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The Figure of the Trafficked Victim: Gender, Rights and Representation

Abstract

During the last two decades, critical scholars in gender, migration and post-colonial studies have been engaged in attempting to dislodge the figure of the sex trafficking victim from its position of primacy in public, policy and academic debates. The body of work that stresses the agency and rights of migrant women in the sex sector has put forward a convincing critique of the passive and enslaved trafficking victim and has replaced the latter with the figures of the active migrant and the political protagonist. Despite such a shift, however, the figure of the trafficking victim continues to dominate public and policy arenas. In this chapter, I am interested in the persistence of the figure of the victim and suggest that that the figure of the victim is not a 'free-floating' but rather produced through specific codes and conventions. These issues, I argue, become visible by bringing to the fore the nexus among sexuality, gender and narrative. By building on feminist scholarship on sexuality and representation in film, visual media studies and historical studies of East/West Europe, I explore the ways in which representations are embedded within narrative tropes and discursive constructions about women's sexuality that are culturally and historically specific.

The Figure of the Trafficked Victim: Gender, Rights and Representation

Introduction

During the last two decades, critical scholars in gender, migration and post-colonial studies have been engaged in attempting to dislodge the figure of the sex trafficking victim from its position of primacy in public, policy and academic debates. This is the figure of a young, innocent, female and foreign woman tricked into prostitution abroad. She is battered and under continuous surveillance so that her only hope is in police rescue. In the words of Jo Doezema, one of the earliest critics of the media imaginary of trafficking, representation of sex trafficking is centred on 'the paradigmatic image of a young and naïve innocent lured or deceived by evil traffickers into a life of sordid horror from which escape is nearly impossible' (2000: 24).

Critical migration scholars have advanced the concern that tougher actions to combat trafficking, developed on the wave of public outcry against sex slavery, have resulted in more stringent anti-immigration measures and have shifted migration towards irregular channels managed by third parties and agencies

(Nieuwenhuys and Pécoud, 2007; Anderson et al., 2009). This, scholars argue further, has made migrants dependent on third parties' organizing of cross-border travel, has given third parties greater control over the costs, terms and routes of travel, and has left ample space for abuse and profiteering (Salt, 2000). Critical feminist and post-colonial scholars have expressed concern that the figure of the victim of trafficking conceals women's migratory agency and that, in conflating sex work migration with sexual slavery, the mainstream trafficking rhetoric portrays migrant women in the sex industry as involuntary migrants, thus hiding both the actuality of women's migratory projects and the fact that sex work is, for some migrant women, an income generating activity (Kapur, 2005).

In order to counter the discursive strength of the figure of the victim of sex trafficking, critical scholars have broadened the debate on trafficking from sexuality to that of labour and focused on matters of rights and agency rather than those of victimhood and violence. In doing so, the emphasis has been placed on the similarities in working conditions and exploitation that migrants experience in low-wage sectors such as sex, domestic and agricultural work. In turn, this has brought to the fore the debate on rights to which migrants should be entitled, independent of the sector of the economy they work in. The importance of reframing the debate in terms of rights has made visible sex workers' mobilizations and their position as active citizens. In fact, at the *European Conference on Sex Work, Human Rights, Labour and Migration* in Brussels in 2005, organized by sex worker activists and allies, sex workers positioned themselves firmly within the institutional debates on sex work,

labour and migration through the endorsement of the *Declaration on the Rights of Sex Workers in Europe* and the *Sex Workers in Europe Manifesto* (Andrijasevic et al., 2012).

The body of work that stresses the agency and rights of migrant women in the sex sector has put forward a convincing critique of the passive and enslaved trafficking victim and has replaced the latter with the figures of the active migrant and the political protagonist. Despite such a shift, however, the figure of the trafficking victim continues to dominate public and policy arenas. In this chapter, I am interested in the persistence of the figure of the victim and suggest that, while crucial, the shift to agency and rights overlooks matters of representation. Representation is key, I argue, to understanding the historical, cultural and political embeddedness of the figure of the victim. In order to identify how the figure of the victim operates and the work it does in the European context, I suggest that the figure of the victim is not a 'free-floating' one but is rather produced through specific codes and conventions. These issues become visible in particular by bringing to the fore the nexus among sexuality, gender and narrative. I build on feminist scholarship on sexuality and representation in film, visual media studies and historical studies of East/West Europe to explore the ways in which representations are embedded within and produced through narrative tropes and discursive constructions about women's sexuality that are culturally and historically specific.

