

Trafficking for Sexual Exploitation: The Problems and Insufficiencies in
North American Policy

by

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Supervisory Committee

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Abstract

This work is a theoretical exploration that seeks to better understand the grooming process involved in some cases of domestic trafficking for sexual exploitation in North America. It theorizes the grooming process as a relation of power engaged in a strategy of subjection. The analysis points to how micropolitical deployments of disciplinary techniques restrict the fluidity of agency, enable the habituation of behaviour, modify thought processes, and produce consciousness.

This thesis also identifies two political problems in current anti-trafficking legislation and policies in North America. The first is that sex work has become conflated with trafficking for sexual exploitation. This conflation does not serve the interests of sex workers, as it has led to legislation that further criminalizes the sex industry, and to an increase in violence and exploitation within it. It also does not serve the needs of trafficked individuals, as it leads to trafficking being misunderstood, and renders anti-trafficking deployments ineffective as a result.

The second is that binary categorizations of consent (as tied to exploitation) in North American trafficking legislation are problematic and theoretically insufficient. Binary conceptions of consent are *problematic* because: (a) they enable a conflation of sex work and trafficking for sexual exploitation; (b) they force survivors or sex workers to relinquish their agency and identify as “victims” in order to work toward a conviction of their trafficker, or to avoid arrest or deportation; and (c) they emphasize a view of choice/consent that precludes an understanding of how an agent always works within limits that are unique to that individual. They are *theoretically insufficient* because they rely on liberal understandings of autonomy, which my engagement with Butler, Foucault, and affect theory critiques. This thesis makes the argument that there are *varying degrees* to which identity and consent are *constructed* through the *production* of subjectivities and the reorganization of preconscious thought processes. The “self”, consent, and judgment, are —to varying degrees— produced by external signifiers, institutions, and discourses. Thus, this work points to the need for a more nuanced approach to determine agency, one that does not rely upon binary and static categorizations.

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Introduction

Sex work and trafficking for sexual exploitation have become conflated in trafficking policy and legislation in North America. This is a political problem for those who advocate for sex worker rights, as well as for those who desire to properly understand and combat real trafficking operations. This conflation has had real consequences for sex workers, as anti-trafficking measures have led to legislation that further criminalizes sex work, and third party sex work, as well as “rescue” operations that target sex workers. Rather than decreasing sexual exploitation, evidence shows that these political and law enforcement interventions have left sex workers more susceptible to exploitation and violence (Lepp, 2018; Roots, 2018; Gilles, 2013; Siouxsie, 2018; Canadian Alliance for Sex Labour Reform, 2015). Additionally, by falsely conflating the two, there is the real possibility that trafficking is misunderstood. The consequence of that misunderstanding is that anti-trafficking measures and operations are ineffective, and are not tailored to helping survivors of trafficking.

In light of these concerns, it is time to take a step back and approach the analysis of this “phenomenon” from an alternative lens. How might we be lacking in an understanding of the different ways in which human trafficking occurs? Is basing a trafficking conviction on proving a lack of consent through the “means” criteria of exploitation being met an effective way to both disentangle sex work from trafficking for sexual exploitation, and help survivors of trafficking achieve justice?

This work is a theoretical exploration that seeks to better understand the grooming process involved in cases of domestic trafficking for sexual exploitation. It questions the sufficiency of current legal understandings of consent (as tied to exploitation) in these cases, as well as their ability to separate sex work from sex trafficking. However, in doing so, I preface this project with the caveat that I do not offer a solution to replace the regime I critique. As such, I am not advocating for the immediate removal of concepts such as consent and exploitation from legal definitions of trafficking. Instead, I hope this project will contribute to a body of work that addresses two goals: first, to support sex worker rights and their efforts to separate sex work from trafficking; and second, to effectively identify and prevent human trafficking through a deeper understanding of how it functions, and how anti-trafficking deployments can be more effective. These two tasks are both important because sex workers deserve the same rights and agency allotted to any laborer, and to conflate sex work and human trafficking is to misunderstand both industries. Understanding is paramount in order to create policies that will effectively prevent human trafficking, bring justice to survivors, and support sex worker rights.

This thesis engages in a theoretical exploration that draws upon feminist critiques, strategies of subjection, disciplinary techniques, and affect theory, to question the sufficiency and problematic aspects of the current legislation and anti-trafficking deployments in Canada and the United States. I examine the ways in which consent and exploitation are interconnected in definitions of human trafficking, how this process enables a conflation between sex work and trafficking,

and how it negatively affects sex workers and trafficked persons. I also explain why relying upon binary conceptions of consent are problematic and insufficient for understanding and defining human trafficking.

