

Anti-Trafficking Rhetoric and the Making of a Global Apartheid

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This essay critically examines the historical and contemporary discursive practices of anti-trafficking campaigns. I argue that such campaigns within the global North, often led by feminists, constitute the moral reform arm of contemporary anti-immigrant politics that targets negatively racialized migrants. As in the past, current campaigns collude with a state-backed international security agenda aimed at criminalizing self-determined migrations of people who have ever-less access to legal channels of migration. I argue that only by recognizing the agency, however constrained, of illegalized migrants can we come to understand how processes of capitalist globalization and the consequent effects of dislocation and dispersal shape the mobility of illegalized migrants. Within the current global circuits of capital, goods, and people, I argue that along with a call to end practices of displacement, a demand to eliminate immigration controls is necessary if feminists are to act in solidarity with the dispossessed in their search for new livelihoods and homes.

Keywords: trafficking / nation-state / immigration controls / global apartheid / illegalization

In contemporary discourses of national security, it is the eradication of the “dangerous foreigner” that is paramount to notions of protecting the “homeland.” This demands of “us,” the nation’s subjects, that “we” be vigilant against “outsiders” seeking increasingly clever ways to circumvent national border controls and thereby usurp the authority and integrity of the nation-state. Such rhetoric is, of course, readily apparent in the post-September 11 war on terror with its widespread practice of nationalized, racialized, and gendered profiling of security threats. Yet, it is important to remind ourselves that such national security agendas have long been in place. Remembering this may allow us to better understand how legitimation for this latest war is organized.

In this paper I investigate how national and international governance regimes together shape the experiences of migrants exiting, moving in between, and resettling into various nationalized societies, and how increasingly these regimes rely on the trope of “homeland security” to police the bodies of the majority of the world’s migrants (Balibar 1991, 90). Such an investigation is crucial in light of the global system of apartheid that is firmly in place—a system that celebrates the mobility of capital and *some* bodies, while the bodies of others face ever-growing restrictions

and criminalization. Today's system of global apartheid has been put together in part through the United Nations (UN), which increasingly regulates the global mobilities of (some) people, as well as through the universally legitimate ideological practice of nationalism. The underlying principle of "national sovereignty" embedded within the original UN mandate enables nation-states to legally, and with little, if any, outcry discriminate against those who can be cast as the nation's "others."

This article examines one increasingly important, and increasingly obfuscated, aspect of the national and international security agenda—that of anti-trafficking campaigns directed, in particular, at controlling the migration of women and children. I argue that anti-trafficking practices operate as a moral panic that simultaneously obscure the vulnerability of migrant women in the nexus of state and capitalist practices while representing them as victims solely of traffickers. This moral panic serves to legitimize increasingly regressive state practices of immigration control. These controls, in turn, form the basis for the construction and maintenance of a global apartheid whereby differential legal regimes are organized within nationalized space: one for "citizens" and another far more regressive one for those, such as people categorized as "illegal," who are denied a permanent legal status within the nation space.

The ideological frame of anti-trafficking minimizes and often makes migrants as displaced people completely invisible. The ideology of anti-trafficking does not recognize that migrants have been displaced by practices that have resulted in the loss of their land and/or livelihoods through international trade liberalization policies, mega-development projects, the loss of employment in capitalist labor markets, or war. Not only does the frame of anti-trafficking lead to a suspicion of women's (and children's) migration so that it is only ever seen as crisis-producing instead of life-saving, it further renders as unseeable the reasons why migrants are forced to make *clandestine* movements, usually with the help of people who know how to get them across national borders undetected.

Since the problem of displacement and the state-controlled process of illegalizing migrants are represented as problems of trafficking, a particular "solution" comes to make common sense: criminalize those who move people clandestinely and return those who have been moved by traffickers to their "home" societies as soon as possible. This solution fits smoothly into existing national and international security agendas, for the discourse of anti-trafficking with its law-and-order agenda of "getting tough" with traffickers, diverts attention from restrictive immigration practices that make it impossible for most of the world's migrants to move legally and safely or to live securely in the places they move to. By drawing attention to acts of clandestine migrations, anti-trafficking campaigns pay no real attention to how best to ensure safe migration practices for women (including exit, transit, and resettlement). This is

because the more influential versions of anti-trafficking campaigns do not see the victims of trafficking as women exercising agency (however much constrained) in crossing national borders. Instead, anti-trafficking campaigns view women solely as victims forced or duped into migrating for the sole benefit of the predatory trafficker.

This perspective of women as victims in anti-trafficking campaigns is most evident in the work of the U.S.-based Coalition Against Trafficking in Women (CATW) and their making of anti-trafficking a major issue of debate in both feminist and governmental circles since the 1980s. CATW's reframing of the problem facing women migrants as one of trafficking articulates well with that of governing bodies in this neoliberal period of capitalist globalization. Founded in 1988 and obtaining Category II consultative status with the United Nations Economic and Social Council in 1989, CATW's understanding of trafficking as "sex trafficking," and "a modern form of slavery for many girls, especially those who are poor and uneducated" has been entrenched within the UN's new definition of trafficking (Chesler and Hughes 2004, B7).

