the relationships among those who shape meanings of 'trafficking in women' and between these 'discourse masters' and the object of their concern: the 'sex slaves'. This article looks at this relationship and how it affected knowledge in a particular instance: the relationship between sex workers and anti-trafficking activists in transnational feminist anti-trafficking networks.

MYTH AND MEANING

I do not know anything about the so-called white slave trade, for the simple reasons that no such thing exists . . . it was left for the enlightened twentieth century to create the Great American Myth. 'White slavery is abroad in our land! Our daughters are being trapped and violated and held prisoners and sold for fabulous sums (a flattering unctious, this) and no woman is safe' . . . the belief in this myth has become a fixed delusion in the minds of many otherwise sane persons. (Madeleine, an early twentieth-century prostitute and madam, quoted in Connelly, 1980: 132)

In an earlier examination of trafficking discourses, I argued that 'trafficking in women' was a contemporary manifestation of what historians characterized as the myth of 'white slavery' (Doezema, 2000).³ At the beginning of the last century, there was a great public outcry against 'white slavery', in Europe and America.⁴ In a manner similar to today's campaigns, the issue was covered widely in newspapers, a number of organizations were set up to combat it, and national and international legislation was adopted to stop the 'trade'. In the earlier article, I examined the ways in which the motifs of 'white slavery' – youth, innocence, 'whiteness', corruption, foreignness and death – formed the central elements of current anti-trafficking narratives. Contemporary accounts of trafficking, I demonstrated, consistently coupled their arguments for protection of innocent women with narrative elements which discursively subverted their supposedly liberatory intent.

My previous interpretation of trafficking discourses relied on a concept of myth which consisted of two elements: first, that of myth as a distortion of the truth (trafficking 'hid' what was really occurring in terms of migration of sex workers); and, second, that of myth as a metaphor, a way of explaining a complicated and threatening reality (trafficking narratives as stories that encoded, for example, fear of women's sexuality).⁵ While this 'dualistic' interpretation of myth allowed me to explore trafficking discourses in a way that involved questioning otherwise accepted meanings, it was unsatisfactory for a number of reasons, explored at length in my thesis. My key discomfort with the above interpretation is that it rests upon a static, reified, and a-historical notion of 'consent' in attempting to 'disprove' the myth of white slavery/trafficking. This insight was facilitated through my discovery of the work of historian Pamela Haag (1999), who posits 'white slavery' as a

'dominant idiom' of sexual violence in her exploration of the construction of the concept of 'consent' in American liberalism.

Historians use the term myth to explain the persistence and power of 'white slavery' as a political cause, despite the lack of evidence of women kidnapped and forced into prostitution.⁶ The shortcomings of this approach to the 'truth' of white slavery are explained as follows by Haag:

My approach here is not to question, as other historians have done, whether white slavery was 'true' or functionally a myth, an expression of the notorious sexual queasiness and inability on the part of the middle class to envision women as agents or to see how women might have exercised 'choice'. *Such a question assumes that coercion or 'sexual slavery' has a fixed meaning – that if women were not literally taken or physically restrained then white slavery was a distortion of situations that were not 'really' coercive as we understand that term. Yet white slavery was as real or as true as other definitions of coercion or consent, given that these terms acquire substantive meanings in historical context.* (p. 64, emphasis added)

Haag's observation is very important for a study of trafficking discourses, for it shows the ways in which 'myth' and 'consent' are linked. She argues that perceptions about the 'truth' of white slavery were related to the concepts of consent that informed white slavery debates. If we extend Haag's point to an investigation of trafficking, we must acknowledge the futility of a search for the numbers of women who were 'really' trafficked in an attempt to document or disprove the extent of the 'trafficking' myth. Haag shifts our view from the approach that seeks to explore the 'representational' aspects of white slavery/trafficking, from an analytical landscape cluttered with the search for metaphorical correspondence (the 'trafficking' myth really stands for something else) to the realization that the myth of trafficking is constructed through differing meaning of consent.

Haag's observations point to a reading of myth as performative. Taken as performative, myth is understood to appear as a description of reality, while being actually an ideological narrative aimed at achieving certain effects.⁷ There is thus a 'slipperiness' or 'duplicitousness' built into myth (Eagleton, 1991), a process that Barthes called naturalization.⁸ Re-readings of Althusser and Laclau enabled me to theorize myth as not a distortion of truth, but rather a performative expression that interpellates, or brings into being, a vision of society. These re-readings also help to give needed depth to the idea of myth as a metaphor. Two parts of Laclau's (1990; 1997) analysis of myth and ideology are particularly illuminating: first, his concept of myth as the metaphor for an ideal society and, second, of myth as a necessary part of any society. Laclau argues that myth serves a function in the political struggle which is community: it provides a 'surface of inscription' on which 'dislocations and social demands' can be written. At the same time, myth is used by groups in the social struggle to provide a vision of their version of the ideal society, a society in which their 'community' is complete and the threatening 'other' no longer exists. Myth serves to 'suture' social

dislocations through a representation of how society could be. So we can see that for Laclau, myth operates in two ways; it is both the surface on which social demands are inscribed and at the same time a model of how society should be.

This theoretical perspective suggests that white slavery/trafficking is a powerful myth, not because it unifies or crystallizes different perceptions of consent, but precisely because it can, and does, accommodate and provide a powerful vehicle for the advancement of varied and even opposing ideologies, including opposing feminist ideologies, such as those on display in Vienna. I now turn to the way in which the myth of white slavery was resurrected in the Vienna negotiations. The Vienna negotiations are an ideal context in which to study how the myth of 'trafficking in women' is produced by (among others) feminists, and the operation of 'consent' in this process.

DISAPPEARING SEX WORKERS AND THE UN TRAFFICKING PROTOCOL

A quote from *The Manila Times*, from January 2002, shows how white slavery is updated for contemporary audiences:

They are called 'juicy girls', a back-handed compliment to their youth and beauty. But the local slang for Filipino 'entertainers' in Songjan City barely masks the harsh fates of the young, hopeful women who end up captives of a white slavery syndicate. Their plight has sparked tensions among Korean bar owners in Songjan, and Filipino-American servicemen, who are suspected of having helped in the escape of some sex slaves . . .