Consent and exploitation are legal concepts that are inseparable from one another in North American definitions of human trafficking. As Chapter One further discusses, consent cannot be given when the “means” criteria is met to prove exploitation is present (or in the case of Canada, when intent to engage in exploitation is demonstrated) (Roots, 2018). I argue that the entwined deployment of consent and exploitation in trafficking definitions actually serves to further conflate sex work and trafficking for sexual exploitation, and does not serve sex workers’ interests. The way in which the legislation is currently structured in Canada and the United States, the “means” criteria is often broad enough to encompass sex work as a whole, especially third party sex work (Lepp, 2018; Roots, 2018). Furthermore, Stella, l’amie de Maimie (a sex workers rights organization based in Montreal) has argued that binary categorizations of consent are damaging to sex workers because “people can be at work consensually but not consent to their labour” (Lepp, 2018, 31); sex workers can experience exploitative working conditions— just like any worker—but that this does not negate the fact that they are sex workers and not trafficked individuals (Lepp, 2018, 31).¹

Binary categorizations of consent in trafficking legislation also do not serve trafficked individuals. They are problematic because the binary focus on consent

¹ Stella acknowledges that exploitation can occur in sex work, but argues that it is largely because the industry is criminalized and workers do not have access to the same support systems (Lepp, 2018, 31).

forces survivors to identify as victims. If they fail to adopt that label— which requires relinquishing any amount of agency they may have had—survivors run the risk of not seeing justice served. Claiming victim status can be a traumatizing experience in itself, and the label is accompanied by discursive ideas about how that individual should feel and act. Moreover, some survivors may not identify as victims, or want their agency to be taken away from them.² In other words, this binary categorization carries with it subjectivities and significations that are imposed upon the survivor-turned-victim whether in the media or in the courtroom, and it makes “scripting”³ by law enforcement more of a necessity, as officers need to meet certain criteria in order for a charge to be laid (Roots, 2018).

Binary conceptions of consent in trafficking definitions are also insufficient for understanding the complexity of some human trafficking cases. Consent is not always a binary, nor a constant. Individuals can consent to actions, but not their conditions, consent can be given and then taken back, or consent can be constructed. The binary legal understanding of consent relies upon the presupposition of an autonomous rational being. The notion of human subjectivity, and the way in which it can be produced or influenced — to varying degrees— by disciplinary techniques that target proto-conscious associations is a crucial element missing from

² This raises the theoretical question of how much damage the justice system imposes upon those that have this victim status forced on them. If the perception of consent and agency holds as much importance as actually having agency and giving consent, then this institutional stripping of agency could carry with it varying degrees of trauma.

³The accusation of “scripting” refers to a detective who negotiates with, or coerces complainants and witnesses in order to achieve the outcome that the officer has already decided on (Roots, 2018, 60, 169).

discourses about consent, exploitation, and trafficking. An analysis of human subjectivity is important precisely because it complicates autonomy, and demonstrates why the concept of consent— in its current legal context— is insufficient for understanding and determining what constitutes human trafficking.

To explore this insufficiency, and for the purpose of seeking a better understanding of human trafficking, the second half of this thesis is a theoretical exploration into the role that strategies of subjection and disciplinary techniques (or micropolitics)—in conversation with affect theory— play in the grooming process identified in cases of domestic trafficking for sexual exploitation. It explores the varying degrees to which identity, judgment, and consent are constructed through the production of subjectivities and the reorganization of preconscious thought processes that inform conscious thought and judgment. My emphasis on “varying degrees” is important, as it allows for a certain type of agency that presupposes limitations. Limitations are not static; they can be consciously and creatively expanded, or influenced by external sources. Importantly, this argument is not limited to the grooming process involved in domestic trafficking for sexual exploitation, but rather is grounded in this specific context for the purposes of this project.

I have chosen to ground this theoretical exploration in domestic trafficking cases wherein the “grooming process” is employed as I believe these cases best exemplify the limitations of the legal system’s binary categorization of consent, and its inability to understand the complex nature of these cases. The grooming process demonstrates how strategies of subjection, studied alongside affect theory, can help

contribute to a better understanding of how traffickers function so successfully. Examining the grooming process as one that engages in relations of subjectification, rather than simply domination, is an important modification to how this one trafficking strategy is comprehended under the law. The legal system, situated in a language of limits and binary categorizations, in most cases fails to capture the nuanced experiences of individuals who have been groomed through strategies of subjection, and who often cannot be reduced to such binary terms. It also engenders legal language and definitions that focus upon decisions without seeking to understand the production of them. Strategies of subjection (and the accompanied production of subjectifications) deploy positive techniques of power that proto-consciously produce specific behaviors and thought patterns that become habituated. Attention to the use of disciplinary techniques, the construction of subjectivities, and the role of unconscious thought processes within the relations of power involved in these trafficking cases point to the need for new ways of thinking about how survivors should be approached and treated in the courtroom, how convictions should be determined, and how anti-trafficking interventions can be conducted more effectively.

As mentioned above, strategies of subjection and disciplinary techniques are not limited to the grooming process, but permeate everywhere in society. As such, I argue that the “phenomenon” of human trafficking is not an anomaly in society, but a reflection of current deployments within it. To emphasize this, I will also be pointing to disciplinary techniques and strategies of subjection that are used to impose subjectivities on the “Black pimp” and trafficked individuals.

