IS THERE ANOTHER SPACE FOR A FEMINIST CRITIQUE OF TRAFFICKING?
Giulia Garofalo gagiulia@yahoo.it

(presented at “New Femininities”, organised by LSE Gender Institute at the British Library, 26/1/2007)

Introduction: exclusions and inclusions

Let me start with a piece of recent local news: last November, the IUSW exposed the fact that the Women’s Library in London managed to organise a respectable exhibition and series of events on prostitution and trafficking with the complete exclusion of a whole range of critiques produced by sex workers’ rights organisations in the last thirty years (IUSW (2006)).

Well beyond this London case, all over Europe the public debate on ‘trafficking’ appears to be heavily contested for producing the specific exclusion of analyses coming from sex workers’ rights people.

But also clients of the sex industry hardly ever get space to develop their analyses in public. The important distinction here is between who gets a voice to give a ‘testimony’ and who gets a voice to give an ‘analysis’: people involved in the selling and buying of sex appear as being highly desirable for their testimonies, but are normally excluded from the moment of active construction of knowledge and truth.

And vice versa, who is authorised to give their analysis of ‘trafficking’?

My feeling of this field, after six years of involvement in Italy, the Netherlands and the UK, is that one gets automatically much more analytical credit if one is a woman. Being a man seems to have a negative impact on one’s legitimacy to analyse sex work and trafficking, unless one speaks with a woman or unless one is a priest. Being a gay man does not help at all. Being a trans person even less.

As a woman, one gets immediately more analytical credibility if one is older than about 40, doesn’t display femininity, and, strange to believe, if one is out as a lesbian.

Of course these are preliminary observations and they would call for a serious research, but if my feeling of the game is right enough, then one could plausibly suggest that someone, for instance you or me enjoys analytical legitimacy if people, rightly or wrongly, think that we are not involved in the selling or buying of sex.

If this is true, we, female intellectual workers, have an important analytic privilege: as women who are not under suspicion of being sex workers we have an urgent responsibility to take a good position on sex work, migration and labour not only for reasons intrinsic to “trafficking”, but also because of, and starting from, this particular position we have in social space. A good position is first of all one that recognises the difference, commonalities, but also potential conflicts between sex workers women and non-sex workers women.

I hope to show in this paper how a materialist feminist approach can help us with that.

Before going into that, I will consider the most challenging critiques to anti-trafficking interventions, which, not surprisingly, come in an organised form precisely from those who are normally excluded from the debate: sex workers rights’ groups.

This dissent is based on two main points.
The first is a point of evidence from the ground: the classic trafficking idea that migrant women working in the European sex industry have been forced against their will to leave home and to work with sex is just not true for the large majority of cases. Subsequently, the second point of dissent is that trafficking discourse and policies are based on a wrong distinction between voluntary sex workers and trafficked victims, and this distinction supports policies that have negative consequences both on young migrant women, potentially or actually selling sex, including those who are in a situation of heavy exploitation and abuse, and on all workers of the sex industry, including transgender people and men selling sex, and including European citizens. The second part of my paper introduces a materialist feminist analysis as produced by an alliance of prostitutes and non-prostitutes feminists between the mid70s and the mid80s in different contexts in Europe. This analysis can allow us to interrupt the crucial complicity supporting anti-trafficking interventions, which is the condemnation of sex work per se, which it turn is reproduced by the exclusion of sex workers’ analyses from the debate.

Sex workers’ organised dissent

In 2005 an important European Conference of 200 sex workers and activists from labour, migrant and human rights organisations was held in Brussels. Two documents come from that Conference, written on the basis of a year consultation process. In particular the Sex Workers’ in Europe Manifesto is an extremely interesting moment of a process of collective knowledge production:

"The lack of possibilities to migrate put our integrity and health in danger",
"The trafficking discourse obscures the issues of migrants’ rights. [It] reinforces the discrimination, violence and exploitation against migrants, sex workers and migrant sex workers in particular",
"We demand that sex work is recognised as gainful employment, enabling migrants to apply for work and residence permits and that both documented and undocumented migrants be entitled to full labour rights”
(Sex Workers’ in Europe Manifesto (2005)).