At the same time, I argue that the emphasis placed on agency works to enforce the victim/agent binary and in turn diverts attention from how the two coexist

(Phillips, 2013). This, by extension, leaves unattended the questions of the ways in which victim and agent positions are intertwined and of the extent to which, the contradictions produced by this coexistence, are key to the formation of women's subjectivities. In order to tackle the issue of women's subjectivities I turn to narratives and suggest that women's narratives, used by scholars as evidence to counter the figure of the victim, are also a set of representations rather than empirical counter-truths to the figure of the victim. Through this double take on representation I show the limits of the victim/agency framework through which the research field has become increasingly structured and raise doubts about the extent to which the focus on agency can carry the weight of correcting and replacing the figure of the victim.

Agency: The Background Debates

The need to forefront agency emerged from a combination of factors. Politically, it responded to heightened prohibitionist presence in public policies aimed at criminalizing the sex industry on the basis that the industry is harmful and exploitative to women. Academically, it reacted to the tendency brought about by the prohibitionist perspective to reduce sex work to the matter of violence against women and thus to simplify, both methodologically and analytically, investigations of how sex work is organized and experienced.

Prohibitionists, also referred to at times as abolitionists or radical feminists, stand by the position that sex work equals violence against women and that it

constitutes an act of objectification of women's bodies that reinforces patriarchal structures of domination (MacKinnon, 1989; Dworkin, 1997). Given that they see sex work as violence and not work, they make use of the term prostitution rather than sex work to refer to paid sexual services and performance. Abolitionists see men's sexuality as violent, dominant and functional to maintaining patriarchal power and paid sexual services as a 'particularly lethal form of male violence against women' (Farley and Kelly, 2000: 54) and even as rape (Raymond, 2004). One of the most important abolitionist feminists, Kathleen Barry, describes prostitution as follows: 'I am taking prostitution as the model, the most extreme and most crystallized form of all sexual exploitation. Sexual exploitation is a political condition, the foundation of women's subordination and the base from which discrimination against women is constructed and enhanced' (1995: 11). Since paid sexual services are always and necessarily degrading and damaging to women as they reduce women to bought objects, for abolitionists, consent in relation to sex work is impossible (Jeffreys, 1997; Hughes, 2005). This means that abolitionists make no distinction between coerced and voluntary sex work as no woman can be understood as consenting freely to her own exploitation and oppression. To paraphrase Carol Wolkowitz's commentary on radical feminists' take on prostitution, such theorists believe that sex work results in a profound self-hate and that, because prostitution turns women into objects, a prostitute cannot be seen as a subject and is incapable of self-determination (2006).

This view of the woman working in the sex sector as a passive victim is countered by sex worker rights' activists. From their perspective sex work is seen as a form of emotional and sexual labour and hence the term sex work

refers to the payment for sexual services or performance. What is sold in sex work is not the self but a service, as the client pays for the sex worker's time and not indiscriminate access to her body. Since this perspective takes prostitution to be a form of paid work and a voluntary contractual exchange between adults, it advocates distinguish between women who choose to enter prostitution and those who are forced into it. In positing sex work as a form of labour and an income-generating activity, sex worker rights' activists contest the claim that sex work is invariably forced and degrading and argue that women choose sex work out of economic need and/or the feeling of control it gives them over sexual interactions (Delacoste and Alexander, 1988). Additionally, sex worker rights' activists contend that it is the lack of rights and protection for workers in the sex sector that cause abuse and exploitation rather than men's demand or the existence of a market for commercial sex per se (Pheterson, 1996; Kempadoo et al., 2005; Sanghera, 2005). Given these similarities between sex work and other types of low-waged labour, sex worker rights' activists concentrated their theoretical and political efforts towards the struggle for the improvement of sex workers' working conditions and labour rights.

Feminist contentions over sex work had an impact on the development and definition of the term trafficking, when in 2000 at the United Nations' (UN) convention Against Transnational Organised Crime, the UN General Assembly adopted a definition of trafficking in persons. As Anne Gallagher, one of the leading global experts on human trafficking and then the Advisor on Trafficking to the UN High Commissioner for Human Rights put it, the process of negotiating the Trafficking Protocol was an 'unusual' affair (2001: 1002). If the crime

prevention system of the UN is usually of little interest to the international nongovernmental (NGO) community, on this occasion it had to deal with unprecedented levels of feminist NGO interventions. The definition, known as the Trafficking Protocol, distinguished trafficking from smuggling. Trafficking stands for involuntary and non-consensual process where traffickers recruit and transport a person with the purpose of exploiting her/his labour at destination and smuggling refers to a voluntary and consensual form of migration where a smuggler's role is restricted to facilitation of irregular movement of persons across borders.¹ Feminist NGOs formed two main coalitions. First, the International Human Rights Network, headed by the Global Alliance Against Trafficking in Women (GAATW) based in Bangkok, argued that sex work is a form of legitimate labour and needs to be viewed in relation to other sectors that rely on low-skilled non-sexual labour, such as manufacturing, domestic work and agriculture. The second, the Human Rights Caucus headed by the USA-based Coalition against Trafficking in Women (CATW), maintained that sex work is a violation of women's human rights and that prostitution equals trafficking, and argued that the sex sector is different from other sectors since it is characterized by exceptional levels of exploitation and abuse. The definition of trafficking adopted by the UN does not engage the issue of legitimacy of sex work and leaves this decision to national legislators. Importantly, while it mentions explicitly prostitution as a form of sexual exploitation, it also inserts it within the broader frame of other types of forced labour and services (Gallagher, 2001).

