

**“This Modern Day Slavery”:  
Sex Trafficking and Moral Panic in the United Kingdom**

by  
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## **ABSTRACT**

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The dissertation analyzes the discourse and development of the British anti-sex trafficking movement. Following the European Union’s largest expansion in 2004, the United Kingdom experienced a surge in immigration from Eastern Europe, which was greeted by fears about losing British culture, stolen jobs, and rising criminal activity. From this welter of concerns, I argue, the issue of sex trafficking coalesced into a moral panic about the dangers of immigration and the sexual exploitation of women. Using qualitative research and discourse analysis, I examine the movement’s depiction of the trafficking victim and its reliance on punitive policing and anti-immigration policies. Although anti-trafficking advocates claim the abolition of the African slave trade as their historical precedent, I contend that the conceptual roots of contemporary discourse lie in the white slavery panic of the Victorian era. Today’s description of the trafficked woman as young, naïve, and Eastern European recalls the figure of the white slave at the same time that it demonizes migrant sex workers who do not fit the feminized and culturally-bound profile of helpless victim.

This analysis of the United Kingdom’s response to a changing demographic landscape reveals how a reaction can define the phenomenon to which it ostensibly refers. In other words, the anti-trafficking campaign produces its opposing object, “sex trafficking,” by delimiting the discursive field and determining the appropriate course of defensive action. In light of the political and economic crises wracking post-millennial Britain, the realm recast itself as a hostile environment for sex trafficking and inaugurated a series of unprecedented policing measures and prostitution policy shifts. To interrogate these events I perform a contrapuntal reading that troubles both the conceptual basis of the anti-trafficking movement and its legal and tactical operations. Through this analysis, my dissertation reveals that the anti-trafficking campaign is not a reaction to the sexual traffic in women; it is part of a larger socio-legal response to Eastern Europeans seeking access to the United Kingdom as full members of the European Union. This project constitutes an expansion and repositioning of studies of sex work and migration, offering a specific analysis of the British context while emphasizing the intersection between standardized narratives and cultural ruptures.

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## **ACRONYMS**

Anti-Trafficking Monitoring Group (ATMG)

Association of Chief Police Officers (ACPO)

British National Party (BNP)

Coalition against Trafficking in Women (CATW)

English Collective of Prostitutes (ECP)

End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT)

Global Alliance against Trafficking in Women (GAATW)

Her Majesty's Stationary Office (HMSO)

National Referral Mechanism (NRM)

National Society for the Prevention of Cruelty to Children (NSPCC)

Non-governmental organization (NGO)

Order of the British Empire (OBE)

Organization for Security and Co-operation in Europe (OSCE)

International Organization for Migration (IOM)

United Kingdom Border Agency (UKBA)

United Kingdom Human Trafficking Centre (UKHTC)

United Kingdom (UK)

United Nations (UN)

United Nations Children's Fund (UNICEF)

United Nations Office on Drugs and Crime (UNODC)

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## **LEGISLATION AND TREATIES**

### **European Union**

Council of Europe, Convention on Action against Trafficking in Human Beings, 2008

### **United Kingdom**

Asylum and Immigration Act, 2004

Coroners and Justice Act, 2009

Crime and Policing Act, 2009

Criminal Justice and Immigration Act, 2008

Criminal Law Amendment Act, 1885

Gangmasters Licensing Act, 2004

Nationality, Immigration and Asylum Act, 2002

Proceeds of Crime Act, 2002

Sexual Offences Act, 1956 and 2003

Street Offences Act, 1959

Vagrancy Act, 1824

### **United Nations**

United Nations Convention against Transnational Organized Crime, 2000

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000

Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000

### **United States**

Mann Act (White Slave Traffic Act), 1910

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## Introduction

At an academic conference in May of 2010, I delivered a paper critiquing the empirical studies commissioned by the British government to estimate the number of women trafficked into the United Kingdom. My presentation interrogated the proliferation of sex trafficking estimates in the UK and examined data used to measure what researchers themselves claimed was incalculable. The analytical point was not just that the Government's numbers were incorrect. My interests lay in what the numbers purported to be: manifestations of sex trafficking divested of sensationalism or material evidence put through the stringent process of scientific assessment. The estimates were essential to convincing the public that there was a sex trafficking problem in the UK. Further, my interests lay in what the numbers did: shored up sex trafficking narratives that portrayed trafficking as "modern day slavery." I posited that state-sponsored figures were a form of argument, the scientific complement to the sensational stories of sex slaves circulating everywhere from tabloid press to Government pronouncement.

During Q & A, an audience member offered a comment and a question. He agreed that the data on the number of women trafficked into the UK was dubious; he, too, did not buy the numbers. Then he asked what the real number of trafficked women was. Providing this figure, it appeared, would end the confusion over whether or not the British government had over- or under-reacted to trafficking. The issue of sex trafficking was effectively reduced to a simple calculation of problem and appropriate response. The audience member asserted that if earlier estimates were inaccurate (granting my point, he thought), then the true number must be higher than official government figures. The second part of his interpretation struck me the most because it closely followed the logic of proliferating estimates that I was starting to map. Mistaking my analysis to be a correction of Government figures, and the goal of the paper as replacing an erroneous estimate with an accurate one, he followed the same path as dominant discourses on trafficking estimates. He assumed them to be conservative, under-estimates of the prevalence of sex trafficking.

Contrary to this interpretation, my paper analyzed the desire to produce estimates, and the effects of generating numbers to make a case for government action. But this analysis was not enough for my interlocutor; in his estimation, my investigation failed because it did not provide the real number of trafficked women or, at least, concede that having the right number would resolve the issue of the correct Government's (re)action. This exchange made me reflect on how it was that dubious estimates led to a deeper faith in figures and the conviction that sex trafficking was *more* prevalent than previously thought, without any evidence to support this belief.

According to most researchers of trafficking, finding the "true figure" is impossible. Yet the ritual of scientific analysis to conjure up a sex trafficking estimate continues unabated. Although figures often come bracketed by disavowals and disclaimers, the uncertainty has not shaken faith in the process of finding a better, more accurate figure. Seen in this light, it may be the very impossibility of arriving at a final figure that allows for the continuous generation of new estimates and the vast range of numbers. Indeed, the imprecision of estimates inexplicably rouses confidence in empirical research on trafficking and a dogged will to knowledge. Anti-trafficking advocates assert that while a particular figure may be wrong, there is a more exact one to come. Another figure is too small because estimates can only capture part of a problem that, really, cannot be captured by empirical measures.

Because a reaffirmation of faith in figures was the response by the British public and my conference interlocutor, I was forced to think about how to critique the desire to create estimates and how to interrogate the political effects of calculations. I was reminded at the time of the calculated misinformation about Iraqi weapons of mass destruction. Weak intelligence, vested interests, and a zero result did not shake the faith of some in the truth of WMDs or, more chillingly, in military invasion as the correct course of action. In the end, the American government did not need WMDs to be real to wage war, but it did need to present intelligence that established the threat. I found that I was not the only person to think of WMDs when reviewing the evidence used by the British to underwrite the anti-trafficking campaign. Nick Davies wrote in the *Guardian*:

There is something familiar about the tide of misinformation which swept through the subject of sex trafficking in the UK: it flows through exactly the same channels as the now notorious torrent about Saddam Hussein's weapons. In the story of UK sex trafficking, the conclusions of academics who study the sex trade have been subjected to the same treatment as the restrained reports of intelligence analysts who studied Iraqi weapons – stripped of caution, stretched to their most alarming possible meaning and tossed into the public domain. There they have been picked up by the media who have stretched them even further in stories which have then been treated as reliable sources by politicians, who in turn provided quotes for more misleading stories.<sup>1</sup>

As the dissertation shows, the circular citationality referred to by Davies is a constitutive feature of the British sex trafficking panic. The media cites the Government that cites an empirical report which uses newspaper articles as evidence of the presence of sex trafficking. In this informational round robin, numerical claims about trafficking are taken as truth because the “primary institutional definers” and the media remain locked in a citational loop, crediting each other with knowledge about trafficking.<sup>2</sup> Echoing each others' account, the credibility of the media and of the primary institutional definers, including the Home Office, Police Service, and NGOs, remains intact.

This explication of the British government's empirical evidence demonstrates that the source material and research methodologies of sex trafficking estimates have been of little interest to the press, politicians, and NGO spokespeople who have repeatedly relied upon them. It was the number of trafficked women, the fact that there was a number, which mattered and created an empirical referent for a crime called “modern day slavery.” Estimates of trafficked women were meaningful, ironically, not because of their accuracy but because they were produced. By moving beyond the final figures to learn how estimates were created, I analyze what counts as trafficking and who counts as a trafficking victim.

To do this, I mine data used in two statistical analyses of sex trafficking commissioned by the British government. While data and methodology have been often overlooked to privilege an intense focus on the final estimate, it is essential to understand how these estimates were generated. As important, for our purposes, is grappling with the reasons why studies that fared so miserably as “good science” were cited uncritically and continually. How was it that these reports convinced the Government, who told the press and public, that sex trafficking was a problem of large and growing proportions? And how was it that studies of labor trafficking not only failed to persuade, but mostly failed to be produced in the first place?

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<sup>1</sup> Nick Davies, “Prostitution and Trafficking – The Anatomy of a Moral Panic,” *Guardian*, 20 October 2009.

<sup>2</sup> Stuart Hall et al, *Policing the Crisis: Mugging, the State, and Law and Order* (London: MacMillan, 1978), 58.

My argument can be construed as claiming that the British government got trafficking numbers wrong. If one examines the data closely, this is a convincing point. The estimates are hypotheses, not reflections of the world, as the researchers themselves are often at pains to make clear. But I make no claim about the correct figure of women trafficked into the UK. My goal is not to generate yet another numerical claim, but to explain the proliferation of estimates from the British anti-trafficking campaign. In so doing, I attempt to grasp the need for and the effects of producing trafficking estimates. I explore their vital role in underwriting state action against sex trafficking.

Thus I ask why estimation is a regular feature in the anti-sex trafficking campaign, and why estimates are so often accompanied by claims of the radical impossibility of knowing the number of trafficking victims. Researchers of trafficking claim that the true number is unknown and unknowable because of the clandestine nature of the crime and the fact that it is by definition hidden and resistant to quantification. Our first set of researchers, Linda Regan and Liz Kelly, authors of *Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK*, make the point about the impossibility of calculating a clandestine crime almost in the same breath as they call for increased criminalization of prostitution, which they believe increases demand for sex trafficking. The difficulty of who counts as a trafficking victim in statistics turns out to depend on who does the counting and for what end.

In Chapter 1, I examine the intervallic conflation and division of foreign sex workers and trafficking victims and the shifting legal and “common sense” definitions of sex trafficking. Due to the instability of the definition of sex trafficking, it is unsurprising that contradictory estimates also entered the semantic field. Thus I theorize trafficking estimates as both a narrative in themselves (a numerical narrative, if you will) and part of a larger discourse about sex trafficking. This is a story about state power and knowledge. In other words, estimates enabled the Government to portray sex trafficking as measurable and, thus, manageable. My purpose in parsing the statistical reports is to analyze closely the evidence, and lack thereof, in the Home Office’s possession when it launched its largest counter-trafficking operation, and to trouble why this data proved to be so convincing.

In Chapter 2, I analyze how the British government links its efforts to the 1807 abolition of the African slave trade. Challenging this historical claim, I use the white slavery panics of the Victorian and Progressive eras as a heuristic for analyzing the contemporary situation. The highly-charged and historically-significant narrative of white slavery permeates British discourse on sex trafficking. In a relatively short time, the idea of sexual slavery garnered such intense interest from the press, public, and politicians, that a phenomenon involving two contentious issues – immigration and prostitution – developed into a remarkably coherent and readily recognizable problem. I maintain that the high visibility and narrow framing of sex trafficking cloak the complexity of migration and prostitution as did white slavery over a century ago. This analysis augurs my contention that the UK sex trafficking campaign is tied, like its forerunner of white slavery, to anxieties over race and nation. I maintain that increases in (whoever counts as) undesirable migrants and shifts in women’s work were the conditions of possibility for the emergence of the white slavery panic of the nineteenth-century. It is my line of argument that these factors are again fundamental, in the sex trafficking panic of the twenty-first century.

Following my analysis in Chapter 2, regarding the conceptual correlations between white slavery and sex trafficking panics, Chapter 3 shows that the structural operations of today’s anti-trafficking campaign share much in common with earlier hysteria over white slavery. In Chapter 3, I consider

three undercover operations to discover women and girls traded into sexual slavery: the 1885 Eliza Armstrong case in London; a 1910 vice commission operation in New York; and a 2004 anti-trafficking police raid in Birmingham. By juxtaposing two white slavery cases with an anti-trafficking raid on a Birmingham brothel, I extend my analysis of numerical claims and sex slavery narratives to the structural efforts of state actors and anti-vice advocates. The analysis reveals both the appeal and limitation of sex slavery narratives and demonstrates that the rhetoric of slavery highlights horror while diverting attention from the complexity of migration and sex work. I posit that this British government's presentation of history was of a piece with a political project that justifies repressive state action and reaffirms British identity and national interests. By attending to the history of white slavery panics, I trouble the account that contemporary Britain gives of itself and I reveal the Government's investment in forbidding, and facilitating, certain migration flows.

Chapter 4 reviews the overhaul of prostitution policy attending the UK anti-trafficking campaign and what I term the "sympathetic shift." The portrayal of prostitution in the "sympathetic shift" reduced sex work from a complex social phenomenon involving men and women, multiple labor sectors, and a tenuous legality, to an always harmful activity involving the exploitation of women. In Chapter 4 as I transition from historical cases to contemporary policy, my analytical framework also changes from historical interpretation to the empirical mode begun in Chapter 1. My object of analysis is the Home Office report, *Paying the Price: A Consultation Paper on Prostitution*, which tested the British government's new policy on sex work. I highlight the exclusion of a sex worker rights discourse from policy debates to show how changes in policy, and the shift to depicting sex workers as victims, were tied to the ascendance of an abolitionist discourse.

Chapter 5 continues the line of analysis begun in Chapter 4 by explicating the implementation of the British government's policy on prostitution and sex trafficking. I examine the denouement of the UK's largest ever policing operation, Pentameter 2, which was inaugurated to tackle sex trafficking, but ended by bringing the anti-trafficking campaign into disrepute. The crisis came because Home Office claims about the nature of trafficking differed substantially from the outcome of Pentameter 2. The people arrested and rescued through the policing mission were not the "inhuman criminals" imagined in the dominant discourse of "modern day slavery." The Government alleged that it was fighting slavery. It turned out to be combating facilitated migration and voluntary prostitution. I rely on official documentation and outcome statistics to assess anti-trafficking law enforcement efforts and to reveal the disjuncture between claims about the scope of sex trafficking in the UK and the tangible results of Pentameter 2. This comparison of Government declarations and actual policing outcomes is crucial to interpreting the "success" of anti-trafficking efforts in the United Kingdom.

The difficulty of identifying victims, of telling guilty and innocent women apart, runs like a red thread through the British anti-sex trafficking campaign: from the production of statistics, the use of slavery rhetoric, the shifts in prostitution policy, to the infrastructure of determining victims. It is the goal of this dissertation to trace this tension, and examine its effects on trafficking victims and foreign and domestic sex workers. Thus I explore the ways in which the UK anti-sex trafficking campaign targets two phenomena – migration and prostitution – that are not illegal and yet are increasingly criminalized through legal reform and law enforcement operations to stop sex trafficking.

## Taking the Measure of “Modern Day Slavery”

With an issue like trafficking, illegal and hidden, finding accurate estimates of the true extent can be compared to finding needles in haystacks ~ Liz Kelly and Linda Regan<sup>3</sup>

### Foundational Figures: The First Estimate of Sex Trafficking

In 1999, the UK Home Office commissioned the report *Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK* (2000).<sup>4</sup> Part of the Police Research Series, the paper was drafted by Liz Kelly and Linda Regan of the University of North London. The authors explain that “this report outlines an exploratory study, commissioned by the Home Office Policing and Crime Reduction Unit (PRCU), focusing on the nature and extent of trafficking in women for the purposes of sexual exploitation in the UK” (6). The first thing we notice about the report is its sponsor, the PRCU, and the delimitation of the study to women and sex trafficking. The British government has consistently reduced the issue of human trafficking into multiple industries to the trafficking of women into prostitution. This reduction indicates the willingness of the Home Office to tackle trafficking in prostitution, while leaving more mainstream sectors of the economy relatively untouched. *Stopping Traffic* was part of law enforcement scoping exercise to ascertain the scale of trafficking. Kelly and Regan explain the study thus:

We present data which indicate the scale of trafficking in women in the UK; moving ‘beyond anecdote’ to account for the number of cases known to police in 1998, and other data which suggest the wider scale of the problem. Much of the latter information provides indicative rather than accurate measures, but is important in establishing a base of understanding (16).

It is this “other data” or “latter information” that I interrogate in this chapter. Kelly and Regan aim to produce a primary trafficking estimate in order to establish a basis for state action and further trafficking studies. The authors acknowledge the difficulty of this task and the various “guesstimates” circulating on international trafficking, recognizing that ‘whilst it is impossible to assess their accuracy, what is incontrovertible is that trafficking is a problem of considerable proportions internationally’ (16).

Despite the difficulty of estimation in the area of trafficking, Kelly and Regan suggest that “one possible method of sidestepping the numbers debate is to present estimates within a range from the minimum (for which there is an accurate base) to a theoretical, and speculative, maximum (which relies on less substantiated material). This is the approach adopted in the current research” (16). The authors appear aware of the fact that numbers are a narrative and that their study takes part in a

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<sup>3</sup> Liz Kelly and Linda Regan, “Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK,” Police Research Series, Paper 125, Home Office Research and Statistics Directorate (2000): 6.

<sup>4</sup> Liz Kelly and Linda Regan, “Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK,” Police Research Series, Paper 125, Home Office Research and Statistics Directorate, (2000).

debate, which they wish to sidestep. If we take a look at their approach, however, we find an abolitionist position on prostitution that is firmly rooted in active political contestation. Numerical claims are a key part of arguments both for and against prostitution, and over the prevalence of sex trafficking within the sex industry. Kelly and Regan approach the subject of sex trafficking from a particular theoretical position:

Whilst much international policy documentation attempts to draw boundaries between trafficking in women and prostitution, it may be suggested that such clear demarcations are problematic. Trafficking in women for the purposes of sexual exploitation relies upon, and sustains, prostitution and women's inequality (1).

In line with British abolitionist politicians, including Home Secretary Jacqui Smith, MP Fiona Mactaggart, MP Harriet Harman, and MP Vera Baird, each a prominent figure in trafficking and prostitution debates, Kelly and Regan assert that prostitution creates demand for sex trafficking and sex trafficking "relies upon" prostitution and women's inequality. Their conceptualization erases the distinction between sex work and sex trafficking, creating a series of nesting dolls in which sex trafficking is contained inside prostitution which is contained inside women's inequality. Their aim is to convince the British government that targeting sex trafficking must involve attacking its support and shelter: prostitution. This strategy presumes to have the added benefit of attacking the larger problem of women's inequality. Although Kelly and Regan attempt to sidestep the numbers debate and present their study as an objective measure, their theoretical premise does not represent a depoliticized project, but one with a distinct political position on prostitution and the precise goal of lobbying the Government for more police action against sex trafficking and prostitution.

While Kelly and Regan argue against some demarcations, at the next instance they draw lines in the sand such as dividing "trafficking in women for the purposes of sexual exploitation" from trafficking in women for the purposes of labor exploitation. In the abolitionist view, sex and labor do not mix because prostitution is violence, not "sex work." The approach advocates a crackdown on prostitution as a means toward ending trafficking in women, and weaves prostitution, women's inequality, and sex trafficking into a web of oppression that must be torn through, rather than tolerated by the state and society. Regan and Kelly contest the boundaries drawn by international and domestic policies that separate sex trafficking and prostitution. Prostitution, in this alternative view, is defined as an income-generating activity irreducible to gendered violence or women's inequality or sex trafficking. These two positions mark the opposite poles of feminist debate on the regulation of prostitution, which has been increasingly shaped by the issue of sex trafficking since the mid-1990s. At the start of their report, Kelly and Regan plant a flag in the abolitionist camp, which defines prostitution as violence against women and privileges trafficking in women for sexual exploitation over the trafficking of women, or anybody else for that matter, to exploit their labor.

In the international arena, feminist groups, such as GAATW (Global Alliance against Traffic in Women), have fought to prevent the collapse of the distinction between sex trafficking and sex work advocated by abolitionist feminist groups such as CATW (Coalition against Traffic in Women). Abolitionist organizations maintain that prostitution is a form of gendered violence and that its existence enables sex trafficking (and, at times, the argument is reversed to claim that sex trafficking enables, or feeds, prostitution). During debates over the United Nations Protocol on Human Trafficking, representatives from GAATW, sex worker rights advocates, and members of the Human Rights Caucus argued against the abolitionist position, stressing that prostitution was neither synonymous with gender inequality nor with sex trafficking. As stated by Ratna Kapur,

Regardless of why women move, their assertion of the right to mobility, self-determination, and development must not be confused with violence, force, coercion, abuse, or fraud that may take place in the course of migration or transport. The crime rests in the elements of abuse and violations that are committed against women along the continuum of women's migration, and not in the movement or mobility per se.<sup>5</sup>

Human rights groups emphasized that subsuming prostitution into sex trafficking risks obliterating women's autonomy while opening them up to punitive state responses if they work in the sex industry, and especially if they are migrants.<sup>6</sup> But the abolitionist position frames prostitutes and migrant women as always already victims in need of interventionist responses by the state. Subscribing to the abolitionist view, Regan and Kelly eliminate distinctions between prostitution, migration, and sex trafficking before they begin to count women trafficked for sexual exploitation.

The methodology used in the *Stopping Traffic* report included surveying forty-three police forces to get a baseline figure for the number of recorded sex trafficking cases. The response rate was 78%, with the very high level of participation pointing towards the official sanction of the survey and the willingness of law enforcement to take part in the government-sponsored study. Kelly and Regan state that the data "indicate that the minimum number of women trafficked in the UK and known to the police in 1998 is 71 (18)." *Stopping Traffic's* minimum number or "accurate base" was installed as the number 71 (18). Unfortunately, the authors do not verify the police classifications or review the case records themselves. In this way, the police record became the foundation for the first UK sex trafficking estimate without any interrogation of the law enforcement data. Like my conference interlocutor, Kelly and Regan do query the police account in two ways, however. They assume that the official number wrong and that the true number must be much higher. Having already admitted that finding the exact number is impossible, Kelly and Regan create a numerical range instead.

Adding to the "accurate base" of 71, Kelly and Regan posit additional factors that could increase the number of women trafficked through the UK for sexual exploitation. They claim to do this in order to go beyond the minimum number and count women who did not end up in police records. This exercise is not based on fieldwork; it relies on a mixture of sources drawn from police, press, health services, immigration statistics, and the internet. The authors acknowledge the speculative nature of their research and the patchy quality of the data pool, yet they allege that the "combination of these data sources, some more robust than others, suggests that the trafficking problem is of greater proportions, and located in many more cities and towns in the UK, than the known and confirmed cases suggest" (21).

To give us a firm grasp of where the sex trafficking evidence came from and how the final estimate was created, I enumerate the authors' additional data sources below:

1. Police: The authors state that "at least six possible additional cases" are not included in survey total because they have yet to be concluded.

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<sup>5</sup> Ratna Kapur, "Cross Border Movements and the Law: Renegotiating the Boundaries of Difference" in *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*, ed. Kamala Kempadoo (Boulder, CO: Paradigm Publishers, 2005), 36.

<sup>6</sup> Jo Doezema, *Sex Slaves and Discourse Masters: The Construction of Trafficking* (New York: Zone Books, 2010).

2. Unidentified Sources: Two separate sources, not specified by the authors, claim the UK is a transit country, particularly for African women moved to Italy via the UK.
3. Speculation about Soho flats: The authors claim that a proportion of foreign women working in Soho flats are trafficked. They assert that “whilst it cannot be presumed that all of these women had been trafficked, it is considered likely that a proportion of them have.”
4. Health Projects: The authors state that at a Home Office seminar health project workers estimated that 50% of London prostitutes are migrant women and 5% of them have been trafficked.
5. Home Office Organised Crime Notification Scheme: This source lists eight groups involved in human trafficking and prostitution.
6. Press: The authors attest that there was “at least one newspaper story published in 1999 points to the presence of trafficked women in areas of the UK where police forces have not identified a problem.”
7. Marriage Agencies: The authors claim that immigration statistics show women entering the UK as overseas wives from “countries where trafficking is a known concern.” They assume that this means the women are trafficked through marriage agencies in some cases.
8. Internet: The authors state that the internet shows sex industry activity where police list no such activity. The authors conclude, “It cannot be assumed that the women referred to in these adverts had been trafficked, but neither can it be assumed that they had not.”<sup>7</sup>

Unidentified sources, a single news article, and the Organised Crime Notification Scheme are cited because they assert that women are being trafficked to the UK.<sup>8</sup> Kelly and Regan neither explain how these organizations obtained this information, nor do they detail how they verified it. These sources are taken at their word, this evidence is mixed with other sources, which are no less problematic. For instance, how do the health workers arrive at the estimate that 5% of London sex workers (on-street? off-street? both?) have been trafficked? Although this percentage is unexplained, as it turns out it is quite conservative; the next Home Office report claimed a whopping 75% of migrant women working in London’s off-street industry were trafficked. It is also unexplained why Regan and Kelly believe that on-going cases will turn out to prove trafficking, that unidentified sources are reliable, and that a single newspaper story is accurate.

Examining the additional sources, we find that the data demonstrate variable levels of reliability. Additionally, some sources’ conceptualization of sex trafficking demonstrates a categorical slide from foreign prostitute to trafficking victim, without any basis for the conflation. For example, the third and seventh sources refer to foreign sex workers in London and international marriage

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<sup>7</sup> Liz Kelly and Linda Regan, “Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK,” Police Research Series, Paper 125, Home Office Research, Development and Statistics Directorate (2000): 19-21.

<sup>8</sup> The article, from an *Observer* dated 14 March 1999, is titled “Britain’s sex slave trade booms.” It, too, interprets the presence of foreign women in prostitution as sex trafficking: “The investigation threw up alarming information about the numbers of trafficked women involved in the capital’s sex trade. A police survey of flats used by Soho prostitutes found that 60 per cent were occupied by women of East European origin.”

respectively, but they say nothing of trafficking indicators. The eighth source regarding information on the Internet suggests the presence of solicitation on the web, and not necessarily sex trafficking.

In *Stopping Traffic*, the presence of foreign women in prostitution is evidence enough to confirm sex trafficking. The authors' statement that "it cannot be assumed that the women ... are trafficked ... but neither can it be assumed that they had not," sidesteps the fact that Kelly and Regan are, indeed, assuming that women are trafficked through marriage agencies, in-door prostitution, and the internet. They use these assumptions to create an estimate. The existence of sex trafficking in these sectors is both the working hypothesis of the study and the motivation for extrapolating from the "accurate base." Thus the authors conclude that sex trafficking is present in multiple sectors, which is exactly the unknown that the research is meant to elucidate.

Regan and Kelly's erasure of the boundary between sex work and sex trafficking is made plain by their interpretation of the data. They need only count foreign prostitutes to increase the number of sex trafficking victims in the UK, and that is exactly what they did.

What Kelly and Regan provide is information on prostitution, including its advertisement on-line and a demographic shift from domestic to foreign sex workers. This visible change to the UK sex industry caused great alarm for politicians, immigration officials, the police, and abolitionist feminists alike. It was viewed as a problem that women were migrating from Eastern Europe into the British sex industry following the expansion of the European Union. Such undesirable migration taking place at the same time as a growing discourse on sex trafficking ensured that women's migration and foreign women's involvement in sex work would come under increasing scrutiny. At this early stage, getting a read on the extent and nature of sex trafficking meant monitoring the presence of foreign prostitutes and assuming that where there were foreign women, there was trafficking. Curiously, under the heading *Beyond Anecdotes: Estimating the Trafficking of Women in the UK*, Kelly and Regan quote a police officer stating, "Where ever there is organised off-street prostitution, our view now is that you will find trafficked women there." (16).

Notwithstanding the inherent methodological problems, the researchers use the additional data sources to stretch from the "accurate base" to their "speculative maximum" (16). Kelly and Regan conclude that "it can be estimated that the true scale of trafficking may be between two and twenty times that which has been confirmed" (21). Using this calculus, they claim between 142 and 1420 women were trafficked in 1998. The top figure of 1420 is obtained through a series of projections that do not move beyond anecdote or assumption. In their words:

*Assuming* that a higher proportion than the 25% of migrant women in the sex industry have been trafficked increases figures...; *taking* the journalistic estimates of "hundreds" of women from Albania and Kosovo as accurate...; *postulating* greater involvement of trafficked women outside London ... *including* women who enter as mail order brides ... and *including* a significant amount of internal trafficking ... provides us with a figure of twenty times larger than confirmed cases.<sup>9</sup>

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<sup>9</sup> Liz Kelly and Linda Regan, "Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK," Police Research Series, Paper 125, Home Office Research, Development and Statistics Directorate (2000): 22. Emphases mine.

Although Kelly and Regan avowedly aimed at an evidence-based estimate, their methodology depends upon anecdotal stories and assumptions about multiple prostitution sectors and other sites such as marriage markets and the internet. What the study does is take police reports at face-value, supplementing them with various hunches, postulates, and suspicions. *Stopping Traffic* does not provide a reliable estimate, but it does illuminate the conceptual machinations involved in estimating sex trafficking.

In the methodology section, evocatively titled “Of Needles and Haystacks,” Kelly and Regan are forthright about how they arrive at the estimates and the tentative nature of their conclusions. They readily admit the difficulty of finding data because trafficking is an illegal activity, “which is not amenable to traditional forms of data collection or social research” (7). Notwithstanding its authors’ reservations, *Stopping Traffic* succeeded in giving an authoritative statistical picture of sex trafficking in the UK. It succeeded in making the argument that sex trafficking could be measured and tackled by the state. The effect of estimate was to generate much more discourse on the now-concretized problem of sex trafficking and to permit the state to step in with a solution.

The British government, the media, and anti-trafficking NGOs used *Stopping Traffic*, repeating the top figure without any word on how it was produced. The website for CHASTE (Churches against Sex Trafficking in Europe) declared that “an estimated 1,420 women were trafficked into the UK in 2000 for the purposes of constrained prostitution.”<sup>10</sup> In addition to identifying the wrong year (the website names the publication date instead of the year studied), CHASTE fails to explain that it cites the highest number in an estimated range. CHASTE was not alone because anti-trafficking NGOs were extremely eager to cite the *Stopping Traffic* statistic.

Another prominent anti-trafficking organization, Amnesty International UK, also misrepresented the basis for the estimate. Under the rather ironic heading “Some Key Facts on Trafficking,” Amnesty International UK asserts:

Home Office research found that up to 1,420 women were trafficked into the UK for sexual exploitation in 1998. The figure was based solely on reported cases, and trafficking in people is understood by the police and by organisations that work with victims to be increasing exponentially - because it is extremely profitable, with “high demand” and little capital outlay needed at the start.<sup>11</sup>

Amnesty International UK gets the year correct and indicates the figurative range by stating “up to 1,420,” but there ends the accurate representation of the study. The NGO then erroneously claims that the *Stopping Traffic* estimate is based “solely on reported cases.” Because the *Stopping Traffic* used data that was neither verified nor derived from reported cases, this statement by Amnesty International distorts the data, giving it the air of actual fact. If it were true that only reported cases were used, then figure would be the 71 cases reported by police, and not an estimated 1,420 women. The police cases constitute the report’s unquestioned kernel of truth. The authors took police data at face value, but these are indeed accurately described as “reported cases.” There were reported cases that formed the foundational figure of the calculation, but the baseline number was quickly surpassed through a series of speculations that ended in the claim that up to two thousand women were trafficked through the UK. Amnesty International ignores the methodology and instead cites

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<sup>10</sup> Churches against Sex Trafficking in Europe, <http://www.chaste.org.uk>, Accessed 10 March 2010.

<sup>11</sup> Amnesty International UK, <http://www.amnesty.org.uk>, Accessed 25 May 2010.

the top of the range, misrepresents its referent, and asserts that trafficking is understood to be increasing *exponentially*.

In the foregoing analysis, I have shown that extrapolation, *not* verified evidence, created a figurative range. Despite the weakness of the data, Kelly and Regan's report was taken up as an accurate representation of sex trafficking. The figures were divorced from the report and came to stand for real, live trafficked women. Estimates anchored emotive sex trafficking narratives. As Jo Doezema argues with regard to historians' attempts to find the numerical fact behind nineteenth-century white slavery stories:

They have taken the symbolic and metaphorical figures of myth – the “innocent virgin,” the “evil foreigner” – and attempted to turn them into real, existing, flesh-and-blood people whose numbers can be counted. It is only after the move is made from symbolic to literal truth, from descriptive to emotive or conative language, from constative to performative language, that myth can be seen as a sort of statement deserving of empirical inquiry. There is thus already a mechanism of legitimation, of naturalization, at work: a mechanism that conceals its own workings in the process (2010: 44 - 45).

Doezema's theoretical articulation directs us to the problem of counting and the statistical sleight of hand performed by estimates that construct the objects they count. Rather than view Kelly and Regan as assessing objects-in-themselves, when we parse the data and methodology of *Stopping Traffic* we see the political production behind the study. Despite claims to neutrality and to sidestepping the numbers debate, *Stopping Traffic* is an argument about the nature of women's oppression and the best means to ameliorate inequality. The authors' abolitionist stance towards prostitution is expressed by the reduction of human trafficking to sex trafficking and, in turn, the expansion of sex trafficking to multiple forms of prostitution and migration.

Kelly and Regan's purported empiricism is actually *a priori* revelation, bringing to light a crime called “sex trafficking” without observing the phenomenon the authors endeavor to investigate. The evidence consists of second-hand reports, hearsay, and suppositions about foreign women in prostitution. Their study posits a referent that can be labeled, a seemingly stable and objective category that can be measured. In this way, Kelly and Regan affirm the ability of the state to both determine and deter certain criminal practices, perpetrators, and victims. The solution is more and better law enforcement and border control. With the goal of detecting and rescuing trafficking victims, the authors do not countenance what will happen to foreign women and migrant sex workers taken up in the sweep to find sex slaves.

*Stopping Traffic* advises that police be made aware of sex trafficking in order to monitor sex (and marriage) markets. It critiques the current policing of prostitution, which treats women as criminals instead of as victims of violence: “The survey of police forces carried out in this study found that where there is a reactive, nuisance based, response to prostitution it is less likely that trafficked women will be detected” (26). Put another way, to find the trafficking victims statistically projected into existence, the police need a new conceptual framework on prostitution and a proactive mode of law enforcement. In the section of *Stopping Traffic* titled “What the Eye Does Not See: Law Enforcement Responses to Trafficking,” Kelly and Regan state that “the most significant barrier [to effective responses to trafficking] appears to be the limited awareness of off-street prostitution throughout police forces. Where there is little or no monitoring, activities remain ‘unseen,’ and therefore unpoliced” (39).

Kelly and Regan argue against state toleration of prostitution and argue for increased policing interventions and surveillance that monitors foreign women in particular. This re-envisioning of prostitutes as victims, rather than as a public nuisance, is what I term the “sympathetic shift” in UK prostitution policy (presented in Chapter 4 of the dissertation). Police first have to be persuaded that that they will find trafficking victims forced into prostitution and then they are duty-bound to rescue them. Kelly and Regan appear unfazed by the effects of this proposal on women in prostitution so convinced are they that there is a sex trafficking problem in the UK. Women working both legally and illegally in prostitution may be increasingly criminalized by the law and order approach, but that may be necessary in order to detect trafficking women. Moreover, if *all* women in prostitution are victims, whether trafficked or no, then police intervention is justifiable. In later chapters, we will see that Kelly and Regan’s call for the proactive policing of prostitution is an early iteration of the anti-trafficking campaign’s reliance on robust and expansive law enforcement. The authors are also early practitioners of using unsupported hypotheses as empirically-based evidence for policy-making.

In this section, we have investigated the substance of the first UK estimate of sex trafficking found in the report, *Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK*. The title’s parenthetical reference to *Responses to Trafficking* signals the second aim of the study after arriving at an estimate: influencing state policy and action. The report helped to construct the foundation for UK anti-trafficking efforts and its conclusions concretized the notion that “human trafficking” was a problem of foreign women in the British sex industry. When prostitutes’ or migrant women’s rights are addressed by Kelly and Regan, they are tied to criminal justice: the need for victims to participate in criminal proceedings, to give evidence against their abusers, to be rescued through police raids, to be identified by immigration and police agencies.

By producing the first estimate, Kelly and Regan gave the Government grounds for prostitution policy reforms (see Chapter 4) and proactive policing operations (see Chapter 5). The targeting of prostitutes by law enforcement was not an unintended effect separable from statistical estimates, but one of the desired outcomes of an empirical study on governing the trafficking problem. Once the state had a statistic, the Home Office could reasonably justify police crackdowns against this new and abhorrent crime.

### **Building on a Shaky Foundation: Stopping Traffic and Increasing Estimates**

The follow-up study to *Stopping Traffic* was the report titled, *The Impact of Organised Crime in the UK: Revenues and Economic and Social Costs*.<sup>12</sup> Its estimate was released before the report was published, which made the number easy to cite without having to, or being able to, examine the methodology or data that generated the figure. The study built upon Kelly and Regan’s report and estimated the number of trafficked women within the UK for the year 2003. In this report, we find the chief number used in the British anti-trafficking blueprint, the *UK Action Plan on Tackling Human Trafficking* (2007), which articulated the state strategy against trafficking in women.

The policy aim of the study is made plain on the first page. Dubourg and Prichard state their goal “to inform policy of the scale of organized crime in the UK, the values of revenue derived from organized crime, and the social and economic costs associated with these activities” (ii). Unlike

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<sup>12</sup> Richard Dubourg and Stephen Prichard, eds. “The Impact of Organized Crime in the UK: Revenues and Economic and Social Costs,” London: Home Office (year unknown).

*Stopping Traffic*, which concerned only estimating sex trafficking, *The Impact of Organised Crime* calculates the scale, revenues, economic and social costs of “the most serious organised crime activities” (1). These include people smuggling, people trafficking for sexual exploitation, illicit drugs, excise fraud and smuggling, non-benefit fraud, and non-excise intellectual property theft. Hence trafficking is organized crime, an official description that accords with sex trafficking narratives that depict foreign women traded by Eastern European criminal cartels. This sex trafficking narrative fits with common sense notions of “organized crime” as extremely violent mafia-type gangs. Dubourg and Prichard’s definition of organized crime is more restricted, however. For them, organized crime consists of:

two or more persons, jointly engaged in continuing “significant illegal activities,” irrespective of national or other boundaries ... Such a group is capable of defending its members, enterprises, or profits using one or more of the following: violence, coercion, corruption, or deception (including false identities).<sup>13</sup>

Although the report extends beyond the crime of human trafficking, akin to *Stopping Traffic*, it restricts analysis of trafficking to the sex industry. The authors explain this limitation by pointing to the lack of data on labor trafficking (and by exhibiting a disinclination to produce data on labor trafficking). They explain, “The people trafficking chapter concentrates on only a subset of this market – organised trafficked prostitution; this is because there are no available data concerning other forms of people trafficking” (1). Neither the authors nor the Home Office appear willing to address the lack of labor trafficking data.

Curiously, the informational void does not produce inquiry. It stifles investigation through the circular argument that because there is no available data on labor trafficking, researchers cannot produce or enhance labor trafficking data. The lack of intelligence in turn justifies Government inaction, as the Home Office could not design policy solutions for a problem it did not study. Instead the Home Office designed policy for a problem of unknown proportions. Dubourg and Prichard are not particularly sanguine about the accuracy of their study. They pepper the report with warnings and qualifications, stating that the data are “subject to a very large margin of error”; that the “data are generally very poor regarding the number of women involved in prostitution”; that “the estimate is very approximate”; and that “this chapter should be treated with great caution” (18, 15). Needless to say, the red flag waving went unheeded. When communicating the estimate, the Home Office, media, and anti-trafficking NGOs did not repeat the researchers’ ambivalence or the methodological weakness of the report.

Because sex trafficking data was poor, it would be a stretch to say that the British government understood trafficking or that it had adequate intelligence to commence an anti-trafficking law enforcement campaign. Nevertheless, the appearance of sex trafficking data, in the form of trafficking estimates, allowed the Home Office to target the indoor sex industry. Conversely, the absence of labor trafficking data allowed there to be no inquiry into or action against the exploitation of migrant men and women outside of the sex industry.

In their words, Dubourg and Prichard estimate the “stock” of trafficked women within the UK as opposed to Regan and Kelly’s “flow” through the UK. Taking the two studies together the number

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<sup>13</sup> Richard Dubourg and Stephen Prichard, eds. “The Impact of Organized Crime in the UK: Revenues and Economic and Social Costs,” London: Home Office (year unknown): 4.

of trafficked women appeared to double from 1998 to 2003. But Dubourg and Prichard assert that their estimate cannot be compared with Kelly and Regan due to methodological differences. Their higher estimate “presents no evidence concerning whether the scale of people [read: sex] trafficking has risen or fallen since 1998” (18). Rather, they contend that the varying estimates result from distinct assumptions and methods of counting. As demonstrated by the Amnesty International claim of exponential growth, however, larger numbers were often taken as proof of escalating sex trafficking. Estimates then took on a life of their own outside of the reports, jumping from 2,000, 4,000, 18,000 to 25,000 women trafficked each year!

Dubourg and Prichard build upon *Stopping Traffic*, but they claim to depart from perils of prior methodologies, particularly numerical ranges, because they fear the quantification of uncertainty. They avow, “Ranges have not been used – in general there is little to base any ranges on, and there is a danger they would falsely indicate that the degree of uncertainty could be quantified precisely” (2). It shall become clear that their solution to the inaccuracy of numerical ranges produced another, more troubling problem. Their solution, of providing an extremely specific number, gave the impression that they had precisely quantified the number of women trafficked in the UK in 2003. *The Impact of Organised Crime* did not quantify the degree of uncertainty about sex trafficking; instead, the report suppressed ambiguity by producing an exact figure. This false impression of certainty bolstered the anti-trafficking argument that problem of sex trafficking was escalating, and it encouraged police to conduct raids to find the thousands of trafficking victims hidden throughout the UK.

*The Impact of Organised Crime* does not move from past research because it is premised entirely on previous studies. In a section titled “Caveats,” the authors explain that “the analysis is based on estimates concerning the proportion of women involved in prostitution who are likely to have been trafficked (it was not directly informed by evidence concerning the number of women observed to have been trafficked, so the estimate is very approximate)” (15). The parenthetical admission that the study “was not directly informed by evidence” should have given pause to anyone wishing to draw conclusions based on the study. However, the researchers persevered in producing a theoretical figure and, because the report was unpublished, few people actually saw the disclaimer.

Without direct evidence, from where and from whom do Dubourg and Prichard get their data? Put another way, what are the estimates on which Dubourg and Prichard base their estimate? The researchers take a study, titled *Sex in the City: Mapping Commercial Sex across London*, which purports to provide a “snapshot” of the London sex industry in order to “clarify the scale and range of venues selling sex, and therefore the numbers of women working in prostitution (5).”<sup>14</sup> Drafted by Sandra Dickson, *Sex in the City* was a collaborative study produced by the POPPY Project and edited by journalist and noted prostitution abolitionist Julie Bindel. The POPPY Project is perhaps the most prominent anti-trafficking NGO in the United Kingdom because the Labour government chose it alone to provide housing and services to trafficked women. The POPPY Project was the primary NGO recipient of Government funds and, in addition to housing and services, the organization also produces research and public awareness campaigns.

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<sup>14</sup> Sandra Dickson & The POPPY Project, “Sex in the City: Mapping Commercial Sex Across London,” *The POPPY Project* (2004): 5. Dubourg and Prichard state that their “methodology for estimating the number of victims in London is driven largely by the analysis contained in Dickson (2004)” (16).

*Sex in the City* was part of a clutch of highly problematic studies by the POPPY Project, including the roundly criticized report, *Big Brothel: A Survey of the Off-Street Sex Industry in London*.<sup>15</sup> *Big Brothel* was commissioned by Harriet Harman, the then Minister for Women and Equality, and aimed “to establish the nature and scale of the illegal advertisement of women for commercial sex acts in classified sections of regional and local UK newspapers” (2). The study was co-authored by Helen Atkins, of the POPPY Project, and Julie Bindel, who disseminated its findings through the *Guardian* newspaper under the headline, “Revealed: The Truth about Brothels.”<sup>16</sup>

*Big Brothel* involved men telephoning brothels in London, posing as clients, and asking how many foreign women worked there, in addition to queries about services, prices, and location. The number of foreign women reported over the phone was then taken as an indication of trafficking in London. The report asserted that “of the women identified in *Sex in the City*, 81% were foreign nationals. *Big Brothel* recorded a slight increase to 84%. Indicators of trafficking were found in every borough of London” (30).<sup>17</sup> The indicators “found in every borough” refer to the fact that foreign women worked in prostitution throughout the capital. In *Sex in the City*, foreign women count as trafficked victims when no other information was gathered besides their nationality and the fact that they work in a brothel. Since the men posing as clients spoke only to the person answering the phone, and not directly to all of the women working there, the claim that foreign women were trafficked was pure supposition.

Although *Big Brothel* received a lot of media coverage, its methodological and ethical problems were legion. The study consisted of a covert investigation using information garnered over the phone as a representation or “snapshot” of reality (5). The report explains that “the quantitative data obtained through the survey is anecdotal, acquired from subjects who assumed that they were talking to prospective buyers” (14). The data may indicate how brothel receptionists, maids, and prostitutes respond to telephone inquiries from potential customers, but it does not reveal who actually works at the brothel, their national origin, or whether or not they are a victim of trafficking. Additionally, the data may indicate a demographic shift in the sex industry from British nationals to foreigners, but how substantial is the shift and from which countries sex workers hail are details indiscernible by phone survey.

Survey data can be supported through direct empirical assessment, such as site visits and in-person interviews with women who work in brothels, but it was spurious to claim that there was adequate information indicating sex trafficking. Likewise, researchers could not assume that it was young women or foreign women working in brothels based on phone surveys. As the Bindel and Atkins acknowledge, phone operators have a tendency to “round down” ages and to engage in “ethnic misrepresentation” in order to get business from clients (16, 18). All told, *Big Brothel* did not reveal the truth of London brothels, rather it showed how phone operators respond to questions by clients (supposing the operators were convinced by the client-imposters every time), and that operators misrepresent prostitutes to drum up business.

In addition to anecdotalism, an abolitionist position skews the methodology and conclusions of the report. Bindel and Atkins start from the position that prostitution is a form violence against women, stating: “Nowhere is the inequality more stark than in the case of prostitution, where the roles of

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<sup>15</sup> Julie Bindel, Helen Atkins, & The POPPY Project, *Big Brothel: A Survey of the Off-Street Sex Industry in London* (2008).

<sup>16</sup> Julie Bindel, “Revealed: The Truth about Brothels,” *Guardian*, 10 September 2008.

<sup>17</sup> Julie Bindel, Helen Atkins, & The POPPY Project, *Big Brothel: A Survey of the Off-Street Sex Industry in London* (2008): 30.

women and men are constructed as fundamentally different, in ways that support and maintain gender inequality” (ii). The authors describe the fundamentally different roles of men who buy sex and women who sell sex through binary oppositions such as “hunter / prey,” “buyer / bought,” “sex drive / sex object” (ii). Further, Atkins explained the significance of *Big Brothel* by declaring that “it has been said that we are never more than six feet away from a rat in London. Apparently, something similar applies to brothels, places where thousands of women are exploited by men who buy sex.”<sup>18</sup> It is not immediately clear whether the referent for the “rat” is the prevalence of brothels, or the clients, and prostitutes, inside brothel walls. The discursive association of brothels, prostitutes, and clients in a metaphor declaiming a contaminating proximity to vermin is a particularly revealing example of investigator bias.

