

'Control in the Name of Protection': A Critical Analysis of the Discourse of International Human Trafficking as a Form of Forced Migration

CAROLINE AUSSERER¹

*'Traffickers fish in the "stream of migration."'*²

A typical depiction of human trafficking portrays naïve women who leave their country, run into the arms of exploitative mafia networks and are forced into the sex industry. The emphasis often lies upon the hazards involved in migration and sexual exploitation. This straightforward narrative not only creates a particular 'trafficked' subject, but also constitutes a specific and rarely questioned representation of international human trafficking.³

For governments, as well as for several inter-, quasi-, or non-governmental organisations, trafficking has become an emotive political priority. The growing international concern around the issue has led to an increase in studies that examine the whole process of trafficking, with the aim of developing counter-trafficking projects and strategies.⁴ The majority of these studies limit themselves to describing the practice of trafficking, highlighting the actors involved, the routes taken, the exploitation and possible mechanisms to fight it. Thus, there is a stress on creating programs to combat this 'evil' at the expense of a better understanding of its complexities.⁵

In the present article I question the common interpretations of trafficking by analysing them as a form of discourse as understood by Michel Foucault. My argument is that the phenomenon is constituted through discursive practices and specific narratives that underpin trafficking. I assess the tendency to relate it to different issues, like sexual exploitation, organised crime, or forced migration. All of these perspectives influence the debate on human trafficking as each approach wants to impose its specific perspective as the dominant conception of trafficking by determining what it considers as the appropriate 'solution' to the problem according to its diagnosis.

The importance of the discursive approach lies in the analysis of the political implications of the different discourses. Depending on how

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the problem is defined, the solutions vary.⁶ For Marjan Wijers there are different ways to find a solution: she differentiates between repressive strategies and strategies of empowerment.⁷ While repressive strategies can turn themselves against trafficked persons, the empowerment approach focuses on guaranteeing their rights and restoring control over their lives.⁸

In this paper I explore the functioning of one specific discourse around trafficking, the analysis of the proposed solutions to combat it, as well as the political implications, especially for ‘trafficked’ persons. The aim is to deconstruct the conventional discourses on trafficking and show them to be instruments used to strengthen a specific order – that of the nation-state. Such discourses perpetuate the traditional dichotomy present in mainstream theories of International Relations (national versus international), rather than offering a more nuanced understanding would challenge the conventional conception mainly by transcending the established frontiers between these two realms.⁹

The next section outlines the definition and questioning of trafficking as a form of forced migration; a discourse that goes as far as recognizing almost every migrant as a potential victim of trafficking. In order to show this, I will present the construction of the migrant as the *other*, who has to be controlled and policed. In my argument, this discourse is based upon a racial discursive logic that opens the possibility for the establishment of regimes of exclusion and discrimination. In turn, these are unmasked as necessary for the constitution of the figure of citizen and, hence, also for the foundation of political communities.

Trafficking as a Problem of Forced Migration

The perspective that interprets international human trafficking as a problem of migration associates it with forced or non-documented migration. According to a study of the United Nations (UN) there are four forms of migration: permanent migration, labour migration, refugee, and non-documented migration.¹⁰ Following the definition of this research, trafficking is considered part of the last category.

The elements of force and coercion are also present in the definition of trafficking in the Protocol to Suppress, Prevent and Punish Trafficking in Persons, Especially Women and Children of 2000, which constitutes part of the UN-Convention Against Transnational Organised Crime. Article 3a states:

- a) ‘Trafficking in persons’ shall mean 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.¹¹

Thus, according to the Trafficking Protocol, there must be elements of coercion, of violence, and of deception, particularly in the first stage of the trafficking process for it to be considered a form of trafficking. However, there are several analyses which disagree with this definition, arguing that trafficking can also arise from forms of *voluntary* migration, like labour migration. Further, they question whether there always exists a clear differentiation between forced and voluntary migration. 'The vagueness of the notion of deception, in combination with force, coercion and exploitation as core/distinctive components of trafficking establish an oversimplified and ultimately erroneous demarcation between voluntary and involuntary processes of migration.'¹²

In that sense, Rutvica Andrijasevic defends the importance of also recognising the possibility of exploitation in the process of *legal* migration.¹³ As her research shows, legal and illegal elements are often interlinked in the migratory process.

The conflation of trafficking with undocumented migration sustains and strengthens the representation of trafficking as a form of illegal migration. It relies on an over-simplified distinction between 'illegal' and 'legal' migration. (...) Trafficking may have legal elements such as legally obtained visas. Conversely, legal migratory processes may involve illegal components like requests for high fees advanced by the agencies or even illegal payments asked by Consulates.¹⁴

Likewise argue John Salt and Jeremy Stein: 'Trafficking ought not be considered simply a form of illegal migration, for traffickers clearly exploit legal as well as illegal methods and channels of entry, thus blurring conceptual distinctions between legal and illegal migration.'¹⁵

Furthermore, Andrijasevic questions the linear paradigmatic image of the trafficking process. The understanding that exploitation is only present at the end of the migratory process ignores the variety of ways in which people can be exploited during that process.¹⁶ Her research shows for example, that two women from Moldova and Ukraine who travelled to Italy without valid documents had to pay a trafficker at each border-crossing.¹⁷ Without money, they repaid the trafficking agents with sexual work during the migration process, which in the end lasted longer than expected.¹⁸ Andrijasevic further demonstrates that stricter migration controls, instead of avoiding trafficking, transform it in an even more dangerous activity: 'Hence, my work suggests that stricter immigration controls adopted to curb trafficking increase the costs of "doing business,"

raise the value of migrants as “commodities,” and ultimately serve the economic interest of third parties.¹⁹