Methodology

Theoretical Core

The theoretical core of my thesis will be framed primarily by Foucault's theories on relations of power, subjectivity, and positive techniques of power (disciplinary tactics, and biopower). I focus on the following texts written by Foucault: *Discipline and Punish* (1977), *The History of Sexuality* (1978), and "The Subject and Power" (1982). I mainly draw on Foucault's theory of subjectivity and strategies of subjection to explain how subjection is a process wherein *a person is turned into a subject (both as an object of knowledge as well as "subject to someone else by control or dependence") and produced with subjectivities that they are forced to recognize, and others must recognize in them* (1982, 781). I also look to Foucault's theories on disciplinary techniques of power—which he recognized as being utilized in institutions such as the penal apparatus, the factory, and the military— and compare them to the tactics utilized by the domestic sex traffickers depicted in my case studies during the "grooming" stage. These disciplinary techniques are deployed in strategies of subjection which are designed to break down the body, render it docile, and subject it to a tactical deployment in order to produce a subjected body. This exploration into Foucault's disciplinary techniques draws on his discussions of the role of timetables, control of bodily functions/activities, self-regulation, rewards and punishments, repetition, and the power of isolation in producing a special relation between the one who is punished and the one who punishes.

I also engage with Deleuze's work in his short essay "Postscript on the Society of Control", as a continuation of Foucauldian thought. In this essay, Deleuze proposed that we have moved from Foucault's conception of a "disciplinary society"—which regulates and modifies behaviour from institution to institution with the focus on the individual "passing from one closed environment to another"—to a "control society" (1992, 3). I use Deleuze, as a continuation of Foucault, to better understand how disciplinary techniques and strategies of subjection—which Foucault identified in disciplinary societies—are deployed in a control society.

In order to help understand the success of Foucauldian disciplinary techniques, and the "decoding" and "recoding" of individuals, I put Foucault in conversation with William Connolly, Judith Butler, and Deleuze and Guattari to discuss "affect theory", performativity, rhizomes, and maps. Although affect theory has many different approaches and traditions, I draw my information primarily from William Connolly's book *Neuropolitics: Thinking, Culture, Speed* (2002), as well as Deleuze and Guattari's *A Thousand Plateaus: Capitalism and Schizophrenia* (1987). Affect occurs below the conscious mind. It is the space in between thoughts, and is responsible for prompting them (Connolly, 2002, 65-66). I argue that disciplinary techniques are both successful and dangerous because they are able to target unconscious thought processes, or "affect", and rearrange or produce proto-conscious associations; after repetitive exposure, these associations become habitual.

Legislation and Discourse

I have utilized multiple sources in order to engage analytically and theoretically with the current anti-trafficking legislation in North America, and in the specific context of my case studies. In order to ground my legislative discussion, I consider the first internationally agreed upon definition of human trafficking in the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (2000)* (UN Trafficking Protocol) to which Canada and the United States are signatories. I also examine criminal anti-trafficking legislation in Canada, the United States, Virginia, and Tennessee. To engage in an analyses of the impact of anti-trafficking discourse in both the United States and Canada, I considered the work of such researchers as Katrin Roots, Annalee Lepp, Janie Chuang, Kathleen Williamson, and Anthony Marcus, among others. I also consulted information and publications produced by sex workers' rights and allied organizations such as the Global Alliance Against Traffic in Women (GAATW), Stella, and the Canadian Alliance for Sex Work Law Reform (CASWLR). These sex workers' rights and allied organizations have documented the ways in which anti-trafficking legislation and its implementation has had a negative impact on sex worker communities, and that despite this, the voices and perspectives of sex workers are rarely listened to in the development of policies that directly affect their work and lives. Consequently, it is important to include sex workers' perspectives on anti-

trafficking legislation, measures, and interventions and their harmful consequences.⁴

Case Studies, Interviews and Autobiographies

Due to time constraints, and a lack of access to survivors I could interview personally, I chose to use televised/documentary interviews with trafficking survivors and transcripts from trafficking court cases in order to gain insight into trafficking survivors' accounts of the grooming process, and to demonstrate how discourses are used to construct the image of the trafficked individual. The first case study is derived from a video interview conducted by Global News Canada (2013) with Jasmine, a survivor of domestic trafficking for sexual exploitation. The second case study is based on a video interview of a survivor, Tanya, taken from the American documentary *In Plain Sight: Human Trafficking* (2016). Finally, the third case study was gleaned from the court transcripts of a 2012 trafficking case in Tennessee, USA vs. Culp.