Rather than the misrepresentation we see with both *Stopping Traffic* and *The Impact on Organised Crime*, which occurred when estimates were taken out of context by third parties, in the case of *Big Brothel*, the report’s presentation of its findings focuses on extremes and it misrepresents its own data. On the summary page, titled “What’s on the Menu in London’s Brothels?,” the report proclaims: “Kissing, oral or anal sex without a condom for an extra tenner.” The statement implies that these sexual services are typical and cheap, costing only an additional £10.<sup>19</sup> The report’s data, however, states that only 2% of the brothels surveyed offered penetrative sex without a condom; and, of that 2%, the average price was £71.25, with an extra charge of £10 up to £200. Further on the menu claims: “Full sex available for fifteen quid.” The hoax calls did locate brothels offering penetrative sex for £15, but the complete data show the average price was £61.93 with a range of £15 to £250.

Bindel and Atkins select the extreme ends of the findings and present them as typically “on the menu.” The data in *Big Brothel*, however, indicate the opposite: penetrative sex for sale in London brothels is usually protected and priced well over £15. That is the summative point derived from these data, as opposed to a spurious statement that the cost of penetrative sex in London is “fifteen quid.” The report’s list of quotable menu items encouraged the press to disseminate these pre-selected portions of the report. Concerned about the effect of *Big Brothel*, twenty-seven academics issued a detailed rebuke, titled “An Academic Response to ‘Big Brothel’”:

We have grave concerns about the lack of ethical protocols and procedures followed in [*Big Brothel*] and also the weak methodological rigour through which the information was gathered. In addition, we are worried about the salacious nature of the report and the media ‘hype’ that has been generated regarding the safer sexual practices and the price of sexual services in the UK. Due to considerable media attention and exposure given to the report, there is the danger of misrepresentations impacting upon very important social and public policy issues.<sup>20</sup>

The research for, and the publication of, *Big Brothel* occurred during the overhaul of prostitution policy in the UK. In January 2008, several Ministers of Parliament undertook scoping visits to the Netherlands, Sweden, and Australia to review alternative prostitution policy regimes to shape the overhaul of the UK Sexual Offences Act. Therefore, the release of *Big Brothel* was politically well-timed to impact policy development by portraying in-door prostitution as exploitative, dangerous,

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<sup>18</sup> Charlie Campbell, “Redbridge: High Number of Brothels Revealed,” *Guardian Series East London and West Essex*, 16 September 2008.

<sup>19</sup> Julie Bindel, Helen Atkins, & The POPPY Project, *Big Brothel: A Survey of the Off-Street Sex Industry in London* (2008): 4.

<sup>20</sup> Teela Sanders et al, “An Academic Response to ‘Big Brothel,’” (2008).

and cheap. As part of the POPPY Project’s research, *Sex in the City* aimed to chart the extent of indoor prostitution while *Big Brothel* colored in this map by characterizing services, prices, workers, and establishments.

The POPPY Project defended *Big Brothel* by maintaining that its research and its support services for trafficking victims were separately funded. In other words, the POPPY Project had to state that it did not use Home Office funds to generate prostitution and trafficking statistics that justified the Government’s plan for brothel raids. Although the POPPY Project asserted that it kept research and support funds separate, the implications of this organization as a driving force of data on the indoor sex industry and as the primary beneficiary of Government funds for sex trafficking raised further questions about the reliability of the Home Office’s trafficking claims.

For *The Impact of Organised Crime*, Dubourg and Prichard selected *Sex in the City* as their primary data source. They describe *Sex in the City* as using “a variety of sources to estimate the number of establishments selling sex – free local newspapers, internet sex guides, Internet advertisements and so on. The number of women involved in prostitution in each establishment was based on information contained in any advertisements or by informed judgements” (16). They refer to both Dickson’s report and McCoy’s British Massage Parlour Guide, a compendium of information and reviews of prostitutes written by and for clients, which declares itself “the definitive guide to the adult scene in the UK.” Dickson estimates 6,405 London sex workers in the indoor and escort sectors. In an uncanny calculus, McCoy’s Guide estimates 1,420 London indoor sex workers, which is the exact number placed at the top of Kelly and Regan’s range for women trafficked in 1998.

Although Dubourg and Prichard claimed earlier to avoid numerical ranges because of the danger of quantifying uncertainty, they depend upon Sandra Dickson’s ranges for various sectors of sex work. They explain that their “analysis simply takes the midpoint of these ranges” (16).

Government-commissioned reports focus on London, the assumed epicenter of vice in the UK, with Soho portrayed as the nation’s Tenderloin. I represent below the following Dubourg and Prichard’s table of the ranges used to arrive at an estimate of prostitutes in London:

**Table 3.1 - Number of Sex Workers in London by Establishment**<sup>21</sup>

Establishment	Source	Estimated number of women in prostitution in London
Flats, saunas and massage parlours	<b>Midpoint of range</b> estimated by Dickson	4,417
Escort agencies	<b>Midpoint of range</b> estimated by Dickson	1,988
Walk-ups	<i>The Times</i>	420
Total		6,825

As troubling as the reliance on *Sex in the City*, the study uses information from a newspaper article in *The Times*, titled “Albanians take over organised crime,” which estimated 70 walk-up flats in London. The sub-headline paints this alarming picture, “In towns and cities across Britain last night members

<sup>21</sup> Richard Dubourg and Stephen Prichard, eds. “The Impact of Organized Crime in the UK: Revenues and Economic and Social Costs,” London: Home Office (year unknown): 16.

of the oldest profession were working for a new and sinister breed of employer.<sup>22</sup> The researchers trust this source too and draw upon it, estimating six sex workers per flat times 70 flats for a total of 420 prostitutes in London’s walk-up sex trade.

Thus, we learn that one NGO report and a single newspaper article form the basis of the estimate, for which researchers refuse to create a range, but that is nonetheless based on estimated ranges.

To posit the number of women involved in UK prostitution, Dubourg and Prichard pick the midpoint of Dickson’s range because they deem her study to be more reliable than McCoy’s. These two sources also represent opposite poles in the ideological spectrum: Dickson collaborates with the POPPY Project, an NGO with an abolitionist agenda, while McCoy’s caters to clients, arguably helping to drive demand or, at the very least, not aiming for the abolition of sex work.

As *The Impact of Organised Crime* is a derivative study, its authors make the same mistake as the anti-prostitution research they rely upon. They extrapolate from estimates of foreign sex workers in London to reach a figure of trafficked women. When it comes to the location of London walk-up flats, foreign means forced. According to the authors:

It is necessary to estimate the number of women involved in prostitution that are trafficked. First, the number of women who are of foreign origin is estimated and of these women, informed assumptions about how many are trafficked are made. This enables a calculation of the total number of trafficked [sex] workers in London, split by establishment. The assumptions concerning flats, saunas and massage parlours are based on discussions with CO14 [Clubs and Vice Squad within the Metropolitan Police], and the *researchers assume that all foreign workers in walk-ups are trafficked.*<sup>23</sup>

With the untenable assumption that foreign equals forced in walk-up flats at a rate of 100%, the authors present another table with the percentages of women assumed to be trafficked in other sectors of the sex industry:

**Table 3.2 - Assumptions regarding Proportion Trafficked in London<sup>24</sup>**

Establishment	Proportion that are of foreign origin	Of women that are of foreign origin, proportion smuggled	Of women that are smuggled, assumed proportion trafficked	Estimated number of trafficked women in London
Flats etc.	80%	50%	75%	1,325
Escort agencies	80%	20%	10%	32
Walk-ups	90%	100%	100%	378

<sup>22</sup> *The Times* published the article, “Albanians Take Over Organised Crime,” on 26 November 2002. The online version does not include the reference to 70 walk-up flats that is cited by Dubourg and Prichard. [www.timesonline.co.uk/tol/news/uk/article835598.ece](http://www.timesonline.co.uk/tol/news/uk/article835598.ece)

<sup>23</sup> Richard Dubourg and Stephen Prichard, eds. “The Impact of Organized Crime in the UK: Revenues and Economic and Social Costs,” London: Home Office (year unknown): 16. Emphasis mine.

<sup>24</sup> Richard Dubourg and Stephen Prichard, eds. “The Impact of Organized Crime in the UK: Revenues and Economic and Social Costs,” London: Home Office (year unknown): 17.

Shunning the comparatively conservative calculations of Regan and Kelly, Dubourg and Prichard make a series of very large leaps to arrive at a new trafficking estimate. They make three assumptions of great consequence.

First, they assume “that the entire people trafficking business for sexual exploitation can be attributed to organised crime” (15). Given that Dubourg and Prichard study organized crime, this assumption turns sex trafficking into an apt object for their analysis. Second, as mentioned above, they assume that every foreign woman known to be working as a prostitute in London walk-ups is a trafficking victim. This conceptual collapse of sex work and sex trafficking means that foreign women cannot be sex workers in London. According to Dubourg and Prichard, they can only be sex slaves. If a woman is not British, she is refused the possibility of choosing to enter prostitution. She is always forced into sexual slavery and, as such, she is always already a trafficking victim open to state intervention. Such theoretical propositions result in a sizeable number of trafficked women, permitting them to be easily counted: one only has to look for foreign women performing sex work to find trafficking victims. Third, Dubourg and Prichard assume that 75% of foreign women are “smuggled” into flats, 20% into escort agencies, and 100% into flats. They neither offer compelling reasons for these arbitrary numbers, nor do they clarify how they distinguish between smuggling and trafficking.

Through these methodological steps, Dubourg and Prichard arrived at the “stock” estimate of 3,812 women trafficked in the UK in 2003. This remarkably specific-sounding estimate became the touchstone figure in British sex trafficking discourse. As the Home Office’s official estimate, its veracity was left largely uncontested, except when anti-trafficking advocates, police, media and Home Office asserted that the real number must be higher. With questionable data and without interrogation, the Dubourg and Prichard estimate gained currency as the official intelligence on sex trafficking in the UK.

### **Numbers Made Flesh: An Estimate with a Life of its Own**

In the 2007 *UK Action Plan on Tackling Human Trafficking*, the Home Office released the Dubourg and Prichard estimate of “3,812 trafficked women.” Government officials, who might have known the limitations of the unpublished report because they had actually read it, cited the estimate as evidence of the need for repressive state action because sex trafficking was rife in the indoor sex trade. The *Action Plan* described Dubourg and Prichard’s report as “ground breaking work on analyzing organised crime markets, including the market for trafficked women. This report will provide policy makers and operational colleagues with a better understanding of the costs of the social and economic harm caused by different types of organized crime” (20). The *Action Plan* used the estimate to ballast the police strategy of “raid and rescue,” and it rounded it up to 4,000:

The UK is primarily a destination country for human trafficking. The majority of our knowledge regarding the situation in the UK centres on trafficking for the purposes of sexual exploitation and although the extent of the problem is unclear the evidence suggests that *it is not reducing in either scale or reach*. Home Office research, shortly to be published, estimates that the size of the UK market for human trafficking for sexual exploitation was up to £275 million in 2003. The research also estimates that in 2003 there were *up to 4,000 women* in the UK that had been trafficked for sexual exploitation.<sup>25</sup>

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<sup>25</sup> Home Office, *UK Action Plan on Tackling Human Trafficking*, London: HMSO (March 2007): 20. Emphases mine.

Did the British government, NGOs, or the media, each avidly repeating the estimate, also repeat its caveats or explain the production of the figure? In a word, no. As introduced at the start of this chapter, journalist Nick Davies described the conclusions of academics as “stripped of caution, stretched to their most alarming possible meaning and tossed into the public domain. There they have been picked up by the media who have stretched them even further in stories which have then been treated as reliable sources by politicians.”<sup>26</sup> I turn now briefly to newspaper coverage to show how the general trend of inflating the Dubourg and Prichard estimate was performed in one well-respected newspaper, Davies’ own, the *Guardian*. I follow this account with an episode involving the use of an article from the tabloid press, taken up by Labour MP Dennis MacShane. My trail of the life of the estimate then pivots into a query about the incongruence between large, and growing, estimates and the small scale of victim services.

News agencies circulated wildly divergent estimates that built upon the 2003 figure of “3,812.” A 2007 article in the *Guardian’s* weekend paper, the *Observer*, employed the marine metaphor preferred by officials when describing trafficking intelligence: “The Home Office believes the number of illegal immigrants being sexually exploited at any one time is about 4,000. Investigators and support groups, however, calculate numbers are likely to be in excess of 10,000 and describe known cases as the ‘tip of the iceberg.’” The victims referred to in this article are “illegal immigrants,” a category which would usually include both men and women. Another *Guardian* article, from the same year, reported that the “latest estimates by police suggest there could be as many as 18,000 trafficking victims being forced to work as prostitutes in the UK.” The emphasis in this article is on “trafficking victims being forced to work as prostitutes,” which probably refers only to women, but may include illegal immigrants, legal migrants, and nationals. Yet another *Guardian* article, published one year later, stated, “The Metropolitan police have estimated that 70% of the 88,000 women involved in prostitution in England and Wales are under the control of traffickers.”<sup>27</sup> That equation equals over 67,000 people and, although the referent is unclear, the calculation presumably includes both domestic and foreign women. Thus, over four years, estimates were published in one newspaper that ranged from 4,000 to 67,000 trafficking victims, using a hodgepodge of referent populations. The lack of clarity about who was being counted was coupled with confusion over what was being measured: trafficking, smuggling, labor exploitation, sexual exploitation, or a mix of these.

Making matters worse, politicians also engaged in number gouging. MP Dennis MacShane, a vocal anti-prostitution and anti-trafficking crusader, stated in Parliament that 25,000 women were trafficked into the UK. When pressed on how he came by this enormous number, he said that he obtained the figure from a 2005 *Daily Mirror* headline. He evinced trust in the tabloid because he used to write for it. His claim was debunked with great theatricality on the television program *News Night* when MacShane went head to head with Niki Adams of the English Collective of Prostitutes. By that time, however, the 25,000 figure had been widely reported and attributed to a Right Honourable Minister of Parliament; it was one among the many credible sources in the “tide of misinformation” issuing through the UK.

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<sup>26</sup> Nick Davies, “Prostitution and Trafficking – The Anatomy of a Moral Panic,” *Guardian*, 20 October 2009.

<sup>27</sup> Mark Townsend, “‘Sex Slaves’ Win Cash in Landmark Legal Deal,” *Observer*, 16 December 2007; Rachel Williams, “British-born Teenagers Being Trafficked for Sexual Exploitation within the UK,” *Guardian*, 3 July 2008; Alan Travis and Andrew Sparrow, “New Law to Criminalize Men Who Pay for Sex with Trafficked Women,” *Guardian*, 19 November 2008.

Despite the contradictory numbers, there came no inquiry into, or backlash against, the proliferation of statistics. Contra Kelly and Regan, there never was a “numbers debate” because the numbers were not debated. Each numerical claim was simply supplanted by a new and larger one; the singular critique being that estimates were too low. That was until MacShane outdid everyone by citing the patently absurd figure of 25,000 trafficking victims per year on the Parliamentary floor. That official declaration incited disbelief and, at last, chastened individuals who made claims about the scale of sex trafficking. In addition to overzealous politicians, incongruous estimates, sundry referent populations, and dubious methodologies, there were other indications that something was wrong with the official depiction of sex trafficking and the Government plan to solve it.

Selecting another marine metaphor, the *BBC* published an article, “A Tiny Drop in the Ocean.” that reported on the good works of Sister Margaret, who collaborated with CHASTE and wished to offer accommodation to trafficked women. It stated: “The 18 beds the three safe houses will provide are likely to be filled quickly. There are thought to be about 4,000 trafficked women in the UK sex industry and few other places for those rescued.”<sup>28</sup> The Home Office had declared that up to 4,000 women were trafficked annually into the UK, yet it funded one London-based organization, the POPPY Project, to provide accommodation. The POPPY Project had up to 35 beds available for trafficking victims in 2006. The fact that there were a few dozen beds for trafficked women should have undercut Home Office claims of running a “victim-centred” anti-trafficking campaign.<sup>29</sup> Doing the math, it should also have troubled trafficking estimates: 4,000 victims and only 35 beds?

The lack of correspondence between estimates and resource allocation did occasionally vex the Government’s claimed commitment to protecting and prioritizing victims. Comparatively little funding went to accommodation and victim support services, with the bulk of trafficking subsidies used to construct anti-trafficking infrastructure within law enforcement. This infrastructure primarily included the Metropolitan Police Trafficking Unit (devolved in 2010); the UK Human Trafficking Centre (first based in a “secret location” in Sheffield in 2006, then openly housed in the South Yorkshire Police, and finally moved to the Serious Organized Crime Agency in 2010); and the UK Border Agency, which was tasked with assessing trafficking victims and migration offenders.<sup>30</sup> In 2000, the Labour government created the REFLEX Taskforce, funded initially with £20 million; the POPPY Project received £5.8 million for six years and, as previously mentioned, it was the only statutorily-funded direct service provider to trafficking victims.<sup>31</sup> It is important for our purposes to note that funds and services were dedicated to sex trafficking victims only, and not to victims of labor trafficking. Consequently, the POPPY Project had to use a narrow criterion for victims to receive assistance and it was only women who could qualify. Thus it is unsurprising that no bed spaces for victims of labor trafficking were funded until 2009. These places were open only to victims of domestic servitude, once again sexing trafficking victims as female and restricting assistance to only (certain) women.

The *Guardian* article, “Sex Trafficking Victims Rescued By Police May Face Deportation,” juxtaposed the Government estimate with the official treatment of victims. The piece quoted Dr. Tim Brain, then Chief Constable of Gloucestershire and later the Lead on Vice Matters, attesting that “a large proportion of the estimated 4,000 trafficked women and men forced into prostitution

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<sup>28</sup> Duncan Walker, “A Tiny Drop in the Ocean,” *BBC*, 2 October 2006.

<sup>29</sup> United Kingdom Human Trafficked Centre, [www.ukhtc.org](http://www.ukhtc.org), Accessed 9 November 2008.

<sup>30</sup> James Clarke, “A ‘Concerted Effort’ to Fight Slavery,” *Guardian*, 19 March 2007.

<sup>31</sup> Ministry of Justice, [www.justice.gov.uk](http://www.justice.gov.uk), 19 March 2009.

worked in residential houses and flats in towns and even villages across Britain.” Somehow men entered the Dubourg and Prichard estimate, and sex trafficking moved from urban core to pastoral town and village. The London walk-up and city brothel are no longer the main sites of sex slavery, the shift in location signaling that trafficking is happening everywhere. Brain departed from the data, but his comment was on-message. A Government anti-trafficking awareness campaign, dubbed “Blue Blindfold,” warned the public: “It could be in your town. Or your street. In your community. In your workplace.” Although sex trafficking permeated the entire UK, as late as 2010, an *Independent* headline lamented the retrenchment of anti-trafficking efforts, and reverted to the once-pivotal, then three-year-old Dubourg and Prichard estimate: “Sex trafficking unit closed. What now for 4,000 victims?”<sup>32</sup>

Complicating the issues of scant housing and restricted services, the Government did not wish to give sex trafficking victims more time or assurance of residency in the UK. The right to remain was often tied to victims’ willingness to participate in criminal proceedings and the value of their testimony in securing conviction. The Council of Europe Convention on Action against Trafficking in Human Beings (2005) stipulates that victims receive at least thirty days of “recovery and reflection” to allow them to make an informed decision about whether to cooperate with authorities or pursue prosecutions against traffickers. During this time, according to Article 13, victims should receive safe housing and support services and, notably, all immigration proceedings against them should stop. The Home Office was against granting a month for victims to “recover and reflect.” The Church of England, along with most anti-trafficking organizations, campaigned for the thirty-day period of protection. According to Church spokesman the Right Reverend Tom Butler, “We understand the Government’s hesitation in signing up to these requirements, but we consider that on balance the need to provide unambiguous support to genuine victims in a situation of extremity outweighs the real risk of abuse of these provisions.”<sup>33</sup> The fear of the Government, however, was that foreign sex workers and other migrants might masquerade as genuine victims.

Two forms of border crossing, smuggling and trafficking, are usually distinguished by consent: those who are smuggled willingly arranging their migration with smugglers and the contract between smuggler and migrant ends with arrival at the destination. Trafficking does not end upon arrival, but there begins exploitation through the forced labor of the migrant in the destination country. Outside of prostitution, the exploitation of migrant labor has often been labeled as smuggling, reflecting a gender division between women and men’s levels of autonomy in migration. In the United Kingdom, smuggled migrants are responsible for the criminal act of illegally entering the country; they are separable from the innocent trafficking victims forced to move and entitled to protection and aid. As a signatory of the Council of Europe Trafficking Convention, the UK was expected to implement counter-trafficking measures that included, in certain cases, victim access to medical care, legal aid, a recovery and reflection period of at least thirty days, residence permit, compensation and legal redress. If migrants who labor outside of the sex industries are not considered to be trafficking victims, then they are not entitled to protection and assistance and they are open to criminal prosecution and deportation.

The Human Rights Caucus (HRC) reported in its *Recommendations and Commentary*, for the United Nations Trafficking Protocol, that: “The UK, for example, was against strong protections for

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<sup>32</sup> Alan Travis, “Sex Trafficking Victims Rescued by Police May Face Deportation,” *Guardian*, 4 October 2007; Emma Dugan, “Sex Trafficking Unit Closed. What Now for 4,000 Victims?” *Independent*, 28 March 2010.

<sup>33</sup> Church of England, [www.churchofengland.org](http://www.churchofengland.org). Accessed 1 April 2011.

trafficking victims. As observed in the HRC recommendations, the UK reported that it had border control policy of identifying certain migrant women as ‘possible prostitutes’ and deportation policy targeting sex workers for the purpose of preventing trafficking in women” (quoted in Doezema 2010: 122). Preventing “possible prostitutes” from entering the UK, and preventing sex trafficking by deporting sex workers undergirds the idea that criminalizing foreign prostitutes somehow prevents sex trafficking. It is an open question how British officials would tell the difference between the foreign sex workers they punish and the trafficked women they protect.

### **Harmful Measures, Calculated Harm**

In addition to providing a new sex trafficking estimate, Dubourg and Prichard calculated the cost of crime, explaining that the “economic and social cost, or ‘harm,’ includes the costs incurred in anticipation of crime, as a consequence of crime, and in response to crime” (2). The goal was, in their words, to “monetise” harm and account for the loss to society caused by organized crime. These cost-saving predictions are based on fraud, illicit drugs and other crimes simply disappearing without any displacement. As the authors acknowledge, “when applying these estimates to policy appraisals, this may not be realistic” because imagining that crime will disappear, rather than being displaced or diversified, is a highly debatable hypothetical proposition (3). Since the authors begin *The Impact of Organised Crime* by stating their aim “to inform policy of the scale of organized crime in the UK, the values of revenue derived from organized crime, and the social and economic costs associated with these activities,” the disavowal of the applicability of their research to policy seems remarkably disingenuous (ii). All the more because the Government-sponsored study was clearly commissioned to impact policy in the area of trafficking, as stated in the *Action Plan*. Without an estimate and without the appearance of data, the Home Office could neither marshal the argument nor the resources needed to undertake a law and order mission to rescue trafficking victims.

The focus on the cost to the UK caused by the presence of foreign prostitutes, if they all count as trafficking victims, is indicative of the data, and also the data void, produced by the Home Office. While the Government commissioned sex trafficking data, it created an informational vacuum on labor trafficking by not investigating the smuggling, trafficking, and exploitation of migrants in outside of prostitution. There was both official and media silence about the scale of non-sex trafficking or migrant labor abuse because those issues were not framed as pressing problems. Rather, besides sex trafficking coming to the UK, the problem with migrants was their increasing numbers and their taking advantage of the UK by working illegally and draining social services. The lack of inquiry into labor trafficking and exploitation accompanied an aversion to recognizing the benefits brought to the UK by migrants and migrant labor. An absence of information on fiscal benefits was consistent with Home Office research, like *The Impact of Organised Crime*, which refused to reckon any benefit through cost-benefit analysis.

Fortunately, independent researchers at the University College London (UCL) helped to bridge the knowledge gap by investigating what contributions migrant workers made to the British economy. Notably, this research question framed migrants as “workers” and “contributors,” as opposed to “traffickers,” “criminals,” and “victims.” Studying the “impact that the inflow of immigrants over the last decade had on the British labour market” the researchers found that immigrants paid 37% more in taxes than they received in social benefits.<sup>34</sup> Lead investigator, Christian Dustmann actively

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<sup>34</sup> Christian Dustmann et al., *A Study of Migrant Workers and the National Minimum Wage and Enforcement Issues that Arise*, Low Pay Commission, University College London (2007).

countered nativist portrayals of migrants as “benefit scroungers” taking advantage of social services. In an interview Dustmann affirmed the counter-hegemonic conclusion of the study, stating, “From the fiscal point of view, this immigration has not at all been a burden on the welfare system. Rather, it has contributed to strengthen the fiscal position.”<sup>35</sup> The UCL study represented migrant workers as contributors to the British economy in contradistinction to the dominant discourse that claimed they threaten British coffers, security, and culture. According to Jacqueline Berman, “what sex-trafficking discourses do is link an abstract sense that ‘swarms’ of East Europeans are engulfing and overwhelming our ‘national identities already blurred by globalization’ to a concrete economic complaint about immigrants ‘as a burden on welfare.’”<sup>36</sup>

Dubourg and Prichard calculated the economic loss and societal harm of crime tied to migrants. They insisted that this “is consistent with previous Home Office research on the economic and social costs of crime” (2). Thus, the economic and social contributions of migrants failed to be taken into account by the Government, but costs and harms were theoretically captured. In addition to estimating losses, however, *The Impact of Organised Crime* tried to reveal that criminals were making a killing – the authors calculated trafficking market revenue at £275 million for 2003. In this view, while some migrants were draining the system, others were reaping profits from what Home Secretary John Reid called the “inhuman criminal practices” of human trafficking.<sup>37</sup> Thus the need for law enforcement operations that capture capital as well as criminals. Under the Proceeds of Crime Act, police can confiscate funds and hold under restraint assets it deems are the result of criminal activity. For example, through the anti-trafficking operation Pentameter 2, the police seized over £500,000 and placed assets over £3 million under restraint. Under Article 15 of the Council of Europe Trafficking Convention, victims are also entitled to compensation, but there are few UK reports of trafficking victims receiving monetary damages.<sup>38</sup> Of course victims would generally require leave to remain in the UK to be able to sue their traffickers.

Despite the lack of victims services and compensation adduced earlier in this chapter, the suffering of sex trafficking victims has been at the forefront of the UK anti-trafficking campaign’s rhetoric. In addition to circulating sex trafficking “atrocities tales,” the Home Office commissioned *The Impact of Organized Crime*, which estimated the number of trafficking victims and quantified the cost of trafficking for victims and the state. The authors put monetary values on physical violence, rape, mental illness, and life restrictions, which derived from their assumption that costs assigned to “serious domestic violence” in other studies were analogous to the suffering and medical care tied to sex trafficking (19-20). The emotional cost of rape, for instance, was estimated at £61,440 (20). The cost of rape to health services was a much smaller sum of £2,082 (20). And, according to Dubourg and Prichard, paying the price for sex trafficking was astronomical:

The total economic and social costs of people trafficking for sexual exploitation in the UK is estimated to be up to £1bn in 2003. This is estimated by attempting to quantify the amount of physical and sexual abuse of trafficked women; this is then monetised using Home Office research. In addition to this, the researchers estimate the deterioration in quality of life

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<sup>35</sup> Jack Doyle, “EU Migrants ‘Good for Economy,’” *Independent*, 24 July 2009.

<sup>36</sup> Jacqueline Berman, “(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* Vol. 9 No. 1 (2003): 56.

<sup>37</sup> Home Office, Foreword to *UK Action Plan on Tackling Human Trafficking*, London: HMSO (March 2007).

<sup>38</sup> Mark Townsend, “‘Sex Slaves’ Win Cash in Landmark Legal Deal,” *Observer*, 16 December 2007.

suffered by those being trafficked and monetise this as well. The resulting valuation is subject to very high margins of error.<sup>39</sup>

### **Conclusion: Sex Trafficking, Labor Trafficking, and State (In)Action**

When encountering trafficking reports (or, more often, reports of trafficking reports), one first had to figure out who or what was the object of analysis: Did a study count only foreign sex workers? Or all women involved in sex work? Illegal migrants? Or legal and illegal migrants? All forms of work? Or only prostitution? Were men included in the calculation as migrants, but not as involved in prostitution? Coming to these conclusions, one then had to comprehend the methodology used to arrive at the estimate, and it was this crucial information that references to trafficking estimates repeatedly failed to include.

The authors of both *Stopping Traffic* and *The Impact of Organised Crime* make clear that there is much uncertainty with regard to trafficking estimates, but the official imprimatur and continual reiteration of figures fashioned them into accurate accounts of sex trafficking. In a sense, the numbers became more real than foreign women in the British sex industry, who were deemed trafficked victims without evidence to support the designation beyond their national origin and how they earned a living. The reports might have done less harm if they were taken as starting points for investigation, rather than cited as conclusive evidence of sex trafficking. Although researchers issued disclaimers and asserted the indicative nature of the reports, their estimates circulated as definite data.

Moreover, the British government created a false dichotomy when contrasting its intelligence on sex and labor trafficking. According to the Home Office, it focused on sex trafficking because of the available evidence, stating in the *Action Plan* that, “At the moment we do not have sufficient evidence regarding trafficking for forced labour to enable us to make a full assessment of whether it poses a significant problem for the UK” (5). The *Action Plan* used the Dubourg and Prichard trafficking estimate but reference to labor trafficking came in the form of avowals of ignorance, such as, “One of the difficulties we will face in investigating trafficking for forced labour is distinguishing between poor working conditions and situations involving forced labour (5).” As we have seen in this chapter, evidence of sex trafficking was extremely thin and speculative and based on highly questionable second-hand data. It was not the case that there was sufficient evidence of sex trafficking on the one hand and insufficient evidence of labor trafficking on the other.

The distinction between sex and labor trafficking data is especially problematic if the Home Office had assessed labor trafficking data with the bar for reliable data set as low as it was for *Stopping Traffic* and *The Impact on Organised Crime*. After attesting to a fundamental lack of information on labor trafficking, the *Action Plan* conceded that there is, indeed, evidence of labor trafficking. In a reversal, coming ten pages after the main disavowal, the *Action Plan* confirmed that, “Recent independent studies do suggest the existence of trafficking for forced labour, domestic servitude and also the existence of child trafficking” (15). Since the Government did not commission these reports, researchers were free to study something besides sex trafficking. But because the Government did not commission these reports, the Home Office treated them with a reserve it failed to show in regard to its own research. Independent studies failed to persuade the Home Office to further investigate or to do something about migrant labor trafficking and exploitation. By contrast,

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<sup>39</sup> Richard Dubourg and Stephen Prichard, eds. “The Impact of Organized Crime in the UK: Revenues and Economic and Social Costs,” London: Home Office (year unknown): 14.

Dubourg and Prichard's "very poor" data and "very approximate" estimate was used by the Home Office to launch the most sweeping law enforcement operation in UK history.

The Home Office did not build its anti-trafficking campaign on empirical evidence. Nevertheless, its estimates gave the impression of a concrete and knowable problem that could be measured and mitigated against. Although based on mathematical projections, estimates offered a solidity and a seeming specificity to sex trafficking, complementing qualitative sex slavery narratives with quantitative data. In connection with sex trafficking, the Government had the figure of 3,812 women and an extremely compelling rhetoric of slavery. The conjunction of slavery discourse and speculative statistics helped justify legislative changes and law enforcement operations. The Home Office took as its target an easily-maligned industry of precarious legality – prostitution – rather than pursuing mainstream industries in which labor trafficking and exploitation were indicated by independent studies and in which cheap migrant labor was desirable: agriculture, food processing, domestic service, and construction.

The intention to tackle trafficking in the indoor sex trade appears to have preceded the generation of statistics, because studies were commissioned and framed to investigate only that labor sector. The Home Office ordered studies on sex trafficking, which fit with the overhaul of prostitution policy and the tactical decision to clamp down on sex work.

To produce sex trafficking estimates, foreign prostitutes were used to *create* sex trafficking estimates. In practice, British officials must *separate* migrant sex workers from trafficking victims in order to figure out who is a victim (of sexual exploitation) and who is a criminal (of illegal prostitution or migration). These two categories of women were collapsed when generating statistics on the scale of sex trafficking. The willing prostitute was meant to be distinguishable from trafficked women who were, hypothetically, innocent of any crime. This delicate process of unification and division is a constitutive feature of British anti-trafficking efforts. As argued by Doezema, this entanglement has a history:

The image of the prostitute was not fixed by the unwilling white slave: the spectre of chaos, her inverted double, her consenting evil twin, was lurking behind (and sometime to the fore), leaking in, contaminating her purity, blurring her outlines, confounding all attempts to fix the meaning of white slavery. Campaigns against white slavery were constant attempts to pin down and fix the image of the prostitute – an attempt at closure that was always already thwarted by the image of chaos. Her ghostly presence made it impossible to fix the boundaries between acceptable and unacceptable female sexuality and to establish a point of consent beyond the vagaries of interpretation (2010: 72).

The "mythic and melodramatic figure" of the helpless victim transmogrifies into the harmful prostitute and illegal migrant (Walkowitz 1992; Doezema 2010). The evil twin of the trafficking victim is a willful prostitute who migrates to the UK and plies an unwelcome trade. It is from her that British society must be protected through more and better policing of borders and prostitutes.

## Sex Slaves: Gender, Race, and Nation

As Julia Kristeva has explained, groups of “strangers” – trafficked women, illegal immigrants, foreign workers – help to substantiate the place of the citizen in the nation-state, especially when their “whiteness” seems to make us strangers to ourselves ~ Jacqueline Berman<sup>40</sup>

This second chapter interrogates the rhetorical claim by the British government and anti-trafficking advocates that the anti-trafficking campaign is akin to the abolition of the African slave trade. The analogical link to abolition attempts to tie anti-trafficking efforts to a triumphal moment in Britain’s past. But there are problems with invoking African slavery as referent and site of inspiration. Thus, probing the gaps between historical allusion and contemporary issue, I use the heuristic of white slavery to perform a genealogical analysis of UK anti-trafficking discourse.

The chapter is divided into three parts, the third part containing two subsections. The first part, “The Medium and the Message,” reviews the representational economy of sex trafficking through British public awareness campaigns. Although the anti-trafficking campaign invokes the abolition of African slavery as its historical referent, the visual depiction of sex slaves presents white women as sympathetic victims of trafficking. Sex slavery is narrativized as a violent crime conducted by foreign, often Eastern European, gangs against Eastern European women.

The second part of the chapter, “Abolishing Slavery Again,” presents the British government’s portrayal of sex trafficking as a form of “modern day slavery” and introduces the concept of moral panic for thinking about the reaction to sex trafficking in the UK. The language of peril suffuses stories of sex trafficking, with both women and the nation put at risk by a criminal practice at odds with British society. By analyzing examples of the visual and textual representation of sex trafficking, I trouble the trope of slavery used to make sex trafficking legible.

Following the exegesis of the representational economy of sex trafficking, I turn to the heart of the chapter: the heuristic of white slavery. This third part, titled “Anglo-American Panic,” presents the emergence of the term “white slavery” and its usefulness as a heuristic for reading contemporary discourses on sex trafficking. The first sub-section, “White Women in Peril,” turns to the ways in which race and gender structure the notion of women’s sexual enslavement. The second subsection, “Slavery as Migrating Metaphor,” foregrounds migration and the depiction of sex slavery as a foreign phenomenon. While I concur that the Anglo-American white slavery panics were colonial concerns, as posited by authors Judith Walkowitz and Cecily Devereaux, my analysis ranges between British and American articulations of white slave, with particular emphasis on American narratives of racial division.

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<sup>40</sup> Jacqueline Berman, “(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, no. 1 (2003): 57.

The white slavery panics of the Victorian and Progressive periods offer me particular analytical purchase on the UK anti-trafficking campaign. By reading these historical instances of moral panic, I grasp the discursive investments and structural conditions of possibility producing the white slavery and sex trafficking panics. The campaigns each revolve around the notion of white women's sexual enslavement. Today's description of the trafficked woman as young, naïve, and Eastern European recalls the figure of the white slave at the same time that it demonizes migrant sex workers who do not fit the feminized and culturally-bound profile of helpless victim.

I aim to show that the anti-trafficking campaign ignores the interconnection of women's movement, across borders both sexual and geographic, as did the white slavery panic over a hundred years ago. My turn to the highly-charged and historically-significant figure of the white slave opens an analysis of the sex slavery narratives that have permeated British government, media, and NGO discourse. In a relatively short time, the idea of sex slavery garnered such intense interest that a phenomenon involving two contentious socio-legal issues – immigration and prostitution – developed into a remarkably coherent and readily recognizable problem. The dominant discourse and image of the “sex trafficked woman” has excluded migrant women who work outside of the sex industry at the same time that it over-determined the notion that all Eastern European women in the UK sex trade are trafficked.

In this way, my reading of the past is also analysis of the present. I do not offer an origin for the present panic, but I do claim a close correspondence between the use of sex slavery narratives and the desire to regulate women's labor and migration. I show that the language of modern day slavery performs an analytic closure by portraying sex trafficking as the worst imaginable crime and one perpetrated by migrants. This discourse quashes critique because the discursive terrain is about being for or against slavery, a formidable argumentative position that undermines criticism in advance and blocks investigation into what it means, and what happens, when migrant women enter the sex industry. When framing the issue as slavery, as non-volitional movement, questions about migration become exterior or irrelevant to the discussion. Such framing leaves uninterrogated why women and men are migrating to the United Kingdom in historic numbers, some of whom will work in the sex industry. The anti-trafficking campaign does recognize, however, that this migration is changing the demography of in-door prostitution in the UK.

To rouse the spectre of white slavery in today's discussion troubles the sex trafficking crusade by foregrounding its uncanny resemblance to a past moral panic. It begets the question of whether today's panic has similar investments or any more substance than the last. This line of inquiry is unappealing for the British government due to its lack of verifiable data on trafficking, as explicated in Chapter 1. Sensitivity over this lack is strong because of the failure to find the traffickers and trafficking victims. Without material referents or evidence, the Home Office has a hard time justifying brothel raids, migration caps, and deportations. Thus, in what follows, I explicate how the construction of sex trafficking, while suppressing counter-claims and alternative accounts, supports a disciplinary state program that operates *proactively* to capture traffickers and trafficked women and *pre-emptively* to prevent certain migrant from entering the UK in the first place. I provide an analytical tour of the discursive terrain that constructs sex trafficking as a problem, as a particular type of problem, despite little evidence as to its nature and incidence in the UK.

## The Medium and the Message: Anti-Trafficking Awareness Campaigns

In Chapter 1, I interrogated the reliance of researchers on the conflation of foreign sex workers and trafficking victims in order to generate official numbers. Only in passing did I refer to sex trafficking narratives or what I term the qualitative account: the discursive story that bespeaks the horror and violence of sex trafficking. In this first section, I focus on this plank of the UK anti-trafficking campaign by examining public awareness campaigns that told trafficking stories and explained to the public what sex trafficking was and who the trafficking victims and traffickers were.

In particular, we turn to public awareness campaigns because of their avowed purpose to educate the public and lobby the government. It is the educative aim of such productions that allows us to interrogate the ways in which sex trafficking was presented and explained. It is beyond the scope of this project to include the bulk of commercials, posters, flyers, stickers, cosmetic products, and art installations that raised awareness about sex trafficking. I do not include the copious media coverage accompanied by stock pictures (e.g., stilettos, red fingernails, women leaning into cars); the films; or the television programs that portray trafficking as prostitution, as violent, and as inflicted on Eastern European women, although there was a proliferation of British media depicting trafficking since 2000.

This section focuses on four public awareness campaigns, sponsored by the Labour government, NGOs, and a concerned celebrity. The campaigns come from diverse sources, yet they provide a consistent portrayal: sex trafficking is slavery, it is widespread and growing, and it is anathema to personal autonomy and self-determination.

The first campaign is the largest of the three examples and was sponsored by the ‘who’s-who’ of UK anti-trafficking organizations. It warned of the prevalence of sex trafficking and to revealed the British public to be woefully unaware of the danger in its midst. The 2007 campaign, called “Blue Blindfold,” was supported by Crimestoppers, Eaves (home to the POPPY Project), MTV Exit, Child Exploitation and Online Protection (COEP), Stop the Traffik, Interpol, Europol, UN Office on Drugs and Crime (UNODC), US Human Smuggling and Trafficking Center (HSTC), and the Soroptomist International’s Purple Teardrop Campaign. The campaign included the production of posters, a website, and a commercial. Its common mise-en-scène featured white women with bright blue blindfolds across their eyes. The slogan was “It’s happening here.”



“Blue Blindfold” Campaign Posters

Another “Blue Blindfold” poster depicted a map of the UK (the Republic of Ireland excised), centered on a black background and resembling a bull’s-eye. This layout reinforced the idea that the UK was a prime destination for trafficking. The text in bold reads, “Women and children are being trafficked in the UK and forced into the sex industry.” The caption underneath explains: “It could be in your town. Or your street. In your community. In your workplace. Don’t close your eyes. Look around you. If you see something, call Crimestoppers [anonymous police hotline].” The campaign is about being able to see human trafficking or ‘knowing the signs.’ The posters depict blonde British women who cannot see the slavery around them. The subtext hints at the (visually literal) possibility of British women, like their Eastern European counterparts, also being bound. Sex trafficking, the campaign implies, hits close to home.

Shifting from the unseeing British subject, the second public awareness campaign under review here focuses on the object of the anti-trafficking campaign: sex trafficked women. It depicts victims of trafficking through standardized atrocity tales presented as individual narratives.

This hard-hitting campaign, called “The Truth **Isn’t** Sexy,” was designed by the eponymous NGO dedicated solely to raising awareness of sex trafficking. The group timed the launch of the campaign to coincide with the 2007 bicentennial anniversary of the abolition of the slave trade. It also tried a novel way of getting out the message about the truth of trafficking. Images were embossed on beer coasters and placed in pubs to reach a male audience (i.e., to target demand).

The truth isn’t sexy, but the public awareness campaign certainly was. And that was the point. “The Truth **Isn’t** Sexy” beer coasters mimicked advertisements for sexual services by displaying erotic images juxtaposed with slogans such as “Punish Me,” “Fancy It,” “Sexy Blonde,” and “Naughty Girl.”<sup>41</sup> Women’s body parts, legs usually, were written over with copy telling a sex trafficking story. The campaign used these images and slogans to grab attention and make its target audience, men in pubs, at first see a sexy image and then re-see it as sexual exploitation. Once viewers look beyond the picture by reading the caption, they will see the truth of trafficking. The two examples below demonstrate the juxtaposition of false image and truth-revealing copy.



### “The Truth Isn’t Sexy” Campaign Posters

<sup>41</sup> The Truth **Isn’t** Sexy. [www.thetruthisntsexy.com](http://www.thetruthisntsexy.com). Accessed 7 April 2011.

The “Ellen” poster depicts her as a pair of slim, white legs, crossed and clad in silk stockings and garters. The poster carries a seal reading “local,” and the copy states: “Ellen was abducted from Albania and sold to a brothel in London’s west end where she was forced to have sex with up to 40 men a day. She was beaten, raped, and threatened if she tried to return. Ellen was 15. The truth **isn’t** sexy.” Likewise, the “Natasha” poster represents her as a pair of white legs, crossed and pressed against her buttocks, which is wrapped in a black skirt; she lies barefoot on a bed of white sheets in what appears to be the fetal position. The poster bears a seal reading “real photo” and the copy states: “She tried to escape from her traffickers. Instead she was imprisoned, beaten, and forced to have sex with up to 40 men a day. Her pimp says he will kill her baby if she tries it again. The truth **isn’t** sexy.” Whether or not the legs belong to the “real” “Natasha,” the poster’s rhetorical force lies in its parody of sexual advertisements, which frequently claim that the picture bears an actual likeness to the sex worker. The campaign purportedly undoes the sexiness of the images by exposing the violence of prostitution, usually unseen by customers.

The final illustrative public awareness campaign comes from British actor Emma Thompson. Thompson has made several forays into publicizing sex trafficking, including several commercials and an art installation called “Journey.” This last consisted of seven shipping containers, lined end to end, each representing a phase in the journey of the sex trafficking victim. The exhibition featured graffiti of women in stilettos and chains and, most arrestingly, a bed covered in fake human fluids and moving on hydraulics to mimic the violence of rape.

Launched in 2007, “Journey” was placed in the prominent public square of Trafalgar, between the National Gallery and Nelson’s column, and traveled to international cities in Spain, Italy, and the United States. The launch of “Journey” in London was so successful that it “brought traffic to a standstill.”<sup>42</sup> Commenting on the public installation, Thompson declared, “People just don’t want to know about this issue – it’s hidden, it’s criminal, it’s perverse and yes, it’s happening on our own doorstep. Journey is a remarkable piece of collaborative, creative and confrontational art that profoundly challenges people’s perspective. Come and see for yourself and tell us if you agree.”<sup>43</sup> Evidently, disagreement is not an option once you “see for yourself.” Thompson’s interventions are particularly notable for the violence they depict and the amount of publicity they receive due to her celebrity status.

“Journey” was created by visual artists, in support of the human rights organizations, the Helen Bamber Foundation, and in partnership with cosmetic company, The Body Shop. Sam Roddick, owner of a women’s “erotic emporium” and daughter of The Body Shop’s founder Anita Roddick OBE, funded “Journey” with Emma Thompson. The tying of products to the trafficking cause was a relatively new innovation, and it took inspiration from Pink Ribbon products sold to raise funds for and awareness of breast cancer. The Body Shop lists human trafficking as one of its charitable causes and it sells a hand cream, “Soft Hands Kind Heart,” to raise funds for victims of trafficking by donating £2.36 to ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes). Under the banner “Sex Trafficking: The Story So Far,” The Body Shop website also hosts a petition to pressure governments to enact anti-trafficking legislation.<sup>44</sup>

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<sup>42</sup> Journey exhibition. <http://journeyagainstsextrafficking.blogspot.com>. Accessed 7 April 2010.

<sup>43</sup> Emma Thompson interview, [www.styleinterviews.com](http://www.styleinterviews.com), 3 November 2009.

<sup>44</sup> The Body Shop. [http://www.thebodyshop.com/\\_en/\\_ww/values-campaigns/trafficking.aspx](http://www.thebodyshop.com/_en/_ww/values-campaigns/trafficking.aspx). Accessed 3 April 2011.

Emma Thompson also made a short video titled “Torture by Any Other Name.” In the video, Thompson plays the twin role of “Elena / Maria.” The names signify the first and final stages in the sex trafficking story of an Eastern European woman. She begins her journey as “Elena,” a woman full of hope who migrates to work in Western Europe. After being trafficking and forced into prostitution, she becomes “Maria,” a woman without hope or feeling. The seventy-second video depicts a bruised Thompson simulating being raped on a bed of stained white sheets. The speech characterizes her as naïve, trusting, feminine, and vulnerable. She speaks in two voices the story of trafficking and the transformation of “Elena” into “Maria.”

I signal the different voices with italics, however, the juxtaposition of the two women’s experiences is stark and immediately apparent. Underscoring the vocal difference, action verbs typify the women as inverted equivalents, as twins separated by a violent transformation that ends in the eradication of Elena. Sentences in parentheses are spoken *sotto voce*. The discourse runs thus:

Elena didn’t think anyone would hurt her. Elena trusted everyone. *Maria doesn’t trust anyone.* Elena wanted to learn English. *Maria gets beaten if she says no.* Elena worked in a market to support her family. *Maria works for nothing.* Elena wants to help people and be a nurse. *Maria services up to 40 men a day.* Elena used to cry when her father was cross with her. *Maria doesn’t feel anything, anymore.* Elena’s family think she’s dead. (Help me.) I was Elena. *I am Maria.* (Help me. I’m here.)