According to Antoine Pécoud and Paul de Guchteneire, the costly investments in migration controls contrast with their cost-effectiveness. They argue that not even sophisticated border-controls can stop potential migrants, but just increase the risks. ‘Of course, some migrants are caught crossing the border while others are expelled, but motivated migrants manage to escape controls by taking more risks, crossing in new border areas, and relying to a greater extent on professional people smugglers.’²⁰

Whilst trafficking *can* involve ‘illegal,’ non-documented, or irregular migration, it is easy to confound with the practice of smuggling. Several scholars call for a clearer distinction between the two practices. For Marjan Wijers, for example, while smuggling relates to a facilitation of ‘illegal’ migration and constitutes thus an offence to the state; trafficking is defined according to the Trafficking Protocol (see above) representing a violation of the human rights of the individual.²² John Salt explains the difference in the following way:

[S]muggling is clearly concerned with the manner in which a person enters a country and with involvement of third parties who assist him/her to achieve entry. Trafficking is a more complicated concept, in that it requires consideration not only of the manner in which a migrant entered the country but also his/her working condition and whether he/she consented to the irregular entry and/or these working conditions.²³

Several authors question the possibility of a clear distinction between the two practices and demonstrate a certain overlapping of both. For Jaqueline Bhabha and Monette Zard, for example, the dichotomy has the effect of strengthening the constitution of two subjects: on the one hand there is the ‘accomplice-subject’ of the smuggling process, who has to be considered guilty and criminal; while on the other hand there is the ‘victim-subject’ of the trafficking process, who deserves protection, because she or he has not *decided* to migrate ‘illegally.’²⁴ They argue that in practice it is difficult to find ‘pure’ cases of smuggling or trafficking; the majority of strategies of migration essentially challenge this simple categorisation.²⁵ John Salt calls for integrating the practice of smuggling into the definition of trafficking, i.e. using it as a more generic term, which includes ways of crossing borders in a so-called ‘illegal’ way. ‘[T]rafficking may sometimes involve an element of what has come to be defined as smuggling, particularly when it uses the same routes, forged documentation, and organisational networks as the smugglers.’²⁶

Hardly ever is the desire to migrate taken into account as an important factor related to trafficking. The idea of a right to mobility and, at the

same time, the uneven access for many people to this right shows that '[g]lobalisation has made mobility the most powerful and most coveted stratifying factor.'²⁷ In this sense, Andrijasevic proposes understanding trafficking as an alternative system of migration for those who have no access to so-called legal migratory channels. 'This shift of perspective would allow us to move away from the conceptualisation of migrant women as duped into trafficking and bring to the fore the complexity of desires and projects migrant women articulate in their demand of social and material mobility via trafficking systems.'²⁸

While for the mainstream literature on trafficking the focus on the definition of trafficking lies still in the elements of deceit, force, and violence, several scholars question this narrow definition and outline a variety of ways to enter trafficking networks. Critical perspectives question furthermore the thesis of an increase in trafficking because of flawed border measures; they affirm rather the contrary: the widespread tendency towards restrictive migratory policies creates conditions for the emergence and proliferation of trafficking.²⁹

Migrants as the Other

[G]roups of 'strangers' – trafficked women, illegal immigrants, foreign workers help to substantiate the place of the citizen in the nation-state.³⁰

The discourse that interprets trafficking mainly as a problem of migration identifies trafficked persons as 'undesirable aliens,'³¹ and thus presents the difficulty of controlling non-documented migration as the crucial problem that has to be solved. The discourse has to constitute a particular subject in order to operate; that is produced through the imaginary of the *other*. The foundation of this imaginary is an understanding of migration as a form of invasion, as a threat to national integrity and to an assumed national homogeneity, which causes fears and anxieties. This, in turn, establishes possibilities for implementing mechanisms of control of so-called 'illegal' migrants.'

[M]uch of this nebulous anxiety over the narrowing capacities of the nation-state to designate, to contain, and to protect the political community has landed on migrants, refugees, and other 'unpopular strangers.'³²

Michel Foucault differentiates between two technologies of power: the disciplinary power and the biopower.³³ While the first is directed mainly towards individuals, the second aims at regularising a 'multiple body,' a new legal figure appearing in the 19th century, namely the population.³⁴ The distinction is not absolute, as both mechanisms are interrelated.³⁵

The issue of trafficking could be placed at the intersection between both technologies, because it affects bodies (by exploiting them), but it also aims at constituting a part of the population as a particular category (i.e. illegal migrants) and – at the same time – as potential ‘victims’ of trafficking.

For Foucault, the strategies of political control express themselves through the rationality of so-called governmentality,³⁶ which acts in a form of biopower to regulate the population or one part of it.³⁷ Governmentality means ‘the way in which the conduct of human beings might be directed,’³⁸ and can be understood as a technology of power which constitutes subjects. According to Jenny Edkins, in this axis of power, the subjection of the political subject occurs, producing ‘subjected and practised, bodies, “docile” bodies.’³⁹

In this sense, I propose to analyse the discourse on international human trafficking as a mechanism of control, which exerts disciplinary and regulative powers. Instead of an assumed protection of potential ‘victims’ of trafficking, the discourse produces not only a specific category of subjects, but also legitimises the adoption of social control mechanisms. Thus, restrictive migratory policies, as well as the constitution of the category of the migrant could be considered regulative mechanisms, in the sense that they aim at guaranteeing the welfare of the national population by protecting them from the apparently ‘dangerous migrants.’

