

**NEW THREATS OR OLD STEREOTYPES?  
THE REVIVAL OF 'TRAFFICKING' AS A DISCOURSE**

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## Introduction

The so-called “traffic in women and children” is a hot political issue right now. Just some of the international initiatives include:

- An Ad Hoc Committee of the United Nations, which is presently preparing a Draft Convention Against Transnational Organised Crime - two of the three optional protocols to that document will relate to “trafficking in persons”.
- The UNHRC is preparing international documents relating to the trafficking of women and children.
- The IOM is preparing to host a Regional Initiative on the subject in Manila in April 2000.

These developments are in response to international concern about the growing “trade in women and children” for sexual purposes.

Australia has not escaped the grip of this fever. The nature of the recent headlines are probably familiar to all of you:

- “\$1M Trade in Sex Slaves”
- “Blitz on Sex Slave Trade”
- “Feds in ACT Brothel Swoop”
- “Migration Swoop Nets 5 in ACT Brothels”

Today, I want to talk not so much about the practices of trafficking, although some of this will necessarily come up in the discussion - but rather I want to focus on the discourse of trafficking - the way this phenomenon is reported in the media, and the particularly the way it is researched by social scientists including criminologists.

“Trafficking” is, and has been for over 100 years, a site of conflict over competing sexual values, a conflict that intersects with considerations of race, international relations and of course, gender. I will argue that much of the discussion today, reflects and reinforces outdated stereotypes of Asian (or other developing world) women as passive, helpless victims, in need of rescue, thereby ignoring the reality of the difficult choices that these women might have made. I will note that present approaches to the issue strongly reflect the approaches that were taken to the issue in the nineteenth century, when European migrant sex workers were said to be victims of the “white slave trade”. Now, as then, interested organisations and the media are relying on what is really a “myth” of trafficking - a simplistic explanation for a messy and complex reality<sup>1</sup>.

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<sup>1</sup> The opinions expressed in this paper are those of the author and do not necessarily reflect those of the Australian Institute of Criminology, the Australian Government or the United Nations Global Programme Against Trafficking in Human Beings.

## Hierarchies of Sexuality

I want to begin today by briefly explaining Gayle Rubin's theory of the politics of sexuality. She first published on the subject in the early 1980's, so the ideas are not new and will probably be familiar to many of you.

Rubin argues that sex or sexuality, like race, class, and gender, has its own internal politics, inequities and modes of oppression. As with other aspects of human behaviour, sex is not ahistorical or essential but is the product of a particular time and place. One may think of sexual politics in terms of such phenomenon as populations, neighbourhoods, settlement patterns, migration, urban conflict, epidemiology, and police technology. Like these phenomena, sex is always political.

Rubin argues that most Western societies appraise sex acts according to a hierarchical system of values - marital, reproductive heterosexuals are at the top of the pyramid, closely followed by heterosexual couples, below them are perhaps same-sex long term couples - and lower still are promiscuous homosexuals, transsexuals, and sex workers. There are of course many more categories than this. Individuals whose behaviour stands high on the pyramid are rewarded with certified mental health, respectability, legality, social and physical mobility, institutional support, and material benefits. Rubin notes that:

As sexual behaviours or occupations fall lower on the scale, the individuals who practice them are subjected to a presumption of mental illness, disreputability, criminality, restricted social and physical mobility, loss of institutional support, and economic sanctions<sup>2</sup>.

According to Rubin, hierarchies of sexual values operate in much the same way as ideological systems of racism, ethnocentrism, and religious chauvinism: sexual stratification "grants virtue to the dominant groups, and relegates vice to the underprivileged"<sup>3</sup>.

Rubin notes that there are particular periods where sex is hotly contested and overtly politicised. She writes that "In such periods, the domain of erotic life is, in effect, renegotiated"<sup>4</sup>.

This kind of analysis is readily applicable to discussions about "trafficking". The word "trafficking" has a relatively short history. The concept first emerged as a result of the so-called "white slave trade", a phenomenon first reported by the media in London in the 19<sup>th</sup> century. Typically, media representations of white slavery invoked images of innocent, young white virgins, being lured, deceived, drugged or otherwise forced into the dark world of prostitution by violent, evil traffickers<sup>5</sup>. The discourse of 'white slavery' was, however, never monolithic, or inherently consistent<sup>6</sup>. For some, white slavery involved all prostitution, while others saw it as only as referring to the alleged practice of kidnapping and selling white women to foreign men for sexual services.

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<sup>2</sup> Rubin, G "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality" in Vance, C (ed) *Pleasure and Danger: Exploring Female Sexuality*, Pandora Press, 1992 (3<sup>rd</sup> Edition), 267-319, at 279.

<sup>3</sup> Rubin at 283.

<sup>4</sup> Rubin at 267.

<sup>5</sup> See further, Du Bois, C and Gordon, L, "Seeking Ecstasy on the Battlefield: Danger and Pleasure in Nineteenth Century Feminist Thought", in Vance, C (ed) *Pleasure and Danger: Exploring Female Sexuality*, Pandora Press, 1992 (3<sup>rd</sup> Edition), 31- 49.