**Emma Thompson as “Elena” and “Maria”**

Viewers are told that “Elena” “didn’t think,” “trusted,” “wanted to learn,” “worked to support,” “wants to help,” “used to cry.” Alternatively, “Maria” “doesn’t trust,” “gets beaten,” “works for nothing,” “services,” and “doesn’t feel.” Complementing the monologue, the visual footage presents a close-up of “Maria’s” battered face and bare shoulders as she is raped; her arm is pinned, her clothes are torn, her face is slapped and pressed against the bed. Symbols of prostitution and slavery appear in fleeting images: a pair of red patent leather high heels and a quick clip to a manacle cast in shadow. The closing caption written against a blank white background declares: “Women enslaved by sex trafficking lose more than just their names.”

“Blue Blindfold,” “The Truth Isn’t Sexy,” and “Torture by Any Other Name” show Eastern European (and British) women reduced to objects to be traded and slaves to be sold. Images of the wounded, passive, sexualized and often partial body of a white woman stands as synecdoche to sex trafficking. Public awareness campaigns called upon the UK, its people and government, to save sex slaves. As declared by the Helen Bamber Foundation website:

The world continues to manufacture victims at an alarming rate and yet durable solutions remain as illusive as ever. When one considers the crisis in Darfur, the blight known as Guantanamo Bay, the casualties of the war on terror or victims of the modern day slave trade, the mind begins to boggle at the scale of the need. And yet only a small percentage of the victims of these human rights catastrophes ever reach the shores of the UK.

The people seeking refuge in the UK hope it will be a haven of safety, compassion and freedom from oppression. However, many fall foul of an asylum system that is often arbitrary and unfair in its decision making. They are caught in the cross hairs of hardening public attitudes and policy initiatives towards asylum seekers generally. Their plight is frequently met with ignorance, indifference or outright hostility.<sup>45</sup>

Public awareness campaigns have multiple authors, audiences, and goals. They can educate the public, persuade the government, or justify state action. We note that another outcome is the creation of an identifiable problem: the ubiquitous depiction of sex trafficking as slavery and its victims as white women. The problem of sex trafficking in the UK was rendered in very sharp outlines.

Trafficking turned people into modern day slaves. Trafficking victims turned out to be white women. They were injured foreign women trafficked for sexual exploitation. They were also blindfolded British women who moved through the world unaware of sexual slavery; they, too, could be counted as victims of modern day slavery reaching British shores. Whether riding the bus, sitting on a park bench, or standing on an apartment balcony, the British women depicted in the “Blue Blindfold” posters experience a quotidian proximity to sex trafficking they cannot see. When trafficking narratives present traffickers, the stories indict foreign men, acting alone or more often in concert through criminal cartels.

Public awareness campaigns about human trafficking were remarkably successful in spreading the word about this new peril. The British government began respond to national and international pressure to protect trafficking victims. To construct an anti-trafficking campaign, the Home Office needed to make clear who were the targets of sex trafficking measures. Policy needed to be drafted and disseminated to interested parties and the public at large. Put otherwise, the plan of action needed official delineation. In the *UK Human Action Plan on Tackling Human Trafficking*, the Home Office offered a plan in the form of a battle of British law against the foreign phenomenon of human trafficking. In the next section, we examine the articulation of human trafficking as “modern day slavery.”

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<sup>45</sup> Helen Bamber Foundation. [www.helenbamber.org/OurPurpose.html](http://www.helenbamber.org/OurPurpose.html). Accessed 3 April 2011.

## Abolishing Slavery, Again

The *UK Action Plan on Tackling Human Trafficking* was published in March 2007. The *Action Plan* was the official declaration of and blueprint for the British tactical campaign against human trafficking. Through the *Action Plan*, the Labour Party committed itself to a specific strategy for combating human trafficking. Once the UK became a signatory of the UN Protocol to Suppress, Prevent and Punish Trafficking in Persons, especially Women and Children (2000), the British government committed itself to doing something about human trafficking. It was the *Action Plan* that spelled out exactly what that something would be.

The UN Trafficking Protocol gave recommendations for anti-trafficking measures, but left it to national governments to decide upon specific tactics and methods of implementation. Thus the *Action Plan* stated the dual goal to rescue “the thousands of people who are still forced to live in slave like conditions” and to punish “21st century traffickers” for perpetrating “inhuman criminal practices (2).” The strategy actually elaborated a 3-P approach of prevention of trafficking (through border controls and public awareness campaigns), protection of victims (through border control, proactive policing, and victims services), and prosecution of traffickers (through border control, proactive policing, and criminal sanction). The 3-P approach entails the reform and introduction of legislation to criminalize activities connected with trafficking.

Enclosing the articulation of the UK anti-trafficking strategy, the *Action Plan* cover page carries what appears to be an official seal or commemorative coin (reproduced below). Circling the internal edge of the seal, an exergue reads “Reflecting on the Past, Looking to the Future.” At its center two dates, 1807 and 2007, are interlinked with a chain.<sup>46</sup> We find in this image the dominant trope of anti-trafficking rhetoric, which draws an explicit connection between the historical fight against slavery and the campaign to stop sex trafficking. The official line links the years together with a manacle.



Cover and Seal from *UK Action Plan on Tackling Human Trafficking*

The *Action Plan* foreword, by Home Secretary John Reid and the Scottish Executive Minister for Justice Cathy Jamieson, reiterates the connection between slavery and trafficking and between abolition and anti-trafficking efforts:

Trafficking in human beings is an abhorrent crime. Many describe it as modern-day slavery, where victims are coerced, deceived or forced into the control of others who

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<sup>46</sup> The image of slavery *qua* sex trafficking circulated on more than a Government report. This symbol literally became the coin of the realm with the chain interlinking the years 1807 and 2007 stamped onto £2 coins for the year 2007. On the coin's flipside sits the crowned profile of Queen Elizabeth II.

crudely and inhumanely seek to profit from their suffering. This year, it is 200 years since Parliament passed the Act to abolish the slave trade in the British Empire. Whilst we reflect on the past with the numerous events planned to mark the bicentenary, we must not forget the plight of the thousands of people who are still forced to live in slave like conditions as a result of the inhuman criminal practices perpetrated by 21st century traffickers.<sup>47</sup>

The Executive Summary of the *Action Plan* repeats this message and opens with the following historical account and call to action:

This year marks the bicentenary of the legal abolition of the slave trade in the former British Empire. Whilst a number of events are taking place to commemorate this event, we are faced with another challenge 200 years after the slave trade was legally abolished – how we tackle trafficking in human beings and the misery that it causes. This modern form of slavery is an evil practice perpetrated for profit with no regard for the personal or societal consequences. We are committed to tackling this crime and addressing the harms caused. This Action Plan provides an opportunity to draw together all the work that is already underway but also to set out what else we plan to do. The intention is that the Action Plan will be a living document which will be updated annually.<sup>48</sup>

In this way, British officials appropriate the abolition of the slave trade as an historical precedent for today's anti-trafficking efforts. As stated in the *Action Plan*, human trafficking is “modern day slavery,” identifiable by the violence used to force people into “slave-like” conditions. The authorized trafficking story depicts an activity perpetrated by organized crime. Thus we encounter the key actors in this historical drama: the trafficking victims reduced to slaves, the traffickers reduced to inhuman criminals, and the British government boosted to the role of protector. The triangulated relationship of victim, villain, and protector is pronounced through official declamations by the British anti-trafficking campaign: the state or state actors rescue foreign women from foreign traffickers. The British government's position as liberator of the slave and protector of the weak is structured as a moral crusade, charting a direct line from that laudable day in 1807 to the year 2007.

The rhetorical power of this discourse lies in its ability to galvanize and persuade people that sex trafficking is an urgent moral problem. Indeed, sex trafficking is framed as a challenge to society's core values and sense of right. The slavery discourse places the British government in the role of protector and liberator of sex slaves and casts trafficking as a crime against British values. At the same time, slavery discourse reveals severe limitations. To push this historical comparison too hard opens up more than the event of abolition; it brings into view the constitutive conditions of slave trading, which deeply implicate Britain. The British Empire's continuous role in enslavement then becomes the analytical focus. To probe the difference between the anti-trafficking campaign and abolitionism exposes how little resemblance women's migration has with the Middle Passage.

Let us pause to pose several interrelated questions about the British government's account of slavery and abolition. First, what do claims about Britain's history of abolition allow the Home Office to do? Second, how does an argument that no one can argue against, the need to stop slavery, mobilize policy and law enforcement initiatives? Third, what happens when trafficked women, and foreign

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<sup>47</sup> Home Office, *UK Action Plan on Tackling Human Trafficking*. London: HMSO (March 2007): 2.

<sup>48</sup> Home Office, *UK Action Plan on Tackling Human Trafficking*. London: HMSO (March 2007): 4.

women in the sex industry, are figured as slaves? In other words, what does a racializing discourse grafted onto images of wounded white women's bodies signify?

Claims about abolition enable the British government to focus attention on a singular event, the moment of abolition, and link it to the anti-trafficking campaign. The emphasis is emphatically on the legislative act, rather than on the constitutive conditions of the trans-Atlantic slave trade and the reality of its piecemeal demolition. This version of events elides a history of three hundred years of British slave trading.<sup>49</sup> The British Empire becomes the site in which slavery was abolished, rather than as the heart of a system generating the trade routes, corporations, and capital needed to effect a global trade in people.

By distancing itself from the "former" British Empire, the Labour government seizes on (the eradication of) the enslavement of Africans, in the same moment that it evades implication in a dishonorable past. References to African slavery buttress the claim that the British anti-trafficking crusade is also a fight for freedom. The selective memory involved in the invocation of abolition enables the Home Office to portray its policing missions as efforts to help trafficking victims and hinder individuals committing "abhorrent crimes."

Despite recurring abolitionist declarations, however, the British government's analogy of abolition is suspect. The Slave Trade Act, passed on 25 March 1807, abolished the forced transport of people into slavery, but it did not stop the practice of slavery in the British Empire. The people previously transported, and those born into slavery, continued to live in bondage; slavery remained a legal practice in British colonies for twenty-five years after the Slave Trade Act until the passage of the Slavery Abolition Act in 1833. The actual piece of legislation that outlawed the institution of slavery is never mentioned by the anti-trafficking campaigners.

Also left unmentioned is the fact that the law to prohibit slavery within Britain came rather late. In fact, such legislation did not exist at the time of the bicentennial anniversary of abolition. It was not until 2009 that Britain formally outlawed slavery inside its borders. Without any fanfare, tucked into section 71 of the Coroners and Justice Act of 2009, sits the criminal offence of holding a person in slavery or servitude, or requiring them to perform forced or compulsory labor in England, Wales, and Northern Ireland.<sup>50</sup>

The legislative oversight of outlawing slavery in the UK reveals a vested belief that slavery is not a British practice. Heretofore slavery was not a problem of the British, but a foreign phenomenon. From this vantage point, the arrival of slavery to Britain is as a brand-new occurrence. As the *Action Plan* makes clear, slavery has now come to Britain and the practice must be met with robust counter-action to keep it outside the polity. Thus, there is no need to celebrate internal abolition because slavery did not previously exist in Britain. Banning slavery in 2009 is not the triumph of freedom over exploitation but the rectification of a bureaucratic oversight that shows how unnecessary it was, in the past, for the British to protect themselves from enslavement. Section 71 of the Coroners and

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<sup>49</sup> The British slave trade began in the mid-1500s when John Hawkins, cousin of explorer Sir Francis Drake, led an illegal slaving expedition from England, via Sierra Leone, to the Caribbean. His lucrative efforts were eventually supported by Queen Elizabeth I who granted him and other English merchants patents to trade in goods and people from Africa. See Henry Kelsey, *Sir John Hawkins: Queen Elizabeth's Slave Trader* (New Haven, CT: Yale University Press, 2003).

<sup>50</sup> Home Office, Coroners and Justice Act, 2009.

Justice Act, then, is not the result of the long-fought-for abolition of forced or compulsory labor within Britain; rather, it is the pre-emptive strike against a modern day crime.

A crucial part of the anti-trafficking project is to define what is, and what is not, British. Slavery is represented as inherently foreign: from without, but now within. Slavery is that which cannot be integrated and has to be isolated in the prison, detention center, and women's shelter. It is also that which must be expelled through the deportation of foreigners who are connected with trafficking and the closure of borders contiguous with source countries.

On the other hand, to celebrate the 2009 abolition of forced and compulsory labor in Britain would acknowledge that there is, and was, slavery that emerged in Britain through domestic conditions. To highlight the abolition of slavery within the UK would be to disrupt the dominant account of slavery as a foreign phenomenon. This recognition contradicts Britain's claim to an abolition past by pointing to its need for an abolitionist present. The appeal and limitation of the official account rests in repressing any recognition that slavery was not really abolished by (or in) Britain in 1807. This unspoken possibility suggests that Britain did not successfully abolish slavery; slavery continued within the realm; and the present moral imperative is to abolish slavery, once again, because the British Empire failed in the first instance.

The British anti-trafficking campaign has appropriated the Slave Trade Act as historical antecedent and evidence of Britain's long-standing abolitionist credentials. The Slave Trade Act, and the context of its enactment, does little to justify this interpretation, however. At best, the Act signaled Britain's aim to halt the expansion of slavery. By the mid-1800s, slavery was far less valuable to the Britain Empire because independence movements in the colonies had swiftly gained ground and the American slavery system made the United States an economic rival on the ascent. The adoption of the Slave Trade Act as a shining example of abolitionism is a piece of historical revisionism that aims to validate the anti-trafficking movement's agenda.

Thus the historical referent of abolition continually cited by anti-trafficking advocates does not cohere with either the abolition of slavery or with the present phenomenon of sex trafficking that it seeks to describe. The metaphor of slavery cannot explain a complex phenomenon involving two precariously legal activities: migration and prostitution. Instead, to come to terms with trafficking, the Home Office disseminated information in the complementary forms of statistical data and slavery discourse: quantitative and qualitative proof of "modern day slavery." In this way, the British government helped to generate a moral panic about sex trafficking.

Authors Erich Goode and Nachman Ben-Yahuda, building upon the pioneering work of Stanley Cohen, state that moral panics have five distinct characteristics. These indicators are concern, hostility, consensus, disproportionality, and volatility (33 - 41).<sup>51</sup> *En bref*, there must be concern that the behavior, group, or object of the panic poses a threat. There is a hostile reaction to the threat and a shared consensus that something must be done. The reaction to the perceived threat is out of proportion with any actual harm posed by the object of the panic.

The simplicity of a good versus evil formulation is a common trait of moral panics, which distill complex social phenomena into a fixed dichotomy that demands the destruction of the opposing object. The opposing object can be a practice, a group, a population, or a thing perceived as

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<sup>51</sup> Erich Goode and Nachman Ben-Yahuda, *Moral Panics: The Social Construction of Deviance* (Oxford: Blackwell, 1994).

threatening. Whether the target is slavery, homosexuality, witches, drugs or obscene literature, the object of the panic is viewed as an unmitigated evil that endangers the just, the good, the health of the community.<sup>52</sup> The need to eradicate the threat is urgent and undeniable or it will grow to subsume society. According to Laura Agustín, the “anxiety about ‘trafficking’ ... in Europe is part of a general trend focusing on transnational crime, penal law, and citizen security expressed in the idea of a ‘Fortress Europe’ that must protect itself from invasion.”<sup>53</sup> The notion that foreigners were trafficking women in the UK became tethered to slavery narratives and official statistics, which justified repressive measures by the state.

Theorists of moral panics argue that the object of the panic either did not pose a radical threat to society (e.g., homosexuals) or that there was never any actual or “real” object at all (e.g., witches). They locate the cause of the panic elsewhere, away from the over-determined object, in cultural or political shifts and in psychosexual projections targeting vulnerable out-groups (Cohen 1972; Young 1971; Connelly 1980).<sup>54</sup> In this second strand of moral panic theory, the panicked response, the organized counteraction, produces its opposing object. I argue that this is the case with the contemporary sex trafficking panic, which portrays an organized traffic in Eastern European women, yet fails to find trafficking victims and traffickers. The failure to find women who meet the description of “sex trafficking victim” is not to imply that the British government is shadow boxing. It is reacting to migration. The conditions of possibility enabling the UK sex trafficking panic are connected with the mass migration, particularly of Eastern Europeans after the expansion of the European Union in 2004. Part of this migratory pattern included a discernible shift in the demographics of the indoor sex trade, with foreign women staffing brothels and causing alarm about exploitation and “possible prostitutes” entering the UK.

White slavery was connected with a specific populations and propagated as a problem of great consequence. Although the yoking of term and referent were open to re-signification, the potency of the white slavery narrative lay in its tight alignment with anxiety over the state of the nation. The campaigns against white slavery resonate with the present situation in the UK. In what follows, I offer the conceptual lineage of the slavery rhetoric used to define sex trafficking. Troubling the analogy to African slavery made in contemporary sex trafficking discourse, I trace a genealogy of the British anti-trafficking campaign: one less laudable than the fight to end African slavery and less clearly situated on the side of the Good.

Reading the moral panic over white slavery reveals something significant about the contemporary situation. The focus on women’s sexuality and vulnerability signals that the notion of the nation remains tightly bound to regulating women’s work and movement. The British anti-sex trafficking movement borrows much from the conception of white slavery in terms of imagery and focus, despite its anxious reiterations about abolishing the African slave trade. The reasons for this choice of referent are clear enough. On the one hand, African slavery was an actual system that historical

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<sup>52</sup> Goode and Ben-Yahuda chronicle, for example, moral panics about witches in Renaissance Europe; homosexuals in Boise, Idaho in the 1950s; the use of LSD in the United States in the 1960s; and drug use in general in Israel and the United States in the 1980s. According to the authors, moral panics always target “deviant” behavior of some sort, but the issue can be framed to focus on either the people, practices, or materials involved.

<sup>53</sup> Laura Agustín, “Migrants in the Mistress’s House: Other Voices in the ‘Trafficking’ Debate” in *Social Politics: International Studies in Gender, State and Society* 12, no. 1 (2005): 96.

<sup>54</sup> Stanley Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (London: MacGibbon & Kee, 1972); Jock Young, *The Drugtakers* (London, MacGibbon & Kee, 1971); Mark Connelly, *The Response to Prostitution in Progressive Era* (Chapel Hill: University of North Carolina, 1980).

hindsight deems anathema to liberal notions of freedom and autonomy. To rail against slavery is to engage in a discourse with little risk of contradiction and the many benefits that come from consensus. Anti-slavery rhetoric enables the British government to promote itself as an abolitionist forerunner at the co-incidental moment of the bicentennial anniversary of the Slave Trade Act. A focus on white slavery, on the other hand, brings into view fabricated stories, sensationalist journalism, racist and anti-Semitic accusations, and the vested interests of anti-vice campaigners.

### **Anglo-American Panic: The Heuristic of White Slavery**

By examining the sex trafficking narrative through the heuristic of “white slavery,” we will begin to appreciate the conceptual investments of today’s anti-trafficking campaign. The white slavery panic emerged in the overlapping epochs of Great Britain’s late Victorian era and the American Progressive period. At the time, there was generous cross-fertilization between the British and American advocates, so much so that an Anglo-American white slavery panic developed at the turn of the twentieth century. The white slavery panics followed similar plotlines and, in the following sections, I move between the concurrent campaigns to analyze their narrative structures, adding a particular focus on the American panic to map the racial aspects of the tale.

If an origin point were posited for the white slave panic, it would be July 1885 when journalist William T. Stead penned an exposé titled, “The Maiden Tribute of Modern Babylon.” The series depicted English girls sold into sexual slavery. The phenomenon was called “white slavery” and the specification of “whiteness” separated the traffic from the enslavement of Africans. As editor of the *Pall Mall Gazette*, Stead published what Judith Walkowitz describes as “one of the most successful pieces of scandal journalism of the nineteenth century” (1992: 81). This piece of Victorian New Journalism warned the public that a white slave trade ran rampant in London, with poor English girls forced into prostitution by foreign men.

Revising the Greek myth of the Minotaur and evoking a dizzying array of mazes and multitudes, Stead used “The Maiden Tribute” to uncover the subterranean crime of child prostitution (Walkowitz 1992: 97-98). In his account we find an early example of the coupling of extravagant statistics and sensationalist rhetoric that shares much in common with sex trafficking stories today. Like the contemporary anti-trafficking researchers presented in Chapter 1, Stead estimated the inestimable number of London prostitutes and detailed the fate awaiting some of their number. I quote at length from the opening vignette of “The Maiden Tribute” to show Stead’s initial concern for prostitutes before his shift to the real figure of concern: the white slave.

This very night in London, and every night, year in and year out, not seven maidens only, but many times seven, selected almost as much by chance as those who in the Athenian market-place drew lots as to which should be flung into the Cretan labyrinth, will be offered up as the Maiden Tribute of Modern Babylon. Maidens they were when this morning dawned, but to-night their ruin will be accomplished, and to-morrow they will find themselves within the portals of the maze of London brotheldom. Within that labyrinth wander, like lost souls, the vast host of London prostitutes, whose numbers no man can compute, but *who are probably not much below 50,000 strong*. Many, no doubt, who venture but a little way within the maze, make their escape. But multitudes are swept irresistibly on and on to be destroyed in due season, to give place to others, who also will share their doom.<sup>55</sup>

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<sup>55</sup> William T. Stead, “The Maiden Tribute to Modern Babylon,” *Pall Mall Gazette*, 6-10 July 1885: Part I. Emphasis mine.

Stead's claim to uncover a hidden trade in women and girls includes both an accusation against the corrupt English aristocracy and an appeal to innate English valor. By turns barbaric and decadent, the sexual exploitation of young girls is juxtaposed to the decency of common folk. For Stead, the values of the English people are endangered by foreign influence and domestic profligacy, but he maintains that the majority of "common people" can save maidens from sacrifice "nightly to the jaws of vice":

I have not yet lost faith in the heart and conscience of the English folk, the sturdy innate chivalry and right thinking of our common people; and although I am no vain dreamer of Utopias peopled solely by Sir Galahads and vestal virgins, I am not without hope that there may be some check placed upon this vast tribute of maidens, unwitting or unwilling, which is nightly levied in London by the vices of the rich upon the necessities of the poor.<sup>56</sup>

Stead distinguishes between willing prostitute and "unwitting or unwilling" white slave. Innocent girls, over and above the "probably not much below 50,000 prostitutes," are the foundation for reform. Although Stead fomented a media-driven moral panic, he was not the first or only Englishman to speak against white slavery. Nevertheless, Stead was the first to articulate the sex slavery story in stark detail through popular broadsheets. His propaganda spread the word through a hyperbolic discourse of sex slavery and educated the masses about an underground trade in maidenheads. Through the press, he created a consensus that an identifiable problem called "white slavery" had effected the plunder of English girls.

Despite his faith in an English solution based on "chivalry" and "right thinking," white slavery was more than an English concern and Stead knew that more than crusading journalism would be needed to stop the traffic. What was required was a change in law. According to Judith Walkowitz, it was through the white slavery panic that

a massive political initiative against nonmarital, nonreproductive sexuality was mobilized, whose initial victims were the working-class prostitutes, precisely the women who had been the original objects of concern for Stead and his feminist allies. Repercussions from the 'Maiden Tribute' were felt throughout the Empire, in the form of age-of-consent (marriage) laws, efforts to abolish state-regulated prostitution, and, eventually, official prohibitions against liaisons with 'native' women (1992: 83).

Cecily Devereux contends that white slavery was an "imperial construct," arguing: "By the first decade of the twentieth century, the white slave had become a major focus of the reform movement throughout the Empire and, indeed, beyond it. The white slavery panic ... was a global phenomenon, or, more precisely, an *imperial* one" (1).<sup>57</sup> Then, as now, the sexual traffic in women was a colonial concern with multiple national articulations. Drawing upon the insights of Walkowitz and Devereaux, I maintain that the British "social purity" and American "anti-vice" movements emerged over shared fears about prostitution, women's work outside the home, racial intermixture, and migration. These concerns crystallized into moral crusades against an international trade in white women and culminated in landmark legislation.

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<sup>56</sup> William T. Stead, "The Maiden Tribute to Modern Babylon," *Pall Mall Gazette*, 6-10 July 1885: Part I.

<sup>57</sup> Cecily Devereux, "'The Maiden Tribute' and the Rise of the White Slave in the Nineteenth Century: The Making of an Imperial Construct," *Victorian Review* 26, no. 2. (2001): 1 – 23.

In Great Britain, following Stead's series and public protests, the Criminal Law Amendment Act (1885) passed, raising the age of consent for girls and further criminalizing prostitution and homosexuality. In the United States, the federal Mann Act (1910) also known as the White Slave Traffic Act, prohibited the movement of women and girls across states lines for "immoral purposes."<sup>58</sup> The Mann Act criminalized movement, particularly that of suspected prostitutes and generally that of young unmarried women, in a manner similar to earlier legislation that barred interstate traffic in lottery tickets and adulterated meat.

In order for white slavery fears to result in legislation, political will and public sentiment against white slavery had to be whipped up and widespread. As we recall, one of the five characteristics of a moral panic is consensus. The term "white slavery" was coined by the London anti-vice advocate and physician, Michael Ryan, in *Philosophy of Marriage in its Social, Moral and Physical Relations*. In this work, Ryan railed against "the infernal traffic ... still carried on to a great extent, principally by Jews. These white-slave dealers trepan young girls into their dens of iniquity, sell them to vile debauchees, dress them out in fine clothes, and take from them all the wages of their horrible calling" (29).<sup>59</sup> US District Attorney of Chicago Edwin Sims agreed, stating, "The white slave trade may be said to be the business of securing white women and of selling them or exploiting them for immoral purposes. It includes those women and girls who, if given a fair chance, would, in all probability, have been good wives and mothers and useful citizens."<sup>60</sup>

Within these texts, we have the conceptual lines over which sexual slavery narratives would travel in future panics: an innocent woman or girl is captured or duped by a foreign procurer and forced to sexually service men of diverse races. Whereas sexual exploitation is the avowed target of the contemporary anti-trafficking campaign, in earlier sex slavery panics, the possibility of miscegenation was as alarming as women's promiscuity or forced prostitution.

According to Ryan, sexual relations between white women and non-white men threatened the sacred institution of marriage, which was defined as a strictly intra-racial exchange. Sexual congress between white women and non-white men signified either a woman's immorality or her rape. Put another way, white women had to be either depraved or defiled for Victorians to countenance their sexual union with non-white men. Thus, the initial conception of white slavery placed women in the position of either race traitor or rape victim.

As the narrative of white slavery gained ground in the early nineteenth century, the victim discourse became the dominant means for understanding white women engaging in interracial sexual relations and prostitution. The framing of racialized rape enabled Britons primarily to blame foreigners for women's corruption. Although slave traders and clients were targeted as the guilty parties of interracial sexuality, women did not escape the trade untouched. The taint of prostitution turned the sexed slave into damaged goods. While a woman or girl forced into white slavery was not fallen, strictly speaking, it was virtually impossible for her to rise again to right womanhood.

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<sup>58</sup> United States, The Mann Act, 18 U.S.C.A. § 2421 et seq., 1910.

<sup>59</sup> Michael Ryan, *Philosophy of Marriage in its Social, Moral and Physical Relations* (Unknown publisher, 1839). Also see Edward Bristow, *Prostitution and Prejudice: The Jewish Fight Against White Slavery, 1870 – 1939* (New York: Schocken, 1983): 35. At times the term "white slavery" referred to exploitative labor practices under industrial capitalism, but it eventually came to signify specifically the sexual exploitation of women and girls.

<sup>60</sup> Edwin W. Sims, "The Menace of the White Slave Trade" in *Fighting the Traffic in Young Girls or War on the White Slave Trade*, ed. Ernest A. Bell (City unknown: G.S. Ball, 1910): 11. The Project Gutenberg, [www.gutenberg.org](http://www.gutenberg.org).

The Anglo-American narrative of white slavery is steeped in racial rhetoric and the demonization of foreigners. One notable difference between Great Britain and the United States is that the British white slavery narrative concerned the sale of women and girls to Continental brothels. White slavery in Britain was depicted primarily as an exportive traffic. In the American context, the white slavery narrative concerned rural to urban migration and interstate traffic. White slavery in America was defined as a problem of internal movement. Following the footsteps of W.T. Stead, Mrs. Jean Turner-Zimmerman conducted an investigation into another Modern Babylon: the city of Chicago. Blending religion and love of country, she intoned:

As I looked the burning fire of intense pity entered my soul for these drug and drink-sodden, diseased, chained slaves – my sisters in Christ in this great free American Republic – and so with a heart full of consuming desire to know more of the real lives of these scarlet women and to help them, if possible, I began at once a thorough personal investigation of Chicago’s public slave market.<sup>61</sup>

In another popular text of the day, titled *Chicago and Its Cess-pools of Infamy*, Samuel Paynter Wilson recounted in horror the scene of a Chicago brothel:

American ‘fillies’ and body and soul under a brutal Russian Jewish whoremonger! ... Out shone the flickering red lights, out came the discordant, rasping sound of the rented piano, out belched the shrieks of drunken harlots, mingled with the groans and curses of task-masters in a foreign tongue, attracting the attention of hundreds of laborers, negroes and boys, as they walked home on Peoria street from their day’s work.<sup>62</sup>

The concept of “race” was the structuring logic that placed white women in the position of victim and non-white men in the role of sexual predator. Traffickers were depicted as foreign, often Jewish men, operating vice trusts to enslave women. Swarthy “traders” or “cadets” ran flesh markets through seemingly harmless commercial spaces: from dancehall to department store to ice cream parlor (Donovan 26; Doezema 2010: 93). Once acquired through force or fraud, white women were transported across the country to brothels with all manner of clientele. Whereas in Britain a class critique occasionally accused aristocratic gentlemen of deflowering honest servant girls who, once ruined, had to sell sex to all and sundry, the American version of white slavery unequivocally named minority men as the sexual threat to white women. In the US, it was black and foreign men who imperiled white womanhood. The mythic melodrama of white slavery captured the colonial zeitgeist in one stark and emotional package.<sup>63</sup>

Jo Doezema contends that “contemporary theorists of myth ... have retained these ideas of political myth as images or stories that are able to promote a collective response, the notion of myth as a reflection of how society should be” (2010: 32). The reference to the 1807 abolition of slavery by the anti-trafficking campaign enables a collective British affirmation that slavery is, and always has been, wrong; it furnishes the myth that the British polity has been free of slavery until this foreign practice

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<sup>61</sup> Jean Turner-Zimmerman, “Chicago’s Black Traffic in White Girls: An Article on the Great ‘White Slave’ Question,” (Chicago: Publisher unknown, 1910): 46. The Project Gutenberg, [www.gutenberg.org](http://www.gutenberg.org).

<sup>62</sup> Samuel Paynter Wilson, *Chicago and Its Cess-Pools of Infamy* (Chicago, Publisher unknown, 1910): 45.

<sup>63</sup> Brian Donovan, *White Slavery Crusades: Race, Gender, and Anti-Vice Activism, 1887-1917* (Chicago: University of Illinois Press, 2006).

suddenly appeared on its shores. Doezeema's reading resonates with the Foucauldian notion of the plague as political dream.<sup>64</sup> In *Discipline and Punish*, Foucault writes, "The plague-stricken town, traversed throughout with hierarchy, surveillance, observation, writing; the town immobilized by the functioning of an extensive power that bears in a distinct way over all individual bodies – this is the utopia of the perfectly governed city" (198).

In the plague town, a state of emergency allows state actors to partition space, count bodies, manipulate movement, and manage the population. The terror of the plague town is allied with the political dream of social order and control. The myth of white slavery portrays society overturned through illicit sex across class and racial lines. This inversion carries within it the justification for upright interventions. It demands police measures to secure (and save) monogamous, heterosexual marriage and an intra-racial Union: the political myth and dream of Anglo-American society.

### **A. White Women in Peril and Perilous White Women**

Depictions of virginal women and girls ravaged by members of subordinate races were certain to stir public outcry against white women's physical vulnerability and minority men's physical proximity. Along with the elaboration of an immigrant menace, race relations in the United States provide the most fully-elaborated example of racial anxieties within white slavery discourse. In this section, I focus on the United States, and its fundamentally Manichaean racial order, to explicate the conceptual investment in racial difference central to white slavery narratives. The objects of analysis are the racial and gender dynamics encoded in stories of sexual enslavement. In the following section, I continue this line of inquiry with an explication of the foreign menace to the nation in order to circle back to my point about the importance of migration in the creation of sex panics. I analyze the American nativist campaign to show that the impetus for the white slavery panic was something other than the discovery of a large-scale, underground traffic in women.

Despite the profusion of lurid accounts, an international trade in women was never uncovered. Instead, anti-vice advocates found a great migration of women. Women were moving in numbers, and to destinations, at an unprecedented rate. It was this alarming development that helped to precipitate a panic over white women's migration, sexual availability, and independence. In particular, the fact that "unattached" women were disembarking on journeys alone led to increased surveillance and calls for a stop to women's migration. Fears for white women's safety fomented white slavery scares. It was not simply sexual exploitation that caused alarm, it was also the experiences and opportunities accruing to women that alarmed gender gatekeepers and signaled a social shift of great significance. By the close of the nineteenth century, women of various classes and stations were no longer staying in their place.

It is the influence of migration that I foreground in relation to the present sex trafficking campaign. The heuristic of white slavery reveals the gap between the discursive depiction of sex slavery and its material referent of foreign women enslaved in prostitution. This comparison of anti-white slavery and anti-sex trafficking campaigns is a dangerous one for the British government due to the lack of reliable data on sex trafficking and the failure of law enforcement to discover a traffic in women.

A genealogy of white slavery troubles the modern day slavery story by revealing an uncanny resemblance to a past moral panic that turned out to be much ado about nothing; that is, if its referent is taken to be the sexual traffic in white women and girls. If white slavery panics are taken to

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<sup>64</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Penguin, 1977 [1991]).

be reactions to increased migration, then this eruption makes more sense. Examining the resonance between white slavery and sex trafficking narratives, we find that some migrants' movement is deemed volitional, while others' movement is determined to be criminal. In the second half of the dissertation, my analysis of the social production of sex trafficking panics shifts focus from slavery metaphors to the economic and geo-political factors influencing migration and the perils of nativism mobilized as a moral crusade against sex slavery. Let us begin by examining the racial structure of American sex slavery narratives.

In anti-white slavery tracts, comparisons between white and black slavery were common, with campaigners drawing heavily on America's peculiar institution. Avid reformer, Clifford Roe, averred that "the good citizen, his wife, and his sons and daughters ride down town on the street cars with never a thought of the fact that ere he reaches down town his way will take him within pistol shot of dens where women, white of skin and civilized of mind, are kept in slavery under conditions worse than that of the slave quarters before the war."<sup>65</sup> The contrast of black and white slavery emphasized the pain of enslavement for white people, who were figured as inherently free, moral agents in contradistinction to the uncivilized people made slaves in the South. Nativist thought posited the moral superiority of whites; thus, enslavement took a higher toll on the well-being of whites, especially white women. Alternatively, blacks were portrayed as cut from coarser cloth: because they generally lacked civilized, Christian values, they could not suffer enslavement in the way that virginal white girls could. This logic contained a double movement in which plantation slavery was recast in a positive, paternal light and black slaves were portrayed as less liable to suffering.

Clearly, allusions to African slavery did object to the human horror of slavery; rather, they railed against the racial violence of enslaving white women. The comparison worked by minimizing the suffering of black slaves, and heightening the tragedy of enslaved white women through spectacular depictions of plunder and brotheldom. In *White Slave Hell*, F.M. Lehman and N.K. Clarkson explained that "[white slavery] is far worse than African slavery, for many of the blacks were happy and many of them were good, even deeply religious; while no woman, though she be deceived and made an innocent victim, can be happy after she has been ruined, can live happily in sin, or when surrounded by vice" (128). Or, as Samuel Paynter Wilson put it in *Chicago and Its Cess-pools of Infamy*, "I want to tell you who read this and who think there is little truth in the now much agitated question of white slavery in America, that in the dives and dens of our city's underworld I have heard shrieks and heart cries and groans of agony and remorse that have never been surpassed at any public slave auction America has ever witnessed" (47).<sup>66</sup> The point was the patent absurdity of freeing blacks (from whites) while allowing white women to be enslaved by black men. The lack of protection of white women was an unconscionable crime against womanhood and the race.

Claims that white women were forced to have sexual relations with non-white men borrowed from the Southern atrocity tale of black men ravishing white women (Donovan 12, 14). The mythic figure of the black rapist had long supplied the alibi for racial violence and segregation. Entrenched ideas of black male sexual aggression and white female sexual violability lent cultural currency to the white slave story of racialized rape. Moreover, white slavery turned what was figured as a rogue black rapist taking any opportunity to rape a white woman into an *organized system* that forced white women

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<sup>65</sup> Clifford Roe, *Chicago Tribune*, 17 October 1909. Quoted in Donovan 33.

<sup>66</sup> F.M. Lehman and N.K. Clarkson, *The White Slave Hell* (Chicago: The Christian Witness Company, 1910); Samuel Paynter Wilson, *Chicago and Its Cess-pools of Infamy* (Chicago, Publisher unknown: 1910). Quoted in Donovan 33-34.

into having sex with non-white men. The image of black slavery refracted the trade in white women and girls while refusing the possibility that whites could occupy the role of sexual slaver.

In addition to denying blacks the ability to suffer violence and the loss of freedom in the same way as whites, the comparison of white and black slavery ignored the sexual exploitation of black slaves and of black women. As white slavery narratives illuminate, the fundamental difference between white and black womanhood is tied to sexual morality. White women engaging in interracial sex were either rape victims or race traitors, but no such discursive space was available to black women. They could neither be raped nor could they betray their race through interracial sex. It went without saying that white men did not rape black women because notions about black women's inherent impurity denied inclusion in the category of rape victim or white slave. These features of racialized gender difference placed black women as constitutively outside the category of sexual victim. Black women, however, did appear occasionally in white slavery narratives in the role of willing whore or brothel maid. These positions rendered them guilty either as debauched women or as parasites profiting from the exploitation of white women. Consequently, black women betrayed white women, not black men, by engaging in interracial sex.

Transposing black slavery and black women's sexual exploitation, white women were symbolically disfigured through sexual contact with other races. Through extramarital and extra-racial sex, whiteness was polluted and women's reputations were "blackened." In a historical role reversal, white slavery narratives made it white women who were bought and sold and forced into sexual relations by racial "task-masters." It was white women's fathers and brothers who could not protect them or determine who they married and with whom they had sexual relations. Unless they protected their women against a brutal slave system, white slavery campaigners charged that white men stood impotent to racial and sexual violation. The ideological work performed by the white slavery discourse accomplished far more than a lament against white women's sexual promiscuity or vulnerability. The truth of white slavery denied the truth of the enslavement and racial oppression of blacks in America.

Complicating the clear-cut vision of sexual susceptibility, however, was the implication that white women could be dangerous. The white slavery narrative hinted that white women exercised a kind of passive power: they could be the conduits through which racial downfall was effected. White women could subvert the racial system by being pawns in the destruction of the white race. The result of interracial sex could people the nation with illegitimate half-breeds. Unless the bounds of propriety were strictly enforced, it followed that white women needed policing and rescue from contaminating contacts. The crusade to end white slavery was waged for women's own good and that of the nation. The threat to white supremacy and male dominance embodied by the white slave, and her evil twin, the willing prostitute, fortified anger over women's independent and independence movements.

The subversive capabilities of white women was not elaborated in white slave narratives because white women were insistently characterized as innocent, foolhardy, and vulnerable. Yet within tales of the sexual fall, there flowed an undercurrent of resentment that white women could fall prey to the "fate worse than death" owing to their own greed or desire to improve their circumstance. It was an oft-repeated truism that women's "love of finery" led to their seduction (Walkowitz 1992; Grittner 1990). Their ambition to economically enrich themselves by working outside the home, migrating for work, or working in prostitution placed them in peril. Doezema maintains, "Women's independence was, and is, seen as a threat to the stability of the family and, by extension, the nation.

Contemporary efforts to stop trafficking draw on underlying moral values of feminine dependence and ideals of women's role in the family" (2000: 21).<sup>67</sup>

The purported danger to, and vulnerability of, white women chimed with the paternalist goal of keeping women in their place. This goal, however, had to contend with the fact that women were very much on the move in the early nineteenth century. As Edwin Sims advised:

I can say, in all sincerity, that if I lived in the country and had a young daughter I would go any length of hardship and privation myself rather than allow her to go into the city to work or to study – unless that studying were to be done in the very best type of an educational institution where the girl students were always under the closest protection. The best and surest way for parents of girls in the country to protect them from the clutches of the 'white slaver' is to keep them in the country (quoted in Doezema 2010: 93; Bell 1910, 48).<sup>68</sup>

The white slavery narrative worked to keep women at home and away from the economic opportunities, meager though they were, of the city and factory at a time when women's growing independence and mobility destabilized their traditional place in the social world. Nativists portrayed the crusade against white slavery as an attempt to free white women, but anti-vice agitation helped to restrict white women lest they encounter errant sexuality in the city, across state lines, or in foreign lands. Although the stated intent was to save women from becoming white slaves, efforts to stop women's movement to, and employment and entertainment in, urban centers and other countries prevented them access to economic opportunities and increased autonomy.

The goal of slowing or stopping migration links all battlefronts against white slavery. The evil of white slavery extended from the ruination of white women to the corruption of the national body because the white race risked destruction through sexual congress between the races. With the future at stake, the American effort to fight white slavery developed into an amalgamated movement against the northern migration of blacks, the urban transplantation of women, and the immigration of undesirable people. The British effort impeded women's emigration, raised the age of consent for girls, repressed prostitution and homosexuality (both outgrowths of unbridled male sexuality), and controlled the mobility of suspected prostitutes through health checks and quarantines (Walkowitz 1980: 58). The containment policy, focusing on the purity of women and the health of the nation, policed the borders between women and men, between city and country, and between states.

### **B. Slavery as Migrating Metaphor: Race and "Undesirables" Inside the Nation**

The conditions of possibility allowing the fantastical and grim story of white slavery both to capture the public imagination and to create public policy were the migration of undesirable migrants and the movement of white women. The contrast between the white woman's desirable body and the undesirable foreign body structured a white supremacist vision. In response to these social shifts, the anti-white slavery campaign achieved two effects that nativists desired: immigrants were blocked from entering the United States and undesirable individuals already inside the country were closed

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<sup>67</sup> Jo Doezema, "Loose or Lost Women: The Re-emergence of the myth of 'white slavery' in contemporary discourses of 'trafficking in women,'" *Gender Issues* 18, no. 1 (Winter 2000): 23-50.

<sup>68</sup> Edwin W. Sims, "The Menace of the White Slave Trade" in *Fighting the Traffic in Young Girls or War on the White Slave Trade*, ed. Ernest A. Bell (City unknown: G.S. Ball, 1910). The Gutenberg Project, [www.gutenberg.org](http://www.gutenberg.org).

out of white communities. Anti-vice advocate and journalist George Kibbe Turner, who we will encounter again in the next chapter, states the reasons for protectionist measures:

The European peasant, suddenly freed from the constraints of poverty and of rigid police authority, and the vicious negro from the countryside of the South, -- especially the latter, -- furnish an alarming volume of savage crime, first confined to their own race, and later, as they appreciate the lack of adequate protection, extended to society at large. None of these folks, perhaps, have progressed far along the way of civilization; but under the exploitation in Chicago they slip back into a form of city savagery compared to which their previous history shows a peaceful and well-ordered existence (quoted in Donovan 61).

Turner's theory that European peasants and blacks had a more wholesome existence under serfdom and slavery stipulates the danger of overthrowing these systems and the peril that freedom brings. The threat of equality struck fear into the heart of the nativist who imagined the end of civilization in the institution of equality or, worse, the reversal of the racial order. Beyond sharing close spaces, the idea that whites could change places with blacks was a recurrent fear following the Civil War. This terrific role reversal held a potent symbolic power that solidified racist sentiment against the post-bellum political gains made by African Americans.

Fearing the loss of white social dominance, nativists restricted immigration, "closing the door," and contained undesirable migrants in circumscribed areas of urban space, "raising the walls." The aim to isolate and segregate the city and country led to a series of (anti-)Immigration Acts, such as the Emergency Quota Act of 1921 and the more comprehensive Immigration Act of 1924, which included the National Origins and Asian Exclusion Act. The Immigration Act extended the ban from Chinese to East Asians, in particular the Japanese who were then migrating in considerable numbers. Likewise, the law restricted Southern and Eastern Europeans. The Act capped the number of immigrants entering the US at 2% of the number already present there in 1890. To effect residential segregation in US cities, the practices of denying civic services and inflating housing prices, as well as physical intimidation, made legal bars almost unnecessary. Such *de jure* and *de facto* containment policies limited interracial contact and decreased economic competition among native-born whites and the immigrants and African Americans who had to sell their labor cheaply. Whites used these tactics to preserve physical distance and keep the hierarchical relation between the races intact and intractable.

In the early twentieth century, African Americans began the Great Migration away from the racial caste system in the South. The hardening of racial lines and mob violence made migration a survival strategy for many blacks. Between 1910 and 1930, over 1.3 million African Americans migrated to the Northern cities to improve their socio-economic position and escape Southern society. During this time, "one of the most profound social and demographic transformations in American history" occurred when "over thirteen million immigrants" entered the United States between 1900 and 1914 (Connelly quoted in Doezema 2010: 78).<sup>69</sup> The growing presence of Polish, Italian, Spanish, Jewish, and African American transplants made whites anxious about the culture and color of their cities. Formerly, migration to the United States came from Northern and Western Europe, but from 1850 onward there was a steep rise in migrants from the South and East of Europe. Nativists reviled these immigrants as subordinate races and developed a xenophobic discourse warning of the foreign menace. While nativists recognized that emancipated slaves were native-born, they viewed blacks as

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<sup>69</sup> Mark Connelly, *The Response to Prostitution in the Progressive Era* (Chapel Hill: University of North Carolina, 1980): 48.

aliens who could never be real Americans. The internal migration of African Americans combined with international migration fueled severe nationalist anxiety.

The arrival of unwanted migrants, combined with African Americans' nascent freedom to move, made nativists worry over migration and internal and external border crossings. These concurrent migration streams gathered strength and complemented each other as non-white communities settled together or in close proximity, thus creating a visible change to the urban scene. This demographic shift was a horrifying sight for whites afraid that the city would be submerged in a flood both native and foreign.

The alarm over migration was not restricted to the Eastern seaboard. On the West coast, nativist sentiment formed against the "yellow peril." Anxiety over Chinese immigration led to xenophobic reactions, including America's first closed-door immigration policy, the Chinese Exclusion Act (1882). Significant for my purposes, the panic over the "yellow peril" cast opium dens as houses of sexual infamy. Replacing the Jewish trafficker and black client, this regional variant of the white slavery story depicted white women sold and ravished by Asian men. According to Sheldon Zhang in *Smuggling and Trafficking in Human Beings: All Roads Lead to America*, the Chinese Exclusion Act led to commercial human smuggling as individuals attempted to circumvent their exclusion, not the other way round. Put another way, instead of responding to a prior problem of illegal entry, the law created "smuggling." Zhang's analysis of the state response to a changing demographic landscape reveals how a reaction can define the phenomenon to which it ostensibly refers. The Chinese Exclusion Act produced its opposing object, "smuggling," by preventing the legal migration of an undesirable population.