Behind these claims is the idea that stopping anti-trafficking interventions and recognising sex work as gainful employment, also for migration purposes, would represent an improvement for all those working in the sex industry, whatever the conditions they work in, for a long or a short time, whether they identify as ‘sex workers’ or not. Let us try to see how this analysis may make sense when looking at the specificities of sex work and migration in Europe today.

‘Trafficking’: migrants and the states

The increasing amount of research produced in a participatory way, or through the mediation of projects working with sex workers, and in any case not in collaboration with authorities responsible for migrants’ detention and deportation, tells us that the classic idea of trafficking has little correspondence to reality (see Agustín (2005), Cabiria (2004), Carchedi (2000)).
These people all agree that realities of migrants working with sex in Europe are multiple, and fundamentally reflect the difficult situation of all migrants in general – crucially: great dependence on mediators and one particular employer for their visa, travel, work, accommodation, and so on.

However, it is true that there are women, probably around 10% some of this research indicates (Carchedi (2000)), who experience very heavy coercion and abuse from those who organise their travel and their work. Unfortunately, this seems to be not unique to the sex industry, but also happens in agriculture, domestic service, building sites and other sectors.

The large majority of women instead want to come to Europe, and find themselves in the situation of deciding to work in the sex industry which, despite the difficult and often unexpected conditions, appears to be the fastest way to realise their projects, to pay their migration debt, and to send money home. Consider that the migration debt varies, with an average of 10000 euros from Eastern Europe, and an average of 70000 euros from Africa. Think that at the bottom of the prostitution market, one normally earns 5000 euros a month.1

Also consider that women usually talk about ‘traffickers’ as helpers and facilitators, since these men and women have given to them the possibility to come to Europe that is not given to them by immigration laws.

For these reasons, clearly, to understand “trafficking” it is crucial to think beyond sex work only, and on this ground sex workers rights groups are finding, and looking for, the alliance with migrants’ rights activists, as the Manifesto shows.

With their focus on criminal organisations and bad violent men, trafficking interventions actually serve to hide the responsibility of EU states in preventing people from legally migrating into Europe, and in preventing all migrants from working safely and organising for their rights. They give legitimacy to increasing deportations: “it is for their own good that we repatriate them”, the rhetoric goes, “since they did not want to come here in the first place”.

Feminist researcher Rutvica Andrijasevic along with a network of researchers and migrants’ rights activists called Frassanito Network, have been working since 2003 to show that what immigration policies produce is not, as they claim to be doing, a simple restriction of access for migrants into Europe, but rather it is a restriction of migrants’ access to citizenship in Europe. They produce deportable, second-class citizens who are available for heavy exploitation in a variety of sectors, such as agriculture, building, caring, cleaning, and the sex industry.

‘Trafficking’: divide and rule

However, there is something more specific to trafficking, and about how trafficking works. “Anti-trafficking” interventions do not address all migrants in the same way, and do not only address migrants. They appear to target specifically one group of migrants and one group of non- migrants: among migrants, they affect women, especially young migrant women, potentially or actually selling sex, and, more indirectly, they affect all workers of the European sex industry, including men and transgender people, and including European citizens.

How does this work?

1 I am referring to continental Europe, especially France, Italy, Spain, Austria, see Cabiria (2004).
Here comes the second point of the critique posed to trafficking by sex workers’ rights people, and disseminated in particular with Jo Doezema’s article in 1998 (Doezema (1998)).

The main mechanism through which trafficking discourse and policies operate is through establishing a distinction in the sex industry between those who have chosen to work as sex workers, and those who are forced into it: the first are usually called ‘sex workers’ and the second ‘trafficked women’ or ‘sex slaves’.

Now, the way this distinction works in practice has little to do with the personal experience of people who get classified as the one or the other, and even less with sophisticated concepts of agency. Really, policies and discourse work in such a way that the only ones who are granted the possibility of choosing to work in the sex industry, if there are any at all, are European citizens, preferably white and middle-class. Women who are not European citizens are automatically considered ‘trafficked women’, ‘slaves’.

Then, what happens to these two groups?
Let us keep in mind that in all European countries, even the ones who are more advanced in recognising the rights of sex workers, such as the Netherlands and Germany, there is no possibility for migrants from outside the EU to legally work in the sex industry.