<sup>6</sup> Doezenia, J "Loose Women or Lost Women? The Re-emergence of the Myth of 'White Slavery' in Contemporary Discourses of Trafficking in Women" Paper presented at the ISA Convention (see <http://www.walnet.org/csis/papers/doezema-loose.html>), Washington DC 1999, at 3.

From these disparate understandings of white slavery, it is nonetheless possible to distil some key elements: white slavery came to mean the procurement by force, deceit or drugs, of a white woman or girl, against her will, for prostitution<sup>7</sup>.

Lurid media exposes of the alleged “white slave trade” in London, the United States and Australia, not surprisingly threw the authorities in those countries into a panic. Organisations sprang up to rescue innocent women from this plight, legislation was introduced to prevent women from travelling, and I suspect the media made a lot of money out of the sale of shocking but titillating tales in newspaper. All this, despite the fact that little evidence was ever available to confirm the existence of the trade. In NSW in the late nineteenth century, a Royal Commission into allegations of gambling, opium smoking and white slavery by Sydney’s Chinese community, concluded that while some Chinese did operate gambling establishments and a few did smoke opium, allegations of white slavery were unfounded. Indeed, the report stated that those Australian women who were living with Chinese men claimed to enjoy better treatment under their present circumstances than they had previously been accorded by white Australian males<sup>8</sup>.

Today, historians tend to agree that stories about “white slavery” were in fact triggered by the increase in female migration, including the migration of female prostitutes, that was made possible by the increased mobility of populations, and necessitated by high levels of poverty and unemployment. These demographic and social factors, combined with fears about declining moral standards, the collapse of the family, and racial purity<sup>9</sup>, to create the myth of “white slavery”. This myth was as much about maintaining the status quo, by discouraging inter-racial relations, extra-marital sex and travel by single women, as it was about ‘protecting’ women from the dangers of prostitution.

Rather than undertake the difficult task of unravelling the complex and messy web of factors that contributed to the rise of female migration and prostitution, the media, politicians and many contemporary feminists relied on simple explanations and scapegoating. Difficult economic, social and political problems were reduced to a “melodramatic formula of victim and villain”<sup>10</sup>. The white virginal young girl was contrasted to the evil foreign “trafficker”<sup>11</sup>. This image fitted with racist stereotypes, that a right minded young woman would never willingly submit to sexual relations with a foreigner – women were of course viewed as being wholly incapable of making meaningful decisions about their own lives, and particularly about their sexuality – and there was never any mention that men could sell sex. The “white slavery” image also fitted with the sexual stereotype of the day, that promiscuous sex was dark, dirty, violent and dangerous, and that entry into the world of prostitution constituted the ultimate fall from grace. The lack of viable financial options for women barely rated a mention, as good women were presumably supported by their husbands.

The association of the term “trafficking” with prostitution, and particularly the prostitution of women and children, has stuck with us today. In the past year, the Ad Hoc Committee on the Elaboration of a Convention on Transnational Organised Crime has been debating whether

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<sup>7</sup> Doezeema at 3.

<sup>8</sup> NSW Parliament, *Report of the Royal Commission on Chinese Gambling*, Government Printer, 1892, 21, cited in Grabosky, P *Sydney in Ferment: Crime, Dissent and Official Reaction 1788 to 1973*, ANU Press, 1977, 94.

<sup>9</sup> Guy 1991, 7, cited in Doezeema at 3.

<sup>10</sup> Gibson 1986, Corbin 1990, Grittner 1990, cited in Doezeema at 5.

<sup>11</sup> Doezeema at 7.

the Optional Protocol on Trafficking should cover trafficking in women and children, or trafficking in persons. A compromise was reached – it was decided that the optional protocol will cover trafficking in persons, but **especially** women and children.

We continue to see the word “trafficking” used interchangeably with talk about the sex industry, prostitution, and sex slavery in the media. The Herald Sun reported in 1998 on a “Blitz on Sex Slave Trade”. This article cites a “dramatic rise in foreign prostitutes operating illegally in Australia”, leading to a crackdown on the “growing international sex slave racket”. Several important details are left out of this article: no mention is made of whether or not these “sex slaves” were working in the Australian sex industry by choice, or of the fact that the sex industry in Victoria is legalised. The Article also does not mention that in the first quarter of 1998, (when this article was written), some 400 people were detained for working illegally in Australia – only 14 of these 400 (2.8%) were found to have been working in the sex industry. The article makes no mention of the other 386 illegal workers, their circumstances, or why these people were any less exploited than those working in the sex industry. These 386 people, as non-sex working migrants, are somehow irrelevant to the discussion.

The media is not alone in continuing to beat up the alleged growth in female sexual slavery in Australia. A ‘Primer on Trafficking’, produced by an international organisation committed to stamping out what it describes as “trafficking in women” states that in Australia:

Federal Police estimate that prostitution grosses A\$30 million annually. International crime syndicates traffic both drugs and women; 10 smaller syndicates are known to traffic up to 300 Thai women yearly.