White slavery historians argue that the subject of the narrative, the sexual enslavement of white women and girls, was not the cause of the panic (Grittner 1990; Donovan, 2006; Bristow 1983). Rather, the myth of white slavery emerged with cultural shifts taking place in colonial spaces. They maintain that the panics did not respond to their purported catalyst: the abduction and corruption of white women and girls by foreign and racial others. No systematic traffic or criminal conspiracy to trade white women and girls was ever uncovered by vice commissions or anti-vice campaigners. Only very small numbers of prostitutes were officially designated as "white slaves" (Grittner 1990; Donovan 2006). Because most prostitutes could not meet such exacting standards of racial and sexual purity, they did not receive legal or police protection.

The women entering prostitution were not only white women. Migrant women with fewer sources of economic and familial support in their adoptive countries sold sex to support themselves. Their precarious socio-economic position, exacerbated by anti-immigrant sentiment, meant that they were exposed to labor exploitation, discrimination, and depressed wages. White slave narratives made it possible to dismiss the living and working conditions of immigrant women in favor of an intense preoccupation with the abduction tale of vulnerable white women. In addition to sidelining immigrant women, what the story of the white slave left out, or rendered unintelligible, were married prostitutes, occasional prostitutes, and black women as victims of sexual exploitation. These women were not cast as white slaves because they always already failed to pass the litmus test of sexual purity, naturalized and predicated upon virginity, nationality, and race. The whiteness of the victim, proof of innocence and racial superiority, marked the boundaries of who could be a white slave.

The ideological work of the white slavery myth made white women into symbols of the nation's future while turning non-white peoples into signs of national decline. The myth spoke to the shifts

occurring in society by answering burning questions: Why were women moving? Why was the rural home not as appealing as the faraway city? Who was entering the United States? Who was leaving Great Britain? What would the mixing of races, nationalities, and classes lead to? These anxious queries sowed the fertile ground of white racial anxiety, giving it shape and a clear solution. This myth of whiteness taken and ruined made sense to those who feared (for) society's future and who searched for ways to preserve the present order of things.

## **Conclusion**

In conclusion, this chapter has shown that the panics over sexual slavery in the Victorian and Progressive periods did not respond to the thing they claimed. The "opposing object," the sexual enslavement of white women, was never uncovered, but the panics were successful in articulating and generating unease about women's place in society and the future of the nation. There were distinct material effects that emerged from anti-white slavery campaigns, including the codification of laws restricting women and girl's sexual availability and ability to move, as well as legal restrictions on migration and extra-legal bars on interracial or intercultural contact.

White slavery panics emerged due to the resonance of the white slave narrative with societal shifts taking place across colonial space. The Anglo-American white slave narrative mobilized nativist and anti-vice movements against the arrival of undesirable immigrants and the movement of women into work. White slavery tracts are replete with the divisions between town and country, anxiety over migration, and the flight from the countryside. According to Doezema, "In white slavery stories, the American countryside and the foreign land both figured as a sort of prelapsarian rural idyll, a garden of Eden expulsion from which is guaranteed by the serpent of sexual knowledge" (2010: 97). In the UK anti-trafficking campaign, the rural is not figured as the domestic countryside, but the former Eastern bloc, depicted as the hinterlands of an advanced Western Europe. From there, economic migrants threaten to bring backward and criminal practices to Britain.

The movement from periphery to urban, advanced centers remains a remarkably current theme in the framing of sex slavery. Today, immigrants from Eastern Europe continue to be on the receiving end of nativist fears, which becomes increasingly clear upon reading alarmist claims about "floods" of Poles and Romanians entering the UK. British sex trafficking discourse continues to point to the countryside by targeting states that are simultaneously inside and outside of the European Union. Eastern European states that were, until very recently, outside of the European Union are now part of the pan-European political and economic bloc. Like the countryside of the industrial age, Eastern European countries are depicted as simultaneously backward and pastoral, with women from the poorer regions of Europe cast as contemporary white slaves.

Although prostitution is "not illegal" in the UK, which I examine in Chapter 4, the discourse of modern day slavery promotes a crackdown on prostitution to rescue sex slaves. The anti-trafficking campaign exposes foreign women to police interventions, even when they have migrated legally and work in legal sectors of the sex industry. The hyper-visibility and static framing of trafficking as violence against foreign women has foreclosed discussion of the reasons why women migrate, the risks and rewards that they encounter on the way, and the experiences that they have once in the destination country. My use of white slavery as a heuristic device to read sex slavery panics has revealed the racial and nativist investments of anti-trafficking forces, which target domestic sex workers, migrant sex workers, and undesirable migrants.

As we have seen, a critical subtext of UK slavery discourse depicts foreigners as criminals bringing a backward practice, anathema to British ideals of freedom, across its borders. The dominant discourse defines the offending, and offensive, behavior as distinctly foreign: British immigration policy and labor practice are freed from scrutiny in the narrative of modern day slavery. Instead, British values are threatened by “the abhorrent practice” brought to Britain by foreigners exploiting each other. It follows that the Government must implement police operations and immigration restrictions to stop criminal and vulnerable migrants from entering the UK. In this way, the British government protect British identity and domestic markets from migrants while it pledges to stop human trafficking. The Home Office declares its action plan as altruistically protectionist, helping British interests and the interests of vulnerable migrants.

The white slavery campaigns, the anti-vice commissions, and the purity campaigns of the late eighteenth and early nineteenth centuries involved the discourse of women in sexual danger and inaugurated repressive state measures to restrict immigration and women’s movement. At that time, women were in danger of falling into a life of licentiousness (from which there was rarely a return due to moral corruption). At this time, women are in danger of becoming sex slaves (from which there is rarely a return due to emotional trauma). British anti-trafficking advocates, aligning themselves with the abolitionists of yesteryear, portray their campaign as an equally arduous and righteous crusade against the sexual enslavement of women. Although they claim the abolition of the African slave trade as their historical antecedent, the conceptual correlates of the sex trafficking campaign lie less in abolition than in the Anglo-American white slavery panic.

Despite the lack of fit between historical referent and contemporary situation, the use of the slavery narrative reveals the present anti-trafficking strategy to stop certain migratory flows. Stopping the traffic has involved blocking the entry of certain migrants, investigating individuals’ right to remain in the UK, and removing traffickers and, notably, trafficking victims (referred to as deportation and voluntary repatriation, respectively). Today the European Union’s conglomeration of states exposes the contradictions of border control and pan-European unity. Contemporary anti-slavery discourse, employing the rhetoric of nativist fears and the symbol of sexual enslavement, continues in close proximity to the reactionary politics of race and nation that panicked colonial spaces a century ago.

## **The Trappings of Trafficking:**

### **Protecting Victims, Prosecuting Villains, Producing a Panic**

The white slavery panic drew sustenance from the ability of the discourse to identify and generate widespread unease about women's migration and interracial contact. The fictional and embellished "true accounts" of white slavery helped to spread panic, but they could not sustain the movement alone. Legal interventions through court cases, vice commissions, and landmark legislation gave the white slavery story the institutional support needed for it to move beyond the realm of rumor and sensational press story. It is thus essential to this analysis to examine cases that went to court.

This chapter presents three undercover operations to discover women and girls traded into sexual slavery: the infamous 1885 Eliza Armstrong case in London; a 1910 vice commission sting operation in New York; and a 2004 anti-trafficking police raid on a massage parlour in Birmingham. I evaluate these cases to consider the steps taken by anti-white slavery and anti-trafficking campaigners in the name of rescue. In reviewing these cases, I extend my analysis of the numerical claims and narratives of sexual slavery to the structural efforts of state actors and anti-vice entrepreneurs. I also continue to develop the heuristic of white slavery to gain analytical purchase on the anti-trafficking campaign. To do this, I juxtapose two white slavery cases with a recent raid on a Birmingham brothel. The two cases involve covert operations undertaken to expose the traffic in white women and girls. The third case provides an early instance of "proactive policing," heralded by the Labour government as a key means for tackling trafficking and prostitution. The Birmingham massage parlor raid provides an instructive, and prescient, example of the disastrous results of Pentameter 2, which I analyze at length in the fifth chapter of the dissertation.

Throughout this analysis, I underscore the importance of the police and the press in producing the panic over sex slavery. In Chapter 1, I interrogated how the British government's generation of sex trafficking data became amplified and augmented through repetition in the media. Statistical claims about sex trafficking seem to take on a life of their own and constituted a continual, if incoherent, narrative about the UK's sex slavery problem. In Chapter 2, I explicated the widely-disseminated narrative of African slavery and abolitionism that became the dominant way of describing human trafficking or, more precisely, the traffic in women. In this chapter, I examine law enforcement responses to trafficking, specifically the raids and stings orchestrated by journalists and police. These operations aimed to capture the phenomenon of sexual slavery by discovering its victims and its villains. They each resulted in a court case that challenged the official version of events.

These three cases demonstrate the difficulty of determining victims of sexual slavery, although each operation resulted in criminal proceedings and, in the Eliza Armstrong case, a significant change in the law. As I have previously argued, the ability to determine who is a white slave, or who is a victim of trafficking, is a fraught proceeding, but one essential to anti-vice operations. These campaigns are mobilized around the goal of rescuing idealized victims, saving women or souls or slaves. Therefore, anti-vice advocates must show some material result for their efforts. Bodies count in these crusades, whether they are the foreign bodies bringing sexual slavery into the nation or the vulnerable bodies

of white women enslaved for their sex. Because moral panics over sex slavery are made through public awareness campaigns and crusades for state action, a zero result or the failure to find sex slaves undermines anti-vice claims about the nature and extent of the problem. The basic dilemma for campaigners, then, is that the objects of rescue rarely conform to sex slavery narratives or legal definitions, and the objects of retribution are rarely found guilty of sexually enslaving women.

### **Maiden Voyage: The Case of Eliza Armstrong**

Society which outwardly, indeed, appears white and glistening, but  
within is full of dead men's bones and rottenness ~ W.T. Stead<sup>70</sup>

Through the “Maiden Tribute to Modern Babylon,” journalist William Thomas Stead provoked a moral panic over white slavery by reporting the sale of a thirteen-year-old girl into sexual slavery, attesting: “I can personally vouch for the absolute accuracy of every fact in the narrative.”<sup>71</sup> He could, because he had orchestrated the sale of the girl by using Rebecca Jarrett, a reformed prostitute and colleague of abolitionist crusader Josephine Butler, to strike the deal.

When investigating child prostitution for the *Pall Mall Gazette*, Stead was informed that girls could be purchased for small sums; outraged, Stead set out to prove that there was a white slave traffic alive in London. Producing the required evidence, a girl named Eliza Armstrong was remade by Stead into the white slave “Lily” for the English newspaper exposé of the century. Published as a four-part series in the summer of 1885, the “Maiden Tribute of Modern Babylon” presented the public with “Lily,” a poor, “bright, fresh-looking,” English girl whose virginity was purchased for a mere five pounds (Part I).

Eliza Armstrong was sold to Rebecca Jarrett by her mother, who believed that her daughter was going into household service for the gentleman employing Jarrett. Once in Jarrett’s possession, Eliza was subjected to a gynecological exam to assure her virginity, taken to a bedroom, and drugged with chloroform. There she met Stead. She was then spirited away to France. According to the author, these acts were intended to reveal how easily one could traffic in young British girls. The scandalous story, as intended, sent shockwaves through the capital city, resulting in marches against white slavery, Parliament’s passage of the long-delayed Criminal Law Amendment Act, and a trial against the man who exposed the traffic.

To show that it could be done, Stead did it. And it was this fact, the actual commission of criminal acts against Eliza, which resulted in the indictment of Stead and his accomplices. Under the Criminal Amendment Act that Stead’s story helped to pass, he was charged along with Rebecca Jarrett, the former prostitute who acted as procuress; Louise Mourez, who examined Eliza and sold Jarrett the chloroform; and Bramwell Booth, Chief of Staff of the Salvation Army who took Eliza abroad, who placed the girl in the care of a family connected with his organization.

Clearly, Stead did not work alone to effect the sale and story; employing people to find a suitable girl, arrange her purchase, test her purity, and transport her abroad. Stead worked largely in the shadows, orchestrating events and chronicling them for the public, and directed the others in

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<sup>70</sup> William T. Stead, “Bishop Frazer on the Social Evil,” *The Northern Echo*, 27 October 1871.

<sup>71</sup> William T. Stead, “The Maiden Tribute to Modern Babylon,” *Pall Mall Gazette*, 6-10 July 1885: Part I.

effecting the scheme. Stead did, however, have brief contact with Eliza in real life and in the fictionalized version of what happened. He placed himself in the story, incognito, in the guise of client. In the climactic scene of “Lily’s” undoing, Stead inserted himself as the anonymous agent of her ruin:

A few moments later the door opened, and the purchaser [Stead] entered the bedroom. He closed and locked the door. There was a brief silence. And then there rose a wild and piteous cry – not a loud shriek, but a helpless, startled scream like the bleat of a frightened lamb. And the child's voice was heard crying, in accents of terror, “There's a man in the room! Take me home; oh, take me home!”

And then all once more was still.<sup>72</sup>

Stead’s brand of sensational journalism was so sought-after that it was hawked on the street with crowds jostling to get a copy. With enticing headlines, sold by newsboys and men shouting indecent exhortations, the public in the streets learned about London’s underground sex traffic. The retailer W.H. Smith & Sons refused to carry the exposé due to its dangerous proximity to pornography (Walkowitz 1992: 122). The scandalous and voyeuristic tone of sections, carrying titles such as “A Child of Thirteen Bought for £5,” “Strapping Girls Down,” “Delivered for Seduction,” and “Decoy Girls and Their Arts,” aped the dubious art of pornographic writing. The astounding success of “The Maiden Tribute” could testify as much to desire for its salacious details as to its readers’ pure concern for sacrificed virgins.

In *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*, Walkowitz affirms that, “One of Stead’s most irritating crimes, his critics asserted, was inadvertently to have ‘democratized’ pornography: for a mere half penny he had put into circulation lurid images and narratives that were usually restricted to readers of three guinea volumes” (124). According to Lynn Hunt’s historical treatment of pornography, “Pornography as a regulatory category was invented in response to the perceived menace of the democratization of culture” (13). What read like pornography was being sold in broad daylight on Fleet Street, instead of being perused in secret libraries, caused consternation.

Yet Stead had powerful backers, particularly in the Social Purity movement, including Josephine Butler, who introduced him to Rebecca Jarrett. Indeed, the investigation was part of his “Special and Secret Committee of Inquiry” to investigate child prostitution in the capital. He was supported by the London Committee for the Suppression of the Traffic in British Girls for the Purposes of Continental Prostitution; clergymen, including the Bishop of Bristol; and the Salvation Army, the organization that found the family in which to hide Eliza. Abolitionists, religious figures and organizations, and social cause committees aimed to publicize the iniquity of prostitution. A shocking case, with an undeniably innocent victim, was just the thing to galvanize the public and goad Parliament into acting against sexual immorality.

Stead also had plenty of enemies vehemently criticizing his investigative tactics. Rival newspapermen envied the success of the “Maiden Tribute” and some of Stead’s competitors did the digging that threatened to discredit him. They tracked details about the girl, her family, and the sale in order to find the real “Lily,” whose mother had made a report to the police after suspecting that the victim in

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<sup>72</sup> William T. Stead, “The Maiden Tribute to Modern Babylon,” *Pall Mall Gazette*, 6-10 July 1885: Part I.

the “Maiden Tribute” was her daughter. It was discovered that the white slave turned out not to have been sold into sexual slavery, although her physical violation and transport to underwrite a scandalous tale and social crusade were nearly as troubling. At his trial Stead asserted, “I believe everyone in court knows perfectly well that the reason I did all these things was in order, by private enterprise and private adventure, to achieve a great public good.”<sup>73</sup> The utilitarian calculus of sacrificing one girl to benefit the greater good proved to be a price too high to pay.

Stead and Jarrett were convicted of abduction and procurement, and Mourez guilty of indecent assault. The women received longer sentences for their actions than did Stead for his orchestration of the ruse. Jarrett and Mourez, on the one hand, received the same sentence: six months of hard labor, with Mourez dying in prison during her sentence. Stead, on the other hand, was sentenced to just three months and spent much of it as a first-class inmate in Holloway Prison. He described his experience thus, “Never had I a pleasanter holiday, a more charming season of repose.”<sup>74</sup>

Mocking those who thought the trial would be his undoing, Stead sold an account of prison life and emerged from prison a celebrity of the social purity crusade. Jarrett came out from the scandal bruised by her treatment by Stead and the Salvation Army. She resented taking most of the blame and moral opprobrium for the scheme. In an attempt to clear her name, years later she wrote: “The Salvation Army let Mr. Stead have me to be a poor tool to show it all up. I truly done it for God and for the poor child to show what some wretched Mother will do for money. When I found out it was for a Public Show I felt it” (quoted in Walkowitz, 1992: 115).

At the trial, Jarrett had testified that Stead pressured her into the purchasing a girl. She claimed, “I was unwilling, but he insisted on it, as I had led a bad life, to atone for what I had done.” She asked to speak with Josephine Butler to learn if she approved the scheme and the part Stead wanted her to play in it. But, according to Jarrett, “Mr. Stead then said he would not let me go home, but would write down to Mrs. Butler and tell her what he had asked me to do.”<sup>75</sup> The sacrifice of an unwilling woman both enacts and refracts the white slave story, placing Stead once again in the role of client, complete with his use force and fraud. Moreover, Josephine Butler, who later repudiate her part in the debacle, comes uncomfortably close to the role of madam because she located Jarrett and placed her at the disposal of Stead.

Under oath, and throughout the court proceedings, Stead and Jarrett offer competing versions of events, ranging from their agreement to purchase a girl to what transpired between Eliza’s mother and Jarrett. Because Stead was not present during the purchase, his account could be taken as hearsay, although in reality his was relied upon as the authoritative account. His story of the drunken mother wantonly selling her child was countered by Eliza’s mother, Mrs. Armstrong. The questions before the court were, did Mrs. Armstrong believe that Eliza was going into service and did Jarrett lead her to this view? Jarrett tried to escape culpability by describing herself as a “poor tool” used by Stead. The competing narratives of Rebecca Jarrett, Mrs. Armstrong, and W.T. Stead resulted in a “he said – she said” legal wrangle.

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<sup>73</sup> William T. Stead, Closing Court Statement, The Old Bailey, London, 4 November 1885. From W.T. Stead Resource Site, [www.attackingthediabol.co.uk](http://www.attackingthediabol.co.uk), Accessed 15 March 2011.

<sup>74</sup> William T. Stead, *My First Imprisonment* (London: E. Marlborough & Co., 1886). From W.T. Stead Resource Site, [www.attackingthediabol.co.uk](http://www.attackingthediabol.co.uk), Accessed 15 March 2011.

<sup>75</sup> Rebecca Jarrett, Court Testimony, The Old Bailey, London, 29 October 1885. From W.T. Stead Resource Site, [www.attackingthediabol.co.uk](http://www.attackingthediabol.co.uk), Accessed 15 March 2011.

What “she” said, whether the “she” in question was Jarrett or Mrs. Armstrong, did not convince the court. Due to Jarrett’s status as a “fallen woman,” and her refusal to give details incriminating those from her past life, she failed to persuade judge and jury of her victimization by Stead. Under cross-examination, the prosecutor asked about her past addresses and Jarrett responded, “I am willing to give honest and truthful answers about the case of abduction, but not about my past life.” She was dismissed as a liar and profligate woman, a description already given her in “A Child of Thirteen Bought for £5.” Concealing the fact that, according to Jarrett, she was “unwilling” and she acted because Stead “insisted on it,” Stead wrote: The little girl, all unsuspecting the purpose for which she was destined, was told that she must go with this *strange woman* to a situation. The *procuress*, who was well up to her work, took her away, washed her, dressed her up neatly, and sent her to bid her parents good-bye.<sup>76</sup>

During the trial, the defense echoed this language, referring to Jarrett as a “strange woman.” Eliza’s mother testified that she was tricked into trading her daughter into sexual service. The defense attorney asked Mrs. Armstrong, “Were you struck with the fact that this strange woman offered to supply your child with clothes?” The defense maintaining that dressing of the child was suggestive of her future undressing, the implication being that no mere maid would be made to look pretty before entering household service. The warning bells should have been chiming for Mrs. Armstrong; the fact that they did not sound revealed a maternal lack and carelessness which threatened to remove Mrs. Armstrong from the esteemed role of Good Mother.

The defense attorney’s interrogatory statement contains a double indictment of Jarrett and Mrs. Armstrong. Jarrett is a “strange woman” who dresses up a child before her defloration, while Mrs. Armstrong’s awareness of the significance of such fashioning is laid bare before the court. Thus both women are complicit in the ruination of Eliza. The discursive repetition that characterizes Jarrett as a “strange woman” signals the strength of Stead’s determinate interpretation of her, as inherently queer and immoral.

In “The Maiden Tribute,” Stead indicates “Lily’s” mortal peril while in the company of Jarrett, in effect testifying to the fact that he was actually willing to risk the girl’s life for his story. He recounts Mourez’s sale of chloroform and Jarrett’s use of it: “The keeper [Jarrett] took the bottle, but unaccustomed to anything but drugging by the administration of sleeping potions, she would infallibly have poisoned the child had she not discovered by experiment that the liquid burned the mouth when an attempt was made to swallow it.” Stead controlled the written record although he was absent from the meetings between Jarrett, Mourez, and the Armstrongs. He portrayed Jarrett as the chief agent in the child’s fall and his brief appearance in the story, disguised as a client, cast him as less culpable than the women. The reliance on the text of “The Maiden Tribute” throughout the trial speaks to Stead’s commanding authorial presence. Stead was more than a co-defendant; he represented himself and occasionally questioned witnesses in court.

Due to Mrs. Armstrong’s status as a dissolute mother and the unsavory possibility that she knew all along her child’s fate, she failed to convince the court of her innocence and victimization by Stead. During cross-examination, Stead asked her, “There are some six statements in the article by which you identify Lily as your daughter?” to which Mrs. Armstrong replied, “Yes, and I daresay there are a lot of lies in it as well as truth.” Rather than allow Mrs. Armstrong to push the point of the

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<sup>76</sup> William T. Stead, “The Maiden Tribute of Modern Babylon,” *Pall Mall Gazette*, 6-10 July 1885: Part I. Emphases mine.

falsehoods within “The Maiden Tribute,” Stead was helped along by Justice Lopes’ interjection: “I think you have got enough now to enable you to urge upon the jury that the conduct of Mrs. Armstrong was not consistent with that of an honest and affectionate mother.”<sup>77</sup>

The guilty parties in the Eliza Armstrong case turned out to be three women: Jarrett, a strange woman and possibly lethal procuress; Mrs. Armstrong, an inebriated and immoral mother; and Ms. Mourez, a foreign gynecologist. No man emerged from this instructive tale of white slavery with the same moral taint. Bramwell Booth was acquitted of any wrongdoing and the author of the operation went to his grave (on the *Titanic*) claiming the moral high-ground for his deeds.

### **Catching Hell: Entrapment, or Freeing White Slaves**

The structure of narrative with its victims and villains and self-contained beginnings and conclusions offers a form of cognitive comfort for those engaged in racial and gender projects ~ Brian Donovan<sup>78</sup>

I turn now to the United States twenty years after “The Maiden Tribute.” During the white slavery panic of the Progressive era, the Vice Commission of the City of New York was having a hard time locating white slaves. For anti-vice advocates agitating in this diverse metropolis, the “white slave” had been defined as a native white or immigrant girl forced into domestic prostitution (Turner 1907, 1909). To root out the evil trade, vigilance campaigners needed to find people on whom to pin their claims; they needed to show the public that an underground criminal traffic was operating in the city under the noses of corrupt politicians. Yet, despite the public awareness campaigns and outreach missions, white slaves were proving nearly impossible to find. Efforts by vigilance committees to uncover the trade either failed completely or found women engaged in prostitution who police struggled to fit into the narrow category of “white slave.”

However, one celebrated case of two “white slaves” rescued in New York shows the trouble with applying the white slavery narrative to a real-life situation. It also demonstrates the lengths to which vigilance campaigners went to achieve their goals of exposing the traffic and saving women. In the name of saving sex slaves, the New York Vice Commission undertook a covert operation worthy of W.T. Stead. The scheme followed the publication of journalist George Kibbe Turner’s article in *McClure’s Magazine*, titled, “The Daughters of the Poor, A Plain Story of the Development of New York City as a Leading Centre of the White Slave Trade of the World, under Tammany Hall” (1909). In “Daughters,” Turner described the procurement of immigrant girls by Jewish “kaftans” and Italian importers, with the trade abetted by entrenched New York political corruption.<sup>79</sup>

“Daughters” was published only two years after Turner’s popular “The City of Chicago: A Study of the Great Immoralities” (1907), a tract describing Chicago vice as organized by Russian Jews who traded their own women. In this tract, Turner focused on immigrant victims and villains and he

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<sup>77</sup> Elizabeth Armstrong, Court Testimony, The Old Bailey, London, 24 October 1885. From W.T. Stead Resource Site, [www.attackingthediabol.co.uk](http://www.attackingthediabol.co.uk), Accessed 17 March 2011.

<sup>78</sup> Brian Donovan, *White Slave Crusades: Race, Gender, Anti-Vice Activism, 1887-1917* (Chicago: University of Illinois Press, 2006): 133.

<sup>79</sup> George Kibbe Turner, “The Daughters of the Poor, A Plain Story of the Development of New York City as a Leading Centre of the White Slave Trade of the World, under Tammany Hall,” *McClure’s Magazine* 34, November 1909.

aimed to cleanse the American Republic of a foreign phenomenon. He described the active spread of white slavery in terms of pestilence and vampirism, with each metaphorical knot helping to stitch up a moral panic about the presence of young Jewish men in “all the greater cities”:

To-day [Jewish procurers] are strong in all the greater cities; they swarm at the gateway of the Alaskan frontier at Seattle; they infest the streets and restaurants of Boston; they flock for the winter to New Orleans; they fatten on the wages of the Government laborers in Panama; and they abound in the South and Southwest and in the mining regions of the West.<sup>80</sup>

Turner demanded that politicians in New York’s notoriously corrupt Tammany Hall take action against the “market of young women.” In response to the clamor over Turner’s report, a Grand Jury convened, headed by foreman John D. Rockefeller, Jr. Undercover investigations into the white slave traffic quickly commenced. But, according to Brian Donovan, “Many regarded the commission of the Rockefeller grand jury as a ‘Tammany trick’ designed to soothe the public without disturbing the city government’s protection of vice” (91). The undercover vice agents included George Miller, who posed as a brothel owner planning to open an establishment in Seattle, and Frances Foster, who pretended to be his brothel manager (95). The sting operation took place in the Tenderloin district, thought to be the headquarters of vice in Manhattan. The district was packed chock-a-block with casinos, bars, brothels, clip joints, dancehalls, and cabarets. It was known for its gay or sporting life and the large population of African Americans who settled there.

For several weeks, George Miller and Frances Foster frequented racially-mixed saloons in the Tenderloin trying to arrange the purchase of white girls by socializing with clientele and asking who could get white girls. Two prosecutions eventually grew out of the undercover investigation. One case was brought against a “very thin mulatto” named Belle Moore for the sale of two white girls. Another charge was laid against a Jewish man, Harry Levinson, who entered into a plea-bargain to receive a reduced sentence for selling two Jewish girls for \$40.<sup>81</sup> With regard to the capture of Belle Moore and Harry Levinson, the District Attorney announced to a court full of reporters: “I feel that in Levinson and the Moore woman we have the leaders in the traffic for this city, the one for the east side and the other for the west side.”<sup>82</sup> By indicting a mulatto woman and Jewish man, the Rockefeller investigation claimed to strike at the heart of New York City’s white slave trade.

In the analysis of the case below, I focus on the coverage of the case provided by the *New York Times*. Due to the centrality of the paper and its devotion to covering this white slavery trial, its daily reporting of the trial provides us with the dominant framing of the event. The response to the Belle Moore case was immediate and the trial was a media sensation. The press, following the account given by the police and the prosecution, depicted the two victims as young white girls sold by a black woman. A typical example of the framing comes from the *New York Times*:

It was Belle Moore, Mr. Reynolds [the prosecutor] explained, who sold the other two girls. They gave their ages as 17 and 19, but even Belle Moore says they are younger. It is

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<sup>80</sup> George Kibbe Turner, “The Daughters of the Poor, A Plain Story of the Development of New York City as a Leading Centre of the White Slave Trade of the World, under Tammany Hall,” *McClure’s Magazine* 34, November 1909: 56.

<sup>81</sup> *New York Times*, “Belle Moore Guilty of Selling Girls: Verdict against the Mulatto Caught in Whitman’s White Slave Net,” 20 May 1910.

<sup>82</sup> *New York Times*, “More Arrests Coming: District Attorney Certain the Two Prisoners are Leaders in the Traffic,” 1 May 1910.

understood that they are only 15. *And these are white girls.* It was one of them who was so disconsolate over the loss of her Teddy bear. The other, whom the purchase freed from a house where she had been kept ever since last September, brought nothing with her except a tattered doll, which she still cherished. It was dearer to her than anything else in all her unlovely world.<sup>83</sup>

Both the press and the prosecutor seized on the girls' toys in the lead-up to the trial, repeatedly referring to these symbols of childhood in order to mark the youth of the victims (Donovan 96). The press took the lead from law enforcement and spread the story that two white girls, clutching a teddy bear and a dolly, had been rescued from sexual slavery in the Tenderloin. The *New York Times* ran the headline "White Slave Traffic Shown to Be Real," and the article began with "There is a real traffic in 'white slaves' in this city, District Attorney Whitman said last night, and went on to tell how he had the proof. People from his office, Mr. Whitman said, have gone disguised into the Tenderloin and bought young girls."<sup>84</sup>

The toys, omnipresent in the early media coverage, disappeared from the discourse with the appearance of the "white slaves" in court. As the court soon saw, the young white girls in question were in fact two adult white women in their mid-twenties, one already married. Both women had previously been involved in prostitution. These details, especially this last, would seem to have rendered them inadequate as examples of white slaves. Countering their seeming unsuitability, however, were the racial features of the case and its fit with the hegemonic story of white slavery. The zeal of the prosecution, supported by the city's Vice Commission and Foreman Rockefeller, made this a hard case to lose.

The *New York Times* was scrupulous in reporting the race of the victims and the accused. Every article published referred to Belle Moore's race, describing her as a "mulatto" or a "negress," while the whiteness of the victims was underscored. Donovan claims that "the interchangeable terms used to describe Belle Moore suggest a growing notion of monolithic blackness" (99). A sub-headline in another article, "'White Slave' Sales Described In Court," stated "Negress, So Testifies Miller, Was Said By Her Companion To Have Been In The Slave Dealing Business Nine Years."<sup>85</sup> The article presented the principal protagonist in these terms: "Belle Moore is a very light mulatto, probably not more than 35, with a thin, rather acrid face. She has the appearance of great intelligence, and is not unsuggestive of Cassie (sic) in 'Uncle Tom's Cabin.' Her hat was an amazing thing of peonies and pampas grass."<sup>86</sup> The invocation of the literary figure of Cassy, the slave and concubine of Legree, the slave-trader who whips Tom to death, as herself running a slave trade, articulated the racial vertigo of white slave narratives. The event of a "negress" orchestrating a slave trade in white girls was so wrong that it seemed right, so incredible that it could be true. It spoke to some white people's idea of supreme injustice, of the order of things very much the wrong way round.

Although Turner's article in *McClure's Magazine* had focused on the traffic in immigrant "daughters of the poor," when it came to saving girls, the trade in immigrant and non-white American women proved to be of little concern. The lynchpin of the uncover operation was race. In negotiations with Belle Moore, Frances Foster demanded girls "without a trace of Negro blood." Foster herself

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<sup>83</sup> *New York Times*, "White Slave Traffic Shown to Be Real," 30 April 1910. Emphasis mine.

<sup>84</sup> *New York Times*, "White Slave Traffic Shown to Be Real," 30 April 1910.

<sup>85</sup> *New York Times*, "'White Slave' Sales Described in Court," 19 May 1910.

<sup>86</sup> *New York Times*, "'White Slave' Sales Described in Court," 19 May 1910.

testified in court, stating, “I told [Belle Moore] that I would pay her well for an innocent girl, if she could get me one, and that at any rate I must have those who showed no trace of Negro blood.”<sup>87</sup> The racial taint of black blood would make the sale irrelevant to vigilance crusaders and the city fathers committed to cleaning up the city’s underground slave trade. White slaves needed to be lily white. Because it was the sale of white girls that mattered in this case, sexual corruption through past prostitution could not pollute the racial purity of the victims. Their unadulterated whiteness stood in stark contrast with the “trace of Negro blood” evident in Belle Moore. In the racial economy of the United States, a “very light mulatto” woman was essentially black.<sup>88</sup>

The defense attorney in Moore’s trial used the interracial forays of Miller and Foster against the anti-vice agents, citing the fact that they drank with blacks as evidence of unseemly contact and uncertain morals. The news reported that “Mrs. Foster’s was no pleasant task, to sit on the witness stand and tell a listening roomful of the weeks she spent in the Tenderloin, sometimes staying for hours at a stretch in restaurants, with colored men and women drinking at her elbow.” The enjoyment of race-mixing led to the accusation that the agents engaged in interracial “orgies.” The press speculated about the time in the Tenderloin, and the social and sexual nature of these undercover expeditions. It was also deemed newsworthy that Foster’s voice was “unexpectedly deep-toned” and that she “had not lived with her husband . . . and did not know where he lived now if, indeed, he was alive at all.”<sup>89</sup> She came in for special ridicule because she had graduated from a women’s college. Her eager part in the sting demonstrated an independent streak, interracial touching with “colored men and women drinking at her elbow,” and a unsettling knowledge of the sporting life.

Although Frances Foster pursued Belle Moore, entreating her repeatedly to find young women, according to Moore, she found it “awful hard” to find women willing to travel to a brothel across the country. Moore explained that most of the women decided that ‘they couldn’t see the Seattle proposition,’” but Foster wrote to her coaxing, “Be a good old sport, now, Belle, and see what you can do for me.”<sup>90</sup> Moore eventually found two white women willing to move to Seattle. In the end, Alice Milton and Belle Woods agreed to work in the west coast brothel. They knew the terms of the trip, and that they would work as prostitutes. Asked in court how she responded to Miller’s proposal to travel to Seattle, Alice Milton testified, “I said ‘sure.’” Woods concurred, “All I remember is he [Miller] asked us to go to Seattle, made arrangements for us to go to Seattle, and I said ‘Yes, I would go’” (Donovan 97).

With evidence of negotiations, consent and refusal, among Belle Moore, the prospective prostitutes, and the state agents, the prosecution’s case of white slavery would seem to collapse. With Alice Milton’s testimony that she understood the arrangement and agreed to work in the Seattle brothel, the claim of innocent children tricked and traded into prostitution would seem to unravel. With the scheming of the agents in the pursuit of their target, the charges would seem to be moot. Not so. Belle Moore was found guilty and sentenced to the maximum of five years in prison. The white slavery story and the race of the defendant proved too perfect a fit to allow for acquittal.

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<sup>87</sup> *New York Times*, “Belle Moore Guilty of Selling Girls: Verdict against the Mulatto Caught in Whitman’s White Slave Net,” 20 May 1910.

<sup>88</sup> *New York Times*, “‘White Slave’ Sales Described in Court,” 19 May 1910.

<sup>89</sup> *New York Times*, “‘White Slave’ Sales Described in Court,” 19 May 1910.

<sup>90</sup> *New York Times*, “Belle Moore Guilty of Selling Girls: Verdict against the Mulatto Caught in Whitman’s White Slave Net,” 20 May 1910.

Despite the defense attorney's sallies and ad hominem attacks, the institutional need to create a sensational case that conformed to, and confirmed, the white slavery narrative took precedence over the facts of the case. The Belle Moore trial chimed with the widely-disseminated story of white slavery. The best defense Moore's attorney could muster was an emotional appeal that described her as "a mean, poor, inconsequential colored woman."<sup>91</sup> For the first time during her trial, Moore apparently displayed emotion by crying when hearing this characterization of her. Moore was clearly not one of the leaders of vice in New York. Nevertheless, with robust help from the legal system, New York's white slave crusade produced a female mulatto slaver without also managing to materialize a single, verifiable white slave (see Chapter 5 for Pentameter's similar result).

The Vice Commission's had an urgent need to find white slaves and their captors or it would close without securing a single conviction. To build a white slavery case and validate the anti-vice crusade, the Rockefeller investigation team needed white slaves as material evidence and star witnesses. They came up with adult prostitutes discursively transformed into children clutching toys. Endeavoring to uncover a criminal conspiracy, they brought before the court a "negress" and proclaimed her one of the "leaders in the traffic for this city." Belle Moore was no such thing; she was the victim of entrapment and zealous prosecution.

The trial's astounding result demonstrates the power of the white slavery story and anti-vice advocates' ardent desire to punish. After the verdict, the defense attorney wrote an editorial lamenting the damage done to justice by the trial of Belle Moore:

I feel ... that more than the fate of Belle Moore is involved. As was urged upon the trial, and as will be urged on appeal, it is a question whether it shall become a principle of criminal jurisprudence that it is a legitimate function of the Commonwealth not only to tempt people into committing crime but to cajole and seduce them into it and make the path inviting and attractive with champagne revelries, taxicab rides, and dainty luncheons at a suite of rooms paid for by the State. (Surprising, but this is sworn proof by the State's witnesses).<sup>92</sup>

The defense attorney was not the only person to realize that the white slavery case was stitched up. The press eventually found that it had been told a fabricated story by the District Attorney and prosecutor. Newspaper articles in the *New York Times* reflected the weakness of the case. Journalists reported the adult appearance of the white slaves and mocked earlier claims that Belle Moore was a leader in the underground slave traffic. Likewise, the defense attorney's impeachment of the anti-vice agents was duly noted in the press, as was annoyance at the flimsy evidence and the decadence of the sting operation. The *New York Daily Tribune* described a very adult Alice Milton who "confessed to 23, and looked the part, despite a cluster of brown curls, which she carefully arranged on either shoulder as she entered the room." It also noted her attire, finding it fit to detail the fact that she wore "a mammoth scarlet hat, and throughout her testimony swung a patent-leather toe in the neighborhood of the stenographer's ear" (Donovan 97). The scarlet hat and the showy leather shoe cast Alice Milton as a prostitute from tip to toe.

Despite creeping doubt about the case, no one except the defense attorney questioned the charges against and treatment of Moore: no abolitionist cared about this "mean, poor, and inconsequential

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<sup>91</sup> *New York Times*, "Belle Moore Guilty of Selling Girls: Verdict against the Mulatto Caught in Whitman's White Slave Net," 20 May 1910.

<sup>92</sup> Alexander Karlin, "White Slave Verdict," *New York Times*, 31 May 1910.

colored woman” because the city’s operatives ignored the actual conditions of prostitution in search of the sale of white girls. The fable of white slavery cloaked the realities of prostitution, the choices women made, and the damage wrought by the anti-vice campaign: the white slavery panic was appeased by the sacrifice of Belle Moore.

The Belle Moore cases reveals tensions between the dominant portrayal of white slavery and the law designed to stop the trade. Moore was convicted of “knowingly receiving money for and on account of procuring and placing women in the custody of another person for immoral purposes.”<sup>93</sup> Her arrest was described as a white slavery bust and her crime the sale of two white girls into sexual slavery. But the law used to convict her was the general prostitution offence of procurement, which could have been used in any routine prostitution case. The plasticity between the crime and the law allowed Moore to be cast as a “white slaver,” but to be convicted of procuring consenting adults. Following the letter of the law and ignoring (as the jury did) her evident entrapment, Belle Moore was guilty of procurement.

Although Moore’s conviction was for a standard prostitution offence, the clamor over white slavery convicted her in the press and public mind of doing much worse than supplying prostitutes. She trafficked in white flesh. Owing to the racial profile of the trial, Moore was made into a monstrous and powerful agent while the prostitutes became ingenuous little girls. As I shall argue in Chapters 5 and 6 of the dissertation, migrant women working in prostitution, and individuals assisting others to migrate, can today be transmogrified into “trafficking victims” and “traffickers,” with the raft of horrific associations these terms conjure up and the criminal sanctions that they carries, as easily as Belle Moore was turned into a “white slaver” and Belle Woods and Alice Milton were turned into “white slaves.” In Belle Moore’s case, she did not employ violence or trickery of any kind. She ran into difficulty recruiting women because those she approached repeatedly said “no” to the Seattle proposition, clearly withholding their consent to move across the country. All of the women’s knowledge of the proposal, several women’s refusal and two women’s consent, negate the charge that Moore used the “force” or “fraud” that was meant to be a constitutive condition of white slavery.

Rather, Moore committed the crime of procurement by facilitating an agreement between undercover vice agents (who wanted white slaves) and prostitutes (who were willing to work to Seattle). Ironically, Moore aided the state in the commission of the crime. Her action helped state agents to make a criminal case of white slavery. It was Belle Moore who was tricked when, to use the words of her attorney, vice agents decided to “cajole” and “seduce” her into participating in illegal activities. Reading the sting operation in this way, anti-vice agents performed actions akin to the phenomenon of forced prostitution that they wished to abolish. They defrauded and forced a woman into committing an immoral and criminal act.

Notwithstanding the conviction achieved in the Moore case, anti-vice advocates were eventually undone by their quixotic definition of white slavery. Basing investigations on a melodramatic racial morality tale, they could neither locate white slaves nor save sexually exploited women and girls. They ignored the women who were socially ostracized and legally persecuted because they worked in prostitution. When the white slaves that they rescued received the rare opportunity to speak for themselves, as happened when Alice Milton and Belle Woods took the stand in Moore’s trial, they revealed themselves to be women negotiating their working lives as prostitutes, with all of the

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<sup>93</sup> *New York Times*, “‘White Slave’ Sales Described in Court,” 19 May 1910.

possibilities and risks that entailed. But anti-vice advocates wished to suppress this messy and complicated reality; the notion that women could be both consenting and exploited remained an unintelligible, adulterated discourse. Such women did not speak the standardized narrative and simple truth of white slavery. Perhaps more damning, Milton and Woods rebuked their “liberators,” whose interventions threatened to expose them to ridicule, rehabilitation, and possibly prison.<sup>94</sup>

Having secured one successful conviction, the Rockefeller investigation retired. Soon after the trial of Belle Moore, the Vice Commission’s white slavery investigation fell apart. In its report on the white slave trade, the New York Grand Jury offered a rebuke of George Kibbe Turner’s claims, concluding: “We have found no evidence of the existence in the County of New York of any organization or organizations, incorporated or other otherwise, engaged as such in the traffic in women for immoral purposes, nor have we found evidence of an organized traffic in women for immoral purpose.”<sup>95</sup> This assessment effectively ended the reign of the white slave campaign of New York and its backing by city fathers. Rockefeller, however, had been converted to the cause during his tenure as foreman. He continued the fight against white slavery with his own funds, eventually establishing the influential Bureau of Social Hygiene.

Although the white slavery inquiry ultimately debunked the notion of a vice trust, the Grand Jury still concluded that there was a trade in white women and girls in the City of New York. But, it refined the assertion to claim that foreign procurers acted autonomously, instead of in cartels. In other words, it declared that there was a *dis-organized* white slave trade. The Grand Jury restructured the white slavery narrative, and in so doing reaffirmed it, without uncovering any evidence of the traffic besides Belle Moore. In unstinting moral language, the first Grand Jury recommendation ran as follows: “That no effort be spared in bringing to justice the male parasites of immoral women. When the character and prevalence of these creatures are more fully realized and public sentiment aroused regarding them, the inadequate punishment now imposed should be increased and every legitimate means devised and put into execution to exterminate them.”<sup>96</sup> At the close of the investigation, white slavery was declared to be a real menace. Foreshadowing today’s anti-trafficking campaigners, the Vice Commission used the threat of sex slavery to recommend a crackdown on prostitution. The call for a crackdown was tempered by an emphasis on the victimhood of women who worked in prostitution.

A significant refinement in condemnation can be found in the Grand Jury report. The vitriol aimed at slavers had shifted moral opprobrium from prostitutes to the men who profited from prostitution and those who drove demand for the sale of sex. This eleventh-hour shift in sentiment towards “immoral women” was new. It helped to resolve the trouble with telling a white slave from a willing woman. All prostitutes could now be sympathized with, whether they were portrayed as innocent girls with dollies or women willing to move to faraway brothels. In this view, prostitutes were still immoral, but the men who used and sold them committed the greater crime. The step to deeming all prostitutes as victims of male violence had been taken. A similar attempt to sympathize with sex

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<sup>94</sup> *New York Times*, “Belle Moore Guilty of Selling Girls,” 20 May 1910. To the prosecuting attorney’s question of where she had been since the state agents took her, “‘In the Magdalen Home,’ replied Alice Milton, with some venom.”

<sup>95</sup> *New York Times*, “‘White Slave’ Trade Is Not Organized: So Says the Rockefeller Grand Jury’s Presentment, at Last Filed at Court,” 29 June 1910.

<sup>96</sup> *New York Times*, “‘White Slave’ Trade Is Not Organized: So Says the Rockefeller Grand Jury’s Presentment, At Last Filed At Court,” 29 June 1910.

workers, addressed in Chapter 4, occurred with the overhaul of UK prostitution policy during the first decade of the twenty-first century.

### **Another Public Show: The Cuddles Raid**

It is critical to grasp that the process of trafficking, while transforming itself into a crime, simultaneously transforms the seeker of a better life into a victim. In fact, if her situation is suffused with illegalities ... then she is transformed paradoxically into both a victim and a criminal ~ Jyoti Sanghera<sup>97</sup>

My third and final case comes from a contemporary operation to rescue women from sexual slavery in Britain. The 2005 police raid on Cuddles massage parlor in Birmingham provides an illustrative example of an anti-trafficking bust gone badly wrong. The Cuddles raid would serve as a harbinger of Pentameter, which was a “raid and rescue” mission on a much larger scale. Both the Cuddles and Pentameter policing operations took place under floodlights and with much fanfare, but the copious media attention would become most unwelcome. In this section, I analyze the story of the Cuddles raid and, in Chapter 5, I explore a comparable denouement for the unprecedented policing offensive of Pentameter.

The Cuddles raid took place as part of a West Midlands police anti-crime initiative called Operation Strikeout. Fifty officers participated in the raid but, significantly, a women-only team was dispatched first to enter the massage parlor. Detective Inspector Mark Nevitt explained the reason behind the gendered division of the raid: “As we anticipated that there would be a lot of half-dressed ladies in there, 25 female officers went into the building first, to ensure that the women were decent before the male officers went in.”<sup>98</sup> This sensitivity shown towards the women working inside Cuddles is curious since undercover male officers had already entered the massage parlor posing as clients. But it was not the women’s modesty that caused the Detective Inspector concern. The women needed to be removed by female officers because the raid would be televised. Once the women were made “decent,” they were escorted outside to a media scrum awaiting their appearance.

Camera crews from Sky TV and other news outlets were stationed on the street outside. The police had invited the media to the brothel raid, purportedly in an effort to raise awareness about sex trafficking. Journalists and photographers turned out for the event and filmed officers racing inside the building and moving women into police vehicles. The women, upon encountering the crowd and flash bulbs, hid their faces from the cameras with their hands, clothes, and hair. The following day banner headlines announced a triumphant scene: “Police Free Sex Trade Women in Raid on Massage Parlour” (*Guardian*, 1 October 2005); “19 ‘Sex Slaves’ Rescued in Raid on Massage Parlour” (*The Times*, 1 October 2005); and “Sex Slaves Freed” (*The Mirror*, 1 October 2005).

The media chorus proclaiming the liberation of sex slaves was both premature and ill-informed. Most of the women working at Cuddles lived legally in the UK, although several did not have the right of residence. The women were all working illegally, however, because it is illegal in the UK for prostitutes to work together. Anti-brothel legislation stipulates that women are permitted only to sell

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<sup>97</sup> Jyoti Sanghera, “Unpacking the Trafficking Discourse,” in Kamala Kempadoo (ed), *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* (Boulder, CO: Paradigm Publishers, 2005): 28.