The adoption of a definition of trafficking that acknowledges a number of end-purposes other than sexual exploitation partly reflects the position of the UN

Special Rapporteur on Violence Against Women Rhadika Coomaraswamy who, following the report on the worldwide research on trafficking in 1996, suggested conceptually distinguishing prostitution from trafficking (Chew, 2005). The report brought together the perspectives of gendered migration and sexual labour and argued that the sex sector is, along with other unskilled and informal sectors, a site where trafficking takes place (Wijers and Lap-Chew, 1997). The position that situated its analysis of sexual labour and gendered migration within the context of globalization and feminization of migration drew its insights from the collaborations between Third World feminists and sex worker rights' activists, based in particular in the global South. Developed since the late 1990s, such perspectives have offered a complex analysis of the global sex trade and have shown both the agency that migrant women exercise in the sex sector as well as the extent of abuse they suffer due to structural factors steeped in unequal power relations (Kempadoo, 2011). This move away from the language of sexual slavery adopted by abolitionists, and towards a nuanced understanding of gendered and racialized codification of the global workforce, is firmly grounded in the experiences of sex workers and migrant women. As per transnational feminist interventions, lives and agency exercised by oppressed and marginalized groups have provided the basis for a critique of dominant narratives of prostitution and sex trafficking and a standpoint from which to articulate alternative conceptions and modes of knowledge (Grewal, 1994; Alexander and Mohanty, 1997; Mohanty, 2003).

Following the adoption of the Trafficking Protocol, the early critical insights advanced by Third World feminists and sex workers rights' activists gained

renewed analytical and political currency. An array of scholars working on issues of migration, labour and gender have put forward sharp critiques of the criminal justice analytical framework that relies on the conceptual differentiation between trafficking and smuggling and the identification of both with transnational organized crime. Studies of how, where and with whom women have undertaken their cross-border travel, whether they have had previous migratory experience and what prompted them to leave their countries of origin have all shown women's active role in planning and organizing their migration. These studies have also shown women's travel agency and revealed the complex set of aims and desires that prompt women to migrate such as pursuit of financial independence, escape from domestic violence or abuse and search for love and autonomy (Gülçür and İlkaracan, 2002; Andrijasevic, 2003; Sharma, 2003; Skilbrei and Tveit, 2007). A common concern among these scholars and activists is the way in which a criminal justice perspective places responsibility for trafficking and exploitation on organized criminal networks and in doing so hides the extent to which states' restrictive immigration, border and visa policies have criminalized the mobility of certain groups of people and created conditions that foster vulnerability and exploitation of migrants (Jordan, 2002; Chapkis, 2003; Kapur, 2005; Anderson, 2007, 2009). These concerns extend additionally to the notion of sexual slavery which overlooks the complexity and interdependence of the factors that permit exploitation and neglects forms of agency migrant women enact despite confinement imposed on their spatial mobility and social interactions due to third party control and/or residency and employment restrictions (Brennan, 2004; Ribeiro and Sacramento, 2005; Mai, 2009; Andrijasevic, 2010; Cheng, 2010).

In focusing on the material working and living arrangements of migrant women in the sex sector, critical scholars tackling trafficking from the perspective of migration, gender and labour have destabilized the very basis on which the notion of trafficking and that of the victim are based. In bringing to the fore the agency women exercise both with respect to planning and carrying out of their migratory project and managing working conditions in the sex sector, scholars have disputed the separation between voluntary and involuntary migration, and hence between smuggling and trafficking. They have further shown that coercion and force might also occur in voluntary and legally regulated migration such as domestic, agriculture and construction work (Anderson and O'Connell Davidson, 2003; Anderson and Rogaly, 2005) and have questioned the extent to which it is useful to draw a stark line between trafficking and other forms of abuse and exploitation of migrant labour (Rogaly, 2008; O'Connell Davidson, 2010).

Representation and Victimhood

Despite these efforts to challenge the figure of the passive trafficking victim through investigation of material lives of migrant women in the sex sector, issues of representation have curiously received less in-depth analytical attention.