Maxi and colleagues dance naked for customers and provide sexual favours. For \$200, they will perform all imaginable sex acts for clients. (*The Manila Times*, 3 January 2002)

A growing body of evidence suggests that there are many migrant sex workers who do not 'appear' in these types of trafficking stories. Research by the Foundation for Women in Thailand concluded that the largest group of Thai migrants working in the sex industry in Japan had previously worked in the sex industry in Bangkok (Skrobanek, 1997). Watenabe (1998), who worked as a bar girl herself in Japan in the course of her research into Thai women migrating to the Japanese sex industry, found that the majority of sex workers she interviewed were aware of the nature of the work on offer. Other research, such as that by Brockett and Murray (1994) in Australia, Anarfi (1998) in Ghana, Kempadoo (1998) in the Caribbean, COIN (1994) in the Dominican Republic, TAMPEP in Europe (Brussa, 1999), Gülçür and Iylkcaracan (2002) in Turkey, Blanchet (2002) in Saudi Arabia, India, Nepal and Bangladesh, and Pearson (2002) in England, Italy, Thailand and the USA, indicates that women seeking to migrate are not so easily 'duped' or 'deceived', and are often aware that most jobs on offer are in the sex industry.⁹

The complex and varied experiences of migrant sex workers do not fit into the stereotypical portrayal of a young and naïve innocent lured or deceived by evil traffickers into a life of sordid horror from which escape is nearly impossible. Yet these images continue to dominate media perceptions, feminist activism, and policy making. In the myth of trafficking in women, structured around the figure of the passive and unknowing innocent, the active, aware 'sex worker' disappears. Contemporary discourses of trafficking have performed a macabre zombie magic, rousing the corpses of the Victorian imagination from their well-deserved rest. This is genealogy as necromancy – the myth of white slavery has been exhumed, worm-eaten and whiffy, to clumsily stalk the living. The ghost of the white slave haunted the halls of the UN in Vienna, where states and feminists met to decide on a definition of trafficking in women.

The Trafficking Protocol was the subject of intense lobbying by transnational networks of feminist anti-trafficking NGOs. What is particularly interesting about the Vienna process is that the transnational networks of feminist anti-trafficking NGOs were bitterly divided in their approach to trafficking in women. In effect, the lobby was split into two 'camps': both framing their approaches to trafficking in feminist terms, in agreement about the size and scope of the problem, and univocal in demanding an international response. Both groups were made up of feminists and human rights activists from the developing world and the developed world. Yet these similarities proved meaningless in the face of the deep ideological divide that split the lobby groups. The essence of this ideological divide concerned the relationship between 'trafficking in women' and 'consent'.

One of the lobby groups was spearheaded by the Coalition Against Trafficking in Women (CATW), an international NGO with strong local affiliates throughout the world. This lobby group referred to itself as the 'International Human Rights Network'. CATW is an 'abolitionist' organization: they argue that prostitution is a form of sexual violence which can never be consented to or chosen as a profession. CATW co-director Dorchen Leidholdt (2000) writes:

The sexual exploitation of women and children by local and global sex industries violates the human rights of all women and children whose bodies are reduced to sexual commodities in this brutal and dehumanising marketplace. While experienced as pleasure by the prostitution consumers and as lucrative sources of income by sex industry entrepreneurs, prostitution, sex trafficking, and related practices are, in fact, forms of sexual violence that leave women and children physically and psychologically devastated. (p. 1)

In keeping with this view, CATW advocates for measures to make prostitution illegal and to punish clients as well as brothel owners and other 'third parties'. If all prostitution is violence, it follows that anyone involved in helping a woman move from one place to another to engage in sex work is a trafficker.

The other lobby group was headed by the International Human Rights

Law Group (IHRLG) with the Global Alliance Against Trafficking in Women (GAATW) and the Asian Women's Human Rights Council (AWHRC). Like CATW, IHRLG and GAATW are international NGOs with strong local affiliates throughout the world. Yet their vision on trafficking and consent could not be more different: inspired by the global sex worker rights movement, GAATW sees prostitution as labour. Accordingly, for GAATW, trafficking is characterized by the use of force during the migration process and/or the consequent labour or services. Traffic in persons and forced prostitution are:

manifestations of violence against women and the rejection of these practices, which are a violation of the right to self determination, must hold within itself the respect for the self determination of adult persons who are voluntarily engaged in prostitution. (GAATW, 1994)

This configuration of transnational lobby groups called itself the Human Rights Caucus.

CONSENSUAL HISTORY

Before examining the interpretations of consent at the trafficking negotiations, it is helpful to briefly consider how the idea of 'consent' has operated within feminist discussion of prostitution.¹⁰ As feminists in early twentieth-century Europe and the USA articulated dissatisfaction with their position under liberalism through the trope of prostitution (Chapkis, 1997; Haag, 1999; Doezema, 2001) and in particular white slavery (Haag, 1999), second-wave western feminists also grappled over the issues of prostitution and pornography. Yet while feminists in America and Europe were staging 'take back the night' marches through red-light districts, sex workers began forming their own organizations, demanding that prostitution and other related types of activities – exotic dancing, porn acting and modelling – be recognized as work. Accounts of the western sex worker rights movement site the formation of COYOTE (Call Off Your Old Tired Ethics) in 1973 in California and the sex workers' strike and occupation of a church in Lyon in 1975 as key moments in the start of the sex worker rights movement. These groups and activities were followed by many similar ones throughout the 1970s and 1980s; with the formation of groups such as PCV in Australia and the Red Thread in the Netherlands. Nor was this organizing limited to Europe and America; as Kempadoo and I document (Kempadoo and Doezema, 1998), sex worker organizing throughout the 'third world' has a long history and active present, though it is often ignored by western accounts of 'the sex worker rights movement'.

LIBERALISM, FEMINISM, SEX

Feminism in the West has tended to view women's oppression through the lens of liberalism, in which 'violence' – in particular sexual violence – came to be seen, as Haag (1999) puts it, as “the core” of women's oppression . . . by denying women “ownership” of their bodies’ (p. xiii). In liberal terms, ‘liberation’ for women meant asserting women's status as individuals and as owners of their own bodies. Building on the work of feminists such as Carole Pateman (1988), Haag sets out to question the legacy of liberalism for feminism, in particular, liberalism's relationship to sexuality. Pateman famously put the liberal legacy in question by identifying the ‘contract’ – liberalism's political centre – as the source of women's oppression, rather than the site of their potential freedom. Pateman argues that liberalism works to hide the operations of sexual power. For Pateman, the notion of prostitution as a ‘consensual’ relationship is an example of how women's subordination is constructed as ‘freedom’ under the liberal contract.

Haag chooses as her focal point ‘a historical analysis of the ideas of consent and coercion, a “presuppositional opposition” by which rights and sexual personality are governed in American culture’ (p. xiii). While Haag's concern is with the American genealogy of consent, the language of choice and rights reaches far beyond American shores. Liberalism's legacy for feminism is global: as the notion of human rights has expanded and become a legitimate and powerful arena to argue for liberatory ideals around gender, sexuality, and a host of other concerns, global feminism has been highly influenced by liberal arguments, as these fit into a human rights framework. This has not gone uncontested, with powerful critiques of the western liberal feminism emerging from post-colonial feminists (e.g. Mohanty, 1988; Spivak, 1988). Yet in the international policy arena, human rights is the most prevalent discourse for articulating struggles around oppression and freedom. Feminists have relied on liberal precepts to argue their cases in the international sphere, with ‘choice’ and ‘coercion’ framing questions about reproductive rights and health.