<sup>98</sup> Michael Horsnell, “19 ‘Sex Slaves’ Rescued in Raid on Massage Parlour,” *The Times*, 1 October 2005.

sex indoors and when alone. The human traffickers in the story, two men and one woman, were eventually charged with the offences of brothel-keeping and living off of immoral earnings. Clearly, the act of running a brothel does not equate with keeping women in sexual slavery.

In an obvious sense, the media got the sex trafficking story wrong: the women “rescued” were not “sex slaves” because authorities determined that they were foreign sex workers *and* the women themselves denied being trafficked or forced into prostitution. This determination had an immediate effect; it meant that deportation proceedings could be initiated against the women who lacked the right to remain in the UK. If these women were not trafficking victims, then they were immigration offenders against whom the UK Border Agency could act. In another sense, however, the media got the sex trafficking story right: journalists expertly replicated the narrative of sex trafficking. The Cuddles raid was told as a tale of forced prostitution and timely state intervention. The media reproduced the triangulated relationship of the characters that we earlier encountered in white slavery tracts: the innocent victim, mercenary villain, and valiant liberator.

The English Collective of Prostitutes warned that the women working at Cuddles were victims of over-zealous policing. The ECP accused the police of conducting the raid in such spectacular fashion because it wanted a media-worthy trafficking bust. But, why did journalists jump to the conclusion that the police had discovered sex slaves? The media was not beholden to the official line but, as we have seen in the case of Belle Moore and the scandal journalism promoted by W.T. Stead, sex slavery makes for very good copy. According to Stuart Hall et al:

Crime, then, is ‘news’ because its treatment evokes threats to, but also reaffirms, the consensual morality of the society: a modern morality play takes place before us in which the ‘devil’ is both symbolically and physically cast out from the society by its guardians – the police and the judiciary.<sup>99</sup>

Moreover, the Cuddles story exhibited an overly cozy relationship between the police and the press. Months before the raid, the massage parlor was put under surveillance and two undercover officers went in posing as clients to assess the situation. It is not clear what aroused suspicion or what confirmed it for undercover agents. Officials seemed to suspect that the women were trafficking victims because they were foreign and worked in the sex industry. There was an electrified fence in the backyard and some boarded-up windows on the premises, which may have suggested to police that women were imprisoned inside the building. Although the reasons for the raid remain unclear, it is clear why such dramatic methods of intervention were employed. The desire of officials to publicize anti-trafficking efforts took precedence over the protection of women. The televised raid on Cuddles massage parlor demonstrated a worrying lack of regard for the women’s privacy on the part of the police and the media. If these were really “sex slaves” who had been imprisoned and subjected to repeated rapes, would storming the building and parading the women in front of camera crews be an appropriate law enforcement response?

Detective Inspector Nevitt’s description of the sensitivity shown by police, underscoring that female officers were sent in first, reveals the severe limits of official empathy and intelligence on trafficking. Placing suspected victims of sex trafficking before the press reveals not the horror of sex trafficking, but police officials’ patent disregard for the women’s well-being. To prevent such flagrant violations of privacy and personal autonomy, the Council of Europe Convention on Action against Trafficking

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<sup>99</sup> Stuart Hall et al, *Policing the Crisis: Mugging, the State, and law and Order* (London: MacMillan, 1978): 66.

in Human Beings (2005) contains a specific article on the protection of the victim's private life. The Convention was signed by the UK in 2007, ratified in 2008, and came into force in 2009. The article on privacy declares:

Each party shall consider adopting, in accordance with Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms as interpreted by the European Court of Human Rights, measures aimed at encouraging the media to the protect private life and identity of victims through self-regulation or through regulatory or co-regulatory measures.<sup>100</sup>

By contrast, the Cuddles raid was a publicity stunt to show police getting tough on trafficking. The law enforcement operation, ostensibly a mission to free sex slaves, did not target only the women. The victims who covered their faces, who were forcibly removed from the premises, and who were deemed "sex slaves" in sensationalist headlines, were simultaneously over-exposed and concealed by the dominant narrative. Appearing to focus on the victims, the media actually placed the police at the center of the story.

Via the press, the women taken in the Cuddles raid were made into objects through which to discuss police action and the threat of sex trafficking. The images accompanying the articles were arresting; they depicted foreign women as symbols of sexual oppression and official sympathy. But the actual, individual women disappeared in both the textual and visual representation of the raid. In the three examples of press photographs below, every woman has at least two officers in the frame with her. Every woman escorted from Cuddles is flanked by police officers. Police surround her and facilitate her movement to the police station. In one photograph, a policewoman, her hands covered in bright blue prophylactics, direct a blonde woman out of the building and towards the waiting police vans. These images can be read as showing the protective measures taken to help trafficking victims.



### Press Photographs of Cuddles Police Raid, Birmingham 2005

These images can be read another way. The Cuddles raid resonates with the standardized narrative of trafficking through a *mimesis* of forced movement. The press photographs show women being guided blindly and against their will. Despite the prominence of "sex slaves" in photographs and headlines, the stories cast police in the roles of liberator and protector. The univocal media reports portrayed police as sensitive to the needs of victims but, by reading the raid and its representation

<sup>100</sup> Council of Europe, Council of Europe Convention on Action against Trafficking in Human Being, Council of Europe Treaty Series, No. 197, Warsaw, 16.V.2005.

otherwise, the strategic decision to send in policewomen prevented an alternative account of police action.

A scene of male police officers storming Cuddles massage parlor and forcing women from the building would bear too close a resemblance to the dominant trafficking story. To show groups of men putting women into vans risked making male police officers look like and act like traffickers. Such a disquieting parody could raise critical questions about this type of proactive policing. It could also have troubled the intelligence used to tackle trafficking and the possible harms done to women in the name of rescue. Those questions were not raised, however, because the media played accomplice to a public relations set piece that advertised the police getting tough on trafficking. The press turned the police into heroes. The women, upon which the police acted, were little more than props in the anti-trafficking propaganda.

The police in the photographs, most of whom are women, wear black uniforms and mournful expressions. Their juxtaposition with the women who worked at Cuddles creates the dichotomous relation between liberated women and their fallen sisters. These two types of women are close enough to be touching, yet they are worlds apart. Or are they? If we recall the “Blue Blindfold” campaign, discussed in Chapter 2, it intimates that the close proximity of sexual slavery puts British women in peril because they, too, are potential victims of trafficking. As argued in the previous chapter, the portrayal of trafficked women *as white women* asserts the vulnerability of British women to the foreign threat of trafficking. The quotidian scenes of the “Blue Blindfold” campaign, which depicted blindfolded British women on buses, park benches, and apartment balconies, came with the menacing slogan, “Open your eyes to human trafficking. It’s happening here.” In this case, the female police officers, with the fragile difference of authority and attire, physically resemble the “sex slaves.” This mirroring figures British women as dangerously close to trafficking. The difference between the British and foreign women is premised on social position and citizenship, but the photographs reveal that without uniforms and with uncovered faces, it would be difficult to tell policewomen and prostitutes apart.

After the initial flurry of articles reported a successful sex trafficking raid, the Cuddles case received muted media coverage. The journalists who did cover the subsequent trial omitted the sex slave discourse, rarely referring to previous reports of “sex slaves freed.” Cuddles was a brothel where women worked together and sold sexual services, which made the prostitutes, managers, and maids indictable under sexual offences legislation. The criminal case against Cuddles involved only the prosecution of the brothel owner and managers for brothel-keeping, a considerably less newsworthy than the event of “19 ‘sex slaves’ rescued in raid on massage parlour.” Nevertheless, the charges were significant because the indoor sex trade had been tacitly tolerated by police before the rise of the sex trafficking panic. The two men, including the owner, and one woman who ran Cuddles were convicted of brothel management; their sentences ranged from 250 hours of community service to two years in prison. The owner served less than one year in prison.<sup>101</sup> Clearly, community service and time served would not be reasonable sentences if women had been forced into sexual slavery.

In contrast to triumphant headlines declaring the liberation of “sex slaves,” few papers reported what happened to the women post-rescue. Of the nineteen women removed from Cuddles due to Operation Strikeout, six were destined for immediate deportation.<sup>102</sup> After determining that they

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<sup>101</sup> Gary Marks, “Cuddles in Comeback: Massage Parlour Reopens One Year On,” *Birmingham Mail*, 16 October 2006.

<sup>102</sup> Neil Connor, “Cuddles ‘Victims’ Held,” *Birmingham Post*, 6 October 2005.

were migrant sex workers without leave to remain in Britain, immigration authorities decided to remove the women from the country. The “sex slave” media coverage, however, had alerted human rights and sex workers rights groups to the raid and they campaigned against deportation. Sara Green, of Amnesty International UK, told the *Birmingham Post*:

The police undoubtedly designed this story as antitrafficking. But if that is the case why are these women with the immigration service because it has nothing at all to do with trafficking. As these women are now out of the hands of police, they have no status in law because they are classed as purely illegal immigrants.<sup>103</sup>

A few days after the raid, the *BBC* shifted the “sex slaves” discourse by reporting on the battle to keep the women in the UK. The article stated that “immigration officials have postponed the deportation of six women who were led from a massage parlour during a police raid,” and quoted the Home Office response as follows: “This does not mean that the Immigration Service will not pursue the removal of individuals in the future when it is deemed appropriate to do so, but any decision to do so will be after taking into account our obligations under the immigration laws and the unique circumstances of each case.”<sup>104</sup> The article’s headline, “‘Brothel’ Workers to Remain in UK,” and content reflect confusion over the nature of the raid and whether the police intervention was a prostitution bust or an anti-trafficking operation. It reports that “Thirteen of the women freed from Cuddles on Thursday night were released without charge by police.” In this sentence, we find the narratives of liberation and criminalization intertwined: the women were “freed” from sexual exploitation and “released” without criminal charge. These liberation and criminalization narratives accurately reflect the precarious position of foreign prostitutes in the UK when state agencies seek to determine if they are victims of crime or criminals. The fact that they can be determined to be both contradicts the sex slavery narrative, but it does not pose a paradox to state practice.

The *Birmingham Post* reported, under the headline “Cuddles ‘victims’ held,” that “Questions were again asked last night about the motives of last week’s raid on a Midlands massage parlour after human rights campaigners said six of the women ‘rescued’ are set to be deported.”<sup>105</sup> The significant use of quotation marks in the *BBC* and *Birmingham Post* articles, placed around the words “brothel,” “victims,” and “rescued,” shows skepticism about the official framing of the raid, but this counter-discourse was barely audible in the triumphal coverage of the raid and the muted coverage of the trial. With regard to the women slated for deportation, the publicity of the case and the objections of human and sex worker rights groups helped them to receive the thirty-day “recovery and reflection” period that trafficking victims are entitled to under the Council of Europe Convention on Action against Trafficking in Human Beings. Inadvertently, the sex slavery story told by police and spread by the press allowed the women to gain protections that would normally be withheld from foreign sex workers. It did not, however, protect them from deportation indefinitely. The English Collective of Prostitutes reported that all six women were removed from the UK when the period of protection expired.

Despite the verdicts in the criminal case and the deportation of the women, the Cuddles raid succeeded in publicizing the message that there were sex slaves hidden in Britain. As explicated by Stuart Hall et al:

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<sup>103</sup> Neil Connor, “Cuddles ‘Victims’ Held,” *Birmingham Post*, 6 October 2005.

<sup>104</sup> *BBC*, “‘Brothel’ Workers to Remain in UK,” 4 October 2005.

<sup>105</sup> Neil Connor, “Cuddles ‘Victims’ Held,” *Birmingham Post*, 6 October 2005.

The important point about the structured relationship between the media and the primary institutional definers is that it permits the institutional definers to establish the initial definition or *primary interpretation* of the topic in question. The interpretation then ‘commands the field’ in all subsequent treatment and sets the terms of reference against which all further coverage or debate takes place. Arguments *against* a primary interpretation are forced to insert themselves into *its* definition of ‘what is at issue’ – they must begin from this framework of interpretation as their starting-point (1978: 58).

By and large, the media displayed an uncritical reliance on the word of authorities as well as a general unwillingness to conduct independent investigations. Most journalists covering the story did not interrogate the police account and simply offered the public a pre-fabricated narrative. Instead of questioning the motivations for and the outcomes of the raid, they copied the police report of what the raid signaled: a sex slave liberation story. The unwritten story affirms that the Cuddles raid repressed prostitution, resulted in deportations and several convictions for sexual offences, and spread the sex trafficking panic. The counter-narrative contained in this section contends that the Cuddles raid did not liberate anyone; it penalized migrant sex workers and those who employed and worked with them.

This case reveals how the presence, and punishment, of foreign sex workers in a British brothel was told as a tale of sex slavery and liberation. The police action and press coverage are indicative of what can happen when official statements about sex trafficking receive uncritical and saturated media coverage, and inquiry is subsumed under sensationalism. When the case turned out to be about something other than sex trafficking, this “truth” hardly mattered because the “facts” already fit the sex trafficking story. The police received positive press for their efforts and the repression of prostitution and illegal migration had been accomplished.

When women’s migration and work are interpreted as sexual slavery, this explanation renders all manner of state intervention palatable. Moreover, it is incredibly difficult to undo the primary interpretation, which views foreign women in sex work as suspect and maintains that sex trafficking is everywhere hidden. When conducting interviews for this project, the mere mention of the subject “sex trafficking” elicited eager responses about the epidemic among us and the need for more robust law enforcement.

## **Conclusion**

In conclusion, the chapter’s review of two white slavery cases suggests that contradictory effects occur when repressive state action is interlinked with the melodramatic language of moral outrage. The historical analysis of the criminal cases against W.T. Stead and Belle Moore highlights who bore the brunt of anti-vice agitation during white slave crusades. In Victorian London, a young girl and three women were swept into a sensational story of white slavery concocted by W.T. Stead to make a political point about prostitution. In Progressive era New York, a woman, who was not incidentally both black and poor, was made to pay the price for a flawed Vice Commission that drained both city coffers and anti-vice credibility. The covert operation that entrapped Belle Moore was a cynical set-up and the resultant show trial ruined the reputations of several white slavery campaigners. Moreover, the trials blurred the lines between villains and victims because saviors of white slaves like W.T. Stead were imprisoned for procuring, and white slaves like Alice Milton were incarcerated in reform homes for prostitutes. Scandal journalism and specious trials made the villains

and victims of white slavery, and the white slavery panic, increasingly difficult to distinguish. The central claim of anti-vice campaigners was the truth of the traffic: its victims and its perpetrators. But the innocence of the story's victims and saviors, and the guilt of its villains, proved impossible to sustain when the black and white world of the white slavery narrative emerged in real life.

Although the objects of white slavery panics arguably suffered most from state interventions, white slavery cases did, to a much lesser extent, rebound on their authors. W.T. Stead was convicted under the Criminal Law Amendment Act, although he tried to turn his criminal status to his advantage by writing about his time in goal. George Kibbe Turner, the journalist who, *pave* Stead, ignited white slavery panics in two American cities by writing "The City of Chicago: A Study of the Great Immoralities" and "The Daughters of the Poor: A Plain Story of the Development of New York City as a Leading Centre of the White Slave Trade of the World, under Tammany Hall" did admit that he deceived the public about a foreign conspiracy to traffic in women. The judge of the Rockefeller Grand Jury stated before the assembled press that Turner "was compelled under oath to admit that he had no evidence (not even hearsay) to support his statements."<sup>106</sup> The cases examined in this chapter at first appeared as explosive sex slavery exposés, but instead of exposing sex slavery, they revealed women's undesirable choices as well as their punishment by the state.

Similarly, the analysis of the contemporary media's sex trafficking stories and the ever-expanding police dragnet reveals who is being targeted by anti-trafficking forces today. In the British press, scandalous news articles based on hearsay have helped to cement the "truth" about sex trafficking. The Home Office and police testify, before knowing the facts of the case or the extent of the problem, to the reality of sex slaves in Britain. The media readily circulate the official account. From 2000 onwards, the British public has been exposed to a torrent of news stories and headlines about sex trafficking; the press coverage of the Cuddles raid is just one illustrative example of the media treatment of trafficking. The *BBC*, generally regarded as a reserved news outlet, hosts a webpage devoted to what it terms "Slavery in Modern England." One sub-section is titled "Victims' Stories" and offers the following headlines: "They raped me again and again"; "Forced to have sex for 11 hours"; "Sex slave regrets 'ruined' life"; and "Duped into selling herself for sex."<sup>107</sup> Young Eastern European women are made to represent sex trafficking victims and severe cases of violence are portrayed as typical trafficking cases.

The public is unlikely to learn about state agencies classifying these women as immigration offenders and initiating deportation proceedings against them because little is said about what happens to women post-rescue. This silence on outcomes points towards the narrative closure of sex slavery stories; the happy endings of liberation at the scene of the brothel raid, for instance, presents a picture of the state as liberator and protector of vulnerable women, while it occludes interrogation of other state actions that criminalize and sanction foreign women working in prostitution. Although there is consensus in the UK that sex trafficking is an appalling problem, the public is not informed about the nature of the battle against trafficking or the costs to women caught up in anti-trafficking raids because few news articles treat these themes. Furthermore, unlike the publicity generated for its anti-trafficking efforts, the Home Office neither advertises its immigration decisions nor reveals what women experience after their "rescue" from prostitution.

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<sup>106</sup> *New York Times*, "'White Slave' Trade Is Not Organized: So Says the Rockefeller Grand Jury's Presentment, At Last Filed At Court," 29 June 1910.

<sup>107</sup> *BBC*, <http://news.bbc.co.uk>. Accessed 24 March 2011.

The typified cases of young foreign women forced into prostitution form the metonymic heart of representation of human trafficking. The “modern day slavery” story shapes the perception that violent sex trafficking is typical of foreign sex workers’ migration experiences and the exploitation of migrant workers generally. Sex trafficking is discursively constructed as rampant, as slavery, and as ever increasing. In this way, “human trafficking” is reduced to signify only “sex trafficking” and “sex trafficking” is made synonymous with “sex slavery.” These connotations permit police to claim that they are tackling “human trafficking” when they raid premises in which foreign women engage in prostitution. But post-rescue officials only determine women to be trafficking victims when they meet the strict criteria of innocence and ignorance: showing no sign of willingness to do sex work, having no past in prostitution, and migrating almost by accident. The sex trafficking victim is an unwilling participant in prostitution and an unwitting victim of circumstance. Qualitative accounts put a face to the problem of sex trafficking as quantitative reports put a figure. The archetypal sex trafficking victim in the UK is an Eastern European woman. She is duped into migrating through a fake offer of employment or a feigned romantic relationship; upon arrival in the UK, she is violently forced into selling sex. Due to the symbolic link of sex trafficking and sex slavery, the presence of foreign sex workers has come to mean the presence of violent and coercive sex trafficking.

The white slavery narrative transferred the onus of evil to the white slaver and produced the quintessential blameless victim. In sex slavery cases, the innocence of the slave, and the removal of her agency or ability to negotiate her condition, renders complete the culpability of procurer, pimp, client and madam. Forced prostitution is slavery because the woman does not will or control her actions. Mythical white slaves are virgins whose sexual ignorance is matched only by their gullibility. Material, or real, sex slaves could either be innocence incarnate (Eliza Armstrong fashioned into “Lily”) or just passably pure (Alice Milton and Belle Woods fashioned into “innocent girls”). To remove the stain of sexual sin from the white slave, it is necessary to sever her from the mythical construction of the whore. At once the opposite and the logical end of the innocent victim, the “fallen woman” agentically engages in solicitation and seduction. The whore is devoid of moral sensibility and, as such, she is to blame for her condition and can be justly punished. The cause of her immorality could be natural or environmental, and white slaves fell into the latter category of debauchery due to circumstance. In the words of Mason Long, from his aptly-titled text, *Save the Girls*:

Fallen women owe their ruin to a variety of causes. A large number of them have a natural tendency to vice, which is born in them, being inherited from their ancestors. Such are, in thought and feeling, prostitutes from youth, and, at the first opportunity, become profligate, either openly or covertly. Many of them remain chaste in body, owing simply to a lack of opportunity to indulge their natural propensities, but their minds are without purity, their passions and sentiments are coarse, and the sexual sin they crave is just as much theirs as though actually committed in deed, as it is in thought. These women, who are naturally impure, become prostitutes from choice.<sup>108</sup>

The boundary between the white slave, who did not consent, and the profligate prostitute, who chose the life, became muddled once the former acquired sexual knowledge and desire. Historically, anti-vice advocates have run into trouble when trying to find white slaves and separating “forced” from “free” prostitutes. To save the girls, anti-vice agents have had to be able to recognize the constrained condition of the white slave versus the volitional life of the prostitute. This apparent

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<sup>108</sup> Mason Long, *Save the Girls*, 6th ed. (Fort Wayne, IN: 1883 [1880]).

division of women is illusory, however. Conceptually, white slaves occupy a precarious stage between chaste and corrupt women. Although the “white slave” and “willing whore” seem to be discursively fixed as opposing categories, the category of “white slave” does not remain static. Rather, being a white slave is a momentary stop in a woman’s slide toward infamy.

Given the time-sensitive nature of purity, moral crusaders mounted urgent campaigns to rescue victims before they became irredeemably fallen. It would be impossible to reclaim women once they were mired in vice through habituation, carnal knowledge, or the awakening of unfeminine desires. At that point, the women became unsexed and unsalvageable; hence, the urgent desire to find sex slaves by any means necessary. As anti-vice agents soon discovered, rescue missions were a perilous business. W.T. Stead, the New York Vice Commission and, in a contemporary example, the Birmingham police floundered in their attempts to find sex slaves because, then as now, authorities divide women in prostitution into caricatured categories of innocent victim and willing whore. But, few women fit the description of “sex slave” outside of pulp novels and alarmist anti-vice tracts. This chapter has shown that efforts to save women from sex slavery have a complicated history, and the present anti-trafficking campaign borrows more than discourse from the white slavery panics of the nineteenth century. The structural actions of the state must once again accompany the desire to protect women from the risks of migration and sex work.

## Prostitution Policy and the Moral Order of Protection

The police treat us badly. They seem to think that because we are on the street, we deserve what we get. If we report anything, they say “if you don’t like it, go home. You don’t have to be here” ~ Jenny Pearl<sup>109</sup>

Rather than focusing on the welfare and rights of prostitutes, and protecting them from police excesses, UK prostitution policies have focused on the need for containment and control of prostitutes by police ~ Kantola and Squires<sup>110</sup>

At the beginning of the twentieth-first century, a strong consensus emerged within the United Kingdom that laws targeting prostitution and sex crime were outmoded and unworkable. Activities such as the sexual grooming of children, the covert filming of people in public and private spaces, the use of date rape drugs, and the prevalence of cyber-pornography had outpaced legislation and were increasingly foci of Parliamentary debate. With regard to prostitution, the shift of in-door sex workers from domestic to foreign nationals fueled ascendant alarm over sex trafficking and fears that the sex industry was expanding due to an influx of migrant women. These issues garnered sufficient media coverage and public concern that Parliament decided it was time to overhaul the Sexual Offences Act of 1956.

As part of the legislative overhaul, the Home Office commissioned a report on prostitution titled *Paying the Price: A Consultation Paper on Prostitution* (2004).<sup>111</sup> The Home Office states that consultation papers “set out government proposals on a particular issue and ask for responses from people and organisations with specialist knowledge in that area.”<sup>112</sup> Thus *Paying the Price* tested the government strategy for managing prostitution and, as such, it marks a critical moment in Britain’s stance on sex work. When the paper was drafted, multiple avenues were open for regulating prostitution from tolerance zones to licensed brothels to the complete criminalization of the sex trade.

Although changes to the Sexual Offences Act had been made in intervening years, the last overhaul occurred in 1956. One significant change to sex crime legislation came about because of the *Report on Homosexual Offences and Prostitution*, published a year later in 1957. Known as the Wolfenden report, it established that it was not the “law’s business” to intervene in sexual acts conducted in private between consenting adults. The report made a distinction based on the public versus private nature of sexual acts, and separated law and morality on the basis of privacy. It argued that while the public may be incensed by the “immorality” of certain sexual practices, the law should not intervene in people’s private lives if they do no harm to others or society. This argument led to the partial

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<sup>109</sup> Excerpted from The Safety First Coalition’s “Statements from Women Working in the Sex Industry.”

<sup>110</sup> Johanna Kantola and Judith Squires, “Discourses Surrounding Prostitution Policies in the UK,” *European Journal of Women’s Studies* 11, no. 1 (2004): 93.

<sup>111</sup> Home Office, *Paying the Price: A Consultation Paper on Prostitution*. London: HMSO (July 2004). Hereafter *Paying the Price*.

<sup>112</sup> Home Office, [www.homeoffice.gov.uk/about-us/haveyoursay/index.html](http://www.homeoffice.gov.uk/about-us/haveyoursay/index.html). The public can provide feedback on Government proposals by submitting written responses before consultation closing dates.

decriminalization of (male) homosexual acts in the Sexual Offences Act of 1967. By contrast, the Wolfenden report asserted that the public nature of street prostitution contributed to chaotic communities and unstable families. In consequence, a police crackdown on street solicitation followed its publication. A similarly repressive result occurred after the publication of *Paying the Price*, which condemned prostitution as violence against women and recommended crackdowns on both street and brothel work.

In this chapter, I analyze the overhaul of UK prostitution policy, which I termed the “sympathetic shift” in Chapter 2. This policy shift is premised on the portrayal of prostitutes as victims in need of state intervention. I move from historical background to the contemporary period and my analytical framework changes from historical interpretation to the empirical mode begun in the first chapter of the dissertation. To inform my investigation of the British sex trafficking campaign, I map the shifting status of prostitution in the UK by following policy recommendations on sexual offences to their codification in the Policing and Crime Act of 2009. The next chapter continues this line of analysis by explicating implementation of the new policy on prostitution and sex trafficking through the practice of proactive policing, particularly during operation Pentameter 2.

The chapter has two introductory parts. The first, “The Borderland of Not Illegal,” presents the vexed legal status of sex work in the UK. I summarize the licit forms of prostitution and the associated activities placed outside of law to show the practical and, at times, lethal effects of the criminalization of prostitution such as the closure of brothels and crackdowns on street solicitation. The second part, “Shifting the Blame, Solving the Problem,” explains the competing prostitution policy models that were under review by the Labour government. The third and largest part of the chapter, “Consulting a Consensus,” contains three subsections concerning the British government’s new prostitution strategy. These are “Making Work, Making Trouble”; “The Discursive Limits of Sympathy”; and “The Moral Order of Protection.”

The analysis of policy turns to the content and consequence of *Paying the Price*. The consultation paper construed the official portrayal of “the prostitute” as by turns victim and criminal. This twinned figure is by now familiar if we recall Jo Doezema’s theoretical articulation of the historical divide between good and bad women or W.T. Stead’s sensationalistic division of “white slaves” and “fallen women” in Chapters 1 and 2, respectively. *Paying the Price* presented the British government’s new assessment of “the prostitute” and its plans for diverting her from sex work. The paper was intended to initiate a fresh phase in the criminological treatment of sex work because it framed sex workers in ostensibly sympathetic terms. This framing had been debuted in the regulatory measures of the Sexual Offences Act of 2003, which outlawed the facilitated migration of women for the purposes of prostitution. To explicate the effect of *Paying the Price* on both domestic and foreign sex workers, I examine the legal category of “persistent prostitute” codified in the Policing and Crime Act of 2009.

### **The Borderland of Not Illegal: Prostitution Policy in the United Kingdom**

Prostitution in the United Kingdom is “not illegal.” This rather odd turn of phrase is often repeated in descriptions of the British legal stance on prostitution. The double negative structure reflects the contested and precarious position of sex work and sex workers in Britain. Prostitution is not illegal, strictly speaking, because the law does not proscribe the exchange of sex for money or goods by adults in a private location *pace* Wolfenden. Sex work is not really legal, however, due to the

criminalization of associated activities such as loitering or soliciting in a public place, putting advertisements or “tart cards” in phone booths, or profiting from another’s prostitution.

It is also illegal to run, manage, or work in a brothel, which is defined as any premises in which two or more prostitutes work. Managers, receptionists, or maids can fall foul of the law because they are paid from the proceeds of prostitution. In British parlance, they “live off of immoral earnings.” Thus prostitution cannot be described as licit without qualification because the British government criminalizes the safest and most dangerous forms of sex work: prostitutes working together indoors and on-street solicitation. The state tolerates the least visible type of sex work: prostitutes working alone indoors. This proscription permits an extremely narrow context in which sex workers can operate within the bounds of legality. That this form of sex work is legal, as opposed to other forms, is due to a desire to reduce the visibility of both street and brothel work. These forms of prostitution can call attention to themselves, they are not necessarily discreet or hidden from public view.

Prostitutes and advocates for safer sex work have protested the potentially lethal effects of the regulation of sex work in Britain. The murder of Elizabeth Valad became a flashpoint illuminating the dangerous effects of brothel closures and other police measures to remove sex workers from premises. After Valad’s flat was closed by Westminster Council, London, she began working on the streets near King’s Cross train station. In 2003, she was murdered in the apartment of Andrew Hardy and parts of her body were hidden behind a London pub. Dubbed the “Camden Ripper,” Hardy was suspected of killing five women, but convicted of murdering Valad and another on-street sex worker as well as a woman who lived in his apartment building. Medical examiners had deemed his neighbor’s death in his apartment due to natural causes until Hardy was connected with Valad’s murder. This case was not particularly unique. Several highly-publicized serial killings of on-street prostitutes have occurred in Britain since 2000.

Britain has rather a long list of known serial killers who targeted street sex workers, which highlights the danger of street work and the fact that sex workers are targeted for extreme violence. Of course, England has the notorious historical precedent of “Jack the Ripper,” who murdered prostitutes in the streets of Whitechapel over four months in 1888 and caused media and popular fascination that continues unabated. In the 1970s, Peter Sutcliffe, dubbed the “Yorkshire Ripper,” murdered thirteen women and attacked at least seven more, some of whom were sex workers. The killing spree caused months of terror on the streets, especially for women walking alone at night. The police and press reaction when “innocent” women were killed revealed an astonishing lack of concern for the safety of sex workers. In Ipswich in 2006 Steven Wright murdered five on-street sex workers in six weeks. The bodies were discovered near highways and streams over a ten-day period, leading to community panic, intense media interest, and a large-scale police investigation. In 2010, Stephen Griffiths, who called himself the “Crossbow Cannibal,” was convicted of killing three on-street sex workers and dumping body parts in Bradford. His killing spree lasted almost a year, but Griffiths was unknown to police until his apartment manager witnessed one of the murders on a security video. Over seven years, the murders of sex workers by Andrew Hardy, Steven Wright, and Stephen Griffiths occurred across England during the time of great debate over prostitution and the rights of sex workers.

In this context, Judge Howard Riddle rejected the Metropolitan Police and Westminster Council’s 2009 application to shut down two Soho flats used for the purposes of prostitution. The police had claimed that the flats encouraged anti-social behavior and drug dealing based on the anonymous hearsay of one person who did not testify in court. Judge Riddle rejected the application after receiving testimony from residents, including Reverend David Gilmore of St. Anne’s Church, that

the brothel did not cause or contribute to social disorder. The court received a petition with almost 10,000 signatures affirming that the sex workers were unfairly targeted by police. The support of residents and a Reverend no doubt helped Judge Riddle dismiss the closure order. But, it is a rare event for sex workers to come to court, risk exposure, and challenge police. This successful campaign by sex workers, a church authority, and neighborhood residents created a radical rupture in the official discourse of prostitutes as threats to community.

The police claim that brothel closure orders decrease harm by stopping women from selling sex, but sex worker rights advocates counter that street solicitation exposes sex workers to higher risks of violence from clients, non-clients, and the police. According to Niki Adams, of the English Collective of Prostitutes, “[The Soho] case was based on discrimination. Many of these cases have simply been nodded through. But there are important issues at stake here. Women are ten times more likely to be attacked on the street than in a flat. The community wants these women to have a safe place to work.”<sup>113</sup> Adams argued that the ratcheting up of risk for sex workers was caused by ejecting women from flats and forcing them to work the streets. Pushing prostitutes out of public space and out of collective work also prevents them from organizing, sharing information, and knowing each other. The official riposte maintained that brothel closures also protect communities. According to ACPO Lead on Prostitution and Vice Matters, Dr. Tim Brain, “Measures to close brothels are welcomed and will give police powers to protect neighbourhoods from the nuisance and harm they create.”<sup>114</sup> If sex workers refuse to exit in-door prostitution and take to the streets then, according to Jenny Pearl in the chapter epitaph, “we deserve what we get,” whether that means assault, arrest, or harassment.

In the view of the English Collective of Prostitutes, many of the difficulties faced by sex workers can be laid at the Government’s door due to the criminalization of prostitution. The illegality of most types of prostitution generates legal and financial obstacles for sex workers, entrenches their stigmatized status, and increases safety risks. The ECP maintains that obstacles such as fines and criminal records; the inability to work with others indoors; and the denial of the rights and protections of sex workers as workers, are far more dangerous and pernicious than are most clients. Hilary Kinnell, in *Violence and Sex Work in Britain*, argues that clients *qua* clients do not generally pose a threat to prostitutes.<sup>115</sup> Kinnell writes that violence against sex workers is not committed by clients. Clients in the main enter into a form of contract in which they agree to a price for a particular service. Negotiating prices is a standard part of solicitation, as is getting paid upfront and performing the sexual service only after payment. Like most other work, sex work is performed with knowledge of remuneration, and jobs are turned down if the pay is too low or the terms are unacceptable.

Kinnell found that the vast majority of clients paid the agreed upon price and abided by the contract of sexual contact for capital. Although haggling between sex worker and client was a normal part of negotiation, the client eventually agreed to paying the price for a sexual service. Kinnell’s taxonomy defines men committing violence against sex workers as those who (1) approached sex workers as potential clients before attacking them; (2) paid prostitutes upfront, then during or after sexual contact, attacked and robbed them of the money paid or of all the money the sex worker had on her

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<sup>113</sup> Keith Dovkants, “Soho Brothel to Re-open After Judge Throws Out Police Case,” *London Evening Standard*, 18 February 2009.

<sup>114</sup> Association of Chief Police Officers of England, Wales, and Northern Ireland, “ACPO comment on tough new measures to tackle demand for prostitution,” Ref. 134/408, 19 November 2008.

<sup>115</sup> Hilary Kinnell, *Violence and Sex Work in Britain* (London: Willan Publishing, 2008).

person; or (3) forced sexual contact that was not agreed to or paid for. Kinnell maintains that the practice of getting paid first underscores the need for sex workers to settle the contractual terms of the exchange before sexual activity. The fact that sex workers generally do not contact police after assault, because they fear being arrested and prosecuted themselves, means that they enter the sexual contract without the law on their side. Kinnell documents the events at Balsall Heath (Birmingham) in which local residents attacked on-street prostitutes in order to drive them out of the area. The Balsall Heath campaign is regarded in positive terms in the consultation paper, *Paying the Price*, however Kinnell, who was there doing sex worker outreach at the time, describes it as a form of violent and discriminatory vigilantism. Nevertheless, the police and British government insist that clients, and the demand for commercial sex, endanger sex workers. Furthermore, the abolitionist view on prostitution holds that men commit violence simply by the act of purchasing sex.

The criminalization of sex work is based on payment, rather than violence. For example, during undercover solicitation stings, police make an arrest only once payment is offered. When the salient point is that money changed hands, rather than the violent or non-violent handling of the exchange itself, consent becomes moot. Part of the reason for seeing payment as the problem lies in the rhetorical success of the abolitionist argument that the sale of sex is itself violence against women. This theory resonates with the belief that to “sell sex” is to debase oneself and to “buy sex” is to exploit another person.

The preoccupation with the presence of payment over the presence of violence can be contrasted with the treatment of sexual assault and rape cases in the UK. According to the Home Office, approximately 80% - 95% of rapes are not reported to law enforcement. Of the small percentage of rapes reported, the conviction rate in England and Wales hovers around 6%, as opposed to 13% for other reported offences, with considerable statistical variance. In 2004, Suffolk and Cambridgeshire had extremely low rape conviction rates at 1.60% and 1.75%, respectively, while Northamptonshire surpassed the national average for all offences with 13.79% of rape cases ending in conviction.<sup>116</sup>

In contrast to the relatively ease of producing evidence for prostitution offences, the police continue to encounter difficulty in pursuing cases of sexual assault and rape. The issue of consent, apparently much harder to determine than the criminalized cash-for-sex exchange, results in both low reportage and low conviction rates. The UK instituted Rape Taskforces to address the fact that women who report rape and sexual assault are still disbelieved (the myth of “crying rape” continues to have currency) or they are themselves interrogated by police. Despite efforts to ensure that all forms of sexual assault are taken seriously, it remains the case that the least common type of sexual attack, violent or “aggravated” rape by a stranger, is still the most likely to be reported and pursued by law enforcement. If a suspect is identified, stranger rape cases are the most likely to arrive at a criminal conviction: the reason being that the circumstances of stranger rape most corroborate a woman’s claim that she withheld consent. Police, judges, and juries tend to believe that a woman did not consent to sex with a stranger, especially in a public place, when she says that she did not. In cases where the woman knows the accused, her statement that she did not consent is, evidently, much harder to believe. Practically speaking, police arrest prostitutes and clients because the exchange of money constitutes the criminal offense, but officials struggle to convict rapists when consent is the legal lynchpin.

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<sup>116</sup> Fawcett Society, [www.fawcettsociety.org.uk](http://www.fawcettsociety.org.uk), Accessed 11 November 2010.

Because the state penalizes prostitution while sexual assault and rape usually go unpunished, the English Collective of Prostitutes demands that the “law targets abuse and violence rather than women working consensually and collectively.”<sup>117</sup> The ECP insists that police prioritize all women’s safety by investigating and prosecuting sexual assault, rape, and domestic violence, rather than punishing clients and sex workers who engage in consensual, commercial sex. The ECP argues that women, including female sex workers, can distinguish between rape and consensual sex, whether or not there is a commercial component. The discourse of sex worker rights advocates, which criticizes state practice and emphasizes women’s safety inside and outside of prostitution, has not managed to impact Government debates. As we shall see, the political discourse of sex worker rights advocates was absent from the pages of *Paying the Price*: the only prostitute discourse the report depicts the sympathetic victim, prostituted and trafficked, in need of state intervention and exit strategies. Sex work scholar Ronald Weitzer states, “because [sex worker rights groups] reject abolitionism, they have been increasingly marginalized and dismissed as the ‘pro-prostitution lobby’ in the discourse of the preeminent anti-trafficking forces. These groups ... have virtually no access to state elites.”<sup>118</sup>

Contradictions in law originate from the vexed position of sex work in the United Kingdom, which permits (some) prostitution at the same time that sex work is generally denounced and police attempt to control it. The inconsistency of an activity that is “not illegal” being heavily proscribed and policed, with a population regularly monitored and targeted for correction, ensures that there is constant tension between sex workers and the law, and between the law and its enforcement.

### **Shifting the Blame, Solving the Problem?: The Management of Sex Work**

To overhaul the policy on prostitution, the British government considered Swedish, Dutch, and Australian prostitution policy regimes. In the 1990s, it appeared that the UK, under Prime Minister Tony Blair, would move towards an increased legal tolerance of sex work. Blair’s Home Secretary, David Blunkett, initially supported the move toward licensing commercial sex districts.<sup>119</sup> Fears about sex trafficking, however, soon began to be sounded and the abolitionist argument tying prostitution to women’s generalized oppression gained ground in official quarters. The eventual appointment of the first female Home Secretary, Jacqui Smith, a staunch opponent of prostitution, led the Labour Party to take a distinctly abolitionist stance towards sex work. On the one hand, it was not lost on Labour MPs that licensing prostitution would place their Party in a vulnerable position, leaving it open to the accusation that to tax prostitution is to engage in a form of pimping. Sex workers and prostitution policy critics, on the other hand, have often made the same accusation regarding the fines sex workers must pay after arrest. To explore the shift in British policy on prostitution policy, this section briefly summarizes the three policy models that were under review by the Labour government and highlights one model that was pointedly ignored.

Firstly, the Swedish system is “abolitionist” because it aims to abolish prostitution through stringent and one-sided criminalization. Clients are robustly criminalized but prostitutes do not face criminal penalties for selling sex. In 1999, it was rendered illegal to pay for sexual services no matter the age of the prostitute or the location in which sex was sold (e.g., private or public, indoor or outdoor).

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<sup>117</sup> English Collective of Prostitutes, “Recommendations for Changes in Prostitution Law and Policy” flyer. Obtained at ECP headquarters in Kentish Town, London, December 2009.

<sup>118</sup> Ronald Weitzer, “The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade,” *Politics and Society* 35 (2007): 450.

<sup>119</sup> Julie Laite, “Paying the Price Again: Prostitution Policy in Historical Perspective,” *History and Policy* (October 2006).

Prostitutes were decriminalized when Sweden removed legislation that had historically penalized sex workers: loitering, solicitation, and public nuisance ordinances. Although only one party to the transaction was actively targeted by law, prostitution was in effect outlawed because women who wanted to remain in sex work found their clientele criminalized. Swedish policy was revolutionary because of its total shift of legal liability from prostitute to client. Secondly, the Dutch system of managing sex work, in line with its drug policy, is based on “tolerant” regulation. This model allows the sale of sex in certain locations or “tolerance zones.” Geographical containment coupled with the overt visibility of sex workers makes the Dutch system quite unique in Western Europe. The Dutch model creates designated *Rosse Buurt* (red-light districts) in which indoor prostitution is permitted in flats rented by sex workers. To work in state-approved sites, prostitutes must be of age, registered with the municipality, and vetted through health checks.

The third system under review, the Australian model, consists of “legalized” prostitution because, like the Netherlands, it permits the sale of sex work in certain locations and the state monitors the health and age of sex workers. The Dutch and Australian models differ because brothels in Australia may be located almost anywhere, with a planning permit required for setting up shop. This diffusion marks a departure from the Dutch system with prostitution neither ghettoized through geographical quarantine nor advertised through window display. Instead, it is spatially dispersed in communities and commercial districts, much like sex shops vending explicit films, magazines, and books that are integrated into generic commercial strips even in abolitionist countries.

The three countries under assessment each employ state regulation models. The salient difference of these models is the level of state oversight, from toleration to a total ban. Significantly, the British government never considered putting an end to the state regulation of sex work. A model of decriminalization exists, however, in New Zealand.

New Zealand decriminalized prostitution through the passage of the Prostitution Reform Act of 2003, which removed the sale and purchase of sex from the law’s purview. Violence and exploitation are addressed by statutes that apply to everyone, such as offences against rape, assault, robbery, and so on. The special legal category of “common prostitute,” written into British law, was abolished from the legal code of this Commonwealth country and sex workers were granted equal protection under the law. The system of “decriminalized” prostitution differs fundamentally from the Dutch and Australian models because it *does not legalize* sex work by permitting it only in certain forms or by stipulating that prostitutes can work only in certain areas. In decriminalizing prostitution, New Zealand ended state control of sex work.

At first, the difference between legalization and decriminalization may appear to be a semantic distinction, but the practical implications of these alternate systems are vast. The decriminalization of sex work aims to end the regulation of prostitutes by the state. It does away with legalized or tolerated sex work whose borders must be actively policed. The three prostitution policy regimes considered by the British government each involved either the prohibition of sex work, which by definition requires continuous policing, or the tacit tolerance of circumscribed spheres of sex work. In countries with strict prostitution bans, such as the United States (excepting certain counties of Nevada), there is a habitual flip-flop between repression and tolerance depending on the political climate and geographic region, with poor areas and particular types of sex work more heavily policed than others. Legalization creates a schism between what is legal and illegal but, in effect, it regulates all sex workers: those within the legal sphere must submit to government directives and those outside of the legal sphere must face criminal penalties.

The British government did not review the New Zealand model because it planned to preserve the special status of the “prostitute” in law, although the Home Office admitted that the term “common prostitute” was stigmatizing and should be removed from the statutes.<sup>120</sup> The Government aimed to discursively reconfigure the status of immoral woman to sympathetic victim of vice. Such a move was not new; Josephine Butler and nineteenth-century anti-vice advocates portrayed prostitutes as victims of a sexual double standard and the state regulation of prostitution, in particular the compulsory medical testing of prostitutes for “venereal” disease (Walkowitz 1990). A century later, the British government revived the idea that prostitutes are victims who need enforced rehabilitation before they are punished through criminal sanction.

History issues a warning about taking “the prostitute” up as a victim and giving the state the power to save her. In the past, a sympathetic shift turned Josephine Butler’s crusade against the Contagious Diseases Acts into a Social Purity movement, which mostly meant the moral improvement of prostitutes. Likewise, the white slavery panic resulted in the demonization of “willing women” who did not embody the white slave’s standard of racial and sexual purity. The dual disciplinary strategy results in the rehabilitation of victims of vice and the repression of willing whores.

This New Zealand system of complete decriminalization of prostitution was championed by sex worker rights groups. The English Collective of Prostitutes supported the New Zealand model and its Safety First Coalition petitioned the Labour government to consider decriminalization along with the Swedish, Dutch, and Australian models.<sup>121</sup> The request was refused. The Home Office called for policies to prevent, police, and prosecute prostitution.<sup>122</sup>

In the end, the British government rejected the systems of Australia and the Netherlands in favor of the Sweden model. The Government could not go as far as Sweden because, according to Home Secretary Jacqui Smith, there was “no strong support” in Britain for a total ban on prostitution.<sup>123</sup> Despite the urging of Home Secretary Smith and MP Harriet Harman to prohibit prostitution by criminalizing the purchase of sex in every instance, the Policing and Crime Act of 2009 only created a strict liability offence for clients who paid for sex with a victim of trafficking. Additionally, unlike Sweden, the British government did not remove offences targeting sex workers. Women in sex work would continue to bear the brunt of criminalization even with the sympathetic shift.

The UK prostitution policy regime that emerged in the mid-2000s was a mixed model: more repressive of sex work than the Australian and Dutch systems, but less philosophically coherent than the Swedish strategy of ending demand. Akin to the Netherlands and Australia, certain forms of prostitution are permitted, but the sex industry continues to be a prime target for police action. The new British system is an “abstractly abolitionist” system. The Government’s theoretical position is to stop demand and strangle the sex trade, however, the legislation does not go very far in criminalizing

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<sup>120</sup> Home Office, “A Coordinated Prostitution Strategy and a Summary of Responses to *Paying the Price*.” London: HMSO (January 2006).

<sup>121</sup> The Safety First Coalition includes nurses, probation officers, sex workers, doctors, and residents from “red light” areas who advocate for sex workers’ safety. Based in Ipswich, the Coalition was formed after the serial killing of on-street sex workers by Steven Wright.

<sup>122</sup> Julie Laite, “Paying the Price Again: Prostitution Policy in Historical Perspective,” *History and Policy* (October 2006).

<sup>123</sup> Alan Travis and Andrew Sparrow, “New Law to Criminalize Men who Pay for Sex with Trafficked Women,” *Guardian*, 19 November 2008.

clients and it continues to penalize sex workers through criminal sanctions aimed at deterrence and rehabilitative interventions aimed at diversion.

The United Kingdom is not alone in this movement away from tolerating sex work. During the same period as the British policy review, the Netherlands also reformed its regulation of sex work. The highly-visible Dutch sex trade had revealed a demographic shift towards non-white, non-Dutch prostitutes and entire streets had windows populated by foreign sex workers. By 2007, new policies were introduced to decrease the number of prostitutes working in windows. *Rosse Buurt* experienced spatial retrenchment as the famed flats of *De Wallen* were rented to art dealers, jewelers, and fashion boutiques in a concerted effort to gentrify the area and transform what could be commercially traded there.

### **Consulting a Consensus: The Sympathetic Shift in Prostitution Policy**

Designing a practical legal strategy for handling the problem of prostitution dominated the British assessment of international prostitution regimes. The fundamental question was not whether to, but *how to*, criminalize sex work. Key queries were should clients be criminalized; should prostitution be regulated within tolerance zones or police-patrolled red-light district; should prostitutes be required to register with the municipality and undergo mandatory health checks?