Writings on representation and discourses pertaining to trafficking have consolidated and to some extent expanded the critique of sex trafficking rhetoric being organized around the binary of passive female victims and merciless male traffickers. Scholars, in their analysis of the anti-trafficking campaigns and the

rhetoric of modern slavery that depicts women as kidnapped from their homes, coerced into migration and then imprisoned in brothels, have argued that such representations create a false dichotomy between 'ideal' and real victims (Hoyle et al., 2011) and exclude those women who do not fit the narrow definition of the ideal victim (O'Brien, 2013). Studies of media coverage, as for example in Norway, have pointed to the objectification and sexualization of Nigerian women working in the sex sector (Jahnsen, 2007) and those of the stripping industry in the USA have exposed the hypersexualization of the Black and Latina women and the racialized dimension of the discursive construction of sex work (Brooks, 2010). Representation of prostitutes as prototypical female victims (Jacobsen and Stenvoll, 2010) and of traffickers as members of Russian Mafia (Stenvoll, 2002) have been found to position the state as the protector and both 'victims' and 'criminals' as not belonging to 'our' society. This, in turn, has triggered fears of the massive influx of migrants and of the westward expansion of criminal networks and has given rise to the anti-trafficking campaigns functioning as tools for preventing and controlling of irregular migration (Nieuwenhuys and Pécoud, 2007; Schatral, 2010).

Yet while these studies offer extremely important insights into the ways in which representation foregrounds the figures of victims and criminals, in what follows I suggest paying more detailed attention to the gendered and sexualized categories that underpin the narrative structure of victimhood. These insights, enabled by feminist scholarship in film and literary studies, illustrate well the cultural codes upon which the figure of the victim rests and the reasons why this figure continues to retain its discursive power. The tragic story of a woman,

sexually innocent and economically naïve and whose life and dreams are smashed by the harsh realities of sexual slavery, is a common narrative trope in both textual and visual accounts of trafficking (Arthurs, 2012). This narrative structure of the loss of innocence reproduces the early 20th century genre of the fallen woman, popular especially in the films of that period. As mapped by Lea Jacobs (1995), those films were characterized by a strong cautionary tone and a warning about the tragic fate awaiting young women who left home to follow an acting career in Hollywood, the latter symbolizing the popular anxieties about sexual trespass. The history of the trope of the fallen woman stretches further back in time and it can be found in the literary antecedents of the story that permeated 19th century popular culture such as opera, narrative painting, stage melodrama and fiction in Britain, America and Europe.

The cautionary tone about leaving home and the loss of sexual innocence typical of the fallen woman genre reappears in the contemporary narrative of sex trafficking, as the latter warns women who wish to migrate to the West that their migration is likely to lead into forced prostitution and slavery from which they will be unable to escape. In a number of anti-trafficking campaigns in Eastern Europe, this situation is conveyed through the visual metaphor of the doll, of the puppet suspended by the hooks and cords or the doll-toy packaged and displayed in a box (Andrijasevic, 2007). Feminist scholars working in the field of literature and art have suggested that the representation of women as dolls is a standard part of the patriarchal repertoire of Western culture, a type of culture-text that is invoked time and again in order to confine the threat of female subjectivity (Meijer, 2002). As I have argued in my own work, the gravity of this

situation is further signalled through the image of an inanimate women's body or the implicit reference to death, which insinuate that death is the only possible way out of the situation of abuse and sexual slavery (Andrijasevic, 2007; Arthurs, 2012). The implicitly proposed alternative is not to migrate, as home is depicted as the safest option for young women (Sharma, 2003). This type of representation of home -- as devoid of dangers such as abuse, violence or prostitution -- reproduces traditional images of femininity that position women outside of the labour market and inside the reproductive and private sphere. To rephrase this in the words of the art critic Griselda Pollock, who has studied the image of fallen women in modernist paintings, such traditional representation has bound women to the sphere of the 'familial, heterosexual domesticity' (Pollock, 1988: 78).

In her work on film and sexuality, Annette Kuhn (1985) suggests that, far from being attributes that 'naturally' characterise victims, body, sexuality, passivity, private sphere and reproductive labour are all codes forming a chain of signifiers that come together to create a specific meaning in representation. These signifiers are not attached to the female body randomly and are at the very core of Western science and knowledge that assume a male subject who is constructed in opposition to his 'Other'. This model rests on the classical Western system of dualistic oppositions such as active/passive, culture/nature, reason/body, and public/private organized according to the logic of difference and where the difference is always expressed in terms of the negative (Braidotti, 1994). The masculine and the feminine are hierarchically organized and therefore not interchangeable. It is perhaps of no surprise then that the term