In the UN's 2000 *Convention against Transnational Organized Crime* (signed by 140 countries and ratified September 29, 2003) and its accompanying 2000 *Protocol to Prevent, Suppress and Punish Trafficking in Persons*:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation . . . shall be irrelevant where any of the means set forth . . . have been used. (United Nations 2000b)

The inclusion of the reference to prostitution in this definition was hard fought for by members of CATW and was seen as a victory for them over other feminists who wanted to remove any such reference because it would contribute to the further policing of sex workers. In keeping with the 1949 UN definition of trafficking, this newest one again focuses special attention upon migrants working in the sex industry (although these migrants constitute a small minority of women migrants). Moreover, by making the consent of the migrant in her/his movement across borders "irrelevant" if they experience any form of deception, coercion, or abuse in the process, this definition also dramatically expands the scope of trafficking.

Thus, despite a separate *Protocol Against the Smuggling of Migrants* within the 2000 UN *Convention*, the distinction between smugglers and traffickers has, for all intents and purposes, been collapsed. In reality, it is usually impossible to distinguish the acts of smugglers from the acts of traffickers as both smugglers and traffickers move people along illegalized routes of migration. The reframing of these different practices as acts of *trafficking* further ensures that assisting groups of migrants to cross national borders is morally condemned and criminalized. It also results in further acts of deception and exploitation.

In the absence of modern-day Harriet Tubmans (a nineteenth-century conductor of the underground railway between the United States and Canada who mobilized illegal movements of approximately 300 black slaves), most people using migration as a survival strategy today are unable to move without the aid of smugglers who move people for profit instead of for reasons of social justice (International Labour Office 2002, 2). It is virtually impossible for migrants today to move without the assistance of forgers who produce the necessary identity papers for travel. Furthermore, clandestine migrations usually involve one form of deception or another at border crossings. Often, but certainly not always, migrants experience coercion and even abuse during their journeys. They also may experience some form of deception as the jobs, wages, or working conditions they expected do not materialize.

Does this mean that they are victims of trafficking as some feminist organizations, national governments, and the UN would have us believe? I will show that they are not. Instead, most migrants are victims of the daily, banal operation of global capitalist labor markets that are governed by nation-states. They are victimized by border control practices and the ideologies of racism, sexism, and nationalism that render *unspectacular* their everyday experience of oppression and exploitation.

For these reasons, I call for the jettisoning of the framework of anti-trafficking. Although a very small group of migrants have received temporary legal status as a result of being positioned as victims of trafficking, for the vast majority of migrants, the focus on smugglers/traffickers has made their clandestine journeys *more* expensive and *more* dangerous. Indeed, it can be argued that the catch-all justification of acting "for women and children" has been effectively mobilized within anti-trafficking frameworks as a form of moral panic to legitimize the increasing criminalization of both the migrants who circumvent these controls and those who help them.

Illegal routes of migration usually require some group of people to act as forgers and smugglers. By demanding that the state further criminalize those who assist clandestine migrants, anti-trafficking campaigns also function to circumscribe people's movements and hence serve as another immigration control. Thus, anti-trafficking campaigns, instead of

focusing on the sufferings created by state practices of illegalization, have focused on the suffering of women at the hands of the only group seemingly willing and able to help them cross borders. The decision to focus on one type of suffering over another is, of course, a question of politics. By choosing to mainly focus on traffickers, anti-trafficking campaigns, I argue, function as the moral regulatory branch of anti-immigration movements.

Making Migration Illegal

My investigation of anti-trafficking campaigns and their effects on women migrants is grounded in my experiences as an activist-scholar working with women who arrived to the west coast province of British Columbia, Canada, from the Fujian province of China between July and September, 1999. The 24 women I interviewed were part of a larger group of 599 migrants, including men and children, who arrived on four separate ships with the aid of smugglers and without the official permission of Canada or China.

Described in the mainstream media and by Canadian state officials using metaphors of “natural” and highly mobile disasters, such as floods, these migrants were portrayed as part of a dangerous “Asian invasion” capable of spreading contagious deadly diseases and other forms of mayhem into Canadian society (“Quarantined” 1999, A1). To no great outcry, the front-page headline of a major British Columbian newspaper stated “Go Home” in very large typeface (Hartnett 1999, A1). This discourse mobilized the trope of a nation trying to defend itself, a trope that worked to rationalize the almost-total hostility shown to these migrants and their search for new homes and livelihoods (“Beware, Illegal Immigrants. We Canadians Can Be Pretty Ruthless” 1999, A1). The mobilization of the national binary of “I belong here: you go back to where you belong” was not atypical of the media coverage (Hartnett 1999, A1; McGinnis 2001).

To prevent their being immediately sent “home” and due to a lack of alternatives to legalizing their status in Canada, the majority (577 of 599) of the migrants filed claims for refugee status. They were then accused of being “bogus” refugee claimants and of “jumping the queue” made up of “legitimate” migrants (Hartnett 1999, A1). Only 24 refugee claims, or less than 5 percent, were accepted, including those of seven children. The vast majority of failed claimants were simply unable to meet the criteria of “refugee” established by the UN or the extended definition used by the Canadian state. Most were not fleeing the kind of individualized persecution that can easily be seen by refugee adjudicators, as most were not politically persecuted by the Chinese state as individuals regarded as threats to its security. Instead, most were fleeing a lack of land, economic

opportunities, and hope. They were moving toward places where they thought these conditions were more abundant. But in Canada, no one is given refugee status for being an “economic migrant.”

Failed refugee claimants were ordered to be deported and were returned, usually against their wishes, to China. Once there, a number were punished for exiting national territory without state permission by prison terms and/or the imposition of heavy fines (Wong 2004). These punishments were not instances of the Chinese state acting in isolation, however. Throughout 1999 and 2000, official Canadian delegations to China lobbied for such punitive measures, supposedly to prevent future clandestine migrations to Canada (Sharma 2003).