These options each approach prostitution via a containment model, which is in keeping with the notion of “the prostitute” as a public nuisance. In this mode of governmentality, the prostitute is a legal, political, and municipal problem that must be addressed through the state’s law enforcement apparatus and criminal justice system.<sup>124</sup> Whether the prostitute is viewed as a pathetic victim of circumstance or the active agent of community decline influences how she is disciplined, but it does not affect the underlying interventionist strategy that her behavior and way of earning a living must change. Thus the Home Office consultation paper on prostitution debated disciplinary strategies. It did not query the state project of criminalizing women because they receive material goods for sex.

Part of the UK’s legislative overhaul of prostitution policy included the 2004 publication of *Paying the Price: A Consultation Paper on Prostitution*. Consultation papers examine multiple perspectives, extant programs, and law enforcement practice, as well as propose public policy and policing initiatives. The Home Office posts consultation papers online and, in the case of *Paying the Price*, there were 6,000 hard copies circulated and almost 1,000 responses received.<sup>125</sup> Of course the Government is not a neutral party in any review process because consultation papers present the issue as an already pressing problem. Additionally, papers affirm the Government’s commitment to finding a solution to the problem. In the Executive Summary, the purpose of *Paying the Price* is stated as follows:

The paper demonstrates that prostitution can seriously damage the individuals involved, and the communities in which it takes place. If we are to comprehensively address social exclusion, promote civil renewal and achieve a real reduction in anti-social behaviour and criminality – including a real reduction in violence against women – we need an in-depth debate on tackling prostitution. It is a complex area. Organized criminality, including trafficking and

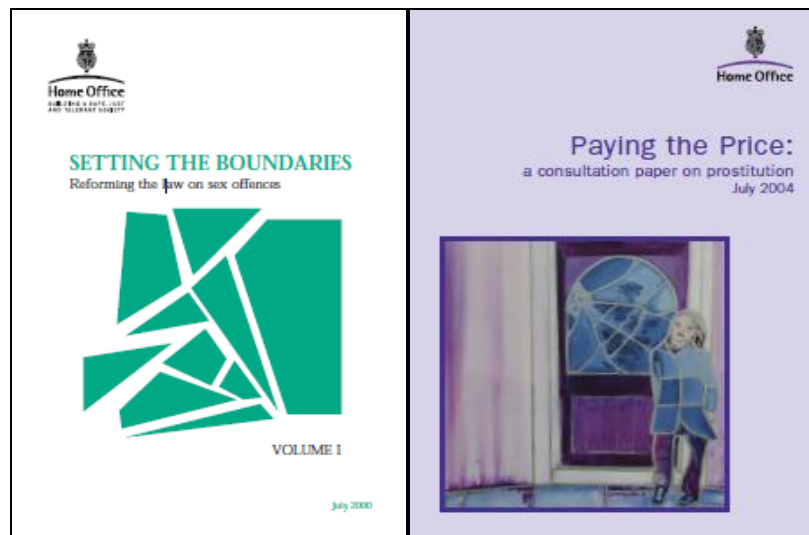
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<sup>124</sup> Nandita Sharma, “Anti-Trafficking Rhetoric and the Making of a Global Apartheid,” *National Women’s Studies Association Journal* 17.3 (2005): 88-111.

<sup>125</sup> Home Office, “A Coordinated Prostitution Strategy and a Summary of Responses to *Paying the Price*,” London: HMSO (January 2006).

substantial drug misuse, and sexually and drug transmitted infection, are all part of the problem. Systematic abuse, violence and exploitation are endemic. *A clear and coherent strategy is needed if we are to impact on the health and safety of individuals and communities.*<sup>126</sup>

To review how consultation papers can present a problem, let us examine the covers of two Home Office papers on sex offences and sex work. The first paper, *Setting the Boundaries: Reforming the Law on Sex Offences* (2000), presents a computer-generated image of an aqua-colored square splintered down the center and through its left side. The paper's title is written in the same color blue and states the purpose of the report as setting boundaries on sex crime, including prostitution.



**Front Covers of Home Office Reports**

The second cover, *Paying the Price: A Consultation Paper on Prostitution*, is comprised of mottled shades of blue and violet and presents the image of a woman in a doorway: the door's blue glass window and the woman's blue coat are shattered with an effect resembling stained glass. The frowning woman stares directly at the viewer who is positioned in the street in front of her. Titled "Girl Inside," the illustration was rendered by an artist referred to only by her first name, "Ruth," who once worked as a prostitute. "Ruth" eventually joined The Magdalene Group, a "charity with a Christian ethos" that helped her "to leave this way of life." Describing the image, Ruth explained, "The coat she is wearing is like the fragments of the glass, which to me represented my brokenness. I felt shattered."<sup>127</sup>

The fragmented imagery of these Home Office reports frame sex offences and sex work through a visual and rhetorical economy of destruction. The women within prostitution and their worlds, represented by the door and the square, are in pieces. It is thus the goal of the Government to design strategies that set boundaries and remedy the devastation wrought by prostitution.

<sup>126</sup> Home Office, *Paying the Price: A Consultation Paper on Prostitution*. London: HMSO (July 2004): 7. Emphasis mine.

<sup>127</sup> This information is located on the back of the report's cover page. The description of The Magdalene Group is obtained from its website.

As a synecdoche, Ruth stands for all prostitutes. Selecting a former on-street prostitute as cover designer lends an air of authenticity to the depiction of prostitution as a destructive experience. It also effectively excludes other types of sex work such as escort services, brothels, strip clubs, and party work, and the multitude of experiences and feelings that women have towards performing sexual labor. And, notably, it removes male sex workers from the picture and policy debate. This reductionism presents sex workers as a homogenous and generally voiceless group (of women), engaging in the same kind of activity (on-street prostitution), and experiencing it in the same shattering way.

This representational economy purports to let the subaltern speak and, in a certain fashion, to be made visible, but the portrayal shows prostitutes only in the realm of the abject. The symbolism of sex work and the report's reliance on "Ruth" sidestep the competing view that prostitution deserves legal recognition as work. Prostitution instead becomes only a traumatic experience in *Paying the Price*, whose very title implies that prostitution takes a substantial personal and social toll. The report was not called, for instance, *Earning a Living*. Such a univocal portrayal of prostitution has a double-effect: the Government imprimatur sanctions the report's abolitionist position at the same time that the paper is authenticated by the illustration of one reformed prostitute. Sex work as shattering becomes a simple representation of reality, rather than a contestable point of view.

Moreover, this account evokes the Victorian moral division between good and bad women. As we shall see, the British government's new policy creates a division of good and bad women *within* sex work. In addition to the historical divide of prostitutes and virtuous women, this strategy bifurcates prostitutes into victims of vice and willing whores. Police officers, moral welfare experts, counselors, doctors, lawyers, and judges try to place prostitutes into the discrete moral categories of reformed and recidivist sex worker. *Paying the Price* advises that prostitutes be viewed first as objects of pity who should not be unduly penalized for their abject status. But, the sympathetic application of victim status is withheld from women if they persist in prostitution. The quintessential victim, the young woman trafficked and forced into prostitution, appears occasionally in the pages of *Paying the Price*, underscoring the victimhood of sex workers brought to its logical extreme in sexual slavery.

An active versus passive dichotomy structures this discourse. Willful women doing sex work are punished because they perpetuate the sex trade, while docile women are spared punishment because they submit to treatment once given the chance to change. The state reserves sympathy for the latter category: those individuals who quickly comply with Government directives. *Paying the Price* states that prostitution is a "complex area," although throughout its one hundred and fourteen pages, the report covers only what it calls the "dreadful realities of the impact of prostitution."<sup>128</sup>

The sympathetic shift shaped the three-point plan to revamp UK prostitution policy. The plan consisted of (1) prevention, (2) protection and support, and (3) justice defined as "bringing pimps, traffickers and exploiters to justice, and delivering justice to those affected, including the families of young people coerced into prostitution and the communities blighted by prostitution."<sup>129</sup> The first point, prevention, aims to stop women from entering prostitution and the third chapter of *Paying the Price* treats "Routes into Prostitution." The second point, protection and support, avers that sex workers must be protected from pimps, managers, traffickers, clients, and themselves. On these topics, chapter four concerns "Protection and Support for Children Abused through Prostitution"

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<sup>128</sup> Home Office, *Paying the Price: A Consultation Paper on Prostitution*. London: HMSO (July 2004).

<sup>129</sup> Home Office, *Paying the Price: A Consultation Paper on Prostitution*. London: HMSO (July 2004): 7.

and chapter five “Supporting Adults Involved in Prostitution.” The third point, justice, promotes the law-and-order approach of meting out punitive justice to individuals profiting from prostitution and delivering restorative justice to those harmed by prostitution. This last point comprises the majority of the report with chapter six devoted to “Exploitation – The Role of the Criminal Law; chapter seven “Protecting Communities”; chapter eight “Links with Serious Crime”; and chapter nine “Considering the Options” of tolerance zoning, brothel licensing, and criminalizing clients.

### **A. Making Work, Making Trouble**

*Paying the Price* does not address the fact that female sex workers are members of the community whose alternatives to sex work are mostly low-paying jobs. Sex worker rights discourse opposed the Government depiction of prostitutes as victims and criminals by highlighting that they are mothers, workers, and contributing members of the community. This framing avows that sex workers sell sex to support themselves and that prostitution can be a positive and productive activity.

Notwithstanding the stigma attached to sex work, it can be the highest income-generating activity available to women without advanced degrees, occupational training, or external support. Facing few economic options, women do choose to enter different forms of the sex industry. As argued by Laura Agustín, the decision to do in sex work is not about “some beautiful, neoliberal choice, this is about weighing options and picking one.”<sup>130</sup> The accusation of coercion or force in every case of prostitution is disingenuous because it ignores the labor market in which women find work. Choices are constrained and constructed in the economic market, and the “skill” of selling sex can be sold at a premium when other activities that “low-skilled” women sell, such as child care, are remunerated at far lower rates. The sex workers rights discourse asserts that the main difference between sex work and child care, for example, is that the former is criminalized and stigmatized (of course, paid care work is also stigmatized as demeaning or women’s work). The factors affecting who chooses which activity depends on pay, but also on factors such as hours, location, working conditions, and relationships with others performing the same activity. The decision to sell sex is not a “free choice” made with all occupational avenues open, but the same can be said about decisions to wait tables or clean hotels. Such restricted choice is not unique to sex work, but prostitution is cast by the British government as uniquely opposed to personal autonomy and freedom. The crux of the debate over prostitution is whether sex work differs so fundamentally from other forms of paid work that it cannot be viewed as labor.

For abolitionists, however, prostitution cannot be viewed as work. Prostitution is violence against women that flows from, and is a pure distillation of, the generalized oppression of women. Using terms like “prostituted women” and “prostitute abusers,” abolitionists describe sex work as a form of harm in and of itself, and against all women.<sup>131</sup> Neither the presence nor absence of consent and / or assault changes the fact that, for abolitionists, prostitution is gender violence.

Sheila Jeffreys, in *The Idea of Prostitution*, reframes the historical definition of prostitution as deviant behavior by women to “male sexual behavior characterized by three elements variously combined: barter, promiscuity, emotional indifference. Any man is a prostitution abuser who, for the purposes of his sexual satisfaction, habitually or intermittently reduces another human being to a sexual object by the use of money or other mercenary conditions.”<sup>132</sup> In accord with Jeffreys, Julia O’Connell

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<sup>130</sup> Laura Agustín, Battle of Ideas panel, “Trafficking: New Slave Trade or Moral Panic?,” London, 31 October 2010.

<sup>131</sup> Sheila Jeffreys, *The Idea of Prostitution* (Melbourne: Spinifex, 1997).

<sup>132</sup> Sheila Jeffreys, *The Idea of Prostitution* (Melbourne: Spinifex, 1997): 4.

Davidson advances the notion that prostitution is a form of slavery by invoking the pioneering sociological study of slavery by Orlando Patterson. O’Connell Davidson states that the prostitute becomes “what Patterson ... might term ‘socially dead’ for the duration of the transaction, that is, a person without power, natality or honour.”<sup>133</sup> The prostitute, like the slave, cannot “exercise claims, rights and powers over things or other persons,” because she cannot make claims or demands of the clients. She is without natality because her identity is concealed, and without honour because her degraded status dissolves her entitlement to the protection and respect accorded to non-prostitute women. This position differs radically from that of Hilary Kinnell who depicted negotiations and contracts as fundamental to prostitution and distinct from sexual violence. Prostitution is unique, in O’Connell Davidson’s view because the woman “becomes a person who is not a person, a slave who is not a slave, and a wage worker who is not a wage worker.” By contrast, Kamala Kempadoo, in *Trafficking and Prostitution Reconsidered*, states:

the distinction between different labor regimes is important ... for whereas slavery is premised on property relations—the permanent and legal ownership of one human being by another and the power invested in the owner to command that property at will—debt-bondage, indentureship, and forced labor are lodged in contractual, wage relations and principles of free labor power and its market exchange value.<sup>134</sup>

The poorly paid, feminized labor extant in the caring industries is socially acceptable for “low-skilled” women, but sex work is not. Put another way, women may perform only a circumscribed set of traditionally feminine roles for a fee. If it is known that a woman does or ever did work in the sex industry, she is virtually barred from performing other female labor because the label of “prostitute” severs her from the socially accepted roles of mother, wife, and carer. Such women are viewed as contaminating threats to family and community, rather than as integral members of each.

Many factors influence women’s entry into prostitution, but the Home Office bypasses the ways in which criminal penalties affect women’s ability to leave the sex industry. For women with criminal records for soliciting or other sexual offences, it is difficult to find employment, especially in jobs traditionally reserved for women, such as domestic labor and child care. Underscoring the difficulty of exiting sex work due to criminalization, the Safety First Coalition gathered responses from sex workers in response to the Government’s proposed reform of prostitution policy. Jenny Pearl spoke about what keeps her in sex work:

I would like to leave prostitution but now that I have a criminal record for soliciting, it is the only job I can do. I have been asked if I would do emergency respite, which I am qualified for because of the care work I have done with my own child ... I would like to take this job but I can’t because I fear that if my police record came to light it would endanger my whole life. They may take my child into care as she may be considered a vulnerable adult. She would not be able to live with me because I have a police record for so-called sexual offences.<sup>135</sup>

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<sup>133</sup> Julie O’Connell-Davidson, quoted in Sheila Jeffreys, *The Idea of Prostitution* (Melbourne: Spinifex, 1997): 182 – 183.

<sup>134</sup> Kamala Kempadoo, ed. *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* (Boulder, CO: Paradigm Publishers, 2005), xx.

<sup>135</sup> Safety First Coalition, “Statements from Women Working in the Sex Industry.”

Abolitionists deny that any benefit to women or their families can come from sex work, but two benefits in particular – a living wage and flexible schedule – are repeatedly cited by sex workers as reasons for entering prostitution. Faced with limited employment options or closed out of jobs altogether, sex work becomes a way of earning a living. The costs of criminalization are articulated by Caroline Stellar:

None of us need to attend meetings to look at why we do this job. We know why we do it: to support our families. It pays better than many other jobs and for women like me with a criminal record, it is often the only job we can get. If they want to help me, then get rid of my criminal record, tell me where I can find a job that pays a decent wage that will cover my rent and let me raise my child without worrying how we will eat.<sup>136</sup>

These are clear demands. But statements from sex workers who are older heads of households were not included in the Home Office consultation paper on prostitution, although these women are also arguably paying the price for their involvement in prostitution. Instead the paper blames the suffering of prostitutes on pimps, boyfriends, criminal gangs, addiction, physical and sexual abuse, mental disorders, low self esteem, and lack of adequate life skills. It depicts prostitutes as “vulnerable” and “coerced” “young people,” “children,” and “victims” in need of “protection,” “help and advice,” and “a pathway out.” The discursive construction of the sex worker as a child-like victim aims to change the portrayal of the “common prostitute” from a culpable and condemned figure to a vulnerable victim.

The Home Office claimed that this stance represented an important shift away from demonizing prostitutes; the sympathetic shift signified a rejection of the Victorian discourse of fallen women and the social nuisance discourse associated with sex workers in more recent times.<sup>137</sup> This framing, however, precluded the portrayal of prostitutes as mothers, workers, and contributing members of the community because it would be nonsensical to describe a working mother who supports a family as a vulnerable and victimized child. Sex workers speaking a discourse of defiance or demand were silenced in *Paying the Price* in favor of giving voice to the reformed prostitute “Ruth,” who spoke the shattering experience of prostitution as a victim redeemed. In this way, *Paying the Price* infantilized sex workers by casting them as helpless victims awaiting state aid.

### **B. Women’s Roles and the Discursive Limits of Sympathy**

The claim that prostitutes in the UK are abused children or trafficking victims is stated summarily in the foreword of *Paying the Price* by Home Secretary David Blunkett. In his view, “prostitution involves the abuse of children and the serious exploitation of adults – *many of whom are trafficked into and around the UK* for this purpose. It has close links with problematic drug use and, increasingly, with transnational and organised crime.”<sup>138</sup> No sources are provided for his assertions and the lack of empirical evidence continues the Labour government’s tradition of issuing unsubstantiated claims about prostitution and sex trafficking. Blunkett’s foreword passes over the economic need and lack of viable employment options faced by many women in prostitution. At best, Blunkett’s statement is an attempt to generate sympathy for sex workers; as such, it is a rhetorical gambit to turn prostitutes

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<sup>136</sup> Safety First Coalition, “Statements from Women Working in the Sex Industry.”

<sup>137</sup> Johanna Kantola and Judith Squires, “Discourses Surrounding Prostitution Policies in the UK,” *European Journal of Women’s Studies* 11, no. 1 (2004): 77-101. The authors state that within “Britain’s current legal framework, prostitution is conceived of as a public nuisance” (78).

<sup>138</sup> Home Office, *Paying the Price: A Consultation Paper on Prostitution*. London: HMSO (July 2004): 5. Emphasis mine.

into victims ripe for rehabilitation. At worst, it is a willful misrepresentation that ties prostitution to child abuse, sex trafficking, drug use, and organized crime to justify a crackdown on the sex trade.

One notable instance in which prostitutes were depicted as both victims and mothers occurred following the Ipswich murders of five sex workers. The discourse of the family members described the murdered women as mothers, daughters, and sisters. Family members challenged the negative portrayal of on-street prostitutes as social outcasts by speaking in personal and individual terms about their murdered kin. Tom Alderton, the brother of Anneli Alderton, stated, “The ‘prostitute’ label is annoying because it was a last resort and was on the table as something she’d do if she was desperate, but it was only one thing on a vast résumé, including legal things. [The media] mentioned all of them by their worst, most desperate, actions and that’s not how they spent 99.9 per cent of their lives.” The media did report that Anneli Alderton was a mother with a young son and that she was pregnant at the time of her murder. The media and police spoke in sympathetic terms of the women’s kinship ties as well as highlighting their status as drug addicts and street walkers. The Detective Chief Superintendent of Suffolk, Stewart Gull, stated, “These were young vulnerable women. They were somebody’s daughter, they were somebody’s mother.”<sup>139</sup> The family connection of the women killed by Wright was reflected in title of the *BBC* televisual drama about the case, titled “Five Daughters.”

Despite the focus on families in the Ipswich case, prostitution narratives typically erase kinship ties by placing sex workers in a realm of social abjection, where they are severed from the moral norms and familial connections linked to the social. Depicting sex workers as mothers, and as working mothers, disrupts the established narrative that constructs their abject status and the nascent narrative that defines them as victims. The exceptionality of the Ipswich case is explained in part by the victim status of the women. The women’s identification as mothers, daughters, and sisters could be spoken because it did not destabilize the notion that they were, beyond all doubt, victims (of predatory violence, drug addiction, and street-level sex work).

To combine the symbolism of the netherworld of sex work and the ethereal realm of motherhood would be to create a discursive disharmony, an inassimilable contrast of meaning that threatens to unravel the constitutive threads of these two categories of womanhood. The figure of the mother occupies a vaunted (if materially devalued) position, defined by self-sacrifice, kindness, care, and responsibility. This depiction does not sit comfortably with ideas of sexual availability and abuse. Symbolically, being a sex worker and a mother remains anathema despite the fact that many female prostitutes in Britain have children.<sup>140</sup>

Because the English Collective of Prostitutes grew from the Wages for Housework Movement started by Mariarosa Dalla Costa and Selma James, it has a history of drawing connections among poverty, motherhood, and prostitution. In *The Power of Women and the Subversion of the Community*, Dalla Costa and James argue that the capitalist organization of labor places women in un-waged work as wives and mothers. They explicate that Marxist critiques of capital have missed the fundamental societal labor of women because it is unwaged and, therefore, invisible within the market. Their revision of the role of the housewife depicts her as a revolutionary figure and decisively locates the overthrow of capital in woman’s destruction of this social activity and role:

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<sup>139</sup> Claire Dwyer Hogg, “The Sex Worker and the Serial Killer,” *The Observer*, 25 July 2009.

<sup>140</sup> The English Collective of Prostitutes estimates that 70% of sex workers in the UK are mothers. They do not provide information on how this estimate was garnered and, therefore, it must be treated with considerable care.

We pose, then, as foremost the need to break this role that wants women divided from each other, from men and from children, each locked in her family as the chrysalis in the cocoon that imprisons itself by its own work, to die and leave silk or capital. To reject all this, as we have already said, means for housewives to recognize themselves also as a section of the class, the most degraded because they are not paid a wage.<sup>141</sup>

The English Collective of Prostitutes takes this stand by insisting that sexual activity exchanged for money or material goods is a form of labor. The ECP organizes prostitutes as a political group with rights and interests in the market in contradistinction to their frequent positioning as exterior, or parasitical, to it. To view women who sell sex as workers and working mothers is to challenge and expand notions of motherhood and prostitution that have systematically reduced these activities into symbols of Woman, honored and aberrant in turn, but fundamentally depoliticized. The ECP aims to politicize these overlapping categories of productive activity. Although the Government discourse on prostitution declares that outside factors push women into prostitution, once a woman sells sex, she is separated from other women and cocooned in characterizations ranging from common woman to public nuisance to helpless victim. The dominant discourse on the prostitute has been, and continues to be, spoken in one voice, one register, and as one long monotone of condemnation.

While overlooking female sex workers as workers and mothers, the British government seems to see male sex workers only as independent agents. The consultation paper betrays an entrenched gender bias through its decision not to portray men as victims or incapable of making informed choices. The paper addresses gender bias by substituting the terms “prostitute” and “sex worker” with the phrase “people involved in prostitution” which it states is “the least value-laden alternative” (12). Two sentences after this declaration of terminological neutrality, the report returns to the gendered term “prostitute”:

Approaches to prostitution have tended to focus on the activities of the prostitute rather than those of the user. While the existence of commercial sexual transactions is generally accepted and even tolerated in certain circumstances, *the prostitute is a commonly pilloried figure*. This is often based on a general assumption that those involved are in control of their situation.<sup>142</sup>

The attempt to neutralize the discourse on prostitution is an empty gesture because the report systematically ignores male prostitution. Notwithstanding the sporadic use of the phrase “people involved in prostitution,” women are clearly the people at issue. Men engaging in sex work are not regarded as a social or policing problem in the same way, or to the same degree, that women in prostitution are determined to be a problem.

Consistent with the transformation from England’s past criminalization of homosexuality to its hands-off policy toward consensual sex between men, the British government, *pace* the Wolfenden report, rarely polices male prostitution. This stance does constitute a historical break with the past. Efforts to abolish homosexuality through criminalization extend back to legislation such as the Buggery Act of 1553. This Act literally made men convicted of homosexual contact into pilloried

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<sup>141</sup> Mariarosa Dalla Costa and Selma James, *The Power of Women and the Subversion of the Community*, 3rd ed. (Bristol, England: Falling Wall Press, 1975).

<sup>142</sup> Home Office, *Paying the Price: A Consultation Paper on Prostitution*. London: HMSO (July 2004): 12. Emphasis mine.

figures because the penalty for “buggery” was the pillory and imprisonment. Over three hundred years later the Criminal Law Amendment Act of 1885 continued to proscribe homosexual contact, or “gross indecency,” between men. Its Labouchere Amendment stipulates:

Any male person who, in public or private, commits, or is a party to the commission of, or procures, or attempts to procure the commission by any male person of, any act of gross indecency shall be guilty of a misdemeanour, and being convicted shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, with or without hard labour.<sup>143</sup>

In addition to outlawing all forms of male homosexual contact, the Criminal Law Amendment Act enacted criminal provisions for child prostitution; brothel-keeping; the abduction of a girl under age eighteen for sexual purposes; and the procurement of a girl by means of drugs, intimidation, or fraud. This Act is, of course, the piece of legislation that William T. Stead helped to pass through Parliament during the Victorian white slave panic.

Today male sex workers are regarded as autonomous agents while female prostitutes are pilloried figures lacking “control of their situation,” according to *Paying the Price*. The Home Office insistence on female victimhood fails to account for the full spectrum of sex work and neglects what many sex workers say they need most: decriminalization and viable economic opportunities. The Home Office continues to “pillory” prostitutes through criminal penalties, which is an iniquitous practice because punishment depends on gender and class position. Further, penalties are levied in a context in which sex work is “not illegal” and the Home Office has vowed to protect and support prostitutes.

In the final section of “Consulting a Consensus,” I address the legal instantiation of the “persistent prostitute” to demonstrate how British prostitution policy continues to penalize women who sell sex. This discussion clarifies how the Government rescinds victim status from prostitutes who do not comply with attempts to modify their behavior, revealing that the strategies involved in the sympathetic shift remove responsibility and decision-making capabilities from sex workers and place power in the hands of state officials. Despite the purportedly novel effort to save sex workers, the Home Office still deploys the trope of ruined innocence and renders its law and order strategy beneficent. The victim discourse, however, underwrites police intervention in the classical mode of retaliatory punishment and its modern correlate of coercive rehabilitation.

### **C. The Moral Order of Protection, or the Entanglement of Help and Harm**

A new figure of the prostitute was codified in the Policing and Crime Act of 2009. The law created the “persistent prostitute” to name and design offences and penalties for habitual sex workers. The term was intended to replace the designation of “common prostitute,” originating in English law in the Vagrancy Act of 1824: “An Act for the Punishment of idle and disorderly Persons, and Rogues, and Vagabonds, in England.”<sup>144</sup>

The “common prostitute” emerged in English law almost two hundred years ago. At the time, she was a new kind of criminal, but the Vagrancy Act described her as someone already well-known and notorious. The original legal text defines her as “any common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous or indecent

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<sup>143</sup> National Archives, Criminal Law Amendment Act 1885, Office of Public Sector Information.

<sup>144</sup> National Archives, Vagrancy Act 1824, Office of Public Sector Information.

manner.” The Street Offences Act of 1959 reinscribed the crime of the “common prostitute” as follows: “It shall be an offence for a common prostitute to loiter or solicit in a street or public place for the purpose of prostitution.”<sup>145</sup> The public or common nature of a woman (her sexual availability to more than one man), and the public nature of her presence (her visibility on the street), have been the business of British law for centuries. The problem of being a prostitute in public continues to shape policy because prostitutes labeled “persistent” are the women who solicit on the street.

Managing prostitutes has long troubled the British government, but the Home Office intended that its “reforms ... will also provide an opportunity to remove the outdated (and widely considered to be offensive) concept of ‘common prostitute.’”<sup>146</sup> The concept of the “common prostitute” was not excised from British law and remains in use through a standing provision in the Street Offences Act of 1959. It refers to women only. Thus, prostitution policy reforms did not eliminate this outdated and offensive term; the “persistent prostitute” joined, rather than replaced, the “common prostitute” in the criminal code.

In response to the new prostitution offences contained in the Policing and Crime Act, ACPO Lead on Prostitution and Vice Matters, Dr. Tim Brain stated that “the Government has clearly signalled its intention to bring about a sea change in attitudes towards prostitution.”<sup>147</sup> The “sea change” referred to brothel closure orders; a strict liability offence that criminalizes the purchase of sex with someone subject to threats, force, or deception; and the concept of the “persistent prostitute.” The Labour government elaborated a system in which, to work legally, prostitutes must sell sex indoors and alone. This policy regime subjects on-street prostitutes to aggressive policing, while in-door sex workers are targeted through periodic raids, ostensibly in search of trafficking victims. This punitive *qua* protectionist stance does not a sea change make.

Police employ prostitute cautions, arrest referrals, conditional cautions, and anti-social behavior orders (ASBOs) to clamp down on prostitutes in public. For the less visible indoor sector, the use of brothel-keeping offences and brothel closure orders penalizes prostitutes working together. In the section titled “The Role of the Civil and Criminal Law,” the law enforcement edge of *Paying the Price* is made plain:

Along with environmental measures and support services, local partnerships need to ensure that enforcement action is taken to protect communities from the nuisances associated with prostitution .... This means applying the law rigorously to clamp down on unacceptable behaviour and criminality while providing effective intervention and support to those families and individuals to change their behaviour. The police have a range of measures to deal with activities associated with street-based prostitution. These include the offence of kerb crawling, the offence of loitering or soliciting and a range of civil measures, including the Anti-Social Behaviour Order.<sup>148</sup>

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<sup>145</sup> National Archives, Street Offences Act 1959, Office of Public Sector Information.

<sup>146</sup> Home Office, “A Coordinated Prostitution Strategy and a Summary of Responses to *Paying the Price*,” London: HMSO (January 2006): 39.

<sup>147</sup> Association of Chief Police Officers of England, Wales and Northern Ireland, “ACPO comment on tough new measures to tackle demand for prostitution,” Ref. 134/08, 19 November 2008.

<sup>148</sup> Home Office, *Paying the Price: A Consultation Paper on Prostitution*. London: HMSO (July 2004): 67. Environmental measures include road closures, warning signs, closed-circuit television cameras, etc.

The Home Office webpage devoted to *Tackling Anti-Social Behaviour and its Causes* explains the purpose of the “prostitute caution” and its history in Britain:

This system of “prostitutes’ cautions” is regulated by Home Office Circular 108 of 1959, which initially applied to the Metropolitan Police service. It refers to a system of cautioning whereby a woman, who has not previously been convicted of loitering or soliciting for the purpose of prostitution, will not be charged with that offence unless she has been cautioned by the police on at least two occasions and the cautions have been formally recorded. The system was seen as a practical step to divert from prostitution women and girls who were taking to that way of life. Two officers would need to witness the activity and administer the caution. They would then ask the woman if she were (sic) willing to be put in touch with a “moral welfare organisation” or a probation officer. Providing appropriate sources of support is crucial to helping a prostitute to make changes to their lifestyle and exit prostitution.<sup>149</sup>

The Home Office approach for dealing with on-street prostitutes is divided into four stages. The first stage is voluntary referral, which entails contact with an outreach worker who refers the woman to a range of services premised on finding routes out of prostitution. This intervention takes place before any charges are applied. The second stage is pre-charge diversion, which involves contact with police who can issue prostitute cautions, drug intervention referrals, or conditional referrals. Drug interventions, also termed “arrest referrals,” consist in drug counselors seeking the “voluntary engagement of drug-using offenders (38).” The Home Office explains that conditional cautions are a new device that provide,

new opportunities for individuals to be diverted from the court process, and determining appropriate conditions can also offer an opportunity for community involvement. The individual must agree to accept a conditional caution (unlike a prostitutes’ caution) and the conditions must be proportionate, achievable and appropriate. Failure to comply with the conditions imposed may lead to the individual being charged with the original offence.<sup>150</sup>

If the woman is not diverted from sex work at either stage one or two, then charges are brought against her for soliciting or loitering for the purposes of prostitution. Once charges are laid, she enters the third stage of post-charge diversion, which often includes mandatory drug testing. Among individuals charged with criminal offences, on-street prostitutes are frequently targeted for drug testing. The “high proportion of those currently tested under Inspector’s discretion are women involved in prostitution. New measures introduced in the Drugs Act 2005 are being implemented incrementally ... to give police powers to test for drugs after arrest (alongside the continuing power to test after charge)” (39).

The fourth and final stage is prosecution, referred to as the “new rehabilitative approach to loitering and soliciting.” If the woman is convicted, her “penalty will vary according to persistence, to address the underlying issues which may be preventing an individual from succeeding on a voluntary basis to find a route out of prostitution” (39). This stage marks an end to the so-called voluntary measures applied in stage one through three. As we see from these stages of criminalization, the rehabilitative

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<sup>149</sup> Home Office, <http://asb.homeoffice.gov.uk/members/article.aspx?id=8112>, Accessed 4 March 2009.

<sup>150</sup> Home Office, “A Coordinated Prostitution Strategy and a Summary of Responses to *Paying the Price*,” London: HMSO (January 2006): 38.

approach remains a system that is organized on a principle of punishment. It creates ordered steps that women must take to be diverted from prostitution. What women do not have is the choice to remain in sex work. Based on this model, it is unclear where exactly women are to go when they exit prostitution at the Government's behest; the rehabilitative strategy is short on economic and occupational options for women who support themselves through sex work. The Home Office is focused on "routes out" of prostitution, but the "routes in" to alternative employment are not part of its staged approach.

In a law enforcement response reminiscent of the American "three-strikes-you're-out" drug policy, for the women who continue to engage in prostitution past the three stages of state intervention, the unvarnished punitive side of the system comes to the fore. The summary statement below confirms that the Government retains the power to punish those who remain in prostitution. Women's reasons for continuing in prostitution do not matter, although personal circumstance seemed to count before when counseling was offered. But, the end-stage priority is reducing recidivism and protecting communities from prostitutes:

Under this staged approach those women (and men) who respond to informal referrals and seek help from support services to leave prostitution, and those who engage with the CJIT [Criminal Justice Integrated Team] workers to receive treatment and other support, may avoid further criminalisation. However, for those individuals who, for whatever reason, continue to be involved in street prostitution, the criminal justice system will respond with rehabilitative interventions to reduce re-offending and to protect local communities.<sup>151</sup>

Continuing to employ the language of rehabilitative intervention, the Home Office returns to the traditional punitive measures of fines, incarceration, and criminal records. Women repeatedly caught doing sex work, who insist that they are not forced into prostitution and who resist exit strategies, are "persistent prostitutes." For these women, the Home Office reverts to the familiar standbys of recrimination and retaliatory law enforcement, situating sex workers as victimizers of the community in a portrayal reminiscent of the "common prostitute" as threat to the moral order of society. This double discursive construction of the prostitute as victim and criminal is evident in police practice and Government policy. The following illustrative passage from *Paying the Price* moves smoothly from the prostitute as victim to the community as victim of prostitute:

The victims of the so-called 'trade' are the young boys and girls, and the men and women trapped in it. But communities are also victims as street-based prostitution increases the general level of disorder and creates a climate of criminality. Those who choose to be involved should understand what it is like to live in an area in which kerb crawlers habitually harass young women, and where used condoms and dirty needles are regularly dumped in front gardens.<sup>152</sup>

The sweeping reference to prostitute victims as "young boys and girls" and "men and women trapped" in the trade is directly juxtaposed with those who choose to be involved in prostitution. The description of who is a victim of prostitution (e.g., boys, girls, men, women, homeowners, communities) is contrasted with "persistent prostitutes" who bring crime and disorder in their wake.

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<sup>151</sup> Home Office, "A Coordinated Prostitution Strategy and a Summary of Responses to *Paying the Price*," London: HMSO (January 2006): 39.

<sup>152</sup> Home Office, *Paying the Price: A Consultation Paper on Prostitution*. London: HMSO (July 2004): 12. Emphasis mine.

In this view, the undesirable living conditions in a neighborhood are not shared by sex workers, but caused and perpetuated by them. In particular, young women suffer because kerb-crawlers mistake them for prostitutes. This allusion to “innocent women” appeals to the well-worn accusation that prostitutes harm other women by encouraging sexual harassment on the street.

The British government alleges that most women engaged in prostitution are victims (indeed, all women are victims of prostitution). The general class of women-victims is constructed by removing “persistent prostitutes” from the space of sympathy. Women who persistently choose prostitution are constitutively outside of the sympathetic shift codified in the Policing and Crime Act. The “sea change in attitudes towards prostitution,” spearheaded by the Labour government, represents only a slight shift in concepts. Penal interventions are now staged and renamed as rehabilitation and the criminalization of prostitutes is elaborated and extended. Not all women engaging in prostitution are guilty now. A refinement in moral condemnation has taken place in British prostitution policy, but the bedrock of penalization remains unaltered.

Targeting the hard core of prostitution, the containment policy to protect the community removes sex workers from public view. While migrant sex workers have been easily maligned as outsiders, the description of sex workers as an exogenous blight on the community applies to domestic and foreign prostitutes alike. The idea of the prostitute as community blight complements and continues within the nascent victim discourse. Following this logic, Kantola and Squires argue that “innocent women are to be protected from the manifestations of conspicuous sexuality ... it is the resident women and their children who are constructed as victims, not the prostitutes.”<sup>153</sup> For the prostitutes who victimize communities by their presence, traditional policing measures apply, with novel disciplinary tactics, such as ASBOs, also used to combat them.

The carrot-and-stick strategy is presented as balancing the needs of two opposing groups: prostitutes and communities. Thus “any strategy will need to ensure the involvement of communities, and balance the competing need to alleviate the harm done to communities with the protection of those trapped in prostitution.”<sup>154</sup> This approach does not include those who choose to continue in sex work because, as we have seen, their needs are not in the balance of the Home Office consultation. The exclusion of sex worker rights advocates who represent, or who are themselves, the women that will be charged as “persistent prostitutes,” convicts them *in absentia* of harming the community and instigating a climate of criminality. While Government rhetoric extends the status of victim to more women by saying that they are forced or tricked or trapped into the sex trade, it maintains a clear juridical cordon around women who do not get with the rehabilitative program.

Attending meetings with criminal justice workers has been repeatedly criticized as condescending by sex workers. Jenny Pearl comments that, “We don’t need to be rehabilitated or lectured at, we need housing, help with debt and, in my case, help to escape a violent partner, to get off the game.”<sup>155</sup> The Home Office holds that diversion schemes are a type of support because they give women a push toward rehabilitation, rather than immediate fines and custodial sentences. This rehabilitative approach allows women to choose their punishment.

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<sup>153</sup> Johanna Kantola and Judith Squires, “Discourses Surrounding Prostitution Policies in the UK,” *European Journal of Women’s Studies* 11, no. 1 (2004): 80.

<sup>154</sup> Home Office, *Paying the Price: A Consultation Paper on Prostitution*. London: HMSO (July 2004): 73.

<sup>155</sup> Safety First Coalition, “Statements Opposing Prostitution Clauses in the Policing and Crime Bill.”

## Conclusion

The British approach to prostitution makes it clear that the prostitute should be understood as a problem: a victim to be rehabilitated or a social nuisance to be removed from the streets and hidden from view. In *Paying the Price*, the Home Office portrays prostitution as a shattering experience that women should never enter or must swiftly exit. This portrayal of sex work maintains that all women in prostitution need to be rescued, and it is the state's business to intervene in their lives. The Home Office insists that British women who persist in prostitution, and foreign women who come willingly to work in the UK's sex industry, will be targeted by law enforcement. Behind the rhetoric of help and hope stands a system deployed to discipline women who do exit prostitution.

Additionally, the Home Office does not recognize that sex work can be something other than a public problem or devastating private experience. Its consultation paper is silent with regard to women who experience sex work as something other than shattering, who do the work to support families, or who cannot exit prostitution because of criminal records or economic need. Individuals who speak to the economic benefits, mobility, and sociality of prostitution cannot be integrated into the official discourse, which treats the prostitute with either contempt or pity. This splintered view of sex work is the whole picture shown by the British government.

Despite the legislative and discursive possibilities opened up by the UK's review of prostitution, the Home Office's sympathetic shift is predicated on the division of women into victims and criminals, which carries within it historical echoes of the moral partition of good and bad women. Distinctions between rehabilitation and criminalization collapse when the law penalizes prostitutes who do not obey Government directives. Policy changes were portrayed as supportive interventions, but they operate on a principle of punishment when prostitutes cannot refuse them. The British government does not address the constraint of women's choice in this context. Instead, the focus is on the force and coercion used to make women enter prostitution, rather the force and coercion used to make them exit it. In its revision of the problem of prostitution, the Home Office could not see, or remained willfully blind to, the potential violence and harm of its own methods.

Thus the sympathetic tone of new prostitution policy does not destabilize the stigma of prostitution because the designation of "persistence" deems certain prostitutes worthy of punishment while granting others a tentative reprieve through coercive rehabilitation. The innovation updates the distinction between "persistent prostitutes," the contemporary "fallen women," and victims of vice, the modern day "sex slaves."<sup>156</sup> This discursive framing refigures some prostitutes as victims while advocating punishment for women who continue in sex work after being caught and cautioned.

On the surface, the Home Office presents female victims beset by personal problems and abusive relationships. Upon closer examination, the paper portrays prostitutes as perpetuating an industry that harms communities. The Government's construction of the prostitute-as-(passive)victim is a Janus-faced figure that turns into the prostitute-as-(active)perpetrator of community decline. This binary explains the British policy of rehabilitate and punish. In Chapter 5, I analyze the impact of the prostitution policy shift on the UK's landmark law enforcement operation against sex trafficking, which amounted to "rescue" without rehabilitation.

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<sup>156</sup> Jo Doezema, "Forced to Choose: Beyond the Voluntary v. Forced Prostitution Dichotomy" in *Global Sex Workers: Rights, Resistance, and Redefinition*, ed. Kamala Kempadoo and Jo Doezema (London: Routledge, 1998): 34-50.

## On Pentameter:

### A Shining Example, A Great Success, and An Exposé

This fifth and final chapter presents the UK law enforcement offensive against sex trafficking. I have previously examined the official depiction of trafficking as “modern day slavery” as well as the public policy shifts targeting women who engage in prostitution. Following several decades of increasing tolerance towards prostitution, when it took place discreetly and indoors, the sex trafficking panic in the UK revived the association of prostitution with organized crime and violence. Prostitution was once again portrayed as a deviant activity, a seedy fringe sector and, more disturbingly, a safe haven for sex trafficking. The discourse on the perils of prostitution gave the British government license to crackdown on sex work, particularly the formerly-tolerated indoor trade, made up increasingly of foreign women.

Building upon my analysis of sex trafficking statistics in Chapter 1, this chapter considers the statistical assessment of the landmark UK policing operation, dubbed Pentameter. I review the results of Pentameter released by the Home Office, which came accompanied by officials’ glowing remarks about the mission. I then explicate a confidential statistical assessment of Pentameter drafted by the UK Human Trafficking Centre. The statistical assessment tracked the suspects arrested and the victims recovered through Pentameter’s crackdown on the sex industry. I contrast official declarations about Pentameter with the data contained in the UK Human Trafficking Centre report in order to show the discrepancy between the official portrayal and the poor results in the statistical assessment. This analysis is informed and made possible by an exposé by journalist Nick Davies in the *Guardian* newspaper. After a “lengthy legal struggle,” Davies obtained the statistical assessment from the UK Human Trafficking Centre and authored a scathing article about its contents, titled “Inquiry Fails to Find Single Trafficker who Forced Anybody into Prostitution.”<sup>157</sup>

I present the conclusions drawn by Davies and highlight two particular Pentameter results that challenge Government claims about sex trafficking. First, Pentameter resulted in the arrest of mostly women and, second, the operation did not result in a single conviction of forced prostitution.

As shall be shown, Pentameter was premised on the hyperbolic rhetoric of “modern day slavery” and on faulty data, including the trafficking estimates produced by Kelly and Regan and Dubourg and Prichard, explicated in Chapter 1. Police across the United Kingdom went out to discover what the official discourse on sex trafficking said they would find. In previous chapters, I have analyzed the conceptual basis of the UK anti-trafficking campaign and two prominent strands of citational practice used to justify it: slavery discourse and sex trafficking statistics. But in 2009, after almost a decade of claims that “human trafficking” was sex trafficking, that sex trafficking was slavery, and that sex trafficking was hidden and widespread, the UK’s largest ever policing mission failed to find anyone forced into prostitution. This revelation, prominently displayed in the *Guardian* headline,

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<sup>157</sup> Nick Davies, “Inquiry Fails to Find Single Trafficker who Forced Anybody into Prostitution,” *Guardian*, 20 October 2009.

discredited the anti-trafficking campaign because the UK Human Trafficking Centre data gave the lie to Pentameter's "success."

Thus, in what follows, I tell the story – or two stories – of Pentameter: the official version given by the Home Office, Policing Service, and UK Human Trafficking Centre and the other account found in the UK Human Trafficking Centre's statistical assessment. The statistical assessment was never intended for release to the public. The critical issue is not the reliability of the report's data, unlike other statistical data on sex trafficking generated by the Home Office. The report's significance is due to the fact that it was marked restricted; its release would expose the distance between public claims about Pentameter and internal reporting. Instead of liberating slaves and crushing criminal cartels, Pentameter resulted in people, primarily migrant women, being charged with prostitution and immigration offences. The other story I tell is the one begun in Davies' article and based on the UK Human Trafficking Centre report. This second account does not proclaim Pentameter's success in rescuing women and catching criminals. Rather, it provides evidence that British authorities misrepresented the results of Pentameter and it gives a sense of the impact of Pentameter on those captured by the operation. Lastly, I inquire into what Davies' article left out: what happened to women post-rescue.

The *Guardian* exposé ignited fierce debate about the merits of the UK anti-trafficking campaign and the need for independent oversight and governmental transparency. Moreover, consensus on the severity of sex trafficking in the UK began to crumble. As discussed in Chapter 2, consensus is one of the five indicators of a moral panic, along with concern, hostility, disproportionality, and violatality. According to Erich Goode and Nachman Ben-Yahuda, "There must be widespread agreement or consensus ... that the threat is real, serious, and caused by the wrongdoing group members and their behavior."<sup>158</sup> Without agreement on the nature and urgency of the problem, "anti-" forces cannot mobilize against the threat they oppose. Moral panic theory also posits that the media is of critical importance in the spread of information and fear about the purported threat. W.T. Stead's introductory oath that he "can personally vouch for the absolute accuracy of every fact in the narrative," both confirmed the truth of white slavery and constructed the tale.<sup>159</sup> The media can play multiple parts in moral panic: constructing the threat, informing the public and, as I show in this chapter, criticizing the crusade. In this case, the British press helped to foment a sex trafficking panic by publicizing stories of sex slavery and portraying the Government's anti-trafficking campaign in an overwhelmingly positive light. But the media, with a public primed on tales of "sex slaves," also had the power to produce ruptures in the Government anti-trafficking campaign.

### **Policing the Problem: Background on the Proactive Strategy**

The *UK Action Plan on Tackling Human Trafficking* offered a streamlined plan for combating human trafficking. The *Action Plan*, like *Paying the Price*, outlined what Grace Chang and Kathleen Kim call the "3-P" strategy of prevention, protection, and prosecution.<sup>160</sup> The "3-P" strategy informed UK tactical operations against sex trafficking and prostitution because the operations were premised on increased criminalization through new offences, stiffer penalties, and repressive police operations.

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<sup>158</sup> Erich Goode and Nachman Ben-Yahuda, *Moral Panics: The Social Construction of Deviance* (Cambridge, MA: Blackwell Publishers, 1994): 34.

<sup>159</sup> William T. Stead, "The Maiden Tribute to Modern Babylon," *Pall Mall Gazette*, 6-10 July 1885: Part I.

<sup>160</sup> Chang, Grace and Kathleen Kim, "Reconceptualizing Approaches to Human Trafficking: New Directions and Perspectives from the Field(s)," *Stanford Journal of Civil Rights and Civil Liberties* (August 2007).

