Silencing the challenging voices of the global ‘subalterns’ in anti-trafficking discourse | openDemocracy

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Contemporary anti-trafficking discourses are powered by a series of gendered and racialised binaries that silence the voices of the global subalterns, undermining their agency, and defusing their transgressions.

Contemporary forms of human trafficking are analysed from a variety of different and sometimes competing perspectives. Rarely is there consensus among academics, politicians or activists regarding what ‘trafficking’ is or what to do about it. Despite these differences, contemporary anti-trafficking discourses agree on one crucial idea: there is such a thing as ‘trafficking’ that can be discovered, analysed, and told.

‘Trafficking’ however, is not a neutral concept into which facts can be easily inserted, and from which policy responses can be efficiently derived. Instead, the ‘reality’ of trafficking is *created* by those discourses that have become dominant and accepted as ‘truth’. These discourses allow for particular understandings and actions, while foreclosing others. It is through these discourses therefore, that ‘trafficking’ emerges as a phenomenon that can be governed.

The convergence we’ve seen among otherwise disparate—and at times contradictory—narratives results from their common use of conceptual binaries to render the complexities of trafficking understandable: legal versus illegal migration, slavery versus free labour, or victim versus criminal. These binaries, which often become gendered and racialised, serve to articulate identities, notions of belonging, and conceptions of development in ways that silence the challenging voices of the global ‘subalterns’. The subalterns, according to Gayatri Chakravorty Spivak, are not simply those that are oppressed or disenfranchised. They are those that are oppressed and disenfranchised *in such a way* that forecloses any possibility of moving upwards. The global subalterns therefore, are those populations that are removed from all lines of social mobility, relegated to a space that is not a space, a position of political invisibility and misrecognition, which does not permit the formation of a recognisable basis of action.

The many binaries of anti-trafficking discourse

All hegemonic narratives understand trafficking to be an epiphenomenon of irregular migration, in opposition to legally approved modes of migration. This is problematic for two main reasons. First, as the work of Rutvica Andrijasevic and others has shown, trafficking can have elements of legal migration, such as legally obtained visas, and legal migration may include illegal elements too, such as bribes from state authorities.

Secondly and more importantly, to assume that regular and irregular migration are completely different hides the fact that such a distinction depends on the sovereign power of nation-states to control their borders. The power of this discursive separation ultimately serves to protect nation-states from those who are considered unwanted, and to justify a state’s use of force to accomplish that goal. It also conceals that a causal relationship exists between the two, as many migrants are *forced* into irregular forms of migration

precisely because formal migration channels are not available to them.

Another dichotomy employed by hegemonic anti-trafficking discourses distinguishes between slavery and free wage labour. The absolute nature of the slave's subjection is contrasted with capitalist wage labour underpinned by the presence of a contractual relation. This relation, however, presupposes the free nature of the contracting subject. Because slavery does not exist as a legal status however, the distinction between slavery and free labour actually depends on the definition of what constitutes tolerable and intolerable forms of exploitation.

This definition is, above all, political. Current anti-trafficking discourses render invisible the 'unspectacular' exploitation suffered by many as a result of the routine operations of global capitalism. They do this by limiting the 'intolerable' to the extreme exploitation connoted by the notion of 'slavery'. Moreover, anti-trafficking discourses depoliticise the question of migrants' labour rights by racially representing slavery as characteristic of non-democratic societies, and wage labour as specific to capitalist market relations in liberal democracies. This disconnects their economic exploitation from global economic disparities.

Forced vs. voluntary: constructed innocence and guilt

Given that many low wage workers undergo similar experiences of exploitation, anti-trafficking discourses must further distinguish between forced and voluntary migrants. This singles out the 'experience' of trafficked persons, depicting them as 'innocent' within activities that are criminalised, such as irregular migration or prostitution. The collateral effect of this is to divide migrants into different categories according to their degree of agency.

These categories are, again, heavily racialised and gendered. In fact, while most legal instruments designed to combat trafficking include a specific mention of women and children, no such reference is contained in legal instruments regarding smuggling. Anti-trafficking discourses often depict women (especially non-western women) as particularly devoid of agency, victimised and subject to (sexual) abuse. By linking the risks of migration and sexual abuse to the fact that they are *women* however, anti-trafficking discourses often encourage women to not migrate at all, in name of their own protection.

The forced/voluntary distinction is applied far beyond migration. Prostitution, for example, tends to be analysed within the dominant western script on sexuality. This confines sex to intimacy and love, and thereby portrays all sexual acts that take place outside of such spheres as degraded or degrading. As a result, prostitution is often understood as immoral and inherently sexist, and therefore contrary to the rights of women. This understanding makes those who consent to engage in prostitution somehow 'guilty' or 'wrong', whether immoral themselves or suffering from a severe case of false gender consciousness.

The distinction between forced and voluntary prostitution therefore, is underpinned by a distinction that separates 'whores' from the hegemonic understanding of 'womenhood'. This distinction not only divides and disciplines women, but determines their innocence or guilt. It also upholds a view of sex as naturally procreative, thus reifying the notion of the 'good sexual citizen' who restricts sex to the realm of the intimate and private.

Victims vs. criminals: the final dichotomy

Ultimately, all these distinctions amount to a clear separation between 'victims' and 'criminals'. Paradoxically, the need to draw such distinction derives from current anti-trafficking discourses themselves. These discourses must adequately distinguish 'real' trafficked persons from 'bogus' ones if they are to consider individual cases of prostitution, irregular migration and transnational organised crime as 'victims of trafficking'. This distinction is, like all the binaries upon which it is sustained, gendered and racialised as the role of 'victim' or 'criminal' is linked to particular identities.

In the words of Jo Doezema, “it is not an accident of history, but a legacy of empire, that third world prostitutes’ suffering bodies are at the forefront of certain feminist anti-trafficking campaigns today”. Non-western women are the typical victims of trafficking within hegemonic anti-trafficking discourses. A nexus is established between their identity and their victimhood status. They are presented as poor, uneducated, tradition-bound and victimised, and consequently in need of ‘rescue’. ‘Criminals’ too are gendered and racialised, as they are identified primarily as male and non-western criminal gangs.

In using gendered and racialised notions of ‘victims’ and ‘criminals’, current anti-trafficking discourses locate responsibility in the unscrupulous practices of certain individuals, or in terrible cultural and economic conditions originating most commonly outside of the West. They also position western governments as unrelated to the situation of vulnerability of irregular labour migrants. As such, they then become *rescuers* with pure intentions and a moral commitment to the care of others. Such discourses ultimately serve to silence the voices of the global ‘subalterns’. They construct a hierarchy of patriarchal and economic development that depoliticises their agency and defuses any challenge that their transgressions may pose to the structuring of citizenship, mobility and labour rights in exclusionary terms.