Rather than representing something ‘natural,’ the category of migrant denotes a social construction, a result of a constant negotiation, as Nira Yuval-Davis explains.⁴⁰ According to Claudia Aradau, the ‘invention of the dangerous individual’ subsequently requires an installation of social defence mechanisms.⁴¹ Hence, an exclusion of a specific category is conditioned by the prior production of this group, i.e. by the attribution of a dangerous identity, for example, to migrants.⁴² The author states: ‘Trafficked women are risky only in relation to their agency as migrants.’⁴³ According to Peter Nyers, migrants are increasingly cast as ‘objects of securitised fears and anxieties, possessing either an unsavoury agency or a dangerous agency.’⁴⁴ Both types of agency result from the process of othering, i.e. of a construction of the ‘illegal’ migrants as *others*. While the dangerous agency is more related to an understanding of migration as a form of threat, the unsavoury agency recalls the negation of rights to an ‘object class of global migrants.’⁴⁵

This constitution of the category of migrants as *others* that have to be controlled and regularized is justified through a crucial element of the discourse on the migrant; namely racism. The biological camp of the population is fragmented with racism in order to individuate the particular category of migrant, i.e. the emergence of the biopower inserts racism as a fundamental technology of power into the mechanisms of the

state.⁴⁶ Through the biopower of the state, the constitution of this specific group is possible. According to Foucault, modern racism is not related to mentalities or ideologies, but rather to technologies of power.⁴⁷ For Nira Yuval-Davis, '[r]acism occurs when the construction of "otherness" is used in order to exclude and/or exploit the immutable "other."' ⁴⁸ Through racism, then, a difference is established that constitutes the migrant as the *other*; we could say through the process of othering as part of racism the difference between the *self* and the *other* is determined.

The reaction to the *other* can be summarized in what Naeem Inayatullah and David Blaney, drawing on writings of Tzvetan Todorov, call the 'double movement.'⁴⁹ According to them, the first step towards differentiation is attributing to the *other* the status of inferiority. This interpretation justifies subsequent discriminatory treatment. In a second movement, a common humanity is recognised, but the fear of the difference still results in a demand for assimilation. In this way, the *other* is mainly seen as threat, leading to the domestication or destruction of difference in order to reach 'the empire of uniformity.'⁵⁰ The double movement, thus, precludes the recognition of the other as different and equal, and represents, at the same time, a form of splitting between the *self* and the *other*.⁵¹ According to Inayatullah and Blaney, this splitting surges from the endeavour to produce some kind of purity or 'absolute difference.'⁵² This, in turn, is dangerous since it can be responsible for acts of violence, as Nizar Messari explains:

Otherness becomes thus not only the object of exclusion, but also of violence. The value of the self is exalted whereas the value of the other is deflated, justifying moral superiority. The missionary objective of conquest and violence, in order to bring civilization to the other and make it equal to self, becomes a natural consequence of a 'legitimate' cause.

The discourse of the migrant as the *other*, thus, establishes the necessary difference in the sense of an inferiority used to justify the violence against her or him. At the same time, this narrative produces justifications for interventionist policies, strengthening a vision of an imperialist world divided between 'receiving countries/we/the *self*' and 'sending countries/them/the *other*,' which constructs, in Peter Nyers' words, a 'moral cartography of abjection.'⁵⁴

The Reversal of the Problem

The conception of migration and migrants as threats is part of a powerful discourse, which is adopted also by the United Nations Development Program (UNDP). The UNDP has included migration in its lists of new

threats, together with unchecked population growth, environmental degradation, excessive narcotics production, trafficking, and international terrorism.⁵⁵ 'This linking of migrants to insecurity ... sustains a radical political strategy aimed at excluding particular categories of people by reifying them as danger.'⁵⁶

From this strategy emerges the metaphor of the invasion. Rutvica Andrijasevic outlines the 'historical amnesia' of Europe, which represents itself as a region of emigration and as a 'passive recipient of 'new' mass-migration,' constructing 'narratives of eviction,' forgetting about its active part in this process.⁵⁷ Taking Italy as an example, she clearly shows how social crisis, economic insecurity, and other fears are projected onto the immigrant, who becomes 'an ideal enemy indispensable as the repository of hostile sentiments and as the "Other" of Italian society that imagines itself as a solid and stable nation.'⁵⁸

In addition to being considered a threat or danger, the discourse of the migrant as other is thus part of a discourse of exclusion, which interprets migration as a threat to the national identity.⁵⁹ Andrijasevic, together with other authors,⁶⁰ unmasks the notion of invasion as a myth to create panic and urgency to solve the problem. What occurs here is denounced as a reversal of the problem: instead of perceiving the migrants *in* danger, they are interpreted *as* danger.

In terms of migration, the populations that are at risk are the migrants who move across borders to escape war, persecution, and hunger. However...it is the migrants themselves who are seen as threatening to the receiving country's population.⁶¹

This discourse not only implicates a reversal of the paradigm, but also legitimates new fears: '[X]enophobia and racism are represented as reactions to a threat and not as threats themselves.'⁶² Thus, the principal constitutive element of this narrative is a form of 'new racism,' in the sense that it readapts a racist discourse based on two concepts, as explained by Maggie Ibrahim: (1) on the cultural difference which substitutes the biological difference, and (2) on a fear of the *other*.⁶² 'The defining feature of new racism is that cultural pluralism will lead to interethnic conflict which will dissolve the unity of the state.'⁶⁴ The reification of racial and cultural differences is associated with the threat to the integrity of the state: 'Immigrants are seen as threats that appear from nowhere and destabilise and undermine the security and coherence of the sovereign project.' Trafficked women function as 'the most perverse facet of the European fortress and its treatment of others.'⁶⁵