CONTEXTUALIZING CONSENT: THE FORCED/VOLUNTARY
DICHOTOMY

The history of sex worker rights organizing did not develop in opposition to feminism. A number of sex worker organizations, such as the Red Thread in the Netherlands, receive active support from feminist organizations. Many sex worker activists have been schooled in the feminist tradition (Alexander and Delacoste, 1987; Nagle, 1997). A glance through the ‘canon’ (Kempadoo, 1998) of the sex worker rights movement in the West shows the embeddedness, both in terms of ‘thought’ and of persons, of sex worker rights in feminism. These texts, such as the *World Charter for Prostitutes' Rights* (ICPR, 1985), Phetersons's *The Whore Stigma* (1986), Alexander and

Delacoste's *Sex Work* (1987), Chapkis's *Live Sex Acts* (1997), and Nagle's *Whores and Other Feminists* (1997) seek to analyze and defend sex work in feminist terms, in conversation with prominent anti-prostitution feminists such as Sheila Jeffreys (1997), Catherine MacKinnon (1987; 1989) and Kathleen Barry (1979, 1995).¹¹

Central to this, often bitter, conversation between sex worker rights advocates and anti-prostitution feminists has been the notion of consent. Haag (1999) writes:

Because the stakes are so high for women in their daily lives, feminists for decades have tried to nail down and specify what violence is. The strategy has been to position a definition of violence beyond the vagaries of interpretation, where historically women's injuries and accounts of sexual violation often have been derided and systematically represented as indications of the woman's own sexual licentiousness. In such an environment it is only logical that feminism seeks after essences, unconditional properties, of 'consent', or of violence, so that these cannot be misinterpreted or talked out of view. (p. xv)

Contemporary 'neo-abolitionist' feminists deny that prostitution can be considered a true choice or legitimate enactment of the will (e.g. Barry, 1995; Raymond, 1999).¹² Because all prostitution is inherently violence against women, they argue, no true consent is possible. As part of a necessary defensive reaction to the feminist allegation that all prostitution was violence against women, sex worker rights activists argued that a distinction needed to be made between 'voluntary' prostitution, to be seen as work, and 'forced' prostitution, to be seen as violence. The 1986 International Charter for Prostitutes Rights (ICPR, 1985), entwines its views on sex work as labour with those on consent to sex and consent to work.¹³ The Charter declares:

Decriminalize all aspects of adult prostitution resulting from individual decision. Decriminalize prostitution and regulate third parties according to standard business codes . . . Prostitutes should have the freedom to choose their place of work and residence.

In this view of prostitution, adults are capable of consenting to sex and thus to sex work, children cannot. The Charter thus demands that 'employment, counselling, legal, and housing services for runaway children should be funded in order to prevent child prostitution and to promote child well-being and opportunity'.

While the Charter is now nearly 20 years old, and repeated calls have been voiced from sex worker organizations to update it, its principles are still widely accepted by sex worker rights supporters and organizations (Nagle, 1997; Kempadoo and Doezema, 1998).¹⁴ For example, Calcutta's Durbar Mahila Samanwaya Committee (DMSC), one of the world's largest sex workers' rights organizations, wrote in a recent position paper:

DMSC sees sex work as a contractual service, negotiated between consenting adults. In such a service contract there ought to be no coercion or deception.

As a sex workers' rights organisation, DMSC is against any force exercised against sex workers, be it by the client, brothel keepers, room owners, pimps, police, or traffickers. (Jana et al., 2002: 75)

Many sex worker rights groups call for recognition as unions, such as AMBAR in Venezuela. Others have been successful in gaining local union recognition of sex work as labour, including the UK-based International Union of Sex Workers (www.iusw.org), and the Exotic Dancers Alliance in the USA (Kempadoo and Doezema, 1998).

The adoption of the forced/voluntary framework by sex worker rights advocates shows the close links between sex worker rights activism and feminism, for this distinction was an attempt to keep true to the feminist strategy of taking up 'violence against women' as a way of furthering a feminist agenda. 'Voluntary vs forced prostitution' was not a rejection of the feminist conception of prostitution but a refinement of it. As a conceptual framework for understanding sex work, the 'voluntary/forced' model, with 'consent' operating as the hinge between coercion and choice, had (has) a number of distinct advantages. By tying their view of prostitution as work to 'consent', sex worker rights activists and theorists were taking familiar concepts and applying them in unfamiliar territory. Combined with the 'pro-choice' abortion rhetoric, familiar to a generation of feminists, sex workers and their feminist supporters were able to carve out a space in which certain sex workers could convincingly argue, using acceptable liberal feminist terms, for recognition of their liberal rights – as well as create a space for the 'forced' prostitute, denied her liberal right to 'free choice' of sexual contact and labour.

However, the implicit distinction between forced and voluntary prostitution, based on consent, raises a number of disturbing questions.¹⁵ Most relevant for this article is the ways in which this led sex worker organizations to, often unwittingly, collude with a conceptual split between 'free' workers who needed rights, and 'forced' workers who needed saving. Certainly for a number of western sex worker organizations, this meant that the growing concern around 'trafficking' was an issue best left to the social workers and feminists. The reluctance to engage with 'trafficking' as an issue was exacerbated by an awareness of the implicit anti-prostitution agenda of many anti-trafficking measures. A statement presented at a recent anti-trafficking conference articulated this discomfort: 'historically, there is a gap between the anti-trafficking movement and the sex workers' rights movement. While sharing concerns about abuse, sex worker organisations internationally object to the term "trafficking" because of stigmatisation and because it is used to restrict sex workers' mobility and rights' (Leigh and Wijers, 1998).

CATW AND THE PROBLEM WITH PROSTITUTES

The positions taken at Vienna by the Human Rights Caucus and the CATW-led lobby represent two epistemologically opposed versions of the nature of prostitution: work and violence. If, as Foucault reminds us, no knowledge is possible where power is absent, we should begin tracking these different knowledge claims by an examination of the power involved in their production. This article will only look at one small element of this, as illustrated during the negotiations on the Trafficking Protocol. At the negotiations, both lobby groups claimed to speak the truth about trafficking, and by extension, about the meaning of prostitution. At the negotiations, this came down to a bitter fight about the definition of trafficking: an attempt to decide, to fix for a moment, at an international level, the meaning of prostitution through the discourse on trafficking.