Pentameter was officially linked to the UK prostitution policy shift. The “Operational Overview” for Pentameter 1 explains:

In January this year [2006], the Home Office announced its Coordinated Prostitution Strategy, which is clear in its opposition to the attitude that prostitution is inevitable; the ‘oldest profession in the world.’ It points out the exploitation and misery caused, and states that there is no place for such practice in our so-called civilised 21<sup>st</sup> century.<sup>161</sup>

Pentameter was an ambitious policing operation, including England, Scotland, Wales, Northern Ireland, and the Republic of Ireland in an unprecedented collaboration. The operation coordinated fifty-five police forces and NGOs such as the POPPY Project and CHASTE. Police forces and non-governmental agencies worked together through Pentameter in order to combat a single type of crime: sex trafficking. Although the phrase “human trafficking” was frequently used by officials in reference to Pentameter, sex trafficking was the target. The focus on sex trafficking is evidenced by the locations raided and the criminal charges laid. The goals of Pentameter were elaborated by the Gloucestershire Constabulary as the following:

- Raising national awareness of the issue of trafficking
- Identifying the scale of the problem
- Improving national and local intelligence about the organized criminal groups involved
- Recovery of victims and reduction of harm
- Asset recovery
- Making the UK a hostile environment for those involved in trafficking for the purposes of sexual exploitation<sup>162</sup>

There were actually two Pentameter operations. The pilot Pentameter was the “first proactive policing operation” in the UK; it shaped the law and order strategy of proactive policing endorsed by the *UK Action Plan on Tackling Human Trafficking*.<sup>163</sup> To perform proactive policing, the Police Service would no longer wait to learn about trafficking cases from victims, informants, or other agencies. Instead police would plan operations after conducting surveillance and cataloging indicators of trafficking. The UK Border Agency’s *Enforcement Instructions and Guidance: Immigration Offences and Breaches*, provided these psychological indicators for victims of trafficking:<sup>164</sup>

- Found in or connected to a type of location likely to be used for exploitation
- Distrust of authorities
- Expression of fear or anxiety
- Depression (lack of interest, hopelessness, suicidal)
- Hostility (annoyed and irritated easily, temper outbursts)
- The person acts as if instructed by another

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<sup>161</sup> Gloucestershire Constabulary, “Pentameter Operational Overview,” July 2006: 2.

<sup>162</sup> Gloucestershire Constabulary, “Pentameter Operational Overview,” July 2006: 1.

<sup>163</sup> Gloucestershire Constabulary, “Pentameter Operational Overview,” July 2006: 1.

<sup>164</sup> Home Office, UK Border Agency, *Enforcement Instructions and Guidance: Immigration Offences and Breaches*, Chapter 9 “Identifying Victims of Trafficking,” 9.4 Indicators of Trafficking, Last updated 24 May 2010.

The “type of location likely to be used for exploitation,” according to the police, the UK Human Trafficking Centre, and the UK Border Agency, was primarily “vice premises” such as brothels and flats where sexual services were sold.<sup>165</sup> According to Kamala Kempadoo,

A premise that still underpins many national anti-trafficking laws and policies is that not only is trafficking for work in sex industries a transnational crime, but sex work itself is a criminal act ... [M]any national laws reflect this position and condemn all prostitution as illegal and criminal activity, through which anti-trafficking campaigns advocate the prohibition of prostitution and the ‘rescue’ of young women and girls from cross-border sex work.<sup>166</sup>

Pentameter 1 and 2 were based on the model of “raid and rescue,” which we first encountered in the police raid on Cuddles massage parlor discussed in Chapter 3. Through proactive policing, premises are covertly monitored to gather intelligence, identify trafficking indicators, and plan strategic strikes. Once the “scoping phase” is complete, the “operational phase” begins to remove individuals from premises. Following raids, the UK Human Trafficking Centre, Police Service, and UK Border Agency engage in the delicate process of distinguishing trafficking victims from traffickers and immigration offenders.

Building on Pentameter 1, Pentameter 2 aimed to expand the reach of the operation by conducting raids on more locations and increasing the number of victims and traffickers recovered. It also aimed to raise the profile of trafficking by publicizing the number of people arrested and rescued. Unlike the Cuddles debacle, there would not be any televised raids. Instead, information about the anti-trafficking campaign would come in sound-bites and pre-selected statistics on Pentameter, disseminated to the media through press releases by the Home Office and UK Human Trafficking Centre. An unnamed spokesperson for the UK Human Trafficking Centre commented that combating trafficking could change attitudes. In the *BBC* article, “A ‘concerted’ effort to fight slavery,” the spokesperson asserts:

Anything we can do to raise awareness is important. I would hope people would be worried at the extent of the problem and would be very much against it. Rather like William Wilberforce who got a group of people together to act against slavery, it’s a case of creating an environment where it’s not acceptable. Like the climate that’s changing around mobile phones and driving or cigarette smoking, the shift in public opinion takes time. It’s creating an environment where people think, “Hang on, I can’t do that because it impacts on individuals.”<sup>167</sup>

The official seems to say that the UK Human Trafficking Centre needs to create an environment in which slavery is not acceptable. Such a statement would beget the question of why this environment does not already exist in Britain, especially with its avowed abolitionist history. It is more likely that this statement is similar to Dr. Tim Brain’s prediction, discussed in Chapter 4, of a “sea change” in attitudes towards prostitution that would flow from the overhaul of the Sexual Offences Act.

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<sup>165</sup> Home Office, UK Border Agency, *Enforcement Instructions and Guidance: Immigration Offences and Breaches*, Chapter 9 “Identifying Victims of Trafficking,” 9.6.1. Conducting Visits to Vice Premises, Last updated 24 May 2010.

<sup>166</sup> Kamala Kempadoo, ed. *Prostitution and Trafficking Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* (Boulder, CO: Paradigm Publishers, 2005), xxii.

<sup>167</sup> James Clarke, “A ‘concerted’ effort to fight slavery,” *BBC*, 19 March 2007.

The UK Human Trafficking Centre spokesperson believes that creating a hostile environment will change public opinion, but he or she fails to grasp that by depicting trafficking as “modern day slavery,” the British government had already positioned the problem as contrary to British culture and civilization. Slavery, unlike smoking cigarettes or speaking on the phone while driving, is viewed as a moral evil. If an activity is deemed “slavery,” it already occupies a conceptual space in which tolerance is impossible. In the statement above, there is a lack of clarity about the referents for various pronouns: the “it” that people should be worried about, and should stand against, could refer to “trafficking” or to “slavery” or to “prostitution.” In the spokesperson’s imaginary internal monologue of someone who decides he or she “can’t do that because it impacts on individuals,” the “that” and “it” could refer to “trafficking” or “slavery,” but the pronouns most likely refer to the act of purchasing sex. The longed-for shift in public opinion relates to abolishing prostitution and creating an environment in which *that* formerly-tolerated activity is no longer acceptable.

As discussed in Chapter 2, the visual and rhetorical economy of sex trafficking as “modern day slavery” relies on depicting victims as injured white women. Traffickers are less often portrayed, but when they appear discursively or visually, they are frequently depicted as Eastern European men. While victims are viewed as vulnerable young women from Eastern European “failed” states such as Estonia, Slovakia, Romania, and Lithuania, the Eastern European male traffickers are extremely cunning and organized criminals, conducting a criminal trade almost as lucrative as drugs trafficking and arms dealing. In this gendered fantasy of foreigners exploiting each other, the naïve women are duped by men who pretend to be friends or lovers or employers. The women, both helpless and avaricious, are seduced by the chance to move to, or to work in, the United Kingdom.

Below I provide an example of a public awareness campaign, sponsored by the Home Office and UK Human Trafficking Centre, that portrays a trafficker. The poster presents the stark either / or scenario of “Male friend / Human Trafficker.” Following this dichotomous proposition, the poster copy asks:

Did you arrange your own travel? Do you know who you’re meeting? Do you have your passport? Do you know where your journey is leading? If you feel frightened or unsure contact an official now or ring 999 Police / 11111 Missing Person Line / 020 7735 2062 POPPY Project (24-hour trafficking information line).



Although the trafficker is visually represented in the poster, the targeted viewer is the potential trafficking victim who must ask herself how much she knows about what she is doing. In “Cross Border Movements and the Law: Renegotiating the Boundaries of Difference,” Ratna Kapur argues that for anti-trafficking campaigns, “Even when curbing migration is not a stated programmatic focus, an inadvertent impetus is to dissuade women and girls from moving in order to protect them from harm.”<sup>168</sup> Arguably, the real audience for the poster is the British public: the poster raises public awareness that foreign women are duped into migrating by suave-looking men.

Narratives and visual representations of trafficking can only carry calls for attitudinal change and counter-action so far, however. To sustain momentum, the anti-trafficking campaign must discover actual villains and victims of sex trafficking and reveal them to the public. In other words, the rhetoric needs a real and material referent – images on posters and violent commercials may be arresting, but tangible results of policing missions confirm the truth of the trafficking story. The sex slavery panic cannot be sustained without evidence beyond public awareness campaigns, atrocity tales, and proliferating statistics because these campaigns are mobilized with the goal of rescuing victims. Thus police operations must show some real and material result for their efforts.

Bodies count in this crusade, whether they are the foreign bodies bringing sexual slavery into Britain or the “recovered” bodies of sexually-enslaved women. Because moral panics about sex slavery are constituted through public awareness campaigns and calls for state action, failure to find traffickers and trafficking victims undermines official claims about the nature and extent of the problem. The dilemma for British officials has been that the objects of rescue rarely conform to the characters in melodramatic trafficking narratives and visual depictions, and the objects of criminal justice, the traffickers, were, in the case of Pentameter, mostly women.

### **The Public Story of Pentameter: A Shining Example and A Great Success**

The UK effort to tackle trafficking, and Pentameter, was led by the UK Human Trafficking Centre, the first agency of its kind operating in Europe. Established in 2006, the Centre coordinates anti-trafficking efforts by police, immigration agencies, and NGOs. Its partners include the Crown Prosecution Service, UK Border Agency, Serious Organized Crime Agency, and HM Revenue and Customs. Its staff is primarily police officers, lawyers, and immigration officials. The Centre was originally located in a secret headquarters in Sheffield before being hosted by the South Yorkshire Police. In 2010, it was rehoused in the Serious Organised Crime Agency and acquired an independent legal status.<sup>169</sup>

The UK Human Trafficking Centre’s remit includes overseeing public awareness campaigns, identifying victims, gathering intelligence, and cultivating official competence in combating human trafficking. Competence in the area includes tracking trends in trafficking; developing rubrics for identifying trafficking victims; and training police and immigration officers in best practices for handling trafficking cases.<sup>170</sup> The Serious Organised Crime Agency states that the Centre “conducts

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<sup>168</sup> Ratna Kapur, “Cross Border Movements and the Law: Renegotiating the Boundaries of Difference” in Kamala Kempadoo, ed. *Prostitution and Trafficking Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* (Boulder, CO: Paradigm Publishers, 2005): 29.

<sup>169</sup> Serious Organised Crime Agency, [www.soca.gov.uk](http://www.soca.gov.uk), “New Legal Status for UK Human Trafficking Centre,” 1 April 2010.

<sup>170</sup> UK Human Trafficking Centre, [www.ukhtc.org](http://www.ukhtc.org), Accessed 14 April 2010.

research, develops improved training packages, promulgates best practice and develops an improved knowledge and understanding of the way criminal enterprises that are associated with human trafficking operate.”<sup>171</sup> The Centre itself proclaims its focus on victims. The website set up for the Centre confirms that it “promotes the development of a victim-centred human rights approach to THB [trafficking in human beings] and by working with Non-Governmental Organisations and other partners it aims to improve the standard of care offered to victims.”<sup>172</sup>

The statistics released by the UK Human Trafficking Centre for both Pentameter operations seemed impressive. The story promulgated by the Home Office, Police Service, and UK Human Trafficking Centre spoke to the state’s success in fighting trafficking and a future of proactive policing missions. Moreover, the official spin on Pentameter said victims were saved from sex slavery and traffickers brought to justice. The media quoted various officials who gave the same account of Pentameter as a shining example of police partnership and a great success for the UK anti-trafficking campaign.

The four-month trial operation, which ran from November 2005 to May 2006, tested the policing strategy by scoping areas suspected of sex trafficking and conducting raids on premises with a notable presence of foreign prostitutes. The official results of Pentameter 1, which enacted the strategy of “raid and rescue” on a vast scale, were the raiding 515 premises, arresting 232 people, charging 134 people, rescuing 188 women in prostitution, and identifying 88 women as victims of trafficking.<sup>173</sup> The number of victims was later reduced to 84.<sup>174</sup> Of the 232 suspects arrested, 134 people were charged with offences. Nevertheless, the Government considered Pentameter 1 to be a shining example of police partnership. Vernon Coaker, the Under-Secretary of State for Policing, Security and Community Safety, commended the agencies involved in Pentameter 1:

I would like to congratulate all those involved – police forces, the UK Immigration Service, the Serious Organised Crime Agency, the Crown Prosecution Service, the Poppy Project, the International Organisation for Migration, CHASTE, staff at the Home Office and all of you involved in a variety of organisational and individual capacities – for the roles you have played in the preparation, planning and delivery of this operation and the work that you continue to do. I would also like to thank the media for all that you have done to raise the awareness of this important issue.<sup>175</sup>

The UK Human Trafficking Centre stated that Pentameter 1 was “a shining example of partnership working and shows just how much can be achieved when people from across a variety of disciplines work together towards a common goal.”<sup>176</sup> And Home Secretary Jacqui Smith spoke of the impact of the operation on victims and criminals:

I believe that [Pentameter 2] cannot only build on the success of Pentameter 1 but will make a major difference on the ground by protecting and supporting victims whilst increasing the number of arrests and prosecutions of those criminals behind this serious crime. Pentameter 2 is the next stage in ensuring that the UK is a hostile environment for such criminals and

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<sup>171</sup> Serious Organized Crime Agency, [www.soca.gov.uk](http://www.soca.gov.uk), Accessed 5 July 2010.

<sup>172</sup> UK Human Trafficking Centre, [www.ukhtc.org](http://www.ukhtc.org), Accessed 14 April 2010.

<sup>173</sup> Gloucestershire Constabulary, “Pentameter Operational Overview,” July 2006: 1.

<sup>174</sup> UK Human Trafficking Centre, [www.pentameter.police.uk](http://www.pentameter.police.uk), Accessed 15 June 2010.

<sup>175</sup> Gloucestershire Constabulary, “Pentameter Operational Overview,” July 2006: 2.

<sup>176</sup> Gloucestershire Constabulary, “Pentameter Operational Overview,” July 2006: 2.

will send out a clear message that as a society we will not tolerate the exploitation and brutality perpetrated by these 21st century human traffickers.<sup>177</sup>

Less than six months after Pentameter 1 ended, the Home Office began Pentameter 2, the fully-elaborated operation to tackle sex trafficking. Pentameter 2 was the most lauded anti-trafficking operation in the UK and the largest policing operation in British history. It was launched in the significant year of 2007 along with the publication of the *UK Action Plan on Tackling Human Trafficking*. As presented in Chapter 2, the Home Office invoked the bicentennial anniversary of the abolition of the slave trade when announcing its action plan and landmark police operation against trafficking.

Pentameter 2 ran from October 2007 to March 2008; during that time, 822 premises were raided, including 582 residential properties, 157 massage parlors or saunas, and 83 hotels and UK ports of entry. Under the Proceeds of Crime Act of 2002, over £500,000 in cash was seized and over £3 million in assets were held in restraint. The Home Office stated that 167 victims of trafficking were recovered, which marked a rise in numbers from the 84 victims recovered during smaller-scale Pentameter 1. The number of people arrested on suspicion of human trafficking was originally released as 528, but this number was later reduced by police to 406.<sup>178</sup>

In keeping with the fanfare of Pentameter 2's, replete with allusions to abolition and pledges to end slavery, the conclusion of the operation was publicized and marked by a similarly laudatory tone. Glowing assessments came from prominent officials including ACPO Lead on Prostitution and Vice Matters Dr. Tim Brain; Home Secretary Jacqui Smith, and Head of the UK Human Trafficking Centre Nick Kinsella. All three struck a harmonious chord when describing Pentameter's impact and outcome. I quote each at length to highlight the verisimilitude of their statements and the congratulatory, occasionally circumspect, content of their assessments.

In the Chief Constable's Report for 2008-2009, Dr. Tim Brain claimed that Pentameter 2 delivered a serious blow against sex trafficking, demonstrated the excellence of his staff, and influenced how police conduct operations:

At its core this operation was about striking a blow against one of the most distressing aspects of serious and organised crime in this country: that of people trafficking for sexual exploitation. It was a large scale, coordinated operation, based in Gloucestershire and I am very proud that my staff have demonstrated excellence in delivering against the challenging task of national coordination. The lessons learned from are being considered and it should not be underestimated how this operation will influence developments within the Police Service.<sup>179</sup>

In this quotation, Brain reiterates the story of sex trafficking, portraying "people trafficking" as the traffic of women by organized crime. Applauding Pentameter 2, he affirms that "it should not be underestimated how this operation will influence developments within the Policing Service." Pentameter 2 grew from the pilot Pentameter, and Brain implies that more proactive policing

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<sup>177</sup> Jacqui Smith, Letter quoted in Women's UN Report Network, [www.wunrn.com](http://www.wunrn.com). Accessed 30 April 2009.

<sup>178</sup> Home Office, <http://press.homeoffice.gov.uk/press-releases/police-probe-trafficking>, Accessed 4 March 2009.

<sup>179</sup> Gloucestershire Constabulary, *Chief Constable's Annual Report 2008/2009*, 19.

missions can be expected in future. In a press release from the British government, Home Secretary Jacqui Smith concurred with Brain, offering a positive account of Pentameter's impact:

Pentameter 2 has been a great success. It is an excellent example of partnership working and I would commend all those involved who have made a real impact in rescuing victims and bringing to justice those who exploit them. Human trafficking has no place in modern society and I am absolutely determined that we continue to take tough action to disrupt these criminal gangs.<sup>180</sup>

Smith highlights the barbarity of human trafficking as she, too, underscores the menace of "criminal gangs." Lastly, Nick Kinsella, Head of the UK Human Trafficking Centre, joined ACPO Lead Dr. Tim Brain and Home Secretary Jacqui Smith in the official chorus of commendations for Pentameter 2. Kinsella judged the operation thus:

Pentameter 2 has been a great success and now the results need to be analysed in depth, to see what we have actually found .... The results from Pentameter 2 highlight that great steps have been taken to tackle the trafficking of human beings for the purpose of sexual exploitation. We need to build on what we have learnt and take this momentum forward. The UKHTC will continue to coordinate for the service in this regard, and with its partners will continue to take forward a diverse range of programmes to ensure that the UK becomes a hostile environment for traffickers.<sup>181</sup>

These statements concur that anti-trafficking measures were making the UK a hostile environment for "traffickers," "criminal gangs," and "organised crime." As I have argued, the UK was also a hostile environment for domestic and foreign prostitutes, who were being targeted through raids, and for immigrants from non-EU and Eastern EU countries, who were facing closed borders to stem sex trafficking. Victim outcomes were also deemed successful by officials, although they did not speak in detail of the experiences of women recovered in the police sweep. Given the high profile of trafficking victims in public awareness campaigns, it is worth noting their near absence in post-Pentameter discourse. Smith refers vaguely to Pentameter 2's "real impact in rescuing victims." Brain offers more detail, referring to victims as "saved from lives of abuse, exploitation and misery," but his statement quickly shifts from victims to "organised crime networks":

As a direct result of Pentameter 2 more than 160 vulnerable people have been saved from lives of abuse, exploitation and misery. Perhaps even more importantly, Pentameter 2 has been instrumental in seriously disrupting the organised crime networks responsible for human trafficking. Organised criminals view individual victims as merely another commodity, and their trafficking as a lucrative and relatively low risk activity. By arresting those involved in these offences and seizing their assets, we reduce the ability of these criminal networks to operate effectively.<sup>182</sup>

Except for press releases that gave simple statistics – 84 and 167 victims of trafficking recovered through Pentameter 1 and 2, respectively – the Home Office and UK Human Trafficking Centre

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<sup>180</sup> *Independent*, "Trafficking Crackdown Frees 170 Victims," 2 July 2008.

<sup>181</sup> Association of Chief Police Officers in Scotland, "Operation Pentameter 2 Exposes Human Trafficking," News Release, 2 July 2008.

<sup>182</sup> Gloucestershire Constabulary, *Chief Constable's Annual Report 2008/2009*, 19.

released little information on people determined to be trafficking victims, besides country of origin, age, and gender. Another pertinent piece of information, victim immigration status, was not made available although whether a victim was a British citizen, legal residency status, refugee, or asylum claimant influenced whether victims were processed through the UK Human Trafficking Centre or the UK Border Agency. No information was made available on immigration or criminal charges laid against victims or on the number of people, victims and perpetrators, who were deported as a result of Pentameter 2. Lastly, officials provided no discussion of the legal, medical, or housing assistance victims received from the UK Human Trafficking Centre or NGOs involved in Pentameter 2. The reason for these omissions may have been that data had not yet been fully analyzed and cases were on-going. That possibility, however, begets the question of why officials offered such positive assessments before a full and accurate picture of Pentameter 2 was known.

That the synchronized speech of Brain, Smith, and Kinsella came before a full analysis of the data was consistent with the British government's treatment of sex trafficking. As shown in Chapter 1, the UK had an established pattern of making claims and issuing pronouncements about the nature and extent of sex trafficking *before* thoroughgoing research had been conducted on the phenomenon. At the immediate conclusion of Pentameter 2, Nick Kinsella, at least, admitted that results needed to be "analysed in depth to see what we actually found." His circumspection stands out amidst the overwhelmingly positive appraisal of Pentameter 2, issued by Britain's foremost authorities in the Government and Police Service, without conclusive data on the mission.

The discourse of sex trafficking as "modern day slavery," as a phenomenon not fit for "modern society" yet perpetuated by "21st century traffickers," reverberated through press releases, Home Office statements, and Parliamentary addresses. On Pentameter, the Home Office, Police Service, and the UK Human Trafficking Centre publicly agreed that all was well, lessons were learned, and great steps were taken "against one of the most distressing aspects of serious and organised crime in this country." Based on the precedent of Pentameter, the Government would develop operations to ensure that the UK stayed a "hostile environment for traffickers." But, as Nick Kinsella promised, the UK Human Trafficking Centre did analyze the data on Pentameter 2. What the full analysis found threatened to undermine the credibility of the UK's anti-trafficking campaign.

### **The Restricted Report: An Internal Assessment of Pentameter**

In March 2009, the UK Human Trafficking Centre generated an internal report that compiled data from the fifty-five police forces involved in Pentameter 2. Titled the "Statistical Assessment of Victims Recovered and Suspects Arrests during the Operational Phase of Operation Pentameter 2," the report was meant for official eyes only. It included data on the number of suspects and victims recovered and the criminal charges laid against them.<sup>183</sup> The cover page came embossed with the following five commands:

1. the report can only be circulated within departments according to security regulations
2. the report is "supplied in confidence and may not be disseminated beyond the agreed readership / handling code recipient without prior reference to UKHTC"
3. "no part of the report may be disclosed"
4. the report contains "Sensitive Material"

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<sup>183</sup> UK Human Trafficking Centre, "Statistical Assessment of Victims Recovered and Suspects Arrested During the Operational Phase of Operation Pentameter 2," HTC-IN-05-09 (30 March 2009). Hereafter "statistical assessment." A copy of the complete statistical assessment was posted to the *Guardian* website on 21 October 2009.

Lest this anxious-sounding set of handling instructions become divorced from the report, the fifth and final stipulation addressed this exigency by stating “this cover sheet must not be detached from the report to which it refers” (1).

The purpose of the fifty-three page report is “to give a statistical account of the outcomes of cases relating to victims recovered and suspects arrested during UKP2” (2). The report states that the “primary aim of [Pentameter 2] was to identify and recover victims. The secondary aim was as an intelligence gathering exercise for all forms of human trafficking” (4). Additionally, two key points, germane to this discussion, are given:

1. This assessment is a snapshot in time rather than an end to end picture of UKP2
2. Force returns have indicated that individuals found in similar circumstances have been declared victims by one force and suspects by another<sup>184</sup>

The long-range results for Pentameter 2, compiled in the statistical assessment, counter the positive public assessment offered by ACPO Lead Dr. Tim Brain, Home Secretary Smith, and Nick Kinsella of the UK Human Trafficking Centre. Although some cases were still on-going when the statistical assessment was drafted, the report provides enough detailed and direct information to show that not only were arrests and rescue rates low, compared to the portrayal of vast “crime networks” and thousands of women trafficked each year, but the operation resulted in the active criminalization of victims. Of the fifty-five police forces engaged in Pentameter 2, twenty-five forces reported that they did not discover any trafficking victims or traffickers. From the thirty-five police forces reporting figures, the statistical assessment lists a total of 164 individuals recovered over the six month operation (8).

The results for victims indicate widespread noncompliance with officials and that very few victims received support or assistance from officials. Of the 164 victims recovered, 35 people are reported as voluntarily returned to their countries of origin and 16 “were removed by UKBA due to their immigration status.” Additionally, 32 victims declined support and their whereabouts, as of February 2009, were unknown to police and immigration officials. An additional 39 victims absconded. Ten immigration cases are logged in the statistical assessment as on-going, and the seven cases remaining cases referred by police to the UK Border Agency were lost in the system. In other words, the whereabouts of these victims was unknown to authorities. In total, the statistical assessment states that one victim received support by a “partner organization,” and 11 others “remain in the UK either with NGOs or other support” (9). Given that such a small minority, 7% (12 out of 164), of recovered victims received support, while almost half disappeared, and over half refused to cooperate, it would appear that something is wrong with the way the UK is tackling trafficking.

The UK Human Trafficking Centre report shows that the women recovered through Pentameter 2 rarely received protection or support from state agencies. The overwhelming majority of Pentameter 2’s recovered victims were removed from the UK, declined support, absconded, or disappeared. Beyond being returned to their country of origin, some victims were also punished by the agencies charged with helping them.

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<sup>184</sup> UK Human Trafficking Centre, “Statistical Assessment of Victims Recovered and Suspects Arrested During the Operational Phase of Operation Pentameter 2,” HTC-IN-05-09 (30 March 2009): 2.

According to the statistical assessment, Pentameter 2 resulted in 27 designated victims of trafficking being charged with non-immigration offences, including two with trafficking offences. Nine victims received cautions for offences including prostitution, controlling prostitution, brothel management, ID fraud, shoplifting, and drug possession. Three individuals were convicted of offences: two for trafficking and one for shoplifting. Under the heading, “Victims charged with offences,” the statistical assessment states, “one trafficking conviction was for a 21-year-old Hungarian national who received a sentence of 12 months in a young offenders institution.” It reports that a 25-year-old Thai national was also convicted and given a twelve month sentence (8).

Charging victims of trafficking with trafficking, prostitution, and immigration offences violates the Council of Europe Convention on Action against Trafficking in Human Beings. In Article 26, the “Non-Punishment Provision,” declares that, “Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.”<sup>185</sup> Four additional criminal cases were still in court at the time the statistical assessment was drafted, and one additional charge of trafficking against a victims was listed to lie on file, i.e., the charge was not pursued but it will remain a part of the criminal record (8). The criminal charges, cautions, and convictions indicate that far from being a “victim-centred” initiative, as the UK Human Trafficking Centre website proclaims, Pentameter 2 criminalized a sizeable number of trafficking victims.

In addition to these disquieting facts, two results in particular stand in contrast to the dominant portrayal of sex trafficking in the UK. First, as previously presented in textual and visual depictions of sex trafficking, the “face” of the victim is that of a young Eastern European women. Contrary to this representation, most of the women recovered through Pentameter 2 were not EU nationals or Eastern European. Over half of the women deemed victims of trafficking by British authorities came from China or South-East Asia (6). There was a similar result with regard to suspects. The largest percentage of people arrested, 47 percent, also came from China and South-East Asia (11). Second, according to the statistical assessment, 57 percent of the people arrested were women and “the largest proportion of females arrested was between 31 and 50 years of age” (13). That the majority of suspects were women suggests that it may be women who assist other women to migrate and work in the sex industry. It may be primarily women who manage parts of the sex industry; this surmise is supported by the statistical assessment, which states that the most common reason for arrest under Pentameter 2 was brothel management, and not sex trafficking (18).

Alternatively, the fact that mostly women were arrested may indicate that foreign women in the sex industry were heavily targeted, as criminals and as victims, by Pentameter 2. It is not certain what the results say about sex work and policing tactics, but we can conclude that the UK Human Trafficking Centre’s restricted data on Pentameter 2 contradicts official claims about sex trafficking and about the success of the operation. The “criminal gangs” Home Secretary Smith referred to were mostly made up of women, between the ages of 31 and 50, from China and South-East Asia. In accord with these results, the public awareness poster produced by the UK Human Trafficking Centre, featuring a white man with the script “Male Friend / Human Trafficker,” should show the face of an Asian woman and another dichotomy. Because the statistical assessment completely unsettles the gendered

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<sup>185</sup> Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe Treaty Series – No. 197, Warsaw, 16.V.2005.

script of trafficking narratives, its data should have undone the popular profile of, and discourse about, “the trafficker” and “the trafficking victim.”

The Pentameter 2 results should have sent the Home Office and Police Service back to the drawing board to revise its image of trafficking as Eastern European women run and ruled by men. This atrocity tale misrepresents the experiences of both migrant sex workers and trafficking victims by offering a simple story of victim and villain. Moreover, it bypasses other forms of exploitation that occur outside of the sex industry, while seeing abuse that is not necessarily there, in the presence of foreign women in prostitution. The results could change theories about how sex trafficking happens or, indeed, what exactly is happening when women migrate and enter sex work. The silence over the results is deafening particularly because one of Pentameter 2’s stated goals, presented above, was to gather intelligence on “all forms of human trafficking.” Neither the UK Human Trafficking Centre nor the Home Office discussed the fact that the majority of both victims and suspects recovered through Pentameter 2 were women. The lack of transparency about the results reveal that authorities did not intend to trouble the dominant representation of sex trafficking despite the fact that the Home Office had evidence against its past portrayal of sex trafficking. The information complicating the official story was not released to the public; instead, as shown, officials continued the discourse about “criminal gangs” and “21<sup>st</sup> century traffickers.”

In the dominant understanding of sex trafficking, women are depicted as victims and not criminal masterminds. Although women are implicated in the migration of other women into sex work, they do not feature in trafficking discourse unless they are cast as victims. Women are made discursively unintelligible as traffickers, but if their conduct fits the British legal definition of trafficking, they can and will be charged with that offence. As revealed by the statistical assessment, women have been treated as both trafficking victims and criminals by British police and immigration authorities. For officials to acknowledge, let alone reveal, that Pentameter 2 resulted in the arrest of women would trouble the triumphal account of rescue and recovery. It would raise questions about the nature of the operation, which ostensibly aimed to recover enslaved women. Furthermore, it would encourage inquiries into what happened post-rescue (or arrest) to the hundreds of women taken up by Pentameter 2 as both victims and villains of trafficking.

Instead, the narrative closure in the official public story came with the arrival of police and the release of positive, albeit partial, statistics on Pentameter 2. In this way, the British government provided a happy ending to the trafficking story with the liberation of “sex slaves” and the capture of “criminal gangs.” The restoration delivered by the “raid and rescue” operation insisted that women return to their home countries through the benevolence of British state intervention. But, due to the persistence of one *Guardian* journalist, the Home Office and the UK Human Trafficking Centre could not keep the full data on Pentameter 2 restricted. If the internal report had remained restricted, the public would have been forced to accept the official version of Pentameter 2. The Home Office declaration that “Pentameter 2 has been a great success” would be the authoritative truth about the operation. It is not overstating the case to say that the *Guardian* exposé by Nick Davies changed the terms of trafficking discourse in the UK. Davies’ criticism of the Government was all the more damaging because it came from data produced by the UK Human Trafficking Centre itself.

## **The Second Story: Nick Davies' Exposé and Troubling Legal Definitions of Trafficking**

On 20 October 2009, seven months after the UK Human Trafficking Centre generated the statistical assessment, the *Guardian* published an exposé written by investigative journalist Nick Davies based on the data in that restricted report. Davies wrote two articles directly challenging the Government's claims about Pentameter 2, with headlines that summarily articulated his criticisms: "Inquiry Fails to Find Single Trafficker who Forced Anybody into Prostitution" and "Prostitution and Trafficking – Anatomy of a Moral Panic."<sup>186</sup> The first article treats the dubious results of Pentameter 2 and the second lampoons the "tide of misinformation" that the Government and various NGOs promoted about sex trafficking in the UK. In the Introduction to the dissertation, I presented Davies' comparison of American intelligence on weapons of mass destruction and the proliferation of sex trafficking estimates commissioned by the British government. Davies stated:

In both cases, the cycle [of misleading stories] has been driven by political opportunists and interest groups in pursuit of an agenda. In the case of sex trafficking, the role of neo-conservatives and Iraqi exiles has been played by an unlikely union of evangelical Christians with feminist campaigners, who pursued the trafficking tale to secure their greater goal, not of regime change, but of legal change to abolish all prostitution.<sup>187</sup>

Juxtaposing distortions driven by the Government and disseminated by media, Davies challenged the central premise of the anti-trafficking campaign that thousands of trafficking victims and traffickers were hidden throughout the UK. He asserted that "the UK's biggest ever investigation of sex trafficking failed to find a single person who had forced anybody into prostitution in spite of hundreds of raids on sex workers in a six-month campaign by government departments, specialists agencies and every police force in the country."<sup>188</sup> According to Davies, police claimed in July 2008 that Pentameter 2 resulted in the apprehension of 351 victims and 528 suspects. The UK Human Trafficking Centre's statistical assessment confirms that the Association of Chief Police Officers released the 528 figure in the press release from 2 July 2008 and, also, on the ACPO website several months later in November of 2008. These were the Pentameter results initially disseminated by the press. Officials publicly corrected these results and reduced the figures from 351 to 167 victims, which was further reduced to 164 in the statistical assessment, and from 528 to 406 suspects.

Davies argued, however, that even these reduced numbers were huge exaggerations. The figures represent the initial number of people apprehended by Pentameter 2. In other words, these numbers represent results compiled *before* individuals were interviewed, classified, and charged with offences. Arrests leading to conviction were, in fact, extremely low and the majority of designated victims did not benefit or receive aid, as discussed above. Official claims that Pentameter 2 resulted in hundreds of traffickers being apprehended and almost two hundred victims recovered were premature and inaccurate. Interpreting the changing results, Davies asserts that 122 arrests were "wrongly recorded either through honest bureaucratic error or apparent deceit by forces trying to chalk up arrests which they had not made." The statistical assessment itself offers various reasons for the change in numbers ranging from "one suspect was included in a force's return but for drug trafficking not

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<sup>186</sup> Nick Davies, "Inquiry Fails to Find Single Trafficker who Forced Anybody into Prostitution," *Guardian*, 20 October 2009. Hereafter "Inquiry Fails," Nick Davies, "Prostitution and Trafficking – Anatomy of a Moral Panic," *Guardian*, 20 October 2009.

<sup>187</sup> Nick Davies, "Inquiry Fails to Find Single Trafficker who Forced Anybody into Prostitution," *Guardian*, 20 October 2009.

<sup>188</sup> Nick Davies, "Inquiry Fails to Find Single Trafficker who Forced Anybody into Prostitution," *Guardian*, 20 October 2009.

human trafficking” to “22 individuals have been removed from the suspects total as they were also recorded as victims. These have been considered in the victim section of this report” (10). Clearly, distinguishing between victims and perpetrators plagued the implementation of Pentameter 2 and police force returns.

In addition to the difficulty of telling trafficking victims and traffickers apart, which would arguably be easy if the dominant trafficking story held true in reality, few people arrested for trafficking were actually charged with that particular offence. According to Davies, of the 406 confirmed arrests, “153 had been released weeks before police announced the success of the operation: 106 of them without any charge at all and 47 after being cautioned for minor offences.” Instead of being charged with trafficking, most of those arrested were charged with offences connected to immigration, drugs, and prostitution. Davies states, “73 were charged with immigration breaches [and] 76 were eventually convicted of non-trafficking offences involving drugs, driving or management of a brothel.” According to the statistical assessment, the most common reason for arrest under Pentameter 2 was brothel management, not trafficking for sexual exploitation (18).

Of the 406 people arrested through Pentameter 2, only 67 individuals were charged with trafficking. Of those charged, Davies reports that 47 people never made it to court while seven people were convicted of other crimes, with their charge of trafficking directed to lie on file. The UK Human Trafficking Centre’s statistical assessment confirms these ambivalent case outcomes, adding that 35 people were acquitted of trafficking and two “females convicted of trafficking were identified in the victim database. A further victim has been charged with trafficking and is still progressing through the criminal justice system” (15). These are stunning results for Pentameter 2, which reveal the gulf separating political spin and actual outcome.

From the laudatory reports of “528 arrests,” Davies reports Pentameter 2 resulted in trafficking conviction against ten men and five women. He explains “the end result was that, after raiding 822 brothels, flats and massage parlours all over the UK, Pentameter finally convicted of trafficking a grand total of 15 men and women.” Davies maintains that “there were just five men who were convicted of importing women and forcing them to work as prostitutes. These genuinely were traffickers, but none of them was detected by Pentameter.” Two men had been in custody seven months before Pentameter was launched in October 2007 and the other three were arrested as a result of a woman going to police in 2006. Thus, of the fifteen confirmed trafficking convictions reported in the statistical assessment, five of the men and all of the women were jailed for offences in which, according to Davies, “there was no evidence of their coercing the prostitutes they had worked with.” Hence the headline of Davies’ front page article. This seemingly oxymoronic outcome of “trafficking” convictions in which the victims were not forced into prostitution is possible because the convictions were obtained using a definition of trafficking that does not require force, fraud, or coercion.

In contrast to the popular portrayal of sex trafficking, the prosecutions that grew from Pentameter were based on a legal definition of trafficking that criminalizes migration. The British government added a sex trafficking offence to its criminal code during the legislative overhaul that codified the “sympathetic shift” in prostitution policy, analyzed in Chapter 4. The sex trafficking offence, found in Section 57 of the Sexual Offences Act of 2003, does not stipulate force, fraud, or coercion. The offence of trafficking for the purpose of sexual exploitation reads as follows:

(1) A person commits an offence if he intentionally arranges or facilitates the arrival in the United Kingdom of another person (B) and either -

(a) he intends to do anything to or in respect of B, after B's arrival but in any part of the world, which if done will involve the commission of a relevant offence, or

(b) he believes that another person is likely to do something to or in respect of B, after B's arrival but in any part of the world, which if done will involve the commission of a relevant offence.

(2) A person guilty of an offence under this section is liable -

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 14 years.<sup>189</sup>

The sub-conditions of the offence address whether the accused *intended* to commit an offence or *believed* that someone else would commit an offence. While anti-trafficking discourse is replete with atrocity tales of women threatened, raped, beaten, coerced, and tricked by traffickers, British law targets anyone who *intentionally arranges or facilitates the arrival in the United Kingdom of another person*, if that other person is later classified as a trafficking victim. The verbs “arranges” and “facilitates” constitute the principal actions in the commission of the crime. The definition omits violence in the form of physical harm or threats of harm, while stressing assistance and facilitation. The translation of the constitutive conditions of trafficking to the facilitation of migration means that trafficking is not about violence. Trafficking, according to British law, is about prostitution and migration.

Section 57 is not a strict liability offence in which individuals are culpable whether or not they knew that the migrants would be exploited. If the accused “believes” or “intends” that the migrant will be sexually exploited after migration, and the migrant becomes a victim of sexual exploitation, then the accused can be found guilty of sex trafficking. The elastic notions of “belief” and “intention” stop the offence from becoming one of strict liability. Still, the law has teeth: in addition to creating an expanded notion of trafficking, and in turn enabling more prosecutions, it works pre-emptively to deter migration.<sup>190</sup>

By contrast, the United Nations defines trafficking in persons thus:

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, 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.<sup>191</sup>

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<sup>189</sup> Home Office, *Sexual Offences Act*, 2003.

<sup>190</sup> Belinda Brooks-Gordon, “Red Mist Obscures Red Light Statistics,” *Guardian*, 3 April 2009.

<sup>191</sup> United Nations Office of Drugs and Crime, *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, A / 55 / 383, 2000.

The British legal definition of trafficking differs significantly from the UN definition, which is premised on the presence of violence and exploitation. The UN does not restrict its definition to sex trafficking. It targets force, fraud, or coercion used to effect migration for the purpose of labor exploitation in any industry. The necessary conditions of human trafficking are outlined explicitly as violence and abuse of the person or persons who migrate.

Although the UK Sexual Offences Act of 2003 concerns only sex trafficking, its scope is far more expansive than the UN directive. The British offence includes in its definition activities outside the scope of trafficking because its target is the facilitated migration of individuals into the British sex industry. This is a critical distinction that criminalizes volitional migration. Section 57 outlaws actions that may have nothing to do with trafficking for sexual exploitation, such as helping to arrange the transportation or traveling with an individual to the UK. If the Government conflates “foreign” with “forced,” as it has repeatedly done when producing estimates on sex trafficking, this means that anyone who assists a woman to migrate can be charged with trafficking if she ends up in sex work. In the UK, the term of “trafficking” remains static in popular discourse, but its referent in law shifts from “criminal gangs” “profiting off the misery of others with no concern for the societal or consequences” to people helping others to cross borders legally and illegally for work, which is usually termed “smuggling.”

The UN retains the critical distinction between trafficking and smuggling. According to the UN, smuggling involves an individual paying someone to help him or her cross borders, which may be criminalized and may involve economic exploitation. Smuggling, on the one hand, involves the exchange of money for mobility and the contract ends when the destination is reached. Migrants are then left to their own devices in the destination country, although they may still owe money to the smuggler. This situation places persons in debt-bondage, which is a form of economic exploitation, but remains distinct from trafficking for labor exploitation. Trafficking, on the other hand, involves forced migration against a person’s will or under false premises and labor exploitation begins upon arrival in the destination country. Indeed, the purpose of trafficking is to move the migrant into a labor exploitative situation organized by the trafficker. Smuggling is not premised on violence and smuggled migrants both seek to move and are aware of the final destination. Trafficking is, by definition, premised on violence and trafficked migrants often do not know their final destination.

The UN and UK definitions of trafficking differ in both aim and execution. The UN definition focuses on the victim by outlining the violence accomplished in and by the act of trafficking. The UK legal definition of trafficking focuses on the accused’s knowledge aforethought, expanding trafficking to encompass non-violent actions that enable migration. The British offence allows for retroactive punishment; exploitation in future extends to the past act of assisting the migrant to move. This definition of trafficking moves from the discourse of “modern day slave trade” to arrive at the criminalization of non-violent and non-coerced migration. The crime involves two separate acts – one of assistance to migrate and one of sexual exploitation – only one of these acts has to be committed for an individual to be charged with sex trafficking. This offence assigns liability for exploitation both to individuals who abuse the migrant and to individuals who assisted in border crossing. Ratna Kapur explains the panic over trafficking and border crossing thus:

The current moment of globalization is witnessing an extraordinary movement of people, legitimate and illegitimate, across national and international borders. These movements are exposing the porosity of borders, the transnational reality of migrant existence, and the contingent foundation of international law. And this global movement of people has created

a panic across borders – a panic which is manifesting itself in the strengthening of border controls, tightening of immigration laws, and casting of the ‘Other’ as a threat to the security of the nation-state.<sup>192</sup>

The rhetoric of slavery portrays trafficking as violent exploitation (i.e., the overriding of someone’s will for the gain or profit), while the law on the books criminalizes assisted migration if it ends in sex work. This discrepancy, between popular and legal discourse, opens courtroom doors to cases of individuals charged with assisting border crossings for migrant sex workers and explains why there were trafficking convictions – albeit a very small number – and yet no confirmed case of forced prostitution or migration. Without a general understanding that the legal definition of trafficking differs from the popular portrayal of the crime, trafficking convictions are read by the public as the just punishment of people engaged in “modern day slavery.”

As of October 2009, no one had been convicted of forcing anyone into sex work through the efforts of Pentameter 2. Each of the fifteen convictions reported in the UK Human Trafficking Centre statistical assessment was obtained through an offence that elides the use of force. In other words, no one was found guilty of forcing women, men, or children into prostitution despite this being the dominant idea of sex trafficking. Considering the broader legal definition of trafficking used for Pentameter 2, the number of convictions is remarkably low. The fifteen convictions, exposed by Davies, stand as a startling refutation of Home Office’s claims that Pentameter 2 was a “great success” and “shining example” of policing practice. In the end, Pentameter 2, intended to be the pinnacle of the anti-trafficking campaign, undermined official claims that thousands of women had been trafficked to the UK each year.

Officials generally held fast to the notion that the anti-trafficking strategy was working, but when Davies confronted Grahame Maxwell, Programme Director of the UK Human Trafficking Centre, with the statistical assessment data, he gave a revealing admission. Maxwell acknowledged that the data painted a different picture than the dominant trafficking story. Maxwell admitted, “The facts speak for themselves. I’m not trying to argue with them in any shape or form.” He confirmed that the issue of sex trafficking had been greatly exaggerated, although he spared mentioning who exactly was responsible for the distortions of data and misrepresentations of the problem:

What we’re trying to do is to get it gently back to some reality here. It’s not where you go down on every street corner in every street in Britain, and there’s a trafficked individual. There are more people trafficked for labour exploitation than there are for sexual exploitation. We need to redress the balance here. People just seem to grab figures from the air.<sup>193</sup>

As presented in Chapter 2, the UK Human Trafficking Centre campaign, *Blue Blindfold*, warned that trafficking was “happening here” while depicting blindfolded Britons in quotidian scenes on buses, balconies, and park benches. The people readily grabbing “figures from the air” have been Ministers of Parliament, Home Secretaries, and Chief Constables such as Maxwell’s colleague, Dr.

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<sup>192</sup> Ratna Kapur, “Cross Border Movements and the Law: Renegotiating the Boundaries of Difference” in Kamala Kempadoo, ed. *Prostitution and Trafficking Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* (Boulder, CO: Paradigm Publishers, 2005): 25.

<sup>193</sup> Nick Davies, “Inquiry Fails to Find Single Trafficker Who Forced Anybody into Prostitution,” *Guardian*, 20 October 2009.

Tim Brain. In Chapter 1, my analysis showed that the foundational trafficking figures were produced by flawed studies commissioned by the Home Office. Maxwell casting the UK Human Trafficking Centre as trying “to get it gently back to some reality” is a spurious denial of the central role the Centre played in spreading incendiary accounts and inaccurate data about trafficking. Clearly, Maxwell’s conciliatory statement could not have been elicited if Davies had not won access to the statistical assessment the Centre had tried to restrict.

Because the UK trafficking offence can apply a criminal charge against anyone who helped to arrange the movement of someone who ends up in sex work, the offence makes it harder for women to migrate. The conflation of smugglers with traffickers forces women to move alone or with the assistance of individuals willing to flout the law. Otherwise, women must stay at home (where it is safe?), which is exactly what British politicians and police have advised in the same breath that they cite the bankrupt states, criminal gangs, and corrupt police operating in women’s “home” countries.