Hence, foreseeing that difference would lead to a societal breakdown, a fear of cultural difference is produced, which is used to guarantee the continuation of the culture and the nation.⁶⁶ Nevertheless, when

migration is considered a threat to the identity of the national society, the implicit understanding is a supposed homogeneity of the political community. 'If the principal fiction of the nation-state is ethnic, racial, linguistic, and cultural homogeneity, then borders always give the lie to this construct.'⁶⁷ This interpretation perpetuates a conception of the clear distinction between the domestic and international spheres. While the domestic is considered to represent order, culture, the civilised *self*, the international is associated with disorder, nature, the barbarous and not-civilised *other*.⁶⁸ The differentiation between the interior space of the state as the safe inside and the exterior space as the morally inferior outside constitutes the foundation of politics of identity. According to Inayatullah and Blaney, this distinction has been created to deal with the crucial question of difference. Not even the creation of the modern nation-state could solve the problem, as it simply shifted it to the international sphere.⁶⁹ The attribution of difference to the one outside of the national sphere justifies the installation of mechanisms of protection in the inside, which, in turn, enable the constitution of the *self*, as Messari explains: 'According to this understanding, representations of alterity are in a certain way representations of self. Otherness can be defined as a discourse on difference, particularly on the difference of those who are outside the domestic realm.'⁷⁰

To disrupt this discursive logic, Inayatullah and Blaney propose to substitute the 'double movement' with the 'ethnological movement,' in which the *other* is not separated from oneself, but represents an intrinsic part of the *self*. Recognising the *other* as a source for critical auto-reflection would lead to alternative conceptions of difference, like, for example, 'dialogical' instead of 'monological' encounters with the *other*.⁷¹ According to these authors, it would be in these 'contact zones' where new possibilities of a deeper understanding of difference could arise. Their proposal focuses on a co-constitution between the *self* and the *other*, invoking identities that overlap, i.e. in which the self is present in the *other* and vice-versa.

The social construction of the migrant as a form of threat to 'national security' produces the image of the migrant as *other* or as 'undesirable alien' that has to be monitored and policed, enabling the establishment of regimes of exclusion and discrimination. The attribution of a dangerous identity to potential migrants and trafficked persons puts in motion biopolitical control mechanisms, leading, paradoxically, to a higher vulnerability of 'object' persons like potential migrants/strangers or trafficked persons.

Conceiving of identity in relational terms means that the identity of the *self* needs the *other* to establish itself.⁷³ Nicolas De Genova illustrates how the production of so-called 'illegal migrants' is based on racial and spatial concepts. The importance of the racial dimension of the frontier between the U.S. and Mexico, for example, shows the production of a relationship between the racialisation and criminalisation of these migrants, leading to a systematic exclusion of Mexican migrants and *chicanos* (Mexican Americans) from work opportunities and social benefits in the U.S.⁷³ The spatial dimension, in turn, reproduces the physical frontier in the interior of the national territory, through being present in the everyday life of so-called 'illegals' by means of the fear of being deported, which thus converts them into 'disposable commodities.'⁷⁴ This fear is generated not just through the fact of deportation, but also through the ever-present threat of it: 'deportability' plays an important role in the constitution of the migrant as the *other*.⁷⁵

Whilst this 'abject-subject'⁷⁶ is seen as an element of a cheap work force, forming part of an 'internationally mobile underclass,' he is also considered part of the category of the non-citizens.⁷⁷ The citizen as a 'political pure inclusive subject' needs the migrant as an 'apolitical purely exclusive subject' to establish himself, as Nyers explains:

As the embodiment of exclusion, the abject[s] are prime candidates for 'hidden, frightful, or menacing' subjectivities to define their condition. Understood politically, they stand in contrast to the purity of citizenship, i.e. the authoritative, articulate, visible, and political subjectivity. Instead, the abject suffer from a form of purity that demands them to be speechless victims, invisible and apolitical. In a twisted reversal, the impurity of the abjection becomes the purity of the abject.⁷⁸

The process of negation of political rights to the abject is part of the attribution of rights to the citizen. The maintaining of clear limits between the two conceptions, hence, is the condition for the preservation of the political order. 'Our received traditions of the political require that some human beings be illegal.'⁷⁹ Therefore, representing the counterpart of the political figure of the citizen, these 'abject' categories (e.g., strangers, migrants, and trafficked persons) exercise an important role in the foundation of political communities through the way in which these related narratives constantly re-found them.⁸⁰

As such, the constitution of the differentiation between *us* and *them* not only permits the installation of mechanisms of exclusion and the negation of related rights, but also allows a 're-foundation' of the political

community. Furthermore, the action of the constitution of difference can be interpreted as the result of an 'act of force,' in the sense that the designation of a special status is a matter of arbitrariness, even if it is represented as a 'natural' condition.⁸¹ As Nyers explains, "'being abject" is, in fact, always a matter of "becoming abject."⁸² This transformation into an abject which occurs in the process of *othering* and expresses the difference especially in the attribution or negation of rights, then, has to be denaturalised to disrupt the acting discourse of trafficking as a problem of forced migration.