In a document circulated to delegates, the CATW-led International Human Rights Network recommended the following definition of trafficking:

the recruitment, transportation within or across borders, purchase, sale, transfer, receipt or harboring of a person for the purposes of prostitution, sexual exploitation, exploiting the marriage of such a person, exploited labor, or slavery-like practices with or without the consent of the victims. (CATW, 1999)

The key phrase in this proposed definition is ‘with or without the consent of the victims’. CATW’s lobby group, backed by various governments, including Belgium, as well as the Vatican, argued that the definition of trafficking had to specifically include situations in which a person both consented to travel and consented to do work, even if no force or deception was involved: ‘the International Human Rights Network maintains that an effective definition of sex trafficking must include “with or without the consent of the victim”’.

If trafficking included coercion, they warned:

A narrow definition focused on such conditions allows traffickers to argue, in their own defence, that their victims were not forced into prostitution but ‘consented’ to migrate for ‘sex work’. Consent is the wedge that allows the sex industry to redefine alleged voluntary trafficking for prostitution as ‘facilitated migration’ or ‘migration for sex work’. (CATW, 2000: 1)

DO SEX WORKERS EXIST?

CATW’s aim is to protect and fight for ‘prostituted women’. Yet their views on the nature of sex work mean that their relationships with sex workers, and sex worker activists, are ambivalent. On the one hand, ‘prostituted women’ who agree with the feminist abolitionist analysis of their situation are accepted and supported. For example, the group WHISPER (Women Hurt in Systems of Prostitution Engaged in Revolt), composed of former

prostitutes who campaign for the eradication of prostitution, has a good working relationship with CATW. On the other, there are the vocal and often politically active sex workers around the world who campaign for acceptance of sex work as legitimate work.¹⁶ These present a conundrum for CATW. Convinced that no one could ever choose to work in prostitution, self-identified 'sex workers' bewilder abolitionist feminists. The inability to comprehend a self-chosen sex worker identity means CATW feminists perceive sex worker rights advocates as being in league with 'pimps' and 'traffickers'. At the negotiations a rumour was spread that the Human Rights Caucus was a front for 'the international prostitution mafia'.¹⁷ In a statement quoted in a newspaper article about the Protocol, CATW co-director Dorchen Leidholdt called the International Human Rights Law Group (one of the organizations that spearheaded the HRC) 'and other organizations that advocate for legalized prostitution "protection rackets for the sex industry"' (Soriano, 2000). As NSWP member and fellow lobbyist Melissa Ditmore recounts, GAATW member Marjan Wijers, Melissa herself, and I were referred to as 'pro-prostitution' advocates in a CATW newsletter. Ditmore (2002) responded to this by writing: 'this language is akin to the use of the "pro-abortion" rather than "pro-choice" by activists who seek to ban abortion' (p. 58).

CATW's ambivalence towards prostitutes is exacerbated through class, post-cold war and post-colonial biases. Liddle and Rai (1998) argue that orientalist power is exercised when 'the author denies the subject the opportunity for self-representation' (p. 512). Referring to third world sex workers, CATW's founder, Kathleen Barry writes:

'Sex work' language has been adopted out of despair, not because these women promote prostitution but because it seems impossible to conceive of any other way to treat prostitute women with dignity and respect than through normalizing their exploitation. (1995: 296)¹⁸

If first world sex workers are both pitied and impugned for advocating a policy of sex worker rights, this quote suggests that third world sex workers are ignorant of the implications of a sex worker rights' position. It is by no means only western feminists who treat third world sex workers as child-like and unable to speak for themselves. Third world anti-trafficking activists can also take a 'matronizing' stance towards sex workers. The CATW lobby in Vienna had many third world activists, who, with the rest of the lobby members, supported a definition of trafficking in women that collapsed trafficked women and children into a single category.

This denial of the legitimacy of the identity of 'sex worker' is the direct and necessary result of CATW's epistemology of sex work. CATW advocates claim to base their analysis on the 'true' experiences of prostitutes. According to Kathleen Barry (1995), sex in prostitution 'reduces women to a body' and is therefore necessarily harmful, whether there is consent or not (p. 23). Consequently, prostitutes' 'true' stories of pain and injury serve both to

demonstrate the rightness of her theory and are claimed as the empirical basis for that theory. The testimonies of prostitutes thus assume the status of absolute truth. However, only certain versions of prostitutes' experience are considered 'true'. Barry constructs the 'injury' of sex in prostitution in a circular manner. Prostitution is considered always injurious because the sex in it is dehumanizing. However, the sex takes on this dehumanizing character because it takes place within prostitution. In this neat, sealed construction, there is no place for the experiences of sex workers who claim their work is not harmful or alienating. For Barry and CATW, the notion of a prostitute who is unharmed by her experience is an ontological impossibility: that which cannot be. This is the ultimate exercise of power: to deny sex workers our very existence, to insist that we cannot be.

The metaphysical 'disappearance' of the sex worker was echoed by the physical absence of any prostitutes in CATW's lobby group. According to CATW, there are no sex workers, only 'prostituted women'. If 'sex worker' is a fictional (illegitimate) identity created by the international networks of pimps (and supported by governments in their pay), it follows that those of us who adopt this false identity are either deluded or frauds. Prostitution is dehumanizing, and self-identified sex workers, according to CATW, embrace our dehumanization: we thus collude in our own disappearance. There is a hole where the prostitute should stand: a member of CATW recently characterized prostitutes as 'empty holes surrounded by flesh, waiting for a masculine deposit of sperm'.¹⁹ Hoigard and Finstad (1992), whose work is held up as exemplary by Barry, refer to sex workers' vaginas as 'garbage can[s] for hordes of anonymous men's ejaculations' (quoted in Chapkis, 1997: 51). Barry (1995) herself says that prostitutes become 'interchangeable' with plastic blow-up sex dolls 'complete with orifices for penetration and ejaculation' (p. 35). In statements such as these, the prostitute is identified with her vagina. This echo within CATW of the patriarchal and especially the pornographic is notable (see Brown, 1995). The prostitute thus not only lacks – consent, will, desire – she is lack.

In the abolitionist feminist version of the trafficking myth, the sex worker 'disappears' through the denial of the possibility of consent. As the space for consent dwindles to nothing, the myth of trafficking grows to encompass all prostitution, and every woman selling sex becomes mythically positioned as a slave.²⁰ Seen as a performative, this feminist version of the trafficking myth is revealed as not a description of reality at all, but an ideological narrative masquerading as a reflection of reality. In Laclau's terms, the 'suffering body' of the sex worker becomes a mythical metaphor for the condition of all women, and her rescue becomes the necessary condition of the imagined 'ideal society'.²¹ Her function as a symbol condemns her to suffer; because she must suffer, she cannot consent. Ironically, though abolitionist feminists utilize many testimonials from victims of trafficking, this mythical prostitute has no corporeal counterpart. As a metaphor for oppressed female sexuality, her 'suffering body' is necessarily a mythical body.