Two avenues then open up for the first group of workers, the so-called slaves.
If, as it is mostly the case in Europe, anti-trafficking laws are not well developed and applied, all migrants working with sex are potentially subject to detention and deportation - and, actually working in the sex industry in most countries represents a reason for which one can lose the residence permit one may have as a student, tourist, or for another job.
If, on the contrary, anti-trafficking laws are applied, those same illegal migrants working in the sex industry become ‘trafficked women’ and they get a different treatment. What they get under most European legal systems is a coordinated intervention of state and international agencies, police, immigration, and NGOs like the Poppy Project here in the UK, that provide them a shelter, and a rehabilitation programme, for a duration going from a few weeks to several months. During this time they are not allowed to work, and they are encouraged, sometimes forced, to give evidence against their ‘traffickers’. After that, they are offered a voluntary repatriation, which means that they are deported back home².

Most repatriated women, even if they have gone through heavy exploitation and abuse, will try to come back to Europe, looking for another facilitator and starting their migration process again – they will be, as authorities say, ‘re-trafficked’. Their desire was clearly not to stay back home. Often, however, as ex-trafficked women and as coming from a so-called country of origin of trafficking, they will find more restrictions to their visa procedures, making their travel even more difficult.

What about the second group of workers, the ones who are recognised the conscious decision to work with sex? Their rights obviously vary according to national and local contexts. However, what can be said is that the process of distinguishing them from the ‘trafficked victims’ delineates similar consequences across Europe. Fundamentally, “the abuses [these] sex workers may undergo in the course of their work are [in this

² In a few EU contexts, notably in Italy, laws are more oriented to migrants’ rights, and give a renewable work permit to those who enter a programme of social protection, generally including collaboration with the police and the prohibition to work in the sex industry. But the general rule remains largely the one of deportation (see Associazione "On the Road" (2002)).
framework] considered to be the natural consequences of their willingness to work as prostitutes, meaning it is their own fault” as the International Committee on the Rights of Sex Workers in Europe put it, “this reinforces the classic dichotomy between ‘innocent’, who deserve of protection, and ‘guilty’ women, who can be abused with impunity” (ICRSE (2004)).

It seems to me that the failure to expose anti-trafficking policies as damaging young migrant women as well as all workers of the European sex industry is mainly due today by the persistence of the condemnation of sex work per se, condemnation which, in turn, is reproduced by the exclusion of sex workers from the political debate. That is where a feminist critique can play a crucial role.

**Materialist feminist directions**

But, what feminist theories can help us here? The two most visible positions articulated in an Anglo-American feminist genealogy as the ‘sex work’ and the ‘abolitionist’ positions appear to be both far too busy demonstrating respectively the agency, or the lack of agency, of women working with sex. Not only does this debate on agency strike me for its absurdity and resemblance to the legendary medieval disquisition on the existence of women’s soul, but also I am sincerely worried, by how current feminist thinkers, by engaging with it, get easily used by the ‘anti-trafficking’ strategy.

There is however a different legacy of feminist thought we can use, that was produced between the mid 1970s and the mid 1980s, at a time when many feminists groups supported sex workers’ struggles, notably in France 1975 when sex workers started occupying churches, and 1986, when prostitutes and non-prostitutes feminists organised the important Second World Whores’ Congress in Brussels (Pheterson ed. (1989)). A materialist approach as developed in France by Christine Delphy, Monique Wittig and others (Leonard, Adkins (eds.) 1996), has inspired authors like Gail Pheterson and Paola Tabet who made a very lucid critique of paid and unpaid sex on the basis of that political alliance (Pheterson (1996), Tabet (1991, 2004)).

The question they passed on to us is: how can women who are not sex workers elaborate a critique of sex work without reproducing their position of privilege vis-à-vis women who exchange sex for money? Or, the other way around: what does the rest of sex look like when we look at it from a sex work perspective?

Following these two questions, and starting from the last one, sex can be understood as a truly productive moment of subjects in relation, as a key moment of production and reproduction, but also change and subversion, of what I call ‘relational resources’, that is of individual and collectives’ identities as productive.