Thus we need to see this rejection of migration as stemming from a new racial discourse which has equated migrants to risk. At such, we need to 'identify racism as a specific and significant object, to comprehend it as a part of a web of discourse, to see that it has a knowable history, and to appreciate its social implications in the exercise of [the] biopolitical powers.'⁸³

Another characteristic of the constitution of the *other* is the definition in negative terms, that is to say, the integration into a logic of negation.⁸⁴ According to Dal Lago, for example, non-documented migrants can be defined as 'non-persons' since the concept of person depends upon an attributed humanity.⁸⁵ He lists different strategies of 'depersonalisation,' such as linguistic revocation.⁸⁶ In that sense, the fact that the categories attributed to the 'illegal' migrant could be characterised in terms of negations represents a form of 'depersonalisation;' the migrant is frequently a 'non-European, he's not a native, not a citizen, not legalized and is not part of us.'⁸⁷ Besides the negation of rights, this extreme *othering* leads further to a disqualification of migrants from the category of humans. The attribution of animal names as a common way to denominate abject categories, for example, represents another strategy to justify violence and exclusion. Besides the denomination of smugglers at the Mexican-U.S frontier as *coyotes*, *loups* in Gibraltar-Morocco-Spain or *snakeheads* in China-Hong-Kong, 'illegal' migrants are called *chicken*, *sheep* or *killer bees* (if they are in many).⁸⁸

This reclassification of undocumented entrants as other than human is another aspect of the liminality of the border zone ... Once stripped of their humanity, they can be hunted down, like the wild animals which some of them are taken to represent.⁸⁹

Furthermore, De Genova develops the idea of the constitution of spaces of non-existence through the official negation of an 'illegal' presence in the state territory. These 'illegal' spaces imply a forced invisibility, an exclusion, subjugation, and repression of these abjects, implicating 'an erasure of [their] legal personhood.'⁹⁰ One dimension of this 'non-

existence' is expressed, for example, in the restricted physical mobility of 'illegal' migrants—a highly paradoxical condition, given their initial mobility and desire for mobility at the beginning of the migratory process.⁹¹

As such, the classification of 'illegal' migrants as *others* or as beyond human not only justifies mechanisms of exclusion but also practices of violence. At the same time, parts of this discourse represent the naturalisation and racialisation of these *others*, considering the difference as a fixed characteristic inherent in their bodies. This discourse calls for the protection of the national 'body' and proposes as solution to the assumed threat the disappearance of these 'non-persons.'⁹²

This conception of the symbolic elimination of the *other*, finds its material realization in the practice of deportation. The Trafficking Protocol dedicates more than half of its own text to the specification of the reinforcement of border regimes, and aims at the 'protection' of trafficked persons, especially, in terms of 'repatriation.'⁹³ According to the Trafficking Protocol, then, states are advised to adopt effective methods to promote cooperation between them, to prevent human trafficking through information and education of the public, to ensure assistance and protection to trafficking victims, and to arrange, in appropriate cases, the voluntary return of the victims to the countries of origin.⁹⁴

However, research studies indicate a high probability that returned or deported migrants will try to migrate again. These works ascertain that the efforts to suppress migration conflict with the interests of migrants.⁹⁵ Among those interviewed by Adriana Piscitelli, for example, the greatest concern is not centred upon trafficking, but rather upon repressive actions of the government in relation to prostitution and irregular migration; that is, the main fear is deportation.⁹⁶ Also Kemala Kempadoo emphasizes: 'They don't want to be saved, they want to feel safe. They don't want to go back, they want to go on.'⁹⁷ Likewise, Laura Agustín denounces the danger of being re-trafficked, as well as the use of narratives against trafficking to establish stricter anti-migratory policies. 'And when migrants are referred to as "trafficked" they are assumed to have been wrested away against their will, allowing immediate unsubtle deportation measures to appear benevolent (and to be characterised by some ironic activists as "re-trafficking").'⁹⁸ In this sense, deportation constitutes part of the discourse which establishes the migrant as the *other*, representing a consequence of the constituted difference, as Jaqueline Berman explains:

They [state institutions] remake these 'popular strangers,' into 'unpopular' foreigners, into illegal immigrants whose deportation becomes part of the price paid for the reiteration of state sovereignty. (...) The rapid deportation of 'illegals' and 'victims' empowers the state to contest this threat and to protect

the political community while in practice placing more barriers before migrants, increasing the likelihood that they seek traffickers' assistance and creating more opportunities for their exploitation.⁹⁹

If, therefore, we analyse governmental answers to the 'problem' of irregular migration as the result of the production of knowledge through the working of the discourse, it is possible to state that biopower exerts its most cruel expression through deportation. The basis of the discourse rests on racism which individuates the 'illegal' migrants as not belonging to the national territory and imposes the expulsion of these persons; a fact that Foucault terms 'indirect murder.'¹⁰⁰ By trying to control the migratory process the state in fact creates an 'abject diaspora,' or as Nyers calls it: a 'deportspora.'¹⁰¹ Current migration policies may represent a threat for migrants, but also for human rights and democratic principles, as Pécoud and De Guchteneire explain, claiming that '[t]he values that guide societies cannot stop at their borders; they must also inspire attitudes toward outsiders.'¹⁰²

Finally, I assert that the reversal of the problem refutes any proposal of solutions to trafficking interpreted as a form of 'illegal' migration; on the contrary, stricter migration policies lead to a deterioration of the situation of abject persons and to an increase in the practice of trafficking.

Conclusion

The interpretation of international human trafficking as a problem of forced migration results in a simplification of the complex phenomenon, as anti-trafficking policies focus on fighting so-called 'illegal' migrants instead of supporting potentially trafficked individuals and their right to migrate.

In a world that is supposed to be more accessible to everybody, the right to migrate still represents a privilege. A process of 'rebordering'¹⁰³ is taking place, which is not contributing to the expected decrease in international human trafficking. I stress the increase of mechanisms of control over the mobility of migrants, which, instead of eliminating the practice of trafficking, serve to create the conditions for the emergence and proliferation of trafficking.¹⁰⁴

In this context, critical perspectives expose the participation of the state in the production of the logic of 'illegality,' and how beneficial this is to the state. The production of the 'illegality' of the migrant is unmasked as an instrument to legitimise the increase of control against the targeted subjects who, in turn, are characterised by their vulnerability to the

omnipresent possibility of deportation ('deportability'), constituting cheap and disposable work forces.