SEX WORKERS AND THE HUMAN RIGHTS CAUCUS

Where did sex workers fit into the Human Rights Caucus? Sex worker advocates from the Network of Sex Work Projects advocated positions jointly with other members of the Caucus. Yet the NSWP is not mentioned on any of the documents produced by the HRC, and is not an official signatory on any of these documents. In an ironic echo of the CATW lobby, sex workers 'disappeared' from the HRC. What led to this disappearance?

The answer to this question is linked to a second 'disappearing move': the HRC strategy of seeking to remove all mention of prostitution from the proposed definition of trafficking. This two-fold disappearance of sex workers was paradoxically facilitated by the inclusion of sex worker activists in the Human Rights Caucus lobby, as sex worker activists themselves chose to mask our presence. This is intriguing, as it is often assumed that participation heightens visibility and voice. Sex worker activists have long demanded the right to speak for ourselves in reaction to certain feminists whose activities have been read as a silencing of the sex worker voice (Alexander and Delacoste, 1987; Bell, 1987).

To examine the 'double disappearance' of the sex worker in the HRC lobby, I will look at two levels of discourse, each corresponding with one disappearing move. The first is the level of practice: the actual participation of sex workers in the HRC lobby. The second is the level of the definition of trafficking, the level at which meaning making took place. These two moves are linked in an intricate shadow play, with deceptive sleights-of-hand obscuring, then revealing, the sex worker.

NOW YOU SEE HER, NOW YOU DON'T

A number of NGOs and individuals working in the field of 'trafficking in women' and human rights began communicating with each other late in 1998 about the proposed Trafficking Protocol, with the view to influencing the outcome of the negotiations at the Crimes Commission meeting by forming a lobby. This preliminary, informal group consisted of anti-trafficking groups who supported the idea that sex work should be viewed as legitimate labour, and was initiated by International Human Rights Law Group, Washington, DC, and the Foundation Against Trafficking in Women, the Netherlands. Via email and informal meetings, they contacted sex worker rights activists involved in local projects and connected to the NSWP. Emails aimed at hammering out a strategy for lobbying began in December 1998, using the NSWP list and informal contacts. Out of these initial discussions a 'core group' of individuals and organizations emerged, who were to be actively involved in lobbying in Vienna over the next two years.

Thus, from the very beginning of the HRC, sex worker rights advocates worked together with anti-trafficking activists. This commitment on the part of anti-trafficking activists to involve sex workers went beyond a desire to

'listen' to sex workers or to 'consult' with sex workers. It involved actively searching for funds to enable the participation of sex workers in the lobby during the meetings in Vienna. The Human Rights Caucus attended each of the meetings on the Protocol, and sex worker activists took part every time. All documents used by the Human Rights Caucus during the meetings were drafted with significant input from the NSWP. So, in a number of ways, the HRC can be seen as partnership, with sex workers participating at all levels.

Nonetheless, for the NSWP advocates, the decision to participate in the lobby presented us with a dilemma. On the one hand, we recognized that working through a lobby was necessary if we hoped to have any influence on the Protocol. On the other, because sex workers questioned the legitimacy of the anti-trafficking framework, we were reluctant to lend support to the creation of an international anti-trafficking agreement. I will elaborate on these points. First of all, we recognized that a lobby was necessary. The initial draft of the Trafficking Protocol was worded in a way that linked prostitution to trafficking, and which concentrated on measures to impede 'illegal immigration'. With anti-trafficking activists, we shared the fear that without a concerted NGO lobby effort, state delegations would adopt a Protocol that would combine moral condemnation of prostitution with a fortress mentality.

However, sex worker rights organizations had been voicing opposition to the 'trafficking' framework since the mid-1990s (Doezema, 1998, 2000; Murray, 1998). One NSWP member, writing in the beginning of on-line strategizing around the Protocol, argued that:

the anti-trafficking framework is inherently problematic in the way it essentializes and separates certain kind [sic] of abuses in the industry which are connected to protection of national borders. Obviously the stakes become slanted for nations that pretend to help 'women', defined as 'good women who don't want to do prostitution' . . . when 'trafficking' is a target, prostitutes will also become a target. (Carol Leigh, email to HRC lobby group, 20 December 1998)

Sex worker activists, given years of personal experience with well-meaning legal changes, were highly sceptical about the possible benefits of any new international legislation on 'trafficking'. A consistent element of the sex worker rights movement has been the 'decriminalization' argument: that all sex-work specific offences should be removed from criminal law, and no new ones created. Instead, we have argued that existing laws covering sexual violence and workers' rights should be applied to sex work. This argument recognizes that the maintenance of prostitutes as a separate category under criminal law reinforces their treatment as 'outsiders', as people to whom the protections afforded others under the law did not apply. This argument was extended to international level in a joint report from the NSWP and the human rights organization Anti-Slavery International, which examined how a range of human rights abuses in sex work, including those referred to under 'trafficking', would be covered if existing international law was applied to sex workers (Bindman and Doezeema, 1997).

It was not only the sex worker activists who were caught in this dilemma. Increasingly, anti-trafficking activists had also begun to see that the anti-trafficking framework was problematic. A number of people from the anti-trafficking wing of the nascent lobby group were well aware of the problems with anti-trafficking legislation. One anti-trafficking activist, in a personal email to me, expressed her disgust with the way the Crimes Commission was progressing: 'it is the responsibility of the trafficking movement to lobby against it [the Protocol] (esp. the definition) . . . [a sex worker] is totally right in her anger and critiques' (Marjan Wijers, personal email, 21 December 1998).