Relying on televised/documentary interviews and court transcripts is problematic for several reasons. The use of televised/documentary interviews has discursive shortcomings, as the reasons why the interview was conducted is not always apparent. For each televised/documentary interview I analyzed, I explored

⁴ I say this while recognizing that the perspectives and interests I draw upon in this project do not reflect the community as a whole. However, the sources I included in this research, such as those produced by the Global Alliance Against Traffic in Women, and the Canadian Alliance for Sex Work Law Reform were conducted in collaboration with sex worker rights organizations internationally (in the case of the former), and domestically (in the case or the latter). As such, they express the interests of the sex worker community.

who produced the video, and who provided funding for its production in an attempt to disclose *what the intent* behind recording the interview may have been and how the narrative may have been shaped by it. Consequently, this research led me to discover that there were potentially prohibitionist influences in the making of both televised interviews/documentaries. However, the degree to which the prohibitionist agenda modified the narrative, or influenced the way in which the women chose to tell their stories is unknown. While it is important to recognize the limitations of these sources, it is also important to believe survivors and to listen to their version of events. In order to strike a balance between these two important considerations, I introduce each case study with caveats highlighting the prohibitionist influences that may have shaped the narrative. In my analysis of the videos, I also highlight how the discourse it contributes to serves to produce an image of the trafficked individual that the survivor may or may not have felt inclined to identify with.

Court transcripts are produced in an institutionalized setting, wherein the victim/defendant/witness may fear telling the truth. The reasons may include, but are not limited to, disclosing illegal activity that they could be charged with, being judged by the public or those close to them, fear for their life or physical safety if they do tell the truth, or in some cases survivors may have a personal attachment to their trafficker, etc. As well, due to the nature of the criminal investigation, prosecution or defence attorneys may ask questions in a specific way in order to elicit a desired answer. Lastly, the institutional setting imposes subjectivities on the trafficked individual, and the accused trafficker, and this has affective influences

that may modify the ways in which an individual chooses to convey information, or how they recall a memory (Connolly, 2002).

In addition to drawing from court transcripts and interviews with survivors, I chose to analyze sections from the autobiographies of self-proclaimed “pimps”. The autobiographies I reference are: *Pimpology: The 48 Laws of the Game by Pimpin’ Ken* (2007), as well as *The Pimp’s Bible: The Sweet Science of Sin* (2014), by ‘Bilbo’ Gholson. The decision to include a discussion of these texts was not an easy one, especially given the highly racialized pimp discourse in the United States and Canada, and the stereotypical construction of Black men as pimps and traffickers. Research conducted by Williamson and Marcus shows that prosecutorial training materials, and police training on human trafficking in the United States, includes information lifted from autobiographical texts such as the ones referenced in my analysis (2017, 194). Williamson and Marcus point out that Pimpin’ Ken’s *Pimpology* is a source that prosecution attorneys and law enforcement often draw on when discussing cases that involve trafficking for sexual exploitation (2017, 194). As a result, it is apparent that subjectification in anti-trafficking discourses centers not only around the trafficked individual, but the Black male—made pimp—made trafficker as well. As mentioned above, one important aspect of subjectification is to turn a person into both a subject, and an object of study. Once rendered into an object of study, knowledge-power relations form to extrapolate the “truth” of the “subject” that is then turned into categorizations— or are informed by previously existing categorizations (Foucault, 1982, 781). What follows, then, is that these categorizations can be used to make generalizations about others who

exemplify observed similarities —through a knowledge-power lens that presupposes previously rendered associations— that then allow them to be classified according to the pre-existing categorizations. As a result, through racial profiling, Black men, as assumed Black pimps/traffickers, have become the face and primary target of anti-trafficking operations in North America. For example, studies based upon conviction rates in the United States show that 80-95 percent of individuals convicted of trafficking were Black men (Williamson & Marcus, 2017, 178). Furthermore, a similar study based on convictions in Oregon revealed that 85 percent of Oregon federal trafficking defendants were Black men in a state where they only account for 1.8 percent of the population (Williamson & Marcus, 2017, 193). One reason that is given for these trends is an operation orchestrated by a US attorney that targeted Black gangs for investigations of trafficking for sexual exploitation in Oregon (Williamson & Marcus, 2017, 193). Williamson and Marcus' research also concluded that Black men charged with trafficking for sexual exploitation often receive more severe sentences passed against them than white defendants convicted with the same offence (2017, 178 & 182).

Katrin Root's research discovered a similar trend in Ontario. Roots found that young, poor, Black men are the primary targets of anti-trafficking efforts in the province (2018, 14). Roots conducted an interview with a Canadian Crown attorney, who described traffickers in Canada as follows: they are "youngish, they are in their 20s generally, some are involved in gangs, the majority of the people, if not all. There's ones who's not—they're black—young black males has been—from my experience" (2018, 231). Roots points out that between 2005, and 2016, 57 percent

of individuals charged with human trafficking in Ontario were racialized men, the majority of whom were Black (Roots, 2018, 228). According to Canada's 2011 census, only 25.9 percent of Ontario's population identified as visible minorities—this statistic includes women and all visible minorities, not just Black individuals (Roots, 2018, 228).