Further, the identification of the trafficked person as an 'illegal' migrant constitutes him or her as the *other*. The image of migration as form of invasion releases fears and anxieties which are projected onto this *other*. In this sense, both migratory policies and the constitution of this *other* represent part of the mechanisms of control articulated through biopower. This concept uses racism to fragment the biological camp of the population in order to constitute the category of the 'illegal' migrant, attributing a different and inferior identity to justify discriminatory treatment.

A reification of certain categories of persons as a danger establishes a political strategy that aims at the exclusion of these persons.¹⁰⁵ This discourse constructs a naturalisation and racialisation of these *others*, establishing difference as a fixed and inherent characteristic of the bodies of 'abject subjects.' Furthermore, the understanding of the *other* as 'illegal,' equates him or her to a criminal that has to be punished. The attribution of the status of 'non-persons,' in turn, takes away their humanity, justifying the exclusion of the political community with the related rights.

The analysis of the discursive logic shows the production of 'illegality' as a condition for the preservation of the political order, in the sense that the *other* is necessary to constitute the *self*. Besides the exclusion mechanisms and the negation of rights, this discourse establishes the bases for a re-foundation of the *self*, of the identity of the political community. Thus, the constitution of the migrant as the *other*, together with the implementation of more restrictive migratory policies are identified as regulative mechanisms and technologies of power to 'protect' the population of citizens from the population of migrants. In this context, the reversal of the problem occurs: xenophobia and racism are presented as reactions to threats instead of as threats in themselves; and citizens are converted into 'victims of invasion,' while migrants become 'perpetuators of aggression.'¹⁰⁶ In the same way, the discourse casts migrants as danger, instead of conceiving them in danger.

Part of this discourse culminates in the claim for the elimination of this *other*, and finds its material expression in policies of deportation. In this sense, my discursive analysis demystifies the narrative of the migrants as *other* and shows it to be a justification for the increase of mechanisms of control. These, ultimately, instead of eradicating the practice of 'illegal' migration—together with the associated international human trafficking—paradoxically, lead to an increase in these practices. Thus, far from representing a solution to the problem, the analysed discourse entails alarming political implications, strengthening governmental

power instead of the rights of the persons who migrate or who are trafficked, ultimately leading to more control than protection. ■

Notes

¹ The article is based on the author's research for her thesis 'Control in the Name of Protection: Critical Analyses of Discourses about International Trafficking of Persons' for the Master's Program of International Relations at the Pontifical Catholic University of Rio de Janeiro (PUC-Rio). The thesis, completed in June 2007, is available in Portuguese at <<http://www.maxwell.lambda.ele.puc-rio.br/cgi-bin/db2www/PRG—0490.D2W/INPUT?CdLinPrg=pt>>.

² Jagori, 'Migration, Trafficking, and Sites of Work Rights and Vulnerabilities,' in *Trafficking and Prostitution Reconsidered – New Perspectives on Migration, Sex Work, and Human Rights*, ed. K. Kempadoo (London: Paradigm Publisher, 2005): 160.

³ See Andrijasevic, R. *Trafficking in Women and the Politics of Mobility in Europe* (Doctoral thesis, University of Utrecht, supervisor Rosi Braidotti, 2004): 10.

⁴ See Laczko, F. 'Data and Research on Human Trafficking,' *International Migration* 43 (2002), 5-16, 6.

⁵ Bruckert, C. *Trafficking in Human Beings and Organised Crime: A Literature Review*. (University of Ottawa, 2002), 7, <<http://www.rcmp-grc.gc.ca/pdfs/traffick—e.pdf>>, (accessed June 3, 2006).

⁶ See Wijers, M. (w.d.), *Only rights can stop wrongs: A critical assessment of anti-trafficking strategies*, <<http://www.nswp.org/pdf/wijers-onlyrights.pdf>>, (accessed May 13, 2006).

⁷ As part of the repressive strategies, she theorizes the perspectives which see trafficking as a moral problem, as a problem of organised crime and as a problem of migration. *Ibid.*

⁸ *Ibid.*

⁹ See Buss, D. 'Introduction to 'Sexual Movements and Gendered Boundaries: Legal Negotiations of the Global and the Local,' *Social and Legal Studies* 14:1 (2003), 5-15, 6.

¹⁰ See United Nations, *International Migration Policies* (New York: United Nations, 1998): 6.

¹¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. A/AC.254/4/Add.3/Rev.1. Article 3 (a), 55. In the following I call it the Trafficking Protocol.

¹² Andrijasevic, R., 'Trafficking in Women,' 39.

¹³ *Ibid.*

¹⁴ *Ibid.*, 46.

¹⁵ Salt, J. and Stein, J. 'Migration as a Business: the Case of Trafficking,' *International Migration* 35:4 (1997), 467-494, 484.

¹⁶ Andrijasevic, R., 'Trafficking in Women,' 40.

¹⁷ *Ibid.*, 191.