While waiting for their refugee hearings or waiting to be deported, almost all were held in custody. Such treatment was exceptional for refugee claimants, even failed ones, at the time. Contrary to prevailing practice, the Canadian immigration department automatically incarcerated the 400 people who arrived on the last three ships. This was extremely popular with the mainstream media and the majority of those phoning or writing in their opinions (McGinnis 2001). Their exceptional detention came to establish a precedent that was ultimately normalized and enshrined in the new (and erroneously named) 2002 Canadian Immigration and Refugee Protection Act that empowered the government to imprison all those it marked as a “security risk,” the definition of which was never made explicit.

The women and children—but significantly never the men—among these particular migrants were labeled as “victims of trafficking” at various times by some feminists advocating for them as well as by then Minister of Citizenship and Immigration Canada, Elinor Caplan. The fact that they arrived on rusty, unsafe boats after a long, harrowing trip made this seem like common sense. After all, who would voluntarily embark on such a dangerous journey without being forced? Failing to regard the fact that male migrants also traveled under these same conditions, those feminists employing the conceptual frame of trafficking tried to shift the representation of the women migrants as a danger and a threat to one where they would be seen as victims. Presenting some women as victims of trafficking, it was hoped, would transform them into extraordinary, innocent beings and not the supposedly *unvictimized*, even victimizing, illegal migrants. This, they believed, would help to elicit greater public sympathy and help the women receive legal status in Canada.

The immigration minister, on the other hand, used the label of “trafficked women” to rationalize keeping them in jail. She said that “[t]he snakeheads and their emissaries are always waiting in the shadows to retrieve their clients upon their release from immigration custody” (Foster 1999, 1; McGinnis 2001). Jailing these women was thus presented as a form of *protection*. Although never stated in this way, those feminists

using the anti-trafficking framework shared the belief that the *traffickers* were the greatest threat facing these women. The women migrants were imagined as vulnerable to the traffickers once released from jail or if returned to China. For some feminists, this vulnerability became the rationale for demanding the women migrants be allowed to stay in Canada. The idea was to let them stay lest they be re-trafficked. The government did not accept this argument.

The fact that anti-trafficking discourses were mobilized to simultaneously help illegal migrants as well as maintain and legitimize the state's repressive actions toward them is telling. This convergence of feminist and state practices points not to the hijacking of the anti-trafficking agenda by the state but to the fundamental, anti-migrant assumptions embedded within it. The state can adopt the anti-trafficking discourse precisely because it identifies smuggler/trafficker-aided migration as *the* problem. Thus, while the women migrants were not necessarily being portrayed as dangerous, their illegal migration to Canada was.

For all the women I interviewed, their decision to move was mostly an attempt to better provide for themselves and their families because they were unable to eke out a living in Fujian province, or in China generally. They believed that moving to Canada (or the United States, which is where they intended to go) offered them the best chance for a new livelihood.¹ Significantly, none of these women could meet the criteria established for immigration as permanent residents to Canada, either through the points system, family reunification program, refugee determination system or the business and entrepreneur recruitment programs. For them, entry into "the immigration queue" was therefore impossible.

Contrary to widely circulated beliefs that these women were exploited by loan sharks forcing them to pay steep interest rates, most of the women (20 of 24) borrowed money for their migration from relatives or friends (Foster 1999).² Also in contrast with prevailing views of "trafficked women," the women I interviewed were not trapped in debt-bondage to those who moved them. None of the women were allowed to pay their cost of being moved over time. All had to pay the smugglers upon arrival at their destination point.³ To pay these fees, the women borrowed money from family or friends—those whom they could pay back over a longer period.

Moreover, despite the rhetoric of "Chinese triads and tongs" being the ringleaders of trafficking rings circulated by the mainstream media, Canadian immigration officials, and even some feminist advocates, the women I interviewed revealed that the smugglers organizing their movement were not closely linked with criminal gangs (Wong 2004). They were not part of a powerful mafia; rather the smugglers were generally small business owners.⁴ Like the migrants themselves, the smugglers were motivated by poverty. As a recent *New York Times* article put it, "[t]he

smugglers [ran] a business built for the poor by the poor" (Thompson and Ochoa 2004, A1).

Indeed, recent studies show that in the *majority* of cases smuggling is a service handled without violence. A report by the solicitor general of Canada acknowledged that migrant smuggling did not have a significant violence generation impact (Crépeau 2003). The smuggler's role characteristically ends with the delivery of the individual safely to the particular stage of the journey the smugglers are handling. Another report by the International Labour Office discusses how many smuggling operations are "sometimes difficult to distinguish from legitimate work of travel agencies or labour recruitment agencies and may include assisting migrants with obtaining a passport, visa, [and] funds for traveling (travel loans)" (2002). For these reasons and others, the Canadian Council for Refugees, an umbrella organization for refugee-serving agencies, states that:

[p]eople smuggling, despite its evils, has also been life-giving. It has made it possible for significant numbers of people to flee persecution and reach a place of asylum when no government was willing or able to offer an escape route. It has allowed them to exercise their human right to seek and to enjoy in other countries asylum from persecution (Article 14, *Universal Declaration of Human Rights*). For others, smugglers have offered a way out of a situation of misery and an opportunity for a new life of dignity. Even some of the people who are trafficked, knowing the wrongs of their situation of bondage, may still prefer it to what they left behind, either for themselves or for what it enables them to do for family members. This of course does not in any way justify the abuses perpetrated by the traffickers. But it is relevant to any discussion about solutions to the problem of trafficking. (Canadian Council for Refugees 2000)