For the NSWP, the dilemma was resolved by adopting a dual strategy of overt resistance to the Protocol and stealthy support for the Human Rights Caucus lobby. The NSWP decided to 'go on record' protesting against the adoption of the Trafficking Protocol. The first paragraph of the NSWP statement on the Protocol established the NSWP position with regards to an anti-trafficking approach:

Historically, anti-trafficking measures have been more concerned with protecting women's 'purity' than with ensuring the human rights of those in the sex industry. This approach limits the protection afforded by these instruments to those who can prove that they did not consent to work in the sex industry. It also ignores the abusive conditions within the sex industry, often facilitated by national laws that place (migrant) sex workers outside of the range of rights granted to others as citizens and workers. (NSWP, 1999)

But in order to be able to continue to exercise influence on the debate, we agreed that we would be involved in the lobby, not as NSWP representatives, but as individuals or representatives of our individual. According to NSWP member Penny Saunders (2000):

At the outset we made it clear that the NSWP did not support aggressive lobbying to create new legislation to prevent trafficking because new laws were almost always used to arrest sex workers, their families, deport migrant workers and undermine efforts to promote occupational health and safety for sex workers. On the other hand we recognized that if we did not actively engage human rights NGOs in this process then they would proceed with no input from our groups and perhaps make mistakes that would harm [sex workers] further. (p. 1)

The result of this strategy was the supremely ironic position of the invisible presence of sex workers in the HRC lobby. For many of us, who were used to taking on a highly visible and public role as sex workers and activists, this was a strange position to be in. As we buttonholed delegates between sessions, politely waited to discuss our latest document with a delegate, or earnestly argued the merits of a particular point, the 'secret sex workers' in the caucus were highly visible yet invisible, there but not there. Our first disappearing move was enacted to enable us to publicly reject the trafficking framework and at the same time use our presence to influence the Human Rights Caucus.

*THE PLACE OF THE SEX WORKER IN THE HUMAN RIGHTS
CAUCUS POSITION ON TRAFFICKING*

The hidden presence of sex workers in the Human Rights Caucus themselves mirrored the way the Human Rights Caucus argued around 'sex work' in their lobbying efforts at the International Crimes Commission. In response to an early draft of the definition of trafficking, which linked trafficking to prostitution, the HRC (1999) argued that the draft

focuses unnecessarily on one particular form of labour abuse, that in the sex industry . . . the special reference to prostitution . . . is a gratuitous response to the current public hysteria surrounding this particular form of trafficking . . . *the references to prostitution and 'sexual exploitation' should be deleted from [the definition].* (p. 4, emphasis added)

The lobbying document goes on to explain how the HRC believes trafficking should be viewed:

The core elements of the act of trafficking are the presence of deception, coercion or debt bondage and the exploitative or abusive purpose for which the deception, coercion, or debt bondage is employed . . . The nature of the labour or services provided as such, including those in the sex industry, are irrelevant to the question of whether or not the trafficked person's human rights are violated. (p. 4)

The effort to remove any mention of prostitution from the international definition of trafficking was a recognition by anti-trafficking activists of the arguments made by sex worker rights activists: that laws specific to sex work ended up rebounding on sex workers. If sex workers 'disappeared' in CATW's definition through their being transformed into 'sex slaves', this HRC position on trafficking works a similar magic. Paradoxically, the best way of protecting sex worker rights in the debate on defining trafficking was through making sex workers invisible. This position was supported by a number of states, such as the Netherlands, who had recently changed legislation on prostitution to enable it to be regulated as labour rather than criminal activity or abuse.²² It was also supported by countries, such as Azerbaijan, whose laws criminalized prostitution but which recognized that international divisions on prostitution were best overcome through avoiding a discussion on prostitution altogether.

Other states resisted efforts to remove all mention of prostitution from the definition of trafficking. A number of them argued alongside CATW that all migrant prostitution should be treated as trafficking. These included a number of so-called 'sending' states in the South, such as the Philippines, who were anxious to counteract their international reputation as source country for the brothels of the world. An unlikely coalition between feminist organizations and the religious right in the USA put immense pressure on the US delegation to use the Protocol to indicate disapproval of prostitution (Ditmore, 2002; Doezema, 2001).

The efforts of certain delegations to remove all mention of prostitution from the definition, supported by the HRC, were abandoned fairly early on in the negotiations. State delegations who opposed the use of the Trafficking Protocol to make a moral statement over prostitution shifted to a position more likely to achieve compromise: they conceded to allowing prostitution to be mentioned, as long as the definition made a clear distinction between trafficking and prostitution. At this point, the crucial term blocking consensus was 'consent'. States supported by CATW argued that the definition must include wording on consent that indicated that a person could never consent to prostitution. Other states argued that as force and coercion had already been agreed as the key elements of trafficking, a statement on consent would be redundant. As one delegate put it, drawing on arguments given him by the HRC: 'by definition, no one can consent to abuse or coercion'.

The HRC lobby efforts switched from arguing that prostitution should 'disappear' from the definition, to lobbying for the recognition that it is possible to consent to prostitution:

Obviously, by definition, no one consents to abduction or forced labour, but an adult woman is able to consent to engage in an illicit activity (such as prostitution, where this is illegal or illegal for migrants). If no one is forcing her to engage in such an activity, then trafficking does not exist. (HRC, 1999: 5)

In the Human Rights Caucus strategy, then, the sex worker re-appears as an entity distinct from a trafficked person. Yet as she emerges with this identity as a sex worker, it is to discover that the trafficking framework has little to offer her.

LIMITATIONS OF THE TRAFFICKING FRAMEWORK

After a long and bitter debate, which threatened to scupper the entire Protocol, a compromise definition was reached. The final definition does include a specific reference to 'exploitation of prostitution'. In the end, the Protocol's definition is a compromise: the use of force or coercion is included as an essential element of trafficking. The definition links trafficking to prostitution in an ambiguous and confusing manner. While 'the threat or use of violence or other types of coercion' to submit someone to 'exploitation' constitutes the crime of trafficking under the Protocol, it also includes a statement on 'consent':

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.²³

It is clear from a footnote to the Protocol that this should not be interpreted to mean that states are required to adopt legislation which makes prostitution illegal.²⁴

As Ann Jordan (2002), of the Human Rights Caucus, explained the definition:

The terms 'exploitation of the prostitution of others' and 'sexual exploitation' are not defined in the Protocol or anywhere else in international law. They are undefined and included in the definition as a means to end an unnecessary yearlong debate over whether or not voluntary adult prostitution should be defined as trafficking. Delegates were unable to reach any agreement on this point and so finally compromised on the last day of the negotiations by leaving the terms undefined . . . *Thus, the compromise recognises the difference between forced (or involuntary) and voluntary adult participation in sex work.* (p. 32, emphasis added)

In one sense, the Protocol definition is an advancement, confirming the trend that I have identified in earlier work (Doezema, 1998) as an implicit international recognition of the distinction between 'forced' and 'voluntary' prostitution. If states are left free to respond to prostitution within their countries as they wish, then this allows states that recognize prostitution as labour to join the international consensus on trafficking. However, it also says nothing about those states whose treatment of prostitutes contravenes international standards of human rights (see Bindman and Doezema, 1997). The definition of trafficking thus leaves 'room' for sex workers to exist only outside of the protected space carved out for trafficking victims. However, within the trafficking discourse itself, there is not 'room' for the sex worker. The sex worker is banished to the margins of the text, left to a precarious existence without the cover of international law. In distinguishing between 'trafficking' and 'voluntary prostitution' through the qualifier of 'consent', the Trafficking Protocol offers nothing to sex workers whose human rights are abused, but who fall outside of the narrowly constructed category of 'trafficking victim'.