So why did I decide to include excerpts from *Pimpology* and *The Pimp Bible* in this thesis knowing that they have contributed to racial profiling and racist stereotyping that targets Black men in anti-trafficking deployments? The reasons are twofold. First, in the third case study, which focuses on the court case in Tennessee, the defendant, Marvell Culp, was accused of having read *Pimpology*. The text was found downloaded onto his computer and he admitted to reading it (although he claimed that he intended to apply the “general lessons” he took from the text to situations other than pimping). He also admitted to writing down the rules Pimpin’ Ken required his women to follow and then “forcing”⁵ the women he “represented” to copy the rules out themselves and sign their names underneath. Culp’s decision to enforce the rules on his women is an aspect of the case that I draw on in my case study, primarily because it demonstrates examples of a disciplinary technique that Foucault discusses at length in *Discipline and Punish* (rules accompanied by a regime of punishments and rewards). I also thought it important to acknowledge some of the “advice” laid out in Pimpin’ Ken’s autobiography, which I argue provides even more examples of disciplinary tactics aimed at subjection that

⁵ I put this in quotation marks as it was the court’s conclusion that coercion and force were used, but this is an area open to contestation.

Culp or other traffickers may be influenced by. Second, even though I think it is abhorrent that legal officials and prohibitionists have used Pimpin' Ken and 'Bilbo' Gholson's texts to categorize all Black men as potential pimps/traffickers, what these two authors document in their texts *are* exploitative relationships with women. They describe themselves as being in complete control, and as retaining all the profits from the sexual services provided by the women. As such, I engage in an analysis that includes the perspectives of these men as potential traffickers to help understand the techniques that can be used on trafficked individuals, and which as I demonstrate in my case studies, were to varying degrees employed.

It is also important to make clear that it is unknown how truthful the accounts provided in Pimpin' Ken and 'Bilbo' Gholson's texts are. There is no evidence to support that the events these authors described actually occurred, or occurred in the way that they describe them. Furthermore, there is little information about the publishing companies' intent behind publishing the two texts. The authors, do, however, provide some information about what motivated them to write the autobiographies.

In his book *The Pimp's Bible*, Alfred 'Bilbo' Gholson claims that the purpose of the book is "to serve as a guideline of the true facts and facets of the pimp and prostitute lifestyle" (2014, 3). He claims that he now "has reached an age and stage where his past lifestyle has become un-becoming to him, but he breaks his silence since every other infamous facet has opened their closet doors" (Gholson, 2014, 215). Furthermore, and an interesting point in itself, Gholson claims that his work as a "pimp" was a consequence of his social context, stating: "unfortunately, I lived in

a society of pimps, whores, prostitutes, drug pushers, drug users, robbers, burglars, cutthroats, and bandits. Love me or hate me, it does not matter because pimping was not my choice” (2014, 3).

Ken Ivy, author of *Pimpology*, gained some pop culture notoriety when he served as a consultant on HBO’s *Pimps Up, Ho’s Down* (Simon & Schuster, 2019). He obtained this position with HBO after being awarded the “Mack of the Year” title at the “Player’s Ball”, an annual gathering of pimps in Chicago. Ivy has also been featured in music videos and audio tracks with such artists as Jermaine Dupri, 2Short, Lil Jon, Lil Flip, and 50 Cent that reference his pimp lifestyle (Simon & Schuster, 2019). Ivy claims that his book was not written as an instruction manual for pimping, but rather to help teach “the pimp mentality”, which he argues can be applied in all aspects of life. In his own words, Ivy indicates that the goal of his book is “not to teach people how to pimp, but to promote the pimp mentality. If you don’t have it, then you’re apt to be somebody’s ho. I have been a lifelong student of this game, and I developed my own style, my own way of getting what I wanted” (2007, 3). Given this reasoning, the book is often categorized as a self-help book in stores (Indigo, 2019).

Regardless of why Gholson and Ivy wrote their autobiographies, or what cultural stereotypes and pressures may have influenced the way in which they told their stories, the texts have had an influence on trafficking discourse, *and* have been read by some individuals who have been charged with or convicted of trafficking (as case study three demonstrates). As a result, their inclusion as sources in this project is important, but needs to be unpacked carefully. First, since law enforcement and

prosecutors have associated these texts with trafficking, finding evidence that an individual charged with trafficking has read one of these texts carries certain assumptions about the intent behind reading it. Second, Gholson and Ivy are not representative of all pimps, or third party sex workers, nor is there evidence that they represent the majority (Williamson & Marcus, 2017, 191). Third, there is no evidence to support the validity of their claims. This is most likely due to the illegality of the work they describe, but it could also be because they are fictional accounts. Fourth, despite the above points, it is the case that in the United States and Canada trafficking discourses tend to identify Black men as the primary perpetrators of domestic trafficking for sexual exploitation (Williamson & Marcus 2017, Seclusion, 2010). Moreover, texts such as *Pimpology* and *The Pimp's Bible* have served to support such assumptions, and have contributed to constructing a profile or caricature used to identify potential Black men as traffickers that is prevalent in the media, and common in training seminars for law enforcement and prosecutors, especially in the United States (Williamson & Marcus, 2017, 179). As such, there is a danger that in engaging with these texts, I am contributing to discourses that serve institutionalized racism, and perpetuate racist stereotypes.