All 24 women I interviewed were ultimately deported from Canada. The last time I spoke to any of them, all were distraught at being sent to the places where they hold citizenship (Centre for Feminist Legal Research 2004, 28). Significantly, most of the respondents (18 of 24) declared their intent to try again even though their last attempt *did* involve varying degrees of coercion, deceit, and even abuse. Angry at having been captured before reaching their desired destination of New York City and now owing large sums of money, they stated that only by hiring another group of smugglers could they achieve their goals of being rid of debt and supporting themselves and their families. Thus, contrary to the idea that women who experience some form of coercion, abuse, or deception while partaking in dangerous and illegal migration routes are passive victims of trafficking, many of these women expressed their desire to live and work in the United States (or Canada) and saw the smugglers as the only people who could help them to achieve this. From the standpoint of these women migrants, then, the smugglers (or traffickers) were not the *source* of the exploitation they faced or their greatest danger.

Thus, while they readily acknowledged the difficult and dangerous nature of their journeys, not one of the women I interviewed saw herself as a “victim of trafficking.” Instead, their self-identity was informed largely through their courage in seeking new homes and new livelihoods across borders. None articulated the demand to “end trafficking” but wanted cheaper, safer, and more reliable migration routes. Without exception, the demands they most often articulated were to stay in Canada (or, even better, the United States) without fear of deportation, to work, make and save money, and to be reunited with the significant people in their life.

From their perspective, the biggest problem they faced was the Canadian state, most especially its immigration officials, who wanted to return them to their point of departure and, thus, force them to start anew their search for new livelihoods, this time even greater in debt. Being rescued from the smugglers/traffickers by the Canadian state—the *very* thing anti-trafficking campaigns advocate for—was the last thing these women wanted. They wanted to *avoid* the Canadian state—not be seen by it, for this meant the loss of everything for which they had worked. Thus, the greater coercion faced by these women in their migration journey was not being removed from China but being forcibly *returned* there.

Critical reflection on the experiences of the women I worked with makes it clear that conceptualizing the process of clandestine migration as the *cause* of people’s exploitation not only denies the agency of women migrants but creates and legitimates punitive state measures aimed at punishing traffickers (and smugglers) rather than assisting migrants in their survival strategies (Crépeau 2003). In fact, by discursively rationalizing their efforts through the “relations of rescue,” anti-trafficking campaigns provide what is often missing for such state repressive measures—the veneer of humanitarianism (Pascoe 1993).

By portraying *migration* as the *cause* of exploitation, the notion that women are always better off at “home” is accepted without question. Acts of deportation are imbued with the moral authority of helping a victim. By characterizing such calls as something that caring people would naturally demand, they become depoliticized within the feminist lexicon. In this regard, Kara Gillies argues that, it is of “great concern that . . . [recent] changes to immigration and refugee law make specific references to the trafficking of women and children for sexual purposes as part of the platform for why we need to tighten our borders. It seems to me a very deliberate ruse to garner support from otherwise liberal thinking people for an extremely [racialized] and regressive immigration policy” (in Brock et al. 2000, 87). In this way, attempts by feminists who use the discursive frame of anti-trafficking as an attempt to garner sympathy for women migrants also gain approval for anti-immigrant practices.

Predictably, most resources spent on ending trafficking have been put into border control measures aimed at *uncovering* clandestine movements

of people and prosecuting smugglers/traffickers. The main result of such practices is to make illegalized migrations much more dangerous. As people smugglers/traffickers face greater penalties if discovered, migrants are increasingly being funneled through more precarious routes leading to an unprecedented number of deaths (Fekete 2003, 2; Nevins 2002, 124).⁵ The increased danger of smuggling people also has led to an increase in the cost of hiring smugglers, thereby placing migrants in greater debt and creating increased financial hardships on the families and communities supporting their migration. Moreover, increased punitive measures against smuggling/trafficking have made the emergence of modern-day Harriet Tubmans even more unlikely.

As I have noted elsewhere, Canada has included Article 6 of the *Criminalization of Smuggling Activities* of the *Palermo Protocol* in its 2002 Immigration and Refugee Protection Act (Sharma 2003). It allows for imprisonment for a maximum of two years on a summary conviction or fourteen years on indictment for smuggling less than ten persons and *life imprisonment* for smuggling a group of ten persons or more or for disembarking illegal migrants at sea (Crépeau 2003). Significantly, the state does not have to prove that harm to persons or damage to property took place in order to secure a life sentence.

While this may be far from the intent of many organizations involved in anti-trafficking campaigns, the organizing framework for such campaigns conveniently shifts our attention away from the fact that the source of most migrant's oppression and exploitation lies in the processes that displace people. The sources are the restrictions migrants face in moving across national borders legally and the subordinated, illegal status they receive if they do make it to their destination points—not in the spectacular imagery of kidnappings, forced confinement, and sexual slavery that is the dominant imagery and imaginary of anti-trafficking campaigns.

The White Slave Trade: The Antecedents of Anti-Trafficking Campaigns

My interviews with women migrants from China show that there was a significant disjuncture between their lived experiences, their self-identification as migrants, and how they were represented in the mainstream media, in government statements, and by feminist advocates using the anti-trafficking framework. What does this disjuncture tell us? To begin to answer this question, we need to recognize that migrants deemed illegal, as well as the contemporary discourse of trafficking, do not enter a “neutral ideological context” regarding to relations of gender, racism, or nationalism (Miles 1982, 165).