Nick Davies quotes Ruth Breslin, of the POPPY Project, responding to the UK Human Trafficking Centre statistical assessment in this way, “I don’t know the ins and outs of the police operation. It is incredibly difficult to establish prevalence because of the undercover and potentially criminal nature of trafficking and also, we feel, because of the fear that many women have in coming forward.”<sup>194</sup> The Home Office and some anti-trafficking advocates have explained that victims refuse to assist British authorities due to fear of their traffickers. They maintain that victims are too traumatized to talk or too afraid for themselves or their family to receive assistance from British officials or to cooperate in criminal cases. Victim refusals are attributed by officials to “corrupt police back home” and distrust of *other* police forces. The UK Border Agency’s manual for identifying victims of trafficking states that “individuals may not perceive themselves to be victims or be willing to disclose they are a victim due to”:

- A fear of retribution/reprisals from their traffickers
- Fear and suspicion of the authorities, and a lack of awareness that these figures are in a position to help
- Fear resulting from Juju or witchcraft rituals
- Fear that their traffickers will accuse them of being complicit in their trafficked situation
- Toleration of their situation as it is more favourable than their home circumstances
- Being in a relationship with their traffickers
- Stockholm syndrome, where due to unequal power victims create a false emotional or psychological attachment to their controller
- Fear of discrimination from their community and families<sup>195</sup>

These explanations for victim resistance share something in common. They all locate the cause of noncompliance elsewhere, with violent traffickers or with victims’ community, family, religion, or toleration of their degraded situation because it is better than home. The one explanation above that implicates British officials assures that noncompliance is caused by victims’ “lack of awareness that

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<sup>194</sup> Nick Davies, “Inquiry Fails to Find Single Trafficker Who Forced Anybody into Prostitution,” *Guardian*, 20 October 2009.

<sup>195</sup> UK Border Agency, *Victims of Trafficking: Guidance for Frontline Staff*, October 2010: 11.

these figures are in a position to help.” Thus, one of the British Government’s primary agencies for processing victims, the UK Border Agency, refuses to reflect upon the methods it uses to categorize individuals and the effects certain kinds of contact with authorities might have on victim receptivity. Unmentioned is the possibility that individuals recovered through raids may (rightly) fear British police and immigration officers: the authorities who facilitate their “rescue” and determine their fate in the criminal justice and immigration systems. Instead, victim noncompliance is taken as evidence of the trauma of trafficking.

Kamala Kempadoo writes that “while trafficked persons are designated ‘victims’ under various policies and laws, unless they become informants to the police, they are treated as illegal immigrants and criminals, and as threats to national security.”<sup>196</sup> Detention, deportation, and criminal charges are the risks women run after being rescued through UK anti-trafficking raids. Foreign women working in the UK sex industry do not desire contact with state officials who many do not trust. Despite the Government’s pledge to ensure that “victims are treated first and foremost as victims of crime rather than immigration offenders,” restrictions on immigration and the criminalization of (most) sex work ensures that victims of sex trafficking avoid British authorities for fear of revealing their immigration status and involvement in prostitution.<sup>197</sup> While staying off the official radar may make migrant women and sex workers more vulnerable to violence and exploitation, it at the same time shields them from criminal and immigration charges. Therefore, noncompliance in the face of possible self-incrimination can be adopted as a survival strategy to avoid penalties applied by British authorities.

As demonstrated by the UK Human Trafficking Centre statistical assessment, the fact that both migrant sex workers and victims of trafficking have been charged with criminal offences indicates that their mistrust of British authorities is well-founded. A foreign woman in the British sex industry cannot know in advance whether authorities will determine her to be a victim of trafficking, an immigration offender, or a legal migrant working illegally. A migrant who enters prostitution, but finds the conditions exploitative or abusive, does not fit into the British definition of a trafficking victim. According to UK law and the results of Pentameter 2, once a woman says “yes” to migration for the purpose of prostitution, she cannot say “no” to exploitation. This reliance on victim innocence and ignorance, analyzed in the next chapter, illustrates the dismissal of those who do not match the idealized image of “the trafficking victim,” i.e., the woman deceived, threatened, or forced into sex work. That this criteria of coercion and violence is necessary for women to be deemed victims of trafficking, while the UK trafficking offence allows for criminal convictions without any proof of coercion or violence, is one of the great ironies of the UK anti-trafficking campaign.

Although extreme cases of violent sex trafficking are portrayed as typical by the Home Office, Pentameter 2 did not recover victims that neatly fit this description. The operation found women exploited in sex work, but many designated victims of trafficking were also detained, deported, or charged with criminal offences. British authorities may be proud of Pentameter 2 and may see themselves as agents “in a position to help,” but they do not appear to be viewed as such by those they claim to save.

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<sup>196</sup> Kamala Kempadoo, ed. *Prostitution and Trafficking Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights* (Boulder, CO: Paradigm Publishers, 2005): xv.

<sup>197</sup> Home Office, *UK Action Plan on Tackling Human Trafficking*, London: HMSO (March 2007): 9.

Furthermore, the blocking of British borders means that there are fewer legal migration routes and clandestine / criminalized migration becomes the viable option for border crossing. This strategy begets the need for immigration brokers, smugglers, traffickers, and complicit employers and creates a concomitant need for border patrols, tough legislation, and mechanisms to distinguish trafficking victims and immigration offenders. With the UK placing restrictions against people from outside of the European Union and from certain EU countries (e.g., Bulgarian and Romania), people who wish to move must find alternative migratory channels through friends, family, acquaintances, smugglers, and traffickers. Criminalizing migrants, and those who assist them, creates clandestine, irregular, or “no status” migration.

The criminalization of certain forms of migration has occurred in tandem with the closure of British borders, resulting in the removal of legal migration routes and tougher criminal sanctions for illegal border crossing. There has been slight resistance to the restriction of migration, in part because the tightening of borders is referred to, and regarded as, a counter-trafficking initiative. Additionally, the thread of anti-immigrant sentiment that reckons foreigners are a drain on social services became particularly pronounced in the 2000s: the notion of “bogus asylum seekers” and the increasing ire against “economic migrants” made immigrants into boogiemens to blame for Britain’s troubles.

## **Conclusion**

This chapter told two stories: the official version of Pentameter’s success and the counter-discourse of Pentameter’s failure to aid trafficking victims and prosecute traffickers. I first underscored the vital importance of Pentameter to the UK anti-trafficking campaign: the policing operation was essential to the production of material evidence that proved the problem of sex trafficking. In other words, like a Cuddles raid writ large, Pentameter’s success rested in its capacity to concretize Home Office claims that there was a sex trafficking problem in Britain and that it was tackling the threat. After much talk about the trafficking menace, the clearest proof of a successful anti-trafficking campaign would be the foreign bodies, of criminals and victims, captured by British police.

But the analysis has shown that the results of Pentameter 2 contradicted claims made about sex trafficking by British officials since 2000. Official declarations of Pentameter’s success were a face-saving measure by a Government that had decried a sex trafficking epidemic in absence of verifiable data. Rather than underground trafficking cartels and Eastern European women locked in massage parlors, Pentameter 2 revealed limited labor options for migrants and increased criminalization of sex workers. It is telling that Pentameter, like the Vice Commissions of the nineteenth century, did not uncover an international trade in women. What is more revealing is that the results did not affect the positive portrayal of the anti-trafficking campaign by the Government or its depiction of sex trafficking as an organized underground trade in women by men. In 1910, the New York Grand Jury changed the description of white slavery to a *dis-organized* traffic after it failed to uncover a vice trust trading in white women. In 2010, the British government continued to speak of sex slaves and organized criminal networks despite the divergent results of Pentameter 2.

British officials avoid discussing any negative effects of the anti-trafficking campaign, but victim noncompliance speaks volumes about the ways in which women can undermine attempts to make them into state witnesses or material evidence of trafficking. Behind the reported number of victims and the official narrative of trafficking, there are stories of disappearance, of noncompliance, of silence, and of defiance.

The official line did not convince Nick Davies. Bucking the trend in British journalism to repeat official pronouncements on trafficking and to publish sensational “sex slave” articles, Davies interrogated the dominant sex trafficking story and discovered that the Government’s data did not correspond with its public record. To people skeptical of anti-trafficking efforts, the exposure of the UK Human Trafficking Centre statistical assessment came as a shock. The English Collective of Prostitutes, for instance, finding validation for its long-standing criticism of the anti-trafficking campaign, plastered the door of its Kentish Town headquarters with the *Guardian* article. To people convinced that there was an epidemic of sex trafficking, the UK Human Trafficking Centre data did not make sense. If Pentameter failed to uncover victims of trafficking, then the police had not looked hard enough. In the ensuing debate over the scale of sex trafficking, the *BBC* radio program *More or Less* addressed the contradictory trafficking statistics. During the program the sociologist of sex work, Julia O’Connell Davidson, asked:

If politicians really believe figures like [25,000 victims of trafficking], then what do they think the police are playing at? How is that three quarters of a million men can find a sex slave every day, but when highly-trained police officers run a special nationwide operation lasting months, they can only find at best a couple of hundred women that they think might be victims of trafficking?<sup>198</sup>

Pentameter 2 was a policing mission of unprecedented scale, yet the raids and intelligence did not find the phenomenon described by the British government. The disjuncture between trafficking estimates and the number of women recovered through Pentameter 2 illuminates the simultaneous counting and discounting of foreign sex workers. Official estimates of sex trafficking, as shown in Chapter 1, conflated foreign prostitutes with forced prostitution by counting all, or high percentages of, foreign women in sex work as trafficking victims based on their national origins and occupations. At the same time, police practice separated what were viewed as willing prostitutes from trafficking victims. Consequently, the figure of trafficked women varies wildly depending on whether migrant women are used in statistical projections or encountered in person in police raids. Through the foregoing analysis of the UK sex trafficking panic, it has been demonstrated that the Home Office data is soft and trafficking a slippery concept.

The problem of sex trafficking gave the police the reason to raid over eight hundred premises throughout the UK. It placed foreign prostitutes under increased surveillance, lest they be either trafficking victims or immigration offenders. The UK anti-trafficking campaign was not co-opted by the British government to launch anti-immigration measures on the back of the anxiety over sexual exploitation; rather, the entire issue of trafficking, from the Labour Party to the proliferation of anti-trafficking NGOs, have structured their strategies around police rescue, immigration restriction, and discourses of enslaved foreign women. In these and other disheartening ways, the campaign against sex trafficking bears a striking resemblance to the Anglo-American white slavery panic and its eventual submersion in the social purity movement and nativist immigration controls.

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<sup>198</sup> *BBC* Radio 4, *More or Less*, 9 January 2009.

## Conclusion

The Home Office has frequently shown two sides to its anti-trafficking agenda: one that trumpets victims' rights and protections and another that takes a hard-line on both migration and prostitution. This is not a contradiction, as explained in Chapters 2, 4, and 5, and elaborated below. The effort to protect women and prevent trafficking emerged together with the closure of British borders and labor markets against certain migrants. The unprecedented expansion of the European Union in 2004 created a nativist backlash and the demographic shifts occurring in many industries, but especially in the sex trade, fomented a moral panic in the UK. The British government's promotion of an abolitionist agenda on prostitution, discussed in Chapter 4, resulted in a crackdown on street and brothel work while the anti-trafficking campaign justified restrictions on migration.

As we have seen in Chapters 3, 4 and 5, the issue of sex trafficking provided a persuasive argument for law enforcement action. The rhetoric of "modern day slavery" enabled the British government to enact a law and order strategy of "raid and rescue," targeting prostitutes and migrant workers, while placing itself discursively in the role of protector and liberator of vulnerable women. Hence the Home Office's continual iteration of the abolition of African slave trade as the historical antecedent and alibi for offensive action against prostitutes and migrants.

I have not argued that there was a Home Office conspiracy, however. The Labour government did not concoct the story of sex trafficking out of thin air. The white slavery narrative provided a ready-made model for explaining the menace of sexual exploitation, even if campaigners were unaware that they were trading in a well-worn and deeply problematic discourse. The United Nations and the Council of Europe exerted strong international pressure on the UK to act against trafficking. As discussed in Chapter 1 and Chapter 5, the UK resisted signing trafficking treaties and delayed implementing measures to protect and assist victims. The issue of sexual exploitation took place in a context in which it could be taken up as a threat to British culture and society. Thus, I have argued, that the UK anti-trafficking campaign emerged as a reaction to the arrival of thousands of migrants from Eastern EU member states. These conditions of possibility enabled the Labour government to seize upon the issue of sex trafficking as a tool for targeting one easily maligned trade, while leaving mainstream industries untouched. The crackdown on prostitution, enacted through Pentameter 1 and 2, permitted the UK to appear to be in compliance with UN and EU directives.

Throughout the dissertation I have presented key actors in the United Kingdom's anti-trafficking campaign, including Home Secretaries David Blunkett and Jacqui Smith, UK Human Trafficking Centre Head Nick Kinsella, ACPO Lead on Prostitution and Vice Matters Dr. Tim Brain, and Labour Ministers of Parliament such as Harriet Harman, Fiona Mactaggart, and Dennis MacShane. These government and police officials responded to the issue of human trafficking with a keen sense of purpose. They recommended repressive policy shifts and proactive policing operations in the absence of reliable intelligence on the problem they so eagerly aimed to combat. Yet none of them could effect a policing mission of Pentameter's scope, or shift immigration and prostitution policy, by sheer power of personality or possession of a government post. As Chapter 4 explained, feminist Ministers of Parliament campaigned hard to push British prostitution policy towards the Swedish model; they failed to criminalize clients, however, because there was a general lack of public support

and political will to carry through a total ban on sex for sale. My analysis in the dissertation does not blame a particular individual, or the Labour government for that matter, for the deleterious effects of the anti-trafficking campaign. Rather, the aim of the dissertation has been to trace the discursive and material construction of the UK anti-trafficking campaign and to chronicle its effects.

As Chapter 5 revealed, the UK Human Trafficking Centre statistical assessment recorded that only 7% of Pentameter 2's trafficking victims received support from government agencies and NGOs, while almost half disappeared and over half refused to cooperate. The classificatory practices employed by police practice contra-indicate victim assistance and, despite the desire of officials to distance trafficking victims from migration offenders, the institutional response to trafficking has interconnected these categories from the start. The collaboration of the UK Human Trafficking Centre and UK Border Agency suggests that the UK anti-trafficking campaign is first and foremost a prosecution-centered policing mission focused on disrupting migration and prostitution.

The UK anti-trafficking campaign is working more as a process of weeding out economic migrants from non-EU countries than providing protection and support for migrant victims of sexual violence. The farther a migrant is from the dominant depiction of "the trafficking victim," who is young, Eastern European, and female, the more difficult the journey to recognition as a trafficking victim and to receiving the support services and right to remain that such a status makes possible.

As Chapter 4 explicated, if the goal is improving labor options for women, this will not be achieved by closed-door migration policy or the criminalization of the work women do. Rather, expanding women's options when they move and when they work will empower them to navigate the risks and opportunities involved in both migration and prostitution. While abolitionist feminists turn to law in order to arrest the harms they claim are caused by prostitution, the dependence on legal solutions casts the law as panacea for social ills and as weapon for punishing bad men (and bad women). Jo Doezema issues a warning about the past history of saving sex workers from themselves:

As both historical and recent accounts have demonstrated, abolitionist laws – those which ostensibly protect the prostitute by criminalizing only those who profit from her or force her – the 'pimps,' 'procurers,' 'traffickers' and, now, even clients – are used against sex workers and their families. Despite the repressive effects, neo-abolitionist feminists continue to argue for these policies. In the face of the overwhelming evidence of the use of these laws against sex workers, it is difficult to take the neo-abolitionist claim to want to help prostitutes as transparent. As with their abolitionist foremothers, the desire to help the unwilling and abused is mixed with a maternalist desire to discipline the naughty girls who refuse to acknowledge their victimhood.<sup>199</sup>

As demonstrated by Chapters 3 and 4, the British effort to stamp out sex trafficking has had the multi-pronged effect of subjecting people working in an industry of precarious legality to police raids, detention, and deportation. Its effects include blocking migration through legal channels and creating a panic over "modern day slavery," while permitting only a select group of prototypical victims to stand in as examples of the costs of dangerous migration and illicit sex.

Although the UK anti-trafficking campaign claimed to punish traffickers, foreign and domestic sex workers were most harmed by the state-sanctioned campaign mobilized to protect them. Along with

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<sup>199</sup> Jo Doezema, *Sex Slaves and Discourse Masters* (New York, Zone Books, 2010): 23.

legal remedy, in Chapters 3 and 5 the effects of law enforcement and the practices deployed to tackle sex trafficking have been interrogated to show that in the contemporary anti-trafficking campaign, and in historical white slavery cases, solutions that turn to law and law enforcement have often made the situation for women much worse.

In researching the dissertation, I conducted an interview with the Chief Executive Officer of the anti-trafficking organization Stop-UK. During our discussion, Juliet Singer suggested that issues of immigration should be completely removed from discussions of trafficking. She stated:

Inevitably, you've got immigration, which traffic is always tarnished with. Anyone who ever does anything, it's 'Immigration! Disgusting! They're all coming in.' It should be taken out of the equation of trafficking. And then [there's] asylum: 'They're coming here to seek asylum. Disgusting!' Asylum should also be taken out of the word trafficking. They aren't really, there are threads of course, but it is very much a human rights issue.<sup>200</sup>

Singer clearly wants immigration excised from the trafficking debate because of the contempt directed towards immigrants and asylum seekers. If trafficked women are viewed as wanting to enter the UK, or knowingly entering the sex industry, they will fall into the undesirable camp of economic migrants. Since little sympathy can be generated for those who enter the UK to earn a living, the trafficking victim must be cleansed of the stigma of willful migration for (sex) work.

Garnering sympathy for sex trafficking victims and ensuring that they are not confused with prostitutes or economic migrants are general features of the UK anti-trafficking agenda. But the question remains for us, for the police, and for the courts: how can one tell a trafficked woman from a migrant sex worker? Further, if a migrant sex worker experiences abuse during her journey or upon arrival in the destination country, is her request for aid denied because she consented to migrate or because of her occupation? Does the presence of knowledge and consent, however partial, project itself into the future in such a way that it renders impossible the classification of migrant workers as trafficking victims?

Despite the dangers involved in making sharp divisions between culpable migrant sex workers, on the one hand, and innocent victims on the other, an extremely simplistic image of the sex trafficking victim, a kind of reinvented Victorian white slave, dominates anti-trafficking discourse. This figure of the sex slave has made immigration a threat not to British citizens, but to *a certain class of migrant* untarnished by the taint of immigration and asylum. This reconfiguration of the anti-immigrant stance allows the UK to be the liberator, to come to the rescue, of this deserving class of migrants while presenting restrictive immigration policies as based on the interest and protection of others.

The Home Office repeatedly declared that the UK faced a re-emergence of slavery in modern form and that this practice, “perpetrated for profit,” was evil.<sup>201</sup> Unsubstantiated claims, a disproportionate response, and a good versus evil formulation are constitutive traits of a moral panic. The idea that foreigners were trafficking women into the UK for sexual exploitation, once tied to official statistics and slavery discourse, created the conditions of possibility for the sex trafficking panic to take hold.

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<sup>200</sup> Field notes, Interview with Juliet Singer, Stop-UK Headquarters, London, 22 October 2009.

<sup>201</sup> Home Office, *UK Action Plan on Tackling Human Trafficking*, London: HMSO (March 2007): 56.

## Epilogue

A victim-centred approach ... means taking the needs of the trafficking victim to be protected, assisted, and ultimately empowered to live a dignified life, as the fundamental starting point during all phases of criminal proceedings. And I want to stress that adhering to this principle, often also referred to as the human-rights based approach, is not an option but an imperative for all OSCE countries, having signed up both to our OSCE anti-trafficking commitments and other key international instruments, most importantly the UN Palermo Protocol, and the Council of Europe Convention on Action against Trafficking in Human Beings ~ Eva Biaudet<sup>202</sup>

In the epilogue, I present the infrastructure for processing victims of trafficking in the United Kingdom. In particular, I focus on official decisions that determine victims of trafficking. I examine decisions on individual cases as well as a comprehensive outcome review of over three hundred cases. This data is taken from recent research by the Anti-Trafficking Monitoring Group (ATMG), a group of prominent human rights and anti-trafficking NGOs, that conducted independent analysis of the UK anti-trafficking campaign. As evidenced in Chapter 5, data on trafficking victims is scarce or restricted, thus the ATMG report constitutes the primary source for this final discussion.

Although much more data is needed in this area, the Anti-Trafficking Monitoring Group report begins to rectify both the silence of the British government with regard to victim outcomes and the need for independent evaluations of the Home Office anti-trafficking campaign. Interviews with suspected trafficking victims are especially vital for better understanding the identification process. The micro and macro analyses of trafficking cases performed in this chapter reveal who is, and who is not, considered to be a victim and the underlying principles employed to determine trafficking cases. The Anti-Trafficking Monitoring Group data supports what has been a consistent contention of the dissertation: the British government's descriptions of trafficking as slavery and of victims as vulnerable Eastern European women do not accord with its data. In highlighting this discrepancy, I make no claims about the "reality" of trafficking. Rather, I base this contention on the foregoing assessment of the British government's anti-trafficking campaign, its claims and its actions.

With so much at stake for the anti-trafficking campaign, the lack of transparency about victim identification and outcomes contradicts the British government's contention that it is running a "victim-centred" campaign. Calls for transparency and oversight have been refused by the Home Office, which claims that outside assessment would only add an extra layer of bureaucracy to the trafficking campaign. In response to the suggestion of a National Rapporteur, Alan Campbell, Parliamentary Under Secretary of State, stated, "We are not convinced ... that an independent rapporteur will add value. An additional layer of bureaucracy may actually hamper out efforts to combat human trafficking."<sup>203</sup> This is an unfortunate stance given the troubling victim outcomes found in the UK Human Trafficking Centre data on Pentameter 2. Nevertheless, the Government holds that the self-assessment conducted by the UK Human Trafficking Centre is sufficient for its purposes.

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<sup>202</sup> Eva Biaudet, Special Representative and Coordinator for Combating Trafficking in Human Beings, Organisation for Security and Cooperation in Europe, September 2009.

<sup>203</sup> Alan Campbell, Official Correspondence to MP Anthony Sheen regarding the Adjournment Debate on Human Trafficking (20 January 2010), 3 February 2010.

## Victim Identification and Idealized Victims

The UK anti-trafficking campaign has continually encountered problems with discovering victims and traffickers. Complicating this difficulty is the fact that the people who come under suspicion must be evaluated to determine into which category they fall. That official decision, of inestimable importance to the fate of the person in question, determines whether the state pursues his or her protection or prosecution. The ways in which these two interventions, protection and punishment, become intertwined has yet to be recognized by the British government. For instance, deportation of trafficking victims may be termed “voluntary repatriation” by authorities, but it remains unclear whether victims themselves want to return to their countries or if they depart to escape prosecution for immigration and other offences. In Chapter 4, we examined how the qualifier “voluntary” has been used to describe the coercive rehabilitation of prostitutes, but the Home Office insists that the dual priority of rescuing victims and prosecuting traffickers exists in separate spheres.

Following Nick Davies *Guardian* articles in 2009, a growing voice of discontent emerged from anti-trafficking groups against the British government’s lack of transparency about its counter-trafficking campaign. Anti-trafficking NGOs criticized the Government for failing to comply with the Council of Europe Convention on Action Against Trafficking in Human Beings, for failing to offer adequate support and assistance to victims, and for criminalizing victims for acts committed while they were trafficked. Then, in 2010, the UK Human Trafficking Centre moved from South Yorkshire Police to the Serious Organized Crime Agency. This Agency has more power to withhold information from the public and to mark its documentation top secret. By erecting an official firewall around victim identification and outcomes, the British government issued a clear statement about its future plans for the anti-trafficking campaign and cooperation with NGOs. This bureaucratic barrier, in effect, prevents outside appraisal of Government anti-trafficking efforts and enables authorities to make positive statements that go unchallenged.

The Home Office takes this position even though there is a demonstrable gap between the public rhetoric of rescue and internal records on operational excellence and victim assistance. Unhappy with the official posture, anti-trafficking NGOs decided themselves to appraise the Government’s efforts to identify victims and its implementation of the 3-P strategy of prevention, protection, and prosecution. The Anti-Trafficking Monitoring Group report states:

The obligations for identification, protection, prosecution, and prevention are closely intertwined. Consequently, responses also need to be linked, which implies the need for a national anti-trafficking watchdog to oversee matters. While this role is also suggested in the [Council of Europe] Convention, to date the UK Government has rejected it as necessary.<sup>204</sup>

To address the lack of oversight, the Anti-Trafficking Monitoring Group made itself responsible for assessing the UK anti-trafficking campaign in the absence of a Rapporteur invested with statutory powers. The *Guardian* exposé on the UK Human Trafficking Centre statistical assessment had added fuel to a slow-burning backlash against Government secrecy and self-congratulatory claims regarding Pentameter 2. The formation of the Anti-Trafficking Monitoring Group confirmed that the UK’s heralded multi-agency anti-trafficking initiative, consisting of the Government, Police Service, and NGOs, had decisively splintered.

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<sup>204</sup> Anti-Trafficking Monitoring Group, ““Wrong Kind of Victim?: One Year on: An Analysis of UK Measures to Protect Trafficked Persons.” (June 2010): 8.

In this way, the UK anti-trafficking campaign ended a decade of agitation with a split down the middle between Government agencies and anti-trafficking NGOs. The decade concluded with the closure of the Metropolitan Police Human Trafficking Team; the defunding of the POPPY Project's provision of accommodation and services to trafficking victims; and the refusal, on the part of the Coalition Government of Conservative and Liberal Democrats, to sign on to the new Council of Europe Convention on Action against Trafficking in Human Beings.<sup>205</sup> Thus the year 2010 marked a critical turning point in the British battle against sex trafficking.

And in 2010 the Anti-Trafficking Monitoring Group published its condemnatory report, "Wrong Kind of Victim? One Year On: An Analysis of UK Measures to Protect Trafficked Persons."<sup>206</sup> The report was the product of the collaboration of nine anti-trafficking organizations including Amnesty International UK, Anti-Slavery International, End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT UK), Helen Bamber Foundation, Immigration Law Practitioners' Association (ILPA), Kalayaan, the POPPY Project, Trafficking Awareness Raising Alliance of Glasgow Community and Safety Services (TARA), and the UN International Children's Emergency Fund (UNICEF UK). The Anti-Trafficking Legal Project (ATLeP) also consulted on the research.

The Anti-Trafficking Monitoring Group checked the UK's compliance with the Council of Europe Convention. Like the UN Trafficking Protocol, the Council of Europe Convention is legally binding and obliges signatory states to implement counter-trafficking measures as well as mechanisms for identifying and aiding victims of trafficking. The ATMG report was compiled based on information gathered from public sources, 90 interviews with anti-trafficking campaigners, and the review of 390 individual cases (8). Whereas the UK Human Trafficking Centre's statistical assessment avowedly provided a "snapshot in time" of police operations, the Anti-Trafficking Monitoring Group aimed to conduct a comprehensive review of the UK anti-trafficking campaign.

The ATMG report states in unstinting language that the UK's anti-trafficking campaign contravenes the Council of Europe Convention through a misinterpretation of its requirements and a failure to implement provisions for victim identification, safety, services, and compensation. Suggested by its title, "Wrong Kind of Victim?," and expounded in the Executive Summary and the report, people are being discounted despite their meeting the definition of trafficking victim according to the UN Trafficking Protocol. The Executive Summary avers:

The findings of this report suggest that the anti-trafficking practice in the UK is not compliant with key concepts relating to the *rule of law* itself, specifically relating to the principle identified by Lord Bingham (2010) that 'questions of legal right and liability should originally be resolved by application of the law and not the exercise of discretion.'<sup>207</sup>

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<sup>205</sup> Emma Dugan, "Sex Trafficking Unit Closed. What Now for 4,000 Victims?" *Independent*, 28 March 2010. Panel titled "Slavery, Sport, & State," University of Cambridge, with panelist Fiona Mactaggart MP. 15 February 2011.

<sup>206</sup> Anti-Trafficking Monitoring Group, "Wrong Kind of Victim?: One Year on: An Analysis of UK Measures to Protect Trafficked Persons." (June 2010).

<sup>207</sup> Anti-Trafficking Monitoring Group, "Wrong Kind of Victim?: One Year on: An Analysis of UK Measures to Protect Trafficked Persons." (June 2010): 7-8.

The Home Office, under the Labour Party, had responded to previous concerns about victim identification by assuring NGOs that suspected victims of trafficking would not be treated like immigration offenders. This separation of victims and offenders was in line with the spirit of the Council of Europe Convention, which state explicitly that nationality and immigration status should not influence the classification of victims of trafficking. Article 3 of the Convention, on the “Non-Discrimination Principle,” reads:

The implementation of the provisions of this Convention by Parties, in particular the enjoyment of measures to protect and promote the rights of victims, shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.<sup>208</sup>

The Council of Europe Convention requires that those trained in preventing, combating, and identifying human trafficking be placed in “Competent Authorities,” which are organizations likely to come in contact with trafficking victims (e.g., police, consulates and embassies, NGOs, hospitals, and customs). The Convention aims to ensure that frontline agencies have personnel with the ability to identify and refer victims to specialist services. The British government’s implementation of the stipulation for frontline staff in Competent Authorities has been to appoint two specific agencies as *the* “Competent Authorities” to which suspected trafficking victims should be sent. The “Competent Authorities” are the UK Border Agency and the UK Human Trafficking Centre.

What the Labour government cited as adherence to the Convention is in fact a circumvention of the its stipulation that *all* agencies that may come in contact with trafficking victims have staff trained in victim identification. In Article 10 of Convention, “Identification of the victims,” the first stipulation explains the need for training staff who can identify and help victims and who are sensitive to the “special situation” of women and children. Section 1 of the Article states the provision thus:

1. Each Party [to the Convention] shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention.<sup>209</sup>

Nevertheless, the UK interprets the need for Competent Authorities differently in a Parliamentary Hansard by the House of Commons Home Affairs Committee titled “The Trade in Human Beings: Human Trafficking in the UK.” The Hansard’s section, “Identifying Victims,” indicates that the British government makes a distinction between staff trained to identify trafficking and specialists in human trafficking. Point 130 of the Parliamentary Hansard interprets the Council of Europe Convention in this way:

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<sup>208</sup> Council of Europe, Council of Europe Convention on Action against Trafficking in Human Being, Council of Europe Treaty Series – No. 197, Warsaw, 16.V.2005: 4.

<sup>209</sup> Council of Europe, Council of Europe Convention on Action against Trafficking in Human Being, Council of Europe Treaty Series – No. 197, Warsaw, 16.V.2005: 6.

130. The Convention does not require that the competent authorities have specialists in human-trafficking matters but it does require that they have trained, qualified people so that victims can be identified. The Convention likewise requires that the authorities collaborate with one another and with organisations that have a support-providing role. The support organisations could be non-governmental organisations (NGOs) tasked with providing aid and support to victims.<sup>210</sup>

The difference between “specialists in human-trafficking matters” and individuals described in the Convention as “qualified in preventing and combating trafficking in human beings” would seem slight, however the UK makes this distinction because it lacks specialist staff in frontline agencies who are competent in identifying victims of human trafficking. Rather than placing qualified staff in every agency likely to encounter trafficking victims, the UK’s approach has been to export and concentrate the identification process in only two vested “Competent Authorities.”

Along with the UK Human Trafficking Centre, the Home Office made the UK Border Agency the site of adjudication for suspected victims of trafficking, or claimants, that are neither UK nor EU nationals. This appointment of the UK Border Agency as a Competent Authority put the power of decision in the hands of officials disposed to looking for immigration offenders. The importance of immigration to the issue of trafficking is acknowledged in the Hansard on “The Trade in Human Beings”:

10. Apart from announcing that the Government had decided to sign the Council of Europe Convention on Action against Trafficking in Human Beings, the Action Plan stated that the Government had established a new UK Human Trafficking Centre (UKHTC) to forge “closer links between the immigration service and law enforcement” and that “Dealing effectively with human trafficking will be an integral part of the new Border and Immigration Agency’s business.”<sup>211</sup>

The strategic decision to house the National Referral Mechanism in the UK Border Agency raises a raft of concerns about whether the Government’s anti-trafficking priority is removing immigration offenders or rescuing victims. The UK Border Agency’s mission is not generally connected with victims assistance, but with controlling immigration and pursuing those who “flout” immigration laws. The UK Border Agency declares this mission on its website, affirming: “The UK Border Agency is responsible for securing the UK border and controlling migration in the UK. We manage border control for the UK, enforcing immigration and customs regulations. We also consider applications for permission to enter or stay in the UK, and for citizenship and asylum.” Below this statement, next to a photograph of a uniformed officer handcuffing a disembodied wrist, the caption states: “the UK Border Agency is taking action against illegal migrants nationwide. Every week, our frontline officers are locating and removing migrants who flout the UK’s immigration law or pose a risk to the community.”<sup>212</sup>

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<sup>210</sup> House of Commons, Home Affairs Committee Sixth Report, “The Trade in Human Beings: Human Trafficking in the UK,” 6 May 2009.

<sup>211</sup> House of Commons, Home Affairs Committee Sixth Report, “The Trade in Human Beings: Human Trafficking in the UK,” 6 May 2009.

<sup>212</sup> UK Border Agency, [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk), Accessed 11 October 2010.

Since that the UK Border Agency is tasked with locating immigration offenders, trafficking victims are processed through the same channels as illegal migrants, contending with a culture of suspicion about, and preoccupation with, immigration status. The separate spheres for handling trafficking victims and immigration offenders, adduced by the Home Office, is disproved by the infrastructure of the victim identification system. This final point returns to the concentration of decisive power in two law enforcement agencies, the Competent Authorities, rather than the expansion of competence through frontline agencies, as proposed by the Council of Europe Convention. The Home Office's designation of the UK Human Trafficking Centre, first housed in the Police Service and then in the Serious Organised Crime Agency, and the UK Border Agency as the two Competent Authorities for assessing trafficking victims accompany its refusal to allow outside monitoring of the anti-trafficking campaign. Such decisions undermine participation of anti-trafficking NGOs and weaken confidence that the Home Office campaign is truly "victim-centred."

The Parliamentary debate, captured in the Hansard on the "Trade in Human Beings," registered unease with the UK Border Agency assessing trafficking victims. Although this did not change the appointment of the UK Border Agency as a Competent Authority, its articulation of the conflict of interests is precise:

Amnesty International UK, Stop the Traffik, the NSPCC, UNICEF, the Immigration Law Practitioners' Association, Anti-Slavery International and Glasgow Community and Safety Services (which runs the TARA project) had similar worries [about the appointment of the UKBA], arguing that the key role to be played by the UKBA made the 'competent authority' in effect an immigration screening mechanism rather than one to identify and help victims, and that NGOs needed to be far more closely involved in the authority to improve victim identification.<sup>213</sup>

Indeed, the Anti-Trafficking Monitoring Group collected data from 130 individuals, identified as victims of trafficking by support organizations, who refused referral to the UK Border Agency "primarily because they did not see the benefit of being referred or were fearful of the consequences of being brought to the attention of authorities because of their immigration status" (9). Victim noncompliance, previously discussed in Chapter 5, is evidenced by the people the National Referral Mechanism is meant to assist *actively avoiding referral*. Niki Adams, from the English Collective of Prostitutes, writes: "Women will not be able to come forward if they know that they will be deported after the case finishes. If women's safety and welfare were really the priority why shouldn't a woman who has escaped from a situation where she faces threats, violence, and / or rape and fears reprisals have the right to stay in the UK?"<sup>214</sup>

### **Being a Believable Victim: Official Decision-Making and Rape Logics**

The Anti-Trafficking Monitoring Group lodges its main criticism of UK anti-trafficking efforts in the National Referral Mechanism and the degree to which discretion (and discrimination) determines who receives victim status. This second section reveals factors that inform who counts as a victim

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<sup>213</sup> House of Commons, Home Affairs Committee Sixth Report, "The Trade in Human Beings: Human Trafficking in the UK," 6 May 2009.

<sup>214</sup> Niki Adams, "Anti-Trafficking Legislation: Protection or Deportation?," *Exile and Asylum: Women Seeking Refuge in Fortress Europe* in *Feminist Review* 73 (2003).

and the way in which the application of law is influenced by the extra-legal and empirically-impooverished discourse on sex trafficking.

The Anti-Trafficking Monitoring Group offers two precise criticisms of the identification system:

- (1) the UK is violating the rule of law by permitting officials to make discretionary decisions
- (2) the distribution of decisions shows a skew, which may indicate discrimination based on nationality, country of origin, and the type of labor performed<sup>215</sup>

Suspected victims of trafficking sent through the National Referral Mechanism undergo a vetting process that determines whether they meet “the bureaucratic standard for having been trafficked .... In effect, in the UK ‘referral’ means that the case of an individual is being submitted to a central government authority to decide on their status, not that they are being referred to a range of specialized services” (10). Meeting this “bureaucratic standard” is essential for most claimants. To be officially identified as a victim of trafficking means entitlement to the rights and protections that that status brings, which ideally include access to support services and legal aid, application to residency status, and protection from criminal prosecution. But the Anti-Trafficking Monitoring Group names six critical obstacles in the National Referral Mechanism for identifying trafficked persons, including the failure to apply the definition of trafficking correctly; the failure to understand what constitutes trafficking; lack of familiarity with techniques to identify trafficked persons; lack of training; lack of coordination among agencies; and management issues (42-3). The flaws in the system are so dire that the Anti-Trafficking Monitoring Group report asserts, “the nature of the NRM itself actually deters a significant proportion of the intended beneficiaries from using it; and therefore from accessing services and exercising their rights. This suggests the system is not fit for purpose” (9).

Although the dominant account of sex trafficking portrays Eastern European women, the national origins for claimants processed through the NRM, between April and December 2009, show that the largest national groups, from 527 referrals, were 89 Nigerians; 70 Chinese; 46 Vietnamese; and, interestingly, 36 British (30). Eastern Europeans did not feature largely in the referral process during that time. Significantly, despite the predominance of claimants from Asia and Africa, the cases that led to positive decisions *did* conform to standardized trafficking narratives. The claimants who were accepted as victims of trafficking hailed mostly from the United Kingdom and the European Union. The worrying possibility that people who fit the dominant profile of trafficking victim more often receiving positive decisions is suggested both by the ATMG’s reference to discriminatory decisions and by NRM statistics.

According to “Wrong Kind of Victim,” for British citizens referred to the UK Human Trafficking Centre, the outcome was “positive” in 76% of cases and their claim of being a trafficked victim was believed. For citizens of EU member states, who were referred to the UK Border Agency because they were non-nationals, the outcome was “positive” in 29.2% of cases. But, for the claimants that came from states outside of the UK and EU, the UK Border Agency ruled positively in only 11.9% of cases (33). This may indicate an institutional divide in which the UK Border Agency is ruling negatively on far more cases than the UK Human Trafficking Centre. Such drastic differences in outcomes need to be explained, especially in light of the Government’s definition of trafficking as an

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<sup>215</sup> Anti-Trafficking Monitoring Group, “Wrong Kind of Victim?: One Year on: An Analysis of UK Measures to Protect Trafficked Persons.” (June 2010): 33.

international crime involving clandestine migration and the repeated claim that foreign criminal cartels are responsible for “modern day slavery.”

Characteristically, in the first three months of the UK Border Agency’s capacity as a Competent Authority, the Home Office claimed that almost 80% of referrals received positive decisions.<sup>216</sup> The data collected by the Anti-Trafficking Monitoring Group, however, shows a substantial drop in the results over a sustained period of time, as well as the disturbing differential in positive decisions correlating with countries of origin. The ATMG report contests the 80% claim by following the cases through the adjudication process. It found:

only 55% of the total initial referrals were reported to have met with a positive ‘reasonable grounds’ decision. A much smaller proportion of *16% of the total number of initial referrals has received a positive conclusive decision*, although these accounted for 29 percent of all those who had received a positive ‘reasonable grounds’ decision.<sup>217</sup>

The Home Office claim of an 80% positive decision rate suggested that the UK Border Agency was assisting the vast majority of victims referred to it while, in fact, only a minority of claimants actually receive conclusive positive decisions. Moreover, the likelihood of a positive decision seems to be influenced not only by the claimant’s nationality, but also by the resemblance of her experience to the dominant trafficking story. Victim outcomes show that women who experience extreme violence and / or fit the dominant profile of trafficking victim are more often positively assessed than those who fail to fit the profile because they originate from outside of Europe or because their labor is outside of the sex industry. The difference in positive decisions for UK nationals, EU nationals, and non-EU nationals is too great to be a statistical anomaly. Rather, it indicates a structural feature of the UK anti-trafficking campaign. Additionally, men have rarely been deemed victims of trafficking because they generally work outside of the sex trade and the UK neglects labor exploitation in industries such as cannabis farming, food processing, and construction.

This assessment is not to say that all women of Eastern European extraction who stand before the Competent Authorities with a claim of sexual exploitation are believed. As the following examples show, all female claimants face difficulties akin to the skepticism shot through many rape trials and sexual assault cases. A source for analyzing the official logic for evaluating claimants can be found in decision narratives. These narratives, in a sense, respond to the claimant’s account while passing judgment on its merit. Although the claimant’s testimony is repeatedly interrogated, officials’ decision have been beyond question. Claimants do not have the right to appeal conclusive decisions. Until the Anti-Trafficking Monitoring Group report, decisions on trafficking cases were closed to outside assessment because data on trafficking decisions remained within the anti-trafficking infrastructure of the UK Border Agency and the UK Human Trafficking Centre. In this way, these agencies had the final word on who met the definition of trafficking victim. According to the ATMG report:

The principal response of the Government to their obligations as party to the Convention was the establishment of an identification system ... [that] appears to be relying excessively on the discretion of officials who receive minimal training to staff a mechanism supported by flawed legal guidance relating to who should be identified as victims of trafficking, and

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<sup>216</sup> Home Office, “Update to the UK Action Plan on Tackling Human Trafficking.” October 2009: 21.

<sup>217</sup> Anti-Trafficking Monitoring Group, “Wrong Kind of Victim?: One Year on: An Analysis of UK Measures to Protect Trafficked Persons.” (June 2010): 32. Emphasis mine.

without a formal appeals process. This fails to consistently identify and assist people who have been trafficked. Furthermore, the system appears to be putting more emphasis on the immigration status of the presumed trafficked persons, rather than the alleged crime committed against them.<sup>218</sup>

The Anti-Trafficking Monitoring Group report contains excerpts from decisions by officials within the UK Human Trafficking Centre and the UK Border Agency that invoke an idealized female victim against which claimants are judged. These decisions actively deny alternative accounts of violence and endurance and exclude from the status of “victim” anyone who overcomes trauma too quickly. The following excerpts offer insight into how being a trafficking victim can require being someone who cannot overcome trauma. The gendered logics of the decisions exhibit well-worn rationales for penalizing female victims for not resisting, for not escaping and, alternatively, for getting on with their lives. Take the following two excerpts from conclusive decisions on trafficking cases for example:

It is considered that you have overcome the difficulties that you encountered for a short period of 3 months in 2008 and have overcome any trauma you may have suffered as a result ... Therefore a conclusive decision has been made that you [are] ... not a victim of trafficking.<sup>219</sup>

It is acknowledged that you may suffer some longer-term effects as a consequence of the experience you may have had. Ultimately, however, you have been alive for almost --- years, of which --- months you have spent with the previous employer. You have also spent nearly --- months, more than twice the length of your claimed exploitation, free of any restriction on your freedom, in which time you have made friends and had access to ... support and assistance.<sup>220</sup>

According to the Anti-Trafficking Monitoring Group, officials charged with identifying victims of trafficking do not receive adequate training and do not understand variant forms of trafficking, beyond the extreme and most discursively – which is not to say materially – prominent portrayal of sex trafficking as slavery. Essential factors influencing decisions are whether parts of the claimant’s narrative chime with the established victim narrative; whether the claimant’s behavior matches assumptions of how a victim should behave; and whether the claimant’s race and gender accord with the idea of the real victims of trafficking (versus the bogus claimant). These factors comprise the litmus test that women and men must negotiate in order to be recognized as victims of trafficking through the National Referral Mechanism. Ratna Kapur argues that “access to rights and benefits is contingent on the ability of the transnational migrant to reinvent himself / herself, to become recognizable, comprehensible, and hence, non-threatening.”<sup>221</sup> The image of an idealized victim is

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<sup>218</sup> Anti-Trafficking Monitoring Group, “Wrong Kind of Victim?: One Year on: An Analysis of UK Measures to protect Trafficked Persons.” (June 2010): 9.

<sup>219</sup> Anti-Trafficking Monitoring Group, “Wrong Kind of Victim?: One Year on: An Analysis of UK Measures to protect Trafficked Persons.” (June 2010): 41.

<sup>220</sup> Anti-Trafficking Monitoring Group, “Wrong Kind of Victim?: One Year on: An Analysis of UK Measures to protect Trafficked Persons.” (June 2010): 38.

<sup>221</sup> Ratna Kapur, “Cross Border Movements and the Law: Renegotiating the Boundaries of Difference,” in *Prostitution and Trafficking Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*, ed. Kamala Kempadoo (Boulder, CO: Paradigm Publishers, 2005), 32.

shaping decisions of who can be a trafficking victim, and deviations from this normative figure affect who receives a positive decision from the National Referral Mechanism.

In these cases, claimants were discounted if they were able to find friends, employment, support, or assistance. What is demanded of female victims of violence are demonstrations of trauma to “show the injury,” but also a show of strength *at the moment of trauma*. Following this gendered script of victimization, and momentary valiance, helps to make one a believable victim. Departures from demonstrative trauma, or an apparent acceptance of abuse, fail to convince those in a position to judge victimhood.

You have stated that ... your boyfriend “forced” you to have sexual intercourse with other men. You have stated that during this time you were allowed to leave the house to go to the shops. However you made no effort to escape or approach the authorities in the United Kingdom during this time. It is considered that had you been exploited as you claim you would have seized the first opportunity to escape your boyfriend.<sup>222</sup>

A woman’s failure to escape at the “first opportunity” invalidates her claim to victimization. If women wish to be seen as victims by a Competent Authority, then they should be valiant in their attempts to escape violation, but not in their attempts to overcome trauma. It is a very curious logic that demands that women be passive victims in order to be trafficked, be valiant resisters in order to escape an exploitative situation, and then revert to passivity once rescued. This unreasonable demand for being a believable trafficking victim evokes entrenched rape logics that feminists have spent decades trying to debunk, e.g., when sexually assaulted, women should fight, scream, resist but, after the attack, these same women should cry and feel dirty.

By this reasoning, whether or not a woman’s account is credible depends on her sexual past and her behavior before, during, and after rape. Departures from proscribed behavior threaten a victim’s credibility and place her at risk of *ad hominem* attack. Being a believable victim means fitting oneself into the temporally alternating roles of valiant and vulnerable woman. This performance entails adhering to gender stereotypes determined by folk wisdom in contradistinction to empirical data or experiential reports of being a victim of rape and trafficking. Behavior such as being sexually active, wearing certain clothing, drinking alcohol, taking drugs, deciding to migrate, or engaging in sex work undermine a woman’s credibility as a victim. Rape logics do not just recognize that victims sometimes feel dirty or shattered after sexual assault; rather, the rationale demands that victims feel this way in order to be viewed as authentically wounded.

According to Grace Chang and Kathleen Kim, “People’s experiences of being trafficked may span a broad spectrum from consent to coercion. While a person may initially participate with ostensible ‘knowledge and consent’ to being transported for work, she may later wish to leave the work or particular employment site, yet be held captive by an employer.”<sup>223</sup> The British system for identifying victims of trafficking stipulates that a woman’s consent to migrate and work within the sex industry negates her ability to withdraw consent or to claim that she is a victim of trafficking. To put a fine point on it, if a woman is told she will work as a waitress in the UK and she instead is forced to

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<sup>222</sup> Anti-Trafficking Monitoring Group, “‘Wrong Kind of Victim?’: One Year on: An Analysis of UK Measures to Protect Trafficked Persons.” (June 2010): 38.

<sup>223</sup> Grace Chang and Kathleen Kim, “Reconceptualizing Approaches to Human Trafficking: New Directions and Perspectives from the Field(s).” *Stanford Journal of Civil Rights and Civil Liberties* 3, no. 2 (2007).

work in a brothel, she is a victim of trafficking. If the woman knows that she will work in a brothel and she experiences exploitation, she is not a victim of trafficking. When viewed in this way, sexual violence does not appear to be the British government's main concern. The concern, instead, is an individual's decision to migrate into the sex industry.

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