CONCLUSION

The anti-trafficking organizations gathered in the Human Rights Caucus truly believed that trafficking policy could be done 'right'; that trafficking could be wrested free from its historical antecedents and turned into a liberatory discourse. The sex workers in the caucus were more sceptical, and in the end, I argue, were proved right. As a direct descendant of white slavery, trafficking in women cannot so easily shake off its inherited shape. In international law, in national law, and in popular discourse, trafficking in women has meant prostitution. As events showed, it is not easy to displace this genealogy, to make trafficking mean something new.

Though the anti-trafficking organizations in the HRC tried to rid the Protocol of the prostitute, one of the reasons that this did not succeed (and one of the reasons why the myth remains so powerful) was the lack of recognition of their own investment in the myth of white slavery/trafficking: their

liberal feminist approach entails an investment in the continued importance of sexuality as a 'site of violence'. Thus the continued importance of the suffering, violated body of the sex worker remains even for 'consensual prostitution' supporting feminists. Without this body, the subject of liberal feminist concern 'disappears'.

Awareness of trafficking in women as myth can help us understand why feminists remain so invested in discourses of trafficking, even after recognition of its harmful effects for sex workers and migrants. Myth may be a matter of 'renouncing and reviling' and it can be used to promote injustice (Eagleton, 1991). Racism and prejudice flourished under the banner of white slavery, as they do under trafficking today. However, myth is not necessarily negative. It can also encode hopes for emancipatory social change. White slavery was also used to point to injustices towards migrants, exploitative working conditions, and discrimination against women. So too the myth of trafficking, particularly when it is used by feminists, can express concerns about actually existing injustices.

Given the injustices to which women have been subjected in the name of sexual consent, the abolitionist desire to do away with the consent standard in prostitution is completely understandable. Similar to definitions of rape, so long as consent is what makes trafficking 'real', the determination will always involve judging whether or not a woman agreed to have sex (for pleasure, money, etc.), rather than relying on a set of circumstances which can be more objectively observed and judged. Is it, in the end, a choice between getting away from the thorny issue of consent by denying that it is possible at all (in regards to prostitution) or accepting the problematic distinction that comes from using consent as the marker between 'free choice' and 'violence'? Is it possible to find a way to look at prostitution that doesn't rely on the consent standard?

The answer to this question also forms the starting point of my efforts to replace old myths with new ones – for a way to deal with the difficult issues raised by anti-trafficking campaigns in ways that do not oppress or limit freedom. What could replace consent as the yardstick by which prostitution is measured? As a feminist, my own perceptions of sexuality are deeply entwined with notions of consent. As a sex worker with a commitment to justice for sex workers, I am deeply invested in ideas of 'sex worker rights', ideas which are similarly tied to 'consent'. Thus, I find it difficult to move beyond 'consent' and thus beyond the trafficking framework, as well as conceive of a concept of sex work that does not depend on 'consent'. Perhaps our notion of consent was as unimaginable to those who saw the 'harms' of sex entirely in moral terms, as consent's replacement is to us. Given the power and prevalence of the myth of trafficking, and the importance of consent to feminist perceptions of sexuality, the task of displacing consent and thus of re-inscribing the myth will not be an easy one. It presents great challenges for feminist thought and action, as well as for the thought and action of sex worker rights advocates.

These challenges are encountered in attempts to replace, or reinscribe, the

subject of the trafficking myth, the 'suffering body' of the female prostitute; to change the focus of our concern from the vulnerable subject (capable of being hurt) needing protection, to the desiring subject whose primary requirement is not passively confirmed 'rights' but a political arena conducive to the practice of freedom. This will necessarily involve overcoming the 'voluntary/forced' dichotomy, and the concept of consent implicated in it, that the myth of trafficking both depends on and propagates. Abolitionist feminists have already overcome the voluntary/forced dichotomy in their view of prostitution as violence per se. Because prostitution is defined as violence, questions of consent become irrelevant. The challenge is to find a way to similarly move outside the constraints of consent, but to do so in such a way that does not involve positioning prostitutes as victims of violence.

Of course, it is not only sex workers who find themselves in compromising positions when forced to negotiate within the liberal framework. Fundamental questions about autonomy, the self and the nature of desire are raised by the liberal approach to any kind of contract or relation. These questions: 'When is someone autonomous? When is choice truly free? Can we ever be said to act of our own volition?' are at the heart of the liberal paradox. This paradox lies in the fact that it is only within a liberal framework – one in which 'consent' is seen as the basis of legitimate social action – that these questions become relevant. However, liberalism itself cannot answer these questions. As the experience of sex workers at the Vienna negotiations showed, the liberal feminist approach to sex work as 'choice' has no choice but to shuffle the sex worker off the global stage when faced with the radical feminist epistemological challenge of sex work as 'violence'. The reliance on liberal politics means the 'sex worker' – liberalism's construct – disappears.

Entering the radical space occupied by anti-prostitution feminists to stake out a space from which to articulate a positive stance to sex work presents a challenge to feminist and liberal theories. Taking sex work (even the name may have to change) out of the liberal feminist framework of 'consent' challenges many of the ideas of the sex worker rights movement and of feminism. It may necessitate bringing to the forefront alternative ways of thinking about 'sex work' that have lingered at the margins of the movement, and may enable incorporation of settings and experiences that are difficult to fit within a 'sex worker rights' framework. This includes particularly those elements that have traditionally bedevilled attempts to articulate liberal sex worker politics, such as questions around 'choice' that arise regarding the involvement of third parties, youth prostitution, and global power inequities. It may be able to incorporate the postures which are more familiar to us 'insiders' but have often sat uneasily with the version of politics we argue for to the outside world: the embracing, seeking and enjoinder of 'transgression' vs the 'it's a job like any other' official line, and the fault line between 'sex work' as work and as identity. It may be a move for sex work politics analogous to the queering of gay rights politics, with similar opportunities and challenges

for political action: the chief opportunity, the ability to encompass, articulate and imagine a politics of liberation that moves beyond victimization, and the challenge to translate these into meaningful political action.

At the level of practice, these opportunities and challenges are already being faced. Moving beyond the myth of trafficking and towards the framing of new myths that are based on sex workers' own perceptions, desires, and hopes can only come through praxis; through changes at the level of political practice. Some of these are beginning to occur as part of already ongoing political processes. A number of sex worker organizations and anti-trafficking organizations are attempting to re-position 'trafficking in women' by situating it within broader social movements. Linkages are being formed with migrant organizations and organizations of workers in the informal economy. It is through these processes of building solidarity, exploring commonalities, and initiating joint political action that the spectre of the white slave will finally be laid to rest, and from which the subject of a new, emancipatory myth can emerge.