trafficking is highly gendered insofar as men are structurally perceived as smuggled and women as trafficked. This raises issues about the ways in which cultural codes around sexuality and gender underpin the apparently neutral UN definitions and foreground the figure of the victim. The question of codification and semiotics then brings to the fore the extent to which 'women as victims' is shored up in representations of sexuality and structurally reinforced through gender dualism. Importantly, however, the figure of the victim is not a universal and identical in all contexts. Rather, the complexity of the figure of the victim lies in 'her' embeddedness in a set of specific cultural and historical forms. In today's Europe, victims of trafficking are overwhelmingly identified as Eastern European. While it can certainly be argued that this is due to the fact that the majority of the migrant women working in the sex sector in Western Europe are indeed from Eastern European and Balkan countries (TAMPEP, 2009),² I contend that the identification of Eastern European women with victims of sex trafficking is not simply a matter of numbers but is rather deeply entrenched within the discursive construction of Eastern Europe and its peoples.

In his historical study of Eastern Europe, Larry Wolff argues that even though the political map between East and West Europe has changed following 1989, the idea of Eastern Europe persists (1994). While during the Renaissance the main distinction was that between the South and the North Europe, with the Enlightenment and the location of intellectual centres in Western Europe, the main axes of differentiation shifted to that of West versus East Europe. With the emerging of the term civilization in the 18th century, Wolff argues further, Western Europe appropriated for itself the notion of civilization and, through the

work of intellectual artifice and cultural creation, 'invented' Eastern Europe as its backward and barbaric other. For Wolff, this conceptual division still survives in public culture and mental maps and it can thus be traced too, I argue, in the discursive construction of sex trafficking where Eastern European women are seen as victims and Eastern European men as perpetrators of trafficking. The process of 'Othering' operates in this case through the opposition between people of East and those of West Europe whereby former societies are seen as more patriarchal and violent and latter as more progressive and democratic. The portrayal of both victims and traffickers as Eastern European and of women as victims of the patriarchal social relations in their countries of origins places sex trafficking rhetoric firmly within an East/West European representational framework and highlights the ongoing discursive power and the social currency of meanings operating through it. The workings of this hierarchical opposition can additionally be seen in the differentiation between voluntary and forced prostitution and the racialization of the two categories whereby consensual prostitution is assumed to be performed by Western sex workers capable of self determination, and situations of coerced prostitution are associated with passive and inexperienced migrant and Third World women (Kapur, 2008).

As we can see therefore, the figure of the victim of sex trafficking is always already historically and culturally coded. It is precisely this codification that, in the contemporary European context, posits the victims as Eastern European. In order to highlight the working of such codification within the symbolic systems of culture and language, feminist theorists have stressed the difference between 'Woman as representation' and 'women as experience', and argued that women

as historical beings and subjects of social relations are not to be confused with Woman who is 'purely a representation, a positionality within the phallic model of desire and signification' (De Lauretis, 1987: 20). 'Woman as representation' then, in opposition to 'women as experience' works as a signifier bound by the symbolic order whereby the female occupies the position of the sexualized and racialized 'Other'. The figure of the victim of sex trafficking then, coded as female, passive, unfree and object of violence constricts women from Eastern Europe within a confining and disabling order of representation. Consequently, this implies that cultural codification sets the terms of the representation of social groups. As Gayatri C. Spivak argues, the fact that members of certain social groups – such as her own chosen case of widow self-sacrifice in Bengal—are not considered subjects results in the lack of a subject position from which to speak and restricts the imaginary via which alternative subject positions may be articulated (1988). Paying attention then to the sexual, gendered and cultural signifiers of representation makes visible the ways in which, in Europe, the figure of the victim of sex trafficking is already framed through a codified set of categories that draw on existing symbolic and historic registers, and which limit the extent to which women from Eastern Europe can be imagined and represented as subjects.

Representation and its ambivalences

In the previous section I demonstrated how the image of the victim of trafficking has been constructed through sexual, gender and cultural codification. And yet,

the stereotypical images of Eastern European women as victims (and of men as criminals), though well established, are far from stable and definite. Images, whether in terms of representation or self-representation, as I show in this section by drawing on feminist and queer studies of cinema, sexuality and narrative, are productive of contradictions and traversed by ambivalences at both social and subjective levels.