To develop a critical feminist knowledge of current anti-trafficking practices we need to examine the history of past efforts of women reformers to regulate the lives of women they saw as victims and how their efforts worked to *maintain* these women's subordination. One of the key aspects of the anti-trafficking discourses of a hundred years ago was the invention of the White Slave Trade by moral reformers and its link to anti-immigrant politics (Doezema 2000; Kempadoo 2005). Brock et al. note that "[i]n late nineteenth and early twentieth century anti-trafficking discourse[s] in Canada, traffickers were generally portrayed as individual immigrant/'foreign' men" (2000, 87). Their immoral and illicit activities were said to have deceived untold numbers of unsuspecting White maidens coerced into acting as sex slaves.

In Canada, men identified as Chinese were particularly targeted as the purveyors and benefactors of this unlawful trade (Backhouse 1999). Not coincidentally, this was the period of virulent anti-Chinese beliefs and practices. The simultaneous portrayal of Chinese men as both effeminate—not man enough to be builders of the nation—and as the sexual predators of White women contributed enormously to their popular identification as an overdetermined threat to the character of the White Canadian nation. Anti-trafficking campaigns of this period were therefore very much a part of the racist effort of keeping Canada White (Ward 1972).

As Étienne Balibar informs us, "race" and "nation" have "never been very far apart" in the making of nationalized societies (1991, 90). A hundred or so years ago, the racism of anti-traffickers was an attempt to both regulate migration into Canada and ensure highly racialized criteria for membership and belonging *within* nationalized space. In classic orientalist fashion, anti-traffickers were not only concerned with eradicating the supposed threat of the Chinese migrant or rescuing the victims of those trading in White slaves, they were also concerned with constructing themselves as White and, in contrast to the Chinese, as civilized.⁶

As Canadian nationalists struggled to realize their fantasy of a White nation, one that would center Whites as the natural governing group, a great deal of attention was paid to how to best position people from China in Canada.⁷ Such nationalist practices were not just aimed at *excluding* Chinese people from Canada, as is most often reported, but at *differentially including* them as non-national objects, that is, at subordinating them within the nation (Deleuze and Guattari 1987). Consequently, only those able to legitimately assert their White-ness would be recognized by the law and by each other as national subjects.

Campaigns against the White Slave Trade also advanced a highly patriarchal model of gendered relationships. Mariana Valverde notes that during this period White women were defined as "mothers of the race" whose responsibility was to produce the White nation (1992). For this to be possible, the racialized "purity" of their sexual activities had

to be protected (Ferber 1999). This involved racializing relationships between women and men. In Canada, fears of miscegenation between White women and Asian men were rampant during this time (Backhouse 1999). These underpinned anti-White Slave Trade campaigns aimed at demonizing Chinese men and separating White women from them.

Importantly, campaigns against the White Slave Trade wielded tremendous influence as cross-border regulations of people began in the late nineteenth century (Torpey 2002). Two international instruments (1904 and 1910), both entitled *The International Agreement for the Suppression of the White Slave Traffic*, were enacted. Shortly thereafter, the recently founded League of Nations weighed in with two *Conventions* regarding trafficking in women and children. These were *The International Convention to Combat the Traffic in Women and Children* (1921) and *The International Convention for the Suppression of the Traffic in Women of Full Age* (1933). Following World War II, the newly formed United Nations arrived at the 1949 *Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others* that superseded all previous international agreements (Kempadoo 2005).

Importantly, the work of anti-trafficking campaigners articulated closely with the interests of powerful nation-states at this time. The two *Conventions* against trafficking adopted by the League of Nations took place in the context of growing cross-border networks facilitating people's mobility following World War I. Similarly, the United Nations 1949 *Convention* was adopted in a period of heightened displacement and growing international migration following the end of World War II. Condemning and criminalizing the illicit movement of peoples, it was thought, would ensure that the full weight of nation-states would be used against anyone who dared move without official permission.

At the same time that women's moral reform organizations promoted the use of international mechanisms to regulate the international migration of some, they advocated for laws in Canada that would differentially regulate the "foreigners" within. Again, this was applied in a highly racist manner. The first Canadian anti-Chinese bill was passed in 1885. It imposed a \$50 head tax on most migrants from China. This was raised to \$100 in 1900 and to \$500 in 1903 (Bolaria and Li 1988, 107). Alongside these discriminatory acts were regulatory mechanisms actively discouraging the migration of women from China. In the context of racist ideologies and anti-miscegenation laws these were designed to prevent the formation of nonWhite families in Canada. Finally, in 1923 the Chinese Exclusion Act was enacted effectively cutting off all legal migration of people from China to Canada until 1947. These measures were aimed at limiting not only legal migration from China to Canada but also at eliminating the possibility of Chinese migrants gaining permanent residency status in the country.

In the years between World War II and the 1980s, anti-trafficking efforts were relatively dormant (Doezema 2000, 36). Not insignificantly, such campaigns reemerged during a period of growth in anti-immigrant discourses and practices in Canada. In particular, the supposedly nondiscriminatory “points system” of Canadian immigrant selection came under increased attack for being too liberal. Replacing the pre-1967 discriminatory legislation that allowed the Canadian state to select immigrants based on a value scale of “preferred races and nationalities,” the seemingly more meritorious “points system” offered certain (mostly middle-class, English- or French-speaking) nonWhites from the global South entry to Canada as permanent residents.⁸ Immediately after 1967, complaints of this having resulted in the entry of “too many” nonWhites were commonly heard (Sharma 2000). These complaints have only intensified since the 1980s. Anti-trafficking campaigns within Canada (and the United States) emerged, therefore, as the permanence of nonWhites in these societies was being attacked and as governments in the relatively affluent global North began to implement more restrictive immigration policies.