- ¹⁸ Ibid., and see also Ibid., 41 and 42.
- ¹⁹ Ibid.
- ²⁰ Pécoud, A. and De Guchteneire, P. 'International Migration, Border Controls and Human Rights: Assessing the Relevance of a Right to Mobility,' *Journal of Borderlands Studies* 21:1 (2006), 69-86, 71.
- ²¹ See Salt J. and Stein, J., 'Migration as a Business,' 470.
- ²² Wijers, M. (w.d.), 'Only rights can stop wrongs,' 5, (accessed May 13, 2006).
- ²³ Salt, J. 'Trafficking and Human Smuggling - an European Perspective,' *International Migration*, Special Issue 2000/1, 31-56, 33.
- ²⁴ Bhabha, J. and Zard, M. 'Smuggled or trafficked?,' *Forced Migration Review* 25 (2006), 6-8, 6.
- ²⁵ Ibid., 7.
- ²⁶ Salt, J., 'Trafficking and Human Smuggling,' 34.
- ²⁷ Pécoud, A. and De Guchteneire, P., 'International Migration,' 76.
- ²⁸ Andrijasevic, R., 'Trafficking in Women,' 60.
- ²⁹ Pécoud, A. and De Guchteneire, P., 'International Migration,' 71, and Andrijasevic, R., 'Trafficking in Women,' 182.
- ³⁰ Berman, J. '(Un)Popular Strangers and Crises (Un)Bounded: Discourses of Sex-Trafficking, the European Political Community and the Panicked State of the Modern State,' *European Journal of International Relations* 9:1 (2003), 37-86, 57.
- ³¹ Ibid., 44.
- ³² Ibid., 55.
- ³³ See Foucault, M. '*Em Defesa da Sociedade – Curso no Collège de France (1975-1976)*,' Tradução por Maria Ermanita Galvão (São Paulo: Martins Fontes, 1999, [1976]): 288
- ³⁴ See *ibid.*, 293.
- ³⁵ Ibid., 300.
- ³⁶ Foucault, M. 'Naissance de la biopolitique,' in *Dits et Écrits 1954-1988 III (1976-1979)*, édition établie sous la direction de Daniel Defert et François Ewald avec la collaboration de Jacques Lagrange, (Paris: Gallimard, 1979), 824.
- ³⁷ See Foucault, M. '*Em Defesa da Sociedade*,' 289.
- ³⁸ Foucault M. '*Sécurité, Territoire, Population – Cours au Collège de France 1977-1978*,' (Paris : Gallimard/Seuil, 2004, [1978]): 406.
- ³⁹ Edkins, J. *Poststructuralism & International Relations – Bringing the Political Back In* (London: Lynne Rienner Publishers, 1999): 51.
- ⁴⁰ See Yuval-Davis, N. *Gender & Nation* (London: Sage Publication, 1997): 73.
- ⁴¹ See Aradau, C. 'The Perverse Politics of Four-Letter Words: Risk and Pity in the Securitisation of Human Trafficking,' *Millennium – Journal of International Studies* 33:2 (2004), 251-277, 259 and 263.
- ⁴² See *Ibid.*, 267.

- ⁴³ Ibid., 276.
- ⁴⁴ Nyers, P. 'Abject Cosmopolitanism: the politics of protection in the anti-deportation movement,' *Third World Quarterly* 24:6 (2003), 1069-1093, 1070.
- ⁴⁵ Ibid.
- ⁴⁶ See Foucault, M., 'Em Defesa da Sociedade,' 304.
- ⁴⁷ Ibid.
- ⁴⁸ Yuval-Davis, N., 'Gender & Nation,' 49.
- ⁴⁹ Inayatullah, N. and Blaney, D.L. *International Relations and the Problem of Difference* (New York: Routledge, 2004): 10.
- ⁵⁰ Ibid., 3.
- ⁵¹ See Ibid., 187.
- ⁵² See Ibid., 11.
- ⁵³ Messari, N. 'Alterity and the study of International Relations – A Critical Approach,' paper presented at the Annual Congress of the International Studies Association (ISA) (2006), 4.
- ⁵⁴ Nyers, P., 'Abject Cosmopolitanism,' 1073. He defines abject as 'someone who is cast-out, discarded and rejected.' See also Ibrahim, M., 'The Securitization of Migration: A Racial Discourse,' *International Migration* 43:5 (2005), 163-186, 171.
- ⁵⁵ UNDP (2002) quoted in Ibrahim, M., 'The Securitization of Migration,' 169. However, migration has not always been associated with danger and insecurity, on the contrary, migration has been a decisive factor for the production and the development of capitalism. See Ibrahim, M., 'The Securitization of Migration,' 167. See also Mezzadra, S. *Diritto di fuga – Migrazioni, cittadinanza, globalizzazione* (Nuova edizione. Verona: Ombre Corte, 2006, [2001]).
- ⁵⁶ Ibrahim, M., 'The Securitization of Migration,' 171.
- ⁵⁷ Andrijasevic, R. 'Europe and Migration: The Myth of Invasion and the Danger of Historical Amnesia,' *Leggendaria* 23 (2000), Special Bilingual Issue English/Italian on European Women's Studies, <<http://www.let.uu.nl/fflRutvica.Andrijasevic/personal/rut—leggendaria.pdf>>, (accessed December 25, 2007).
- ⁵⁸ Ibid.
- ⁵⁹ See Berman, J. '(Un)Popular Strangers and Crises (Un)Bounded,' 51. The danger consists in the possible fragmentation of the imagined homogeneity of the nation, the so-called domestic 'balkanization,' as it is termed by David Campbell. See Campbell, D. 'Violent Performances: Identity, Sovereignty, Responsibility,' in *The Return of Culture and Identity in IR Theory*, ed. Yosef Lapid and Friedrich Kratochwil, (London: Lynne Rienner Publishers, 1996): 170.
- ⁶⁰ See Dal Lago, A. *Non-persone – L'esclusione dei migranti in una società globale* (2nd edition, Milano: Feltrinelli, 2005, [1999]).
- ⁶¹ Ibrahim, M., 'The Securitization of Migration,' 169.
- ⁶² Andrijasevic, R., 'Europe and Migration.'
- ⁶³ Ibrahim, M., 'The Securitization of Migration,' 165.
- ⁶⁴ Ibid., 166.