As Richard Dyer explains, stereotypes as aesthetic and social constructs, condense a large amount of complex connotations into simple and easy to grasp images (1993). Stereotypes are static and their fixity is achieved through the organization of the plot around an implicit narrative pattern and identical plot function (1993: 15). In being organized around a static narrative pattern, stereotypes function as a mode of ordering and simplifying the complexity of social life as well as a way of preserving the boundary between social groupings, especially in situations where differences between social categories might not be clearly discernable: 'The role of stereotypes is to make visible the invisible, so that there is no danger of it creeping up on us unaware; and to make fast, firm and separate what in reality is fluid and much closer to the norm than the dominant value system cares to admit' (1993: 16). These considerations are particularly relevant for the figure of the victim of sex trafficking in the European context. The simplicity of the narrative pattern is most visible in the fact that the plot never varies: the deception is followed by coercion into prostitution, subsequently the plot moves into the tragedy of sexual slavery, which in turn is resolved through the rescue of the victim by the police, an NGO or a benevolent client. Importantly, while Eastern European women are likely to be white and

hence racially not immediately distinguishable from Western European women, it is precisely stereotype's separating function that draws a line between the two groupings. The representation of Eastern European women as victims differentiates them from their European counterparts and signals the limited extent to which Eastern Europeans have progressed in their movement towards democracy and capacity for political participation (Andrijasevic, 2010).

To return to Wolff, this differentiation is ambivalent and unstable as it is grounded in what he has called the two-fold construction of Eastern Europe as 'Europe but not Europe' in that Eastern Europe has both been defined in opposition to Western Europe and as different from the Orient. The idea of Eastern Europe has evolved, Wolff argues, as 'an intellectual project of demi-Orientalization' located in the intermediary geographical and cultural space between Western Europe and the Orient (1994: 7). It is this ambivalent positioning as European and non-European at the same time that results, I suggest, in the Eastern European women's dual identification as both victim and agent. An instance in which this can be observed is the Yani case, when The Netherlands' Secretary of State for Justice denied residency permits to six self-employed prostitutes from Poland and the Czech Republic. The position of the Dutch state was based in the argument that women were not autonomous workers since it was impossible to establish whether they migrated and worked in the sex industry in The Netherlands on their own free will.³ This decision was overruled in 2001 by the European Court of Justice (ECJ) that argued that The Netherlands was in breach of the Right of Establishment under the European

Agreements that gives nationals of the accession countries the right to free movement and self-employment in the EU.⁴

It could certainly be argued, as some scholars have (Hubbard et al., 2008), that the trafficking rhetoric is used by states, as in this case by The Netherlands, to enforce control over migrants' mobility and labour and that this in turn results in the exclusion of sex workers from the protection of the law. However, I would like to suggest that the perspective of exclusion fails to observe the ambivalences and contradictions that are part of the process of European enlargement and hence of the juridical and discursive redrawing of European space, peoples and citizenship. As the example of ECJ's ruling in the case of free movement of workers shows, the focus on victimhood overlooks the increased impact of market logic on commercially mediated sexual relations as well as on social and political life more broadly (Bernstein, 2007; Jacobsen and Skilbrei, 2010). In contemporary Europe then, the transformations and uncertainties brought about by changing national identities, borders and citizenship are mitigated, in part, through the sex trafficking rhetoric. It is through the image of the dead woman's body, as Elisabeth Bronfen shows in her book on death, femininity and the aesthetic, that culture articulates its desire for immutability and the threatened order is negotiated (1992). The association of femininity and death, Bronfen suggests, is common in the repertoire of Western culture and appears as a popular theme especially in the literature and painting from the Age of Sensibility to the Modern period. In the context of ongoing transformations then, a dead feminine body – in a manner similar to that of the stereotype -- works to

secure the fantasy of a social order where differences between self and the other, West and East Europe are still in place.

The instability and ambivalence that permeates cultural representations urges us to re-examine both the notions of a victim and agent as well as the oppositional frame within which these operate with respect to migration and sex work. Much of the criticism feminist scholars, myself included, have advanced in relation to the figure of the victim of sex trafficking has focused on the stereotypical representation of femininity and the objectification of passive and violated women's bodies. These observations, while important, are however limited in their assumption of a separation between the mainstream representation of a victim (A) and the material-lives informed alternative image of women as agents (non-A). The work done in feminist and queer cinema studies offers insights into limits of this framing and suggests that such a juxtaposition between the two positions is untenable in as much as the production of subjectivities are always intertwined with mainstream images. In her work on semiotics, feminism and cinema, Teresa de Lauretis has illustrated how subjectivities are produced through the binding of fantasy and affect to mainstream images, and the ways in which this process directs a subject's desire, pleasure and satisfaction (1984). Consequently, this blurs the boundaries between the subject and the object of the gaze and brings attention to the multiple and contradictory instances through which subjectivities emerge and take shape.

These insights into the working of representation and the constitution of subjectivities are key for the debate on victimhood and agency in migration and sex work. As we have seen, in the public debates on prostitution and trafficking, the figure of the victim is opposed to that of the sex worker, usually on the basis whether one has been deceived and coerced or has chosen to work in the sex sector prior to migrating. This view of victimhood and agency makes use of a static perception of the self and does not take into consideration that subjectivities are dynamic and shift and change *through* migration and sex work. In common with my own developing approach in this chapter, a minority of theorists have argued for approaching sex work in terms of a process of subjectivity formation. Studies of non-migrant women's street sex work in England (McKeganey and Barnard, 1996) and of club and street sex work in Peru (Nencel, 2000) have shown that women interviewed did not see themselves as sex workers but rather as mothers and as virtuous women; instead it was always others that they worked with whom they identified as whores.