Now, in a hierarchical society the production and reproduction of subjects often, not necessarily but often, becomes work, whether it is paid or unpaid, whether it involves workers’ pleasure or not. Indeed sex as well becomes service, Paola Tabet says, and should then be seen as part of the labour women traditionally, but also gay men, transgender people, migrants, people of colour, are expected to give to others in exchange for informal material advantages.
As other typically female relational activities, think domestic and care work, sex work is a special kind of labour that needs an extra dose of feminist intellectual work to be understood. However, it is labour, and it can be employed in a variety of ways. Typically, if you are young, and you are a woman or you belong to other subordinate classes of people, in particular if you are in a social space where you lack capitals, maybe because you have migrated or you have transgressed in other ways, then sex becomes de facto one way for you to employ your relational resources against a variety of material advantages. This might happen in monogamous marriage, or in modern dating, or it might happen in the paid labour market where one can employ her or his relational resources either in an informal way, as in a bar attendant or a secretarial job, or in a formal, transparent and contractual way, as it happens in the sex industry.

Clearly, depending on a number of factors, one can be relatively more or less exploited and more or less happy in any of these different exchanges (see also Nelson, England (2002), van der Veen, M. (2001), Wijers, Lap-Chew (1997)).

However, there is an important difference, our materialist feminists say: prostitution gets a unique stigma, which they explain on the basis of the challenge it represents to the whole division of labour (Pheterson (1996), Tabet (1991, 2004)). For its potential contractual and transparent form prostitution exposes the way in which women traditionally, but also other subordinate groups, are supposed to offer relational services as part of informal, private, naturalised, unpaid exchanges, whose value disappears in the public sphere. Moreover, the prostitution stigma seems to increase in ‘trafficking’ times, times when young women in big numbers migrate, transgressing boundaries of movement, sexuality, reproductive duties – they are single, independent women, they are lesbians, they are black. And a big number of these young women do find a way to live their lives through sex work.

With a better awareness of how the division of relational labour works, we can finally address the first question of non-sex workers women position: by taking a position on sex work as wrong per se, non-sex workers women appear in this analysis to reproduce the prostitution stigma, and de facto participate in a dynamic of competition among relational workers, which, in long run, damages all of them. In order to resist that competition, materialist feminists in the 1970s insisted that the struggle to improve the conditions in the practice of prostitution should be see as part of the struggles to improve the conditions in marriage, and in secretarial jobs and in other market jobs. Together, these struggles complement those for the right not to get married, to divorce, and for the right to change work, not to stay with the same employer, without being deported.

**Conclusion**

This materialist feminist theoretical directions constitute, I think, a chance for us to interrupt the exclusions of this debate, and the division trafficking interventions foster in the sex industry, with the effects I have shown. The refusal of sex workers’ lucid critiques, also going on in feminist contexts, in untenable, also, crucially, in a feminist theoretical practice: sex is a key form of labour traditionally
performed by women, and its value, as well as that of other traditionally ‘female’ works, needs to be publicly recognised.

Taking the responsibility of this position would be for all of us a very good contribution to change the exploitation and abuse of young migrant women, and in general of all people in the sex industry.

Bibliography


(Please versions of Agustin’s articles at www.nodo50.org/conexiones/Laura_Agustin)

Associazione "On the Road" 2002 Article 18: Protection of Victims of Trafficking and Fight against Crime (Italy and the European Scenarios) On the Road Edizioni, Martinsicuro


Cabiria 2004 Femmes et Migrations en Europe. Stratégies et Empowerment, Le Dragon Lune, Lyon

Carchedi, F. et al. 2003 Lavoro servile nuove schiavitù, Franco Angeli, Milano

Corso, C., A. Trifirò 2002 ...e siamo partite. Migrazione, tratta e prostituzione straniera in Italia, Giunti, Firenze

Danna, D. 2004 Donne di mondo. Costruzione sociale e realtà della prostituzione in Italia e nell’Unione Europea, Eleuthera, Milano

Declaration of Sex Workers in Europe 2005 at www.sexworkeurope.org


(Previous versions of Doezema’s articles at www.walnet.org/csis)

Frassanito Network --- see www.noborder.org


Pheterson, G. 1996 *The Prostitution Prism*, Amsterdam University Press, Amsterdam

Sex Workers’ in Europe Manifesto 2005 at [www.sexworkeurope.org](http://www.sexworkeurope.org)


van der Veen, M. 2001 "Rethinking Commodification and Prostitution: An Effort at Peacemaking in the Battles over Prostitution" *Rethinking Marxism* Volume 13, 2, pp.30-51