Anti-trafficking campaigns also resurfaced at a time when neoliberal policies of globalization—privatization, deregulation, and trade liberalization—proliferated. These policies resulted in massive increases in the numbers displaced in the global South and the consequent growth in the number of people migrating across national borders. Together these two policies—growing displacement and increasing restrictions on legal, permanent migration—shaped the contemporary context for the legitimacy of anti-trafficking campaigns.

The Contemporary Crusades

While there are many similarities, there are some interesting divergences between campaigns against the White Slave Trade and contemporary anti-trafficking ones. Instead of invoking the explicitly negatively racialized immigrants of the past, traffickers are now portrayed as part of “foreign criminal syndicates” (Brock et al. 2000, 87). The victims of trafficking also have been reconfigured. Instead of innocent White maidens, they are now portrayed as “poor and uneducated” women from the global South coerced or forced into the sex industry (Chesler and Hughes 2004, B7). Traffickers, then, are represented as ruthless outlaws affirming their masculinity through abuse and exploitation of “their own” women. Kathleen Barry, one of the founders of the Coalition Against Trafficking in Women (CATW), argues that while any woman could potentially become a “sex slave,” the most vulnerable are those who occupy what she believes is a lower stage of economic and feminist development. Leaving no doubt as to

whom she is referring, Barry states that such a lower stage “prevails in pre-industrial and feudal societies that are primarily agricultural and where women are excluded from the public sphere” and where “Third World women” are the “exclusive property of men” (Kempadoo 1998, 11).⁹

Unlike previous portrayals, then, both traffickers and trafficked victims are seen as part of negatively racialized groups within nationalized spaces imagined as White. Thus, while in the late nineteenth and early twentieth centuries it was the return of the slave trader to his home country that was portrayed as the necessary response, today the most dominant anti-trafficking campaigns posit that the victims of trafficking are generally better off if returned home.

In current anti-trafficking campaigns, at least in its most influential organizations, like CATW, the imaginary of home as a static, fixed space of belonging are a part of what Balibar calls the “new racisms” (1991). Like recent anti-trafficking campaigns, these forms of racism also date to the early 1980s and rely on calls for cultural modernity, the defense of discrete and separate cultural identities, and the demand for national security (Taguieff 1999). Of course, within the new racisms there are many traces of the old, especially in the idea that groups of people are inherently different, incapable of communication, and best kept apart.

The discourse of anti-trafficking, especially as mobilized by CATW, contributes significantly to the conceptualization of the world as one where a “war” against western civilization is being waged through “the exponential growth of the global sex trade” (Chesler and Hughes 2004, B7). This is starkly evident in a recent article in the *Washington Post* by Phyllis Chesler and Donna Hughes, two prominent CATW spokespeople. In it they call for feminists and others to “actively oppose the traffickers” by framing the fight against trafficking as a fight for *civility* (B7).

Actively mobilizing dominant post-9/11 tropes, Chesler and Hughes argue that principles of the “secular, Judeo-Christian, modern West” need to be set against “totalitarian” regimes, particularly those relying on ideologies of Islamic fundamentalism (B7). In contrast to unspecified (but presumably *non-Muslim*) “conservative or faith-based groups” seen as potentially “better allies on some issues [such as anti-trafficking] than the liberal left has been,” they argue that “Islamism” is a “fascist political movement that aims for world domination” (B7). The links between trafficking and Islamic fundamentalism are not clearly specified (perhaps post-9/11 it is simply enough to link them in the reader’s mind).¹⁰ But what is clear is that supporting anti-trafficking campaigns is tantamount to becoming:

[a] force for literate, civil democracies. They [“twenty-first-century feminists”] must oppose dictatorships and totalitarian movements that crush the liberty and rights of people, especially women and girls. They would be wise to

abandon multicultural relativism and instead uphold a universal standard of human rights. They should demand that all girls have the opportunity to reach their full potential instead of living and dying in the gulags of the sex trade. (Chesler and Hughes 2004, B7)

By demonizing those long set up as the West's Other through *Their* treatment of *Their* girls and women, not only do Chesler and Hughes reinforce the West's image of a barbaric, hyper-patriarchal Islam, they also reinforce the dominant trope of female migrant sex workers as powerless victims devoid of agency. In so doing, they also recreate a positive identity of liberator for "American feminists," at least those opposed to trafficking, and produce highly imperialist narratives of a racialized femininity and masculinity. As in the past, their self-assessment of superiority is achieved through a moral panic against sex work. The strong association between trafficking and sex work is therefore a crucial one to analyze when trying to understand why some feminists use the framework of anti-trafficking to help women migrants and why such campaigns articulate so easily with official anti-migrant agendas aimed at rendering illegal the vast majority of people crossing national borders.

While it is widely recognized that most women migrants in the world, including "illegal" ones, *do not* work in the sex trade (the largest sectors employing illegal migrant women are the restaurant and garment industries), when tropes of trafficking are deployed, the image of women and children being violently and coercively recruited into the sex industry dominate (Chin 1999, 116; Doezema 1998). Thus, Brock et al. point out that the shift toward portraying the victims of trafficking from working class, White women to wholly impoverished women from the global South (and increasingly from the former Soviet Union) needs to be historicized within the development of sex worker-run organizations in the global North.

In the 1980s, when anti-trafficking campaigns reemerged, women engaged in sex work in the North had already mounted serious and sustained challenges to radical feminist theorizations of prostitution as always a universal form of male violence against women (United Nations 1979). As such, it became increasingly difficult for feminists sharing a victimization perspective of sex work to impose their view on women from within the global North (Brock et al. 2000, 88).