As stated above, this thesis is a theoretical exploration into the disciplinary techniques used by traffickers engaged in strategies of subjectivity. As such, I cannot ignore these texts and the potential insight they might provide into the grooming process. This is especially pertinent because the court transcripts in *USA vs. Culp* indicate that *Pimpology* was cited as a source Culp read, took advice from, and re-appropriated. As well, these texts are significant because of the importance I

place upon the constitutive role that discourses have in producing subjectivities and proto-conscious associations. As Butler highlights, individuals take part in a performance that is culturally imposed and expected of them, and these texts influence cultural significations of what a pimp is, and thus play a constitutive role in what is expected in that performance.

It is my hope, however, that the reader acknowledges that *Pimpology* and *The Pimp Bible* have been used as a justification for racial profiling and targeting Black men in anti-trafficking deployments. They have also been used to support prohibitionist discourses that construct all sex work as exploitative (given that the authors describe their endeavours as a pimp-ho relationship and not one of exploitation). The use of these texts in this thesis come with the caveats discussed above, which highlight my intent to not perpetuate anti-Black racism in trafficking discourse and interventions.

Lastly, I would like to acknowledge the point made by Gholson that pimping was not his choice. While the legal-juridico apparatus has targeted Black men as the primary perpetrators of trafficking, what is lacking in the “Black pimp” discourse is a serious discussion of the social conditions and cultural narratives that contribute to the construction of this lifestyle. If these texts do truthfully represent a portion of the Black male pimping community, then funding and investigative work should be directed towards examining and improving the social conditions that groom these “pimps”. Furthermore, more research should go into the constitutive effects these

discourses have upon producing subjectivities and “performances” that re-enforce the caricature advanced.⁶

Chapter Breakdown

The first chapter engages with the legislation and discourses as they pertain to trafficking for sexual exploitation, and sex work, in Canada and the United States. I discuss the first internationally agreed upon definition of trafficking contained in the UN Trafficking Protocol and then focus on relevant legislation in the US and Canada. I also discuss the state and provincial legal contexts that are pertinent to my case studies. In undertaking this examination, I analyze the differences, similarities, and consequences of legislation and discourses in different contexts that may have shaped how the information contained in the case studies was framed. I also seek to illustrate how sex work has become conflated with trafficking for sexual exploitation and how this conflation has been harmful to both sex workers, and trafficked individuals. This chapter also points to the role that binary understandings of consent and exploitation play in legal definitions of trafficking for sexual exploitation. I argue that such understandings prohibit distinctions from being made between sex work and trafficking for sexual exploitation, and limit comprehension of some cases of human trafficking for sexual exploitation. It concludes by engaging with Butler to critique liberal conceptions of autonomy, which in turn begins the theoretical work of problematizing legal understandings of consent.

⁶ This direction is one in which this project could have easily taken, but one that would involve much more research and collaboration.

The second chapter begins by giving a description of the grooming process involved in some cases of trafficking for sexual exploitation. It is framed as a specific method used to traffic individuals that is explored theoretically in this thesis. I then introduce the three case studies, and the two “pimp” autobiographies and discuss how they contribute to/or reflect the production of the public image of the trafficked individual and the Black pimp.

The third and fourth chapters make up the theoretical core of this project. The third chapter draws primarily upon Foucault’s theories on relations of power, subjectivity, and positive techniques of power (disciplinary tactics and biopower). I explore his “disciplinary” techniques and their role in producing a subjected, homogenized body that self-regulates habituated behaviour. I especially pay attention to the technique of isolation, which blocks lines of flight and provides a special relation between the one who subjects and the one who is subjected.

This chapter also draws on the work of Deleuze in his short essay “Postscript on the Society of Control”, as a continuation of—and not a break from—Foucauldian thought. I make the argument that Deleuze’s control society is a continuation of Foucault’s disciplinary society, which then requires an engagement with how disciplinary techniques function differently in a control society. More specifically, it explores how a control society shapes the micropolitical deployment of tactics and techniques involved in the grooming process.

While the third chapter deals with the construction of subjectivity through disciplinary tactics and techniques, the fourth chapter utilizes affect theory to explain how these micropolitical techniques successfully subject and then subjectify

bodies, modify thought processes, and challenge liberal conceptions of autonomy. I do this by drawing upon Connolly, Butler, and Deleuze and Guattari to argue that the construction of subjectivities and identity can occur below the threshold of conscious thought through affects at the “virtual register” (Connolly, 2002). I look at how isolation and repetition help to solidify the formation of somatic markers that—through communication with the amygdala, the hippocampus, the prefrontal cortex, and other areas of the brain—create pathways in the brain-body that habituate behaviour and thought. Thus this chapter examines how disciplinary/micropolitical tactics can be understood as partially affective techniques deployed during the grooming process that target the virtual register in order to produce a subjected consciousness that will replicate desired behaviours and thought processes. This contributes to my argument that strategies of subjection are an important lens through which this method of trafficking for sexual exploitation should be viewed for the purpose of understanding its functionality and success.