- ⁶⁵ See Berman, J. '(Un)Popular Strangers and Crises (Un)Bounded,' 57.
- ⁶⁶ Ibrahim, M., 'The Securitization of Migration,' 166.
- ⁶⁷ Donnan, H. and Wilson, T.M. *Borders: Frontiers of Identity, Nation and State* (Oxford: Berg, 1999): 1.
- ⁶⁸ See Jahn, B. *The Cultural Construction of International Relations: the Invention of the State of Nature*, (New York: Palgrave, 2000), and Walker, R.B.J. *Inside/Outside: International Relations as Political Theory*, (Cambridge: Cambridge University Press, 1993): 151.
- ⁶⁹ Inayatullah, N. and Blaney, D.L., 'International Relations and the Problem of Difference,' 44.
- ⁷⁰ Messari, N., 'Alterity and the study of International Relations,' 8.
- ⁷¹ See Inayatullah, N. and Blaney, D.L., 'International Relations and the Problem of Difference,' 181.
- ⁷² See Messari, N., 'Alterity and the study of International Relations,' 3.
- ⁷³ De Genova, N.P 'Migrant "Illegality" and Deportability in Everyday Life,' *Annual Review of Anthropology* 31 (2002), 419-447, 433.
- ⁷⁴ See *Ibid.*, 438.
- ⁷⁵ *Ibid.*
- ⁷⁶ Nyers, P., 'Abject Cosmopolitanism,' 1073: 'abjection ... describes a degraded, wretched and displaced condition.'
- ⁷⁷ Donnan, H. and Wilson, T.M, 'Borders: Frontiers of Identity, Nation and State,' 109.
- ⁷⁸ *Ibid.*, 1074.
- ⁷⁹ *Ibid.*, 1089.
- ⁸⁰ *Ibid.*, 1075. See also Andrijasevic, R., 'Europe and Migration.'
- ⁸¹ Nyers, P., 'Abject Cosmopolitanism,' 1074.
- ⁸² *Ibid.*
- ⁸³ Gilroy (2004), 163 quoted in Ibrahim, M., 'The Securitization of Migration,' 178.
- ⁸⁴ See Nyers, P., 'Abject Cosmopolitanism,' 1074.
- ⁸⁵ Dal Lago, A., 'Non-persone,' 208.
- ⁸⁶ *Ibid.*, 211.
- ⁸⁷ *Ibid.*, 213. Likewise Donnan and Wilson emphasize the identity of the 'non-documented,' defined in negative terms. See Donnan, H. and Wilson, T.M, 'Borders: Frontiers of Identity, Nation and State,' 113.
- ⁸⁸ *Ibid.*, 134 and 135.
- ⁸⁹ *Ibid.*, 135.
- ⁹⁰ De Genova, N. P., 'Migrant "Illegality",' 427.
- ⁹¹ See *Ibid.* and Andrijasevic, R., 'Europe and Migration.'

- ⁹² See Dal Lago, A., 'Non-persone,' 222.
- ⁹³ See Trafficking Protocol (2000), article 8, 56.
- ⁹⁴ See Van Impe, K. 'People for Sale: The Need for a Multidisciplinary Approach towards Human Trafficking,' *International Migration*, Special Issue 2000/1, 113-131, 123.
- ⁹⁵ See Kempadoo, K. 'Mudando o debate sobre o tráfico de mulheres,' *Cadernos Pagu* 25 (2005), 55-78, 69.
- ⁹⁶ See Piscitelli, A. 'Antropologia, Direitos Humanos e o Debate sobre a Indústria Transnacional do Sexo,' paper for the Symposium about human rights, sexual and reproductive rights in the 25th Brazilian Conference of Anthropology, Goiânia, June 13, 2006, 14 and Piscitelli (in print), 'Traficadas ou autônomas? A noção de consentimento entre brasileiras que oferecem serviços sexuais na Espanha,' in *Dilemas jurídicos do enfrentamento ao tráfico internacional de seres humanos* (Ministério da Justiça, Brasília), 20.
- ⁹⁷ Kempadoo, K., 'Mudando o debate sobre o tráfico de mulheres,' 69
- ⁹⁸ Agustín, L. 'Daring Border-Crossers: A different vision of migrant women,' in *Sex Work in a Changing Europe*, ed. Ward, H. (Kegan Paul), 85-94, 89.
- ⁹⁹ Berman, J. '(Un)Popular Strangers and Crises (Un)Bounded,' 37-86, 53 and 59.
- ¹⁰⁰ Foucault, M. 'Em Defesa da Sociedade,' 306.
- ¹⁰¹ Nyers, P., 'Abject Cosmopolitanism,' 1070.
- ¹⁰² Pécoud, A. and De Guchteneire, P., 'International Migration,' 74.
- ¹⁰³ See *Ibid.*, p. 80.
- ¹⁰⁴ In this sense, a vicious circle is initiated, which is also perpetuated in mainstream studies of International Relations, where a clear distinction between inside and outside - attributing to the outside elements of disorder, anarchy and chaos, while the inside is seen as pacific, just and ordered - represents the basis of several theories.
- ¹⁰⁵ See Donnan, H. and Wilson, T.M., 'Borders: Frontiers of Identity, Nation and State,' 171.
- ¹⁰⁶ Andrijasevic, R. 'The Southern Gate to Fortress Europe,' in *Policy Perspectives: Islam and Tolerance in Wider Europe* (Open Society Institute: Budapest 2006), 30-51.