NOTES

1. Members of the Human Rights Caucus included: the International Human Rights Law Group, US; the Foundation Against Trafficking in Women, the Netherlands; Global Alliance Against Traffic in Women, Thailand; Asian Women Human Rights Council, the Philippines and India; La Strada, Poland, Ukraine, Czech Republic; Fundación Esperanza, Columbia, the Netherlands, Spain; Nab Ying, Germany; Foundation for Women, Thailand; KOK-German; NGO Network Against Trafficking in Women. Representatives of the Network of Sex Work Projects have also been active in the lobby. For information on the Human Rights Caucus lobby efforts, see <http://www.hrlawgroup.org>.
2. Members of the International Human Rights Network included: the Coalition Against Trafficking in Women, North America, Asia Pacific, Africa, Latin America, and Australia; Equality Now, USA; The International Abolitionist Federation; and Woman's Front, Norway.
3. Historians of white slavery whose work I have drawn on include: Bristow (1977; 1982), Connelly (1980), Corbin (1990), Gibson (1986), Grittner (1990), Guy (1991), Fisher (1997), Haveman (1998), Rosen (1982) and Walkowitz (1990; 1992).
4. The stories of white slavery that fuelled public concern followed a similar, set pattern. The victim was white, young, sexually innocent, and was lured by false promises or taken in violence. The trafficker was most often a foreigner, with stereotyped 'racial' characteristics. Graphic accounts of violence featured heavily as the story unfolded towards its conclusion: decline, disease and death for the ruined innocent.

Historians who have studied the period have almost all come to the conclusion that there were actually very few cases of white slavery that matched the kind of stories above (see Connelly, 1980; Grittner, 1990; Guy, 1991). There was, however, a huge wave of migration from Europe to the United States and Latin America. Many of those who migrated were prostitutes, who carried on working in their new lands. While these women certainly enjoyed no 'rights' as we would term them, neither is there evidence that they were the sex slaves of popular myth.

5. Grittner (1990) argues that 'white slavery' was a 'cultural myth': a collective belief that simplifies reality and that expresses deep societal fears and anxieties. 'White slavery' as a cultural myth stood for fears about immigration, racist anxieties, fears about industrialization and urbanization, and very importantly, fears about women's increasing independence, especially sexual independence. Connelly (1980) explores in depth the metaphorical function of the white slavery myth in the United States.
6. For example, Corbin's (1990) study of original French statistics on white slavery led him to observe that the 'virgin abducted against her will or the woman raped and transported either by force or by deception to a far-off brothel was a rare exception . . . trafficking in women, whether on a large or small scale, concerned almost exclusively girls and women who were well aware of what was expected of them and who, without compulsion, were willing to be sent abroad' (p. 285).
He concludes that 'the statistics undermine the myth of an international white slave trade involving violence against innocent virgins' (p. 296).
7. While the idea of myth as performative has been very useful in my work, there are a number of problems with this approach. One problem is that the distinction between 'performative' and 'descriptive' language is not as readily apparent as it might seem. A second problem is that implicit in this distinction is a sense of a reality that can be misrepresented underlying the notion of a realm of 'constative' language. While this solves the problem of the concept of ideology growing too large to be useful (Žižek, 1994) by bracketing off an area of language and experience that is untouched by it, the dichotomy between performative and constative language leaves a realm of language uncontaminated by myth and ideology.
8. Barthes's *Mythologies* (1973) famously applies the analysis of linguistic structure to everyday cultural production, like advertising, stripping and wrestling. Using a Saussurian structuralist analysis, Barthes wrested the notion of myth away from its traditional connection with 'primitive' or ancient cultures to show how myths operate in sustaining relations of domination through the regulation and production of meaning in modern political cultures. He argues that myths support bourgeois hegemony by naturalizing what is contingent and historically produced into that which is timeless.
9. See also Augustin (2002; 2003).
10. The above discussion of feminism and 'consent' in relation to prostitution is a summary and necessarily limited by the scope of the article. For a fuller discussion, see Chapkis (1997), O'Connell Davidson (1999), Sullivan (2000), Doezema (1998; 2004) and West and Austrin (2002).
11. Feminism is not the only discourse with influence on sex worker rights discourses: gay rights, queer politics, human rights discourses, and medical discourses have also been variously influential.
12. The abolitionist legacy for contemporary feminism is well documented (see Walkowitz, 1980).
13. Adopted at the Second International Whores' Conference, Brussels, 1985. See Pheterson (1989) for an account of the conference.
14. For information on the activities and positions of sex worker rights organizations throughout the world, see the NSWP website at www.nswp.org.
15. For a more detailed examination of these questions, see Doezema (2004).
16. There are many more sex worker organizations that support the view of sex work labour than those who support the feminist abolitionist position. Globally, WHISPER is the only one that identifies with this perspective. See Chapkis (1997) for a discussion of WHISPER. Books by Nagle (1997) and

- Kempadoo and Doezema (1998), as well as articles on the NSWP website (www.nswp.org), demonstrate the strength of the sex worker rights position among sex workers worldwide.
17. See also the account by fellow NSWP member Melissa Ditmore (2002).
 18. In an earlier paper, I explored how Western feminists appropriate the 'suffering' of the third world prostitute as a way of furthering their own particular interests (Doezema, 2001).
 19. This statement was made by Evelina Giobbe during the NGO Consultation with UN/IGOs on Trafficking in Persons, Prostitution and the Global Sex Industry: 'Trafficking and the Global Sex Industry: The Need for a Human Rights Framework', 21–2 June 1999, Palais des Nations, Geneva.
 20. Anti-trafficking campaigns do not take male and transgender sex workers and their experiences of migration into account. For analyses of male and transgender sex workers, see, for example, Aggleton (1999), Kulick (1998) and Marlowe (1997).
 21. The term 'suffering body' is taken from Brown (1995). In an earlier article, I applied Brown's ideas to the relationship between western feminists and third world sex workers (Doezema, 2001).
 22. In another one of the ironies in which the Crimes Commission debate was so rich, the Netherlands had coupled the recognition of prostitution as labour with a legal provision prohibiting non-Europeans from engaging in sex work in the Netherlands in the name of stopping trafficking. For a review of current Dutch prostitution and anti-trafficking policy, see Visser (2003).
 23. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementary to the UN Convention on Transnational Organized Crime, A/55/383.
 24. Now contained in the 'Interpretative Notes for the Official Records (*travaux préparatoires*) of the negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto', A/55/383/add.1, p. 12.

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