This chapter also looks to affect theory to demonstrate that conscious thought is only one element of the thought process (Connolly, 2002, 66). Visceral forces combine to affect our perception, judgment, and sense of identity, and affects are responsible for prompting and organizing what we recognize to be conscious thought. Affect theory thus tears asunder liberal conceptions of the autonomous individual who is in conscious control of their faculties. What Connolly and Deleuze leave room for, however, is a conception of agency enabled by the creative dimension of thought that is made possible by affect. Using Connolly and Deleuze,

this chapter provides insight into the ways in which the creative dimension of thought can be targeted to expand agency (through arts of the self), and the ways in which affective techniques can limit it (through micropolitics).

Together, then, these last two chapters examine the productive power that disciplinary/micropolitical techniques have on the constitutional dimension of thought. Disciplinary tactics are effective partially because they affect preconscious thought processes. As such, micropolitical deployments, such as those employed during the grooming process, are dangerous because their effects are not limited to visible corrections and modifications in behaviour. It is through affect theory's negation of the conscious mind being autonomous, combined with the productive power of micropolitics in producing subjectivities and influencing judgment through preconscious thought processes, that the insufficiency of legal understandings of consent and exploitation is explored.

Chapter One: A Look at Human Trafficking Discourse and Legislation in North America

Different legislation at the national and provincial/state levels in North America both contribute to discourses on human trafficking for sexual exploitation, and are also influenced by social and political discourses that frame the way in which the issue is viewed. In the North American context, both Canada and the United States share important similarities in their definitions of trafficking for sexual exploitation. There are also differences that reflect the political and discursive influences in each country. Consequently, prior to presenting and analyzing the three case studies situated in Ontario, Tennessee, and Virginia, it is important to provide content. Hence, this chapter examines the national and provincial/state trafficking legislation and policies, as well as their respective discursive influences.

This chapter also examines the conflation of sex work and trafficking for sexual exploitation in North American legislation, and the negative effects of this conflation on sex workers and trafficked individuals. Anti-trafficking policies and interventions that are supposed to be targeting traffickers actually harm sex workers, by making their work more difficult and dangerous by further criminalizing third party sex work, advertising, and the purchase of sex. These tactics do not prevent exploitation, but actually make sex workers more susceptible to it. This conflation is also not in the interests of trafficked individuals, as it leads to legislation that may misrepresent human trafficking and anti-trafficking operations that are ineffective.

This chapter also points to the role that legal understandings of consent and exploitation have in definitions of trafficking for sexual exploitation (within these contexts), and examines how they are problematic for maintaining a distinction between sex work and trafficking for sexual exploitation, and in understanding the latter. The binary categorization of consent is problematic and insufficient for understanding trafficked individuals. It is problematic because it requires them to identify as victims and relinquish any agency they might have had in order to attain justice. It is insufficient because it relies upon a liberal conception of autonomy that I begin to complicate in this chapter through an engagement with Butler's *Gender Trouble* (2000), and continue to critique in the following theoretical chapters. This section introduces this problem after working through the differences, similarities, and consequences of the legislation and discourses discussed.

The UN Trafficking Protocol

Since my case studies are situated in the Canadian and American contexts, I thought it would be prudent to examine the United Nations definition of human trafficking, exploitation, and consent, as both Canada and the US *claim* to have derived their legal definitions from the UN Trafficking Protocol to which they became signatories in 2002 and 2005 respectively (UNTC). The United Nations Office on Drugs and Crime (UNODC) Model Law defines sexual exploitation as “the obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual services, including pornographic acts or the production of pornographic material” (Chatzis, et al., 2015, 29-30). However, proving exploitation is only one component of the three-part UN

Trafficking Protocol definition of trafficking (found under “purpose”). Article 3(a) of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* requires that three elements be met in order for a case to be labeled trafficking. These three elements are: (1) *the act*: “recruitment, transportation, transfer, harbouring or receipt of persons”; (2) *the means*: “threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, giving payments or benefits to a person in control of the victim”; and (3) *the ends*: “for the *purpose of exploitation*, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery, or similar practices and the removal of organs” (Mclaughlin, 2019). The definition has been summarized as “a crime that involves the transportation or harbouring of a person, through deception, coercion, force fraud, etc., for the purpose of exploitation” (GAATW, 2018, 5).

At one point in the deliberations surrounding the definition of “sexual exploitation” at the UNODC, it was requested that in the case of adults the provision include a means element such as “force or clear lack of consent” (Chatzis, et al, 2015, 29). Following this line of logic, the sixth draft of the Trafficking Protocol defined sexual exploitation for adults to mean: “an adult [forced] prostitution, sexual servitude, or participation in the production of pornographic materials for which the person does not offer himself or herself with free and informed consent” (Chatzis, et al, 2015, footnote 58). However, this definition was later rejected, given the requirement in the definition of human trafficking that all three elements be met (the act, the means, and the ends), and the means requirement implies consent was not given, or was given under duress, and therefore not constitutive of voluntary

consent. The UN definition has been credited with making a clear distinction between sex work and human trafficking: in its acknowledgement that trafficking occurs in multiple labour sectors, and in the requirement that all three elements of the definition be met in order for a trafficking charge to be laid (GAATW, 2018, 5).