A new victim was produced: the third-world woman migrant. The radical feminist bias against sex work has therefore led to the view that any migration of women to work in the sex industry is a moment of trafficking.¹¹ Such a moral panic is built into the latest UN definition of trafficking since exploitation is understood to "include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation" and where the consent of the trafficked victim is rendered

“irrelevant” (United Nations 2000b). Thus, as sex work is seen by *definition* as always a coercive form of sexual exploitation, the lived realities of sex workers are easily ignored, even *have to be ignored*, by anti-trafficking discourses of rescue.

This anti-sex work bias was evident in the work done by some feminist organizations advocating for women migrants from China arriving in 1999. A minority of women in this group (5 out of 24) either had been sex workers in China and/or planned to be in the United States believing that this would allow them to earn the highest possible income. In my interviews with them, they emphasized that working in the sex industry was a key part of their migration strategy. However, many feminists advocating for these migrants were wholly unable to accept that sex work could be a legitimate aspect of a woman’s migratory project. Instead, as in many anti-trafficking frames, it was imagined that the only reason women migrants would work in the sex industry was out of fear of the traffickers.¹²

The “solution” that emerges out of such imaginations is to further criminalize prostitution. In this there is again much historical continuity with past anti-White Slave Trade efforts. As Brock et al. note,

the ways in which a ‘traffic in women’ discourse was first deployed by social reformers during the late nineteenth century in Canada, the United States and Britain was through the mobilization for an expansion of criminal code legislation, particularly the procuring and bawdy house provisions, allegedly for the protection of women and girls. (2000, 88)

Legislative protections for victims of trafficking were won. Yet feminist scholarship has shown that these protections were a victory for those interested in policing the sexual practices of women and girls rather than for the sex workers themselves (Valverde 1992).

Contemporary anti-trafficking campaigns unproblematically rely on the same state-centered strategy, perhaps without reflection on what these accomplished in the past or perhaps fully cognizant of the fact that such strategies did indeed police women’s engagement in sex work and in international migration. This can be seen in government programs in Italy and Belgium, often touted as the most progressive in helping victims of trafficking. For these governments, helping victims means “rehabilitating” sex workers (Andrijasevic 2003). Thus, Italy allows for social protection and legalization of trafficking victims *only* on the condition that the rescued agree to leave prostitution and participate in a social protection program. If caught in sex work again, they can be deported (2003, 5). Tellingly, anti-trafficking groups do not see such regulations as a form of coercion against women and thus deny the reality that for some women sex work *is* a part of their migratory project (Kempadoo 1998). Such “progressive” anti-trafficking measures, then, are about regulating women’s mobilities and sexuality.

In the United States a somewhat similar program was passed in 2002. It offers temporary "T-visas" for a maximum of three years to those who testify in court against their traffickers. The visa is only available for a limited period during the criminal proceedings and only to those who can show that they would suffer extreme harm or hardship upon return to their 'home' countries. They must, of course, also cooperate fully with the law (Kempadoo 2005, 43). As of mid-2003, there were 200 applications in the United States for T-visas: only 24 were accepted (44).

The problem with such programs is not only that they assist only a handful of women migrants throughout the world. The greater problem, as Rutvica Andrijasevic notes, is that such laws establish "a normative narrative of victimhood" (2003, 4). They demand that women applying for legal status both denounce and leave sex work. Women who do not perform the role of trafficked victim or whose performance is not believed by state authorities cannot legalize their status and are often deported. Even more important, they are seen to have been *legitimately* deported. Within this anti-trafficking frame, the good girl/bad girl dichotomy that works against sex workers goes on to organize the good migrant/bad migrant trope (Doezema 1998).

In this regard, it is noteworthy that my interviews with women migrants from China took place *after* all of them had received their deportation orders. Prior to this, in my informal discussions with some of them, some had indeed claimed to be victims of trafficking. Significantly, they learned this term from the feminist advocates in Canada who employed it to frame the migrant women's experiences. Just as the women migrants had applied for refugee status without necessarily being refugees (as narrowly defined by the UN or the Canadian state), using the label of trafficking was seen as a way to remain in the country legally. Their representation of themselves was also an act of agency and one, like all the others, made in conditions not of their own choosing.

Recalling that these women *actively* sought out people to smuggle them into Canada and that some of them saw sex work as a part of their survival strategies, their claim to being trafficked was structured not by their lived experiences but *by* Canadian immigration laws and legal categories as well as feminists who offered this frame to them. Significantly, then, once the "victim of trafficking" label failed them, they stopped using it. What these women articulated through their attempts at gaining status was not a demand to end trafficking but a desire to not be illegal, to not be detained by the Canadian authorities, and to be able to earn a living. However, these demands could not be heard within the existing apparatus of state laws. There is no state category of migration in which to place women who simply demanded free movement and a new livelihood.

Conclusion: The Making of a Global Apartheid

Today, more people migrate as a result of the dislocations wrought by spatial disparities in prosperity and peace than at any other point in human history. The United Nations officially estimates that about 175 million people now cross national borders every year (2003). This number is expected to double again by the end of this decade. Importantly, in contrast to the great "age of mass migration" of the late nineteenth and early twentieth centuries when migration was mainly out of Europe, most cross-border migrants today are from the global South (Hatton and Williamson 1998; Sutcliffe 2001).