Particularly in Canberra, Victoria and Queensland, Asian women are to be found in prostitution. Russian women have also been recruited for tabletop dancing in clubs that often have links to brothels. In 1995, the Australian Council of Trade Unions recognised prostitution as a labour sector.

On my reading, this statement makes several spurious assumptions:

- prostitution is illegal (when in fact it is legal or decriminalised in most States and Territories of Australia);
- prostitution is inherently exploitative, such that no woman in her right mind would choose to work as a prostitute of her own free will;
- all sex workers who are ‘Asian’ in appearance are recent migrants, and victims of trafficking (clearly ignoring the reality that there are plenty of women of “asian” appearance who are third and fourth generation Australians. Their appearance in brothels does not necessarily mean they are working illegally, or that they are victims of trafficking).

Even if these ‘Asian’ women are in fact recent migrants, it is not necessarily safe to assume that these women are being ‘exploited’. Feminism has argued long and hard that women are capable of controlling their own bodies and destinies, including their sexuality. For some feminists, this argument has been extended, to include the assertion that if women can choose to have sex outside of marriage, surely they can choose to earn a living this way. Legislators in several States and Territories have accepted this argument in relation to “Australian”

women working in the sex industry – in most jurisdictions, legislators have decriminalised or legalised the sex industry to some extent. This argument has not, however, been accepted in relation to migrant workers in the sex industry. Migrant sex workers are denied the right to work here legally – and that is a matter of immigration policy – but even more than this, the media seem to deny that migrant sex workers are capable of making meaningful decisions about their own life, for example, by deciding to seek work illegally in the Australian sex industry. Migrant sex workers are consistently portrayed in the media as sex slaves or victims of trafficking, reinforcing stereotypes about Asian women as sexual objects, somehow intellectually inferior to non-Asian women, passive and inherently vulnerable to exploitation.

The entrenchment of stereotypes affects the kind of social science research that is conducted into the problem - the majority of existing research on trafficking has been designed around two key assumptions:

- trafficking equates to prostitution by a migrant in a foreign country;
- trafficking only affects women.

These assumptions, and the research that is based on these assumptions, are problematic.

If we continue to focus on prostitution, and to ignore situations that involve deception and coercion in other migrant labour markets, we are accepting and perpetuating a ‘hierarchy of slavery’, in which forced sex-work is more heinous than other forms of forced labour. Forced sex work is undoubtedly a serious crime, but surely all forms of forced labour are serious crimes equally in need of attention.

Seen from another angle, accepting a ‘hierarchy of slavery’ assumes that being a prostitute must be the worst occupation imaginable - and this may well be a self-fulfilling prophecy - not because sex work is inherently a dangerous or exploitative occupation - but because sex workers, as practitioners of low-status sexual behaviours, are denied social status, and the industrial protection that is afforded to workers in other industries. As practitioners of low status sexual practices, sex workers are also burdened with presumptions about mental illness, drug addiction, lack of education and intelligence, HIV/AIDS status and general promiscuity.

The assumption that trafficking only affects women is equally problematic. It is well known that men work as prostitutes, and that male sex workers may be subjected to violence, rape, non-payment and other crimes in the course of their work. It follows that men could become victims of “trafficking”, even if that term is limited to a sex-industry context. Furthermore if we step outside the sex industry paradigm, and look to deception or coercion in relation to illegal migrant labour in other industries, it becomes apparent that there is no reason to exclude men from the discussions. Men and women have, for example, been known to work in garment manufacture and agriculture, two industries with a historical association with cheap, illegal migrant labour. If the discussion of trafficking is widened beyond the sex industry, there is no reason to assume that men are above victimisation.

So where to from here - do we abandon the discourse of “trafficking” altogether, or do we endeavour to expand the meaning of that concept? There are arguments in favour of both approaches. In a Statement by Australian Sex Worker Organisations about the allegations of

trafficking of Asian sex workers in Australia<sup>12</sup>, it is argued quite convincingly that the issue should be addressed within a labour framework - that is, the issue is not whether or not people are working in the sex industry or any other industry for that matter - the issue is the maintenance and protection of their working conditions. On this view, and I must say I agree, support should be given to workers in all industries, including the sex industry, and including migrant workers in that and every industry, for safe and fair working conditions. In particular, the Statement urges the Federal Government to adopt the UN Convention on “The Rights of Migrant Workers and the Members of their Families”. To date, this Convention has been signed only by two countries.

The alternative is to accept the power of the trafficking discourse, a discourse capable of raising public attention and funding, but also the spectre of regressive approaches to sexuality, race and gender. I do not know if it is possible to use the discourse of trafficking to the benefit of workers in the sex industry, migrant or otherwise. But I do know that extensive negotiations are going ahead on this issue in the UN at the moment, and that it may be more productive to be on the inside of these discussions, rather than altogether on the outside.

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<sup>12</sup> “Alleged Trafficking of Asian Sex Workers in Australia: A Statement by Sex Worker Organisations”, 6(3) *HIV/AIDS Legal Link*, 1995, 10-12.