Canada

In regards to the Canadian context, Section 279.01 of the Canadian Criminal Code defines human trafficking as: “every person who recruits, transports, transfers, receives, holds, conceals or harbors a person, *or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation*” [my italics] (RCMP & HTNCC, 2010, 6). In Canada, domestic human trafficking is differentiated from international human trafficking; it is a domestic case when “all stages of trafficking occur within Canada regardless of the victim’s legal status” (RCMP & HTNCC, 2010, 8). The purpose for this clear division between domestic and international trafficking is so that law enforcement can determine which sections of the *Criminal Code* or the *Immigration and Refugee Protection Act* should be used for prosecution purposes. It is rare that accused traffickers are convicted of trafficking. More commonly, international traffickers are convicted under section 118 of the *Immigration and Refugee Protection Act*, while domestic “traffickers” have, since 2014, been indicted under section 286 of the Criminal Code, “Commodification of Sexual Assault” (CASWLR, 2015).

The latter trend is indicative of the influence that anti-sex work campaigners have had over the conflation of sex work/third party sex work, and trafficking for sexual exploitation. As Katrin Roots argues, “the legislative developments in the

area of sex work and human trafficking have allowed procuring offences to move rather seamlessly into the terrain of trafficking” (2018, 92). Since a trafficking charge is more severe than a procuring offence, prohibitionist law makers/enforcers can now give harsher sentences for third party sex work. This would not be troubling if the definition of trafficking in the *Canadian Criminal Code* were not so open to interpretation. Further, the Canadian definition of trafficking is centered on key legal concepts of “consent” and “exploitation”, which —within the context of CCC §. 279 —have also been rendered quite vague (Roots, 2018, 113).

Section 279.04 of the *Canadian Criminal Code* defines “exploitation” for the purpose of human trafficking as:

A person exploits another person if they (1) cause another person to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service; or (2) cause them, by means of deception or the use of threat or force or of any other form of coercion, to have an organ or tissue removed (s. 279.04 CCC) (RCMP & HTNCC, 2010, 6).

However, this definition was modified as a result of a 2015 case in the Ontario Court of Appeal, where it was determined that *no exploitation need actually occur* in order to be convicted of human trafficking. Instead, *intent* to exploit became sufficient for implicating the accused of exploitation (Roots, 2018, 83-84). Therefore, exploitation does not even have to occur for a trafficking charge to be laid. The need to only prove “intent to exploit” leaves open many possibilities for how exploitation can be determined or even measured.

In order to establish whether exploitation *has* occurred, “the means” by which the complainant engaged in the alleged forced labour are examined. S. 279.04(2) of the *Criminal Code* describes the means of exploitation as follows:

In determining whether an accused exploits another person under subsection (1), the Court may consider, among other factors, whether the accused (a) used or threatened to use force or another form of coercion; (b) used deception; or (c) abused a position of trust, power or authority (§. 279.04(2) CCC).

Keeping in mind that exploitation can be determined in a trafficking case if *intent* to utilize these means can be proven, “consent” to engage in sex work can only be given if the means of exploitation are not present. This is very important as this legislation was supposed to have been rooted in the UN Trafficking Protocol, which was developed with the intent to differentiate between voluntary sex work and trafficking (Roots, 2018, 88). However, sex work itself, and third party sex work becomes a much more legally contested area when all that is necessary to negate “consent” is to demonstrate there was ‘intent’ to utilize the means of exploitation; especially because the “means” criteria is already open to interpretation. Making it necessary to only prove intent expands the avenues available for the prosecution, and in some cases allows for subjective interpretation of the evidence. Many defence attorneys in Canada have argued that expanding the definition to include “intent” is problematic, as it effectively allows for almost anything to be considered exploitation for the purpose of human trafficking (Roots, 2018, 85). The defence attorney from *R. v. Beckford* (2013) stated the following on record: “I think that the concept of exploitation is much looser [than the objective considerations]. It is asking to determine somebody's belief as to what could happen or would happen”

(2018, 85). This statement was made before the 2015 modification to allow for “intent” to exploit to be sufficient in meeting the means criteria, which makes this critique— that the court relies on “somebody’s belief as to what could happen or would happen”—much more significant now than it was in 2013.

Thus, exploitation is defined very broadly and can be used by governments and prohibitionists to target third party sex work. It is also not the only legislation that targets third party sex work. In 2014, the Federal Government passed Bill C-36, the *Protection of Communities and Exploited Persons Act* (PCEPA), which criminalizes third party sex workers, clients, advertising of sexual services, and restricts communication to certain public spaces (Lepp, 2018, 7). Lepp, director of The Global Alliance Against Trafficking in Women (GAATW) in Canada, argues that the main objective of this act was to eradicate prostitution, which the act redefined as “sexual exploitation” (2018, 7). Under PCEPA, third party sex work is criminalized in S. 286.4 “procuring”, S. 286.2 “receiving a material benefit”