While not citing these early works, new studies have emerged of late that offer exciting insights into the transformation and constitution of subjectivities through processes of migration and sex work. These studies could be seen as a continuation of past attempts to overcome the limits of the victimhood/agency analytic framework in that they bring to the fore the array of hopes, investments and desires that migrants associate with life and work abroad. Additionally, these works outline with much attention also the negotiations and manoeuvres migrant women engage in, in order to deal with the material and symbolic constraints on their lives as well as their own and their families' aspirations for a

better future. For example, Sealing Cheng's (2010) work on Philipina migrants in the entertainment sector in South Korea illustrates the ways in which migrant women frame their sexual-economic exchanges in emotional terms so as to juggle the situation of working in a club and being nevertheless (seen as) respectable. Similarly, my own work on Eastern European migrant women in street prostitution in Italy (2010) and the work by Christine Jacobsen and May-Len Skilbrei (2010) on Russian women working in the sex sector in Norway, show the effort women put into resisting being identified as a prostitute, the multiple and contradictory positions they occupy (such as those of a mother, daughter, victim, migrant as well as sex worker) and the ways in which they simultaneously embrace, resist and rework existing representations of femininity and sex work. These findings on the dynamic and contradictory constitution of subjectivities have prompted scholars to argue that many trafficked migrants occupy ambiguous positions that cannot be resolved by identifying them either as victims or sex workers (Mai, 2011; Yea, 2012).

While these studies sit uneasily with those scholarly and activist positions that see victimhood as belonging to the dominant representational regime and as enhancing the 'oppression paradigm' through which sex work gets repeatedly distorted and simplified (Weitzer, 2010: 15), they are in my opinion crucial in order to outline a more flexible analytical framework where contradictions in women's narratives can be engaged and worked through. Against the tendency to deploy the narratives of migrant women in the sex industry as evidence of agency and hence a straightforward challenge to the notion of victimhood, I suggest that we consider these narratives as instances of self-representation. It is

useful to return here to Spivak's essay and her provocative affirmation that the subaltern cannot speak, through which she launches a representational challenge to empiricism (1988). To engage in such a challenge is not to suggest that, in as much as their accounts are stories, migrant women's experiences in the sex industry do not matter, but rather that these accounts – in a manner similar to that of the figure of the trafficked victim—are also a set of representations that cannot stand un-interrogated as a counter-truth.

Ken Plummer's work on sexuality and narrative is helpful here as he suggests that sexual stories are not facts or signs of truth, but rather topics to investigate in their own right. Similarly to other stories, sexual ones are held together by a plot, motivation and a sequence of time and characters (1995). This is particularly salient in relation to accounts of migrant women in the sex industry where the stigma of prostitution, intimate and erotic encounters, and desire for love or/and marriage emerge as pivotal elements in women's narratives and their self-representations.⁵ While critical scholars have put much effort into shifting the attention from sexuality and stigma towards labour and rights in relation to sex work and trafficking, it seems to me that there is a need for a renewed focus on sexuality in order to map and study the shifting modes of identifications that women doing sex work engage in. Such a perspective could open space for the investigation of the division of the subject in the imaginary as well as in the social and allow for a more nuanced reading of the hold of heterosexual and reproductive norms upon the constitution of the subject. The importance of subjectivity in relation to sexuality is key, I suggest, to feminist struggles for rights and political participation: whether sex workers and/or

migrants assert themselves as political actors and take part in collective mobilizations will depend not only on their working conditions but equally on whether they see themselves as workers in the first place.

Conclusions

In this chapter I have discussed the ways in which the work by feminist theorists and sex worker rights' activists has been crucial in challenging the figure of the victim of trafficking and in broadening the debate from matters of organized crime and violence against women to those of agency, rights and labour. Given the rhetorical and discursive dominance of the notion of trafficking as modern slavery and the tendency of politicians and NGOs to speak for women, it is no surprise that the majority of critical engagement with the figure of the victim has taken place in relation to the material conditions of women's lives and work and by foregrounding women's voices as sources of knowledge, action and politics. To begin investigations from the lives of marginal and oppressed groups, their histories and struggles produces, as feminist standpoint theorists have argued, a less distorted view of the social and political world and contributes to transform the dominant modes of research and knowledge (Harding 1987, 1991; Code, 1993).