Not having restricted the movement of people, what the reformulation of immigration and refugee policy *has* accomplished is the denial of permanent status to the vast majority of the world's migrants within the places they come to live and work. Neoliberal immigration policies have increasingly relied on the entry of migrants into the global North but have reclassified these migrants as "illegals" (or as "temporary migrant workers") to prevent the vast majority from making any claims against the state or employers. The operation of different legal regimes, one to govern "citizens" and "permanent residents" and another to govern "illegals," is part of the regime of global apartheid, a regime whereby discrimination against "foreigners" is not only accepted but accepted as necessary.

The discursive and policy framework of anti-trafficking is one of the more nefarious ways that such differentiations are organized. The assumption of the violent nature of trafficking or smuggling enables anti-trafficking campaigns to put forward an agenda calling for measures to combat it through heightened state interventions at the border and more punitive measures for traffickers and/or smugglers. Regardless of the rhetoric of *protecting* migrants, the emphasis is on controlling migration. Tighter control over the borders, stricter immigration laws, and more punitive criminal laws are called upon as indispensable measures to rescue migrants. In this way, anti-trafficking campaigns act as the moral regulatory arm of White nationalist movements by denying migration to those who are deemed incapable of deciding for themselves if and when they should move. This, again, works to reposition nonWhites in particular, in subordinate positions within the nation-states in the global North and within global capitalism.

By mystifying the role of nation-states in the processes of migration, especially illegal migration, anti-trafficking campaigns and practices work to conceal precisely those situations where we should insist on knowing why there is a lack of safe migration routes available to those needing to move away from a number of (politically, economically, and/or socially)

violent and/or untenable situations. The narratives of victimization and criminality within the ideological framework of trafficking organize a contemporary moral panic that discloses the dissymmetry of power relations within a system of global apartheid where membership in the North remains elusive for all but a few and is especially restrictive for the majority of people from the South. It is for these reasons that anti-trafficking campaigns articulate so well with official anti-migrant agendas.

Instead of objectifying women migrants as trafficked victims, we need to recenter the lived experiences of women migrants who, through the state practice of illegalizing them, have been forced to endure dangerous migration routes. We need to be aware of how the intersection of criminal law and immigration law creates the conditions for the exploitation of people who need to earn a living and form new homes across borders. Doing so leads to the recognition that only by mobilizing to end practices of displacement while ensuring that people are able to move according to their own self-determined, willful needs and desires will feminists be able to contest global practices of exploitation and abuse. Feminists intent on securing social justice, therefore, need to make central to their praxis the elimination of all immigration controls and the eradication of those sets of social relations organized through global capitalism.

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Notes

1. Fujian was one of two provinces selected in the late 1970s by China's Premier Deng Xiaoping to experiment with a market-oriented economy (Duffy 1993). Free trade zones were opened in parts of Fujian in the mid-1980s (Chin 1999, 13). One result was the conversion of a large amount of farmland to industrial use, thus displacing farmers from their land and livelihood (Zhang and Gaylord 1996). Millions of displaced people first tried to move to the larger urban centers of Fujian only to encounter high levels of unemployment (Li 1997).

2. This mirrors a similar but much larger study done by Ko-Lin Chin of the smuggling of people from China to New York City (1999).
3. Chin came to a similar finding in his study of 300 people smuggled from China to New York City. He states that “[o]nly thirty-nine of my three hundred subjects were allowed to pay off their balance in two installments rather than all at once. Only thirteen of these were allowed to have an outstanding balance for several months” (1999, 103).
4. This finding supports a study done by Willard Myers who found that organized crime syndicates do not dominate the smuggling of humans (1994, 4). Likewise, Chin concludes that “[i]n short, the human trade is in many ways like any other legitimate international trade, except that it is illegal. Like any trade, it needs organization and planning, but it does not appear to be linked with traditional ‘organized crime’ groups” (1999, 42).
5. Liz Fekete notes that in an eighteen-month period from January 2002 to June 2003, 742 people were officially verified as having died attempting to reach Europe (2003, 2). This is widely considered by both the media and various human rights organizations as a gross underestimate of the actual total of deaths. Likewise, it has been estimated that anywhere between 350 and 700 people have died each year at the United States/Mexico border following the introduction of Operation Gatekeeper by U.S. President Clinton in 1996 (Nevins 2002, 86–92).
6. While research documenting the illegal movement of people from China to Canada has not yet been conducted, it is estimated that smuggling operations brought tens of thousands of people from China to the United States annually in the late nineteenth century (Tsai 1986).
7. See Ghassan Hage (2000) for a discussion of the importance of Lacanian theories of fantasy for comprehending both public policy and hegemonic notions within white settler societies.
8. Feminist scholarship has shown that the “points system” did not eliminate sexist practices in selecting immigrants (i.e., permanent residents) (Estable 1986; Abu-Laban 1998).
9. In contrast, women in the North are positioned within what Barry calls “post-industrial, developed societies” where “women achieve the potential for economic independence” (Kempadoo 1998).
10. One link could be the overrepresentation of nation-states commonly thought of as Arab and Muslim in the list of countries identified by the United States as having strong connections to trafficking as determined through the 2000 Victims of Trafficking and Violence Protection Act (Kempadoo 2005).

11. While other nongovernmental organizations, most notably the Global Alliance Against Trafficking in Women (GAATW) based in the Netherlands (see <http://www.inet.co.th/org/gaatw/bodyframe.html>), do not share this approach, they have not been nearly as influential in shaping international or national policies as has CATW.
12. Tellingly, an employment committee established by some feminists working with these women tried to place a number of women migrants in garment industry jobs, some of the least-paid and super-exploited occupations within Vancouver.

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