And yet, as someone who has been working on this topic since the late 1990s and has participated, both as a scholar and an activist, in the efforts to show the inadequacy of the figure of the trafficked victim to portray contemporary

women's migration for the sex sector and replace it with that of migrant women as agents, workers and claimants of rights, I have become increasingly sceptical about the analytical frameworks favoured in such critical scholarly interventions. My doubts concern in particular the methodological and epistemological premises of this work, in that critical scholarship derives and builds its insights on the evidence-based case studies of women's migratory experiences and on the working and living conditions in the sex sector. It seems to me that the emphasis on the material conditions of women's lives and work has reinforced the victim/agent dualism and the juxtaposition of 'representation' and 'reality'. Instead of continuing to engage representation only marginally, due to its being perceived as a mode through which mainstream image of trafficking is propagated and enforced, I have argued for making representation a key area of intervention and analysis. As I have shown in the case of Eastern Europe, representation is central to understanding the extent to which trafficking discourses are historically and culturally codified as well as the ways in which dominant images, especially around heterosexual and reproductive norms, are incorporated into women's self-representation. The most recent developments in the field have adopted an interdisciplinary approach to sex work and migration that takes into consideration both materiality *and* representation, as well as their mutual interdependence, in order to overcome oppositional modes of thinking and to move beyond agent/victim divide in scholarship and activism.

Interestingly, in her second and updated introduction to one of the key feminist edited volumes on human trafficking, Kamala Kempadoo notes that, while the field of analysis has broadened and approaches have become more sophisticated,

no paradigm shift and no ground-breaking theoretical approach has been brought to the study of sex work and trafficking in recent years (2011). Instead, Kempadoo argues further, the contrasting approaches between feminist activists and scholars have drifted further apart and the differences have become more fiercely contested. While Kempadoo's evaluation of the current situation in feminist theory and activism is quite accurate, the analysis undertaken in this chapter on matters of representation outlines the arena of subjectivity as a possible new direction in which the field might develop. To make subjectivity central within the research on sex trafficking will require feminist scholars to tackle, in more depth and more critically, the category of 'agency' in relation to sex work and migration. This would then allow theorists to build on the work of feminist theorists working on affect and sexuality (Berlant, 2011; Hemmings, 2012), foregrounding ways in which marginal subjects invest and attach to normative agendas, the ambivalences of desire, and the complex subject positions that these processes give rise to. The extent to which these attachments might undermine political mobilizations and/or facilitate the constitution of new political subjectivities, precisely due to the overlap of positions commonly seen as separate, are some of the new and exciting directions where the study of subjectivity in relation to sex work and representation might take us.

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Notes

¹ For trafficking to be legally acknowledged, the three-elements chain, namely, the act (or recruitment, transportation), the means to enforce the act (threat, use of force) and the outcome (exploitation) need to be present. The definition of trafficking in persons is provided by the *Protocol to Suppress and Punish Trafficking in Persons, Especially Women and Children* and reads as follows: 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs',

<http://www2.ohchr.org/english/law/protocoltraffic.htm> consulted on 3 January 2013

² Across the European Union (EU), migrants constitute the majority among sex workers. The distribution varies however as migrants make up a 70% of total population of sex workers in 'old' EU member states and only 15% in the 'new' member states (Latvia, Lithuania, Estonia, Poland, Slovenia, Czech Republic, Slovakia, Hungary, Romania and Bulgaria). The average is higher in countries such as Italy, Spain, Austria and Luxembourg where migrants comprise 80% to 90% of overall sex workers. The disparity between 'old' and 'new' member states is due to the fact that 'old' ones offer better earning potential than the 'new'

member states which are of lesser economic interest to migrants and have imposed, as part of EU accession process, tight immigration and residency regulation on non-EU nationals. As the main areas of origin of migrants in the sex industry are from non-EU eastern European and Balkan countries (37%) and from the 'new' EU member states (32%), we see that the main migration movement in Europe is intra-European, namely from eastern to central and to western Europe. Other regions of origin of migrants in the sex industry are Africa (12%), Latin America and the Caribbean (11%) and Asia Pacific (4%).

³ <http://eur->

lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61999J0268:EN:HTML#SM
consulted on 20 November 2012

⁴ 'Accession countries' is the synonym for what used to be A8 countries, namely the eastern European countries that joined the EU in 2004 and in 2011. While until April 2004, restricted in taking up employment anywhere in the EU, the A8 nationals could exercise the right to free movement and labour mobility in the 'old' EU member states if, as in the Yani case, they were self-employed. In case they were not, their labour mobility remained partial until April 2011.

⁵ The topic of love in relation to migration and constitution of subjectivity is of particular relevance here. On the function of the topos of love in life stories of migrant women see Alexandrova (2007) and on love and sexuality as an analytical framework through which to challenge the heterosexual and economic logic of the mainstream migration scholarship see Mai and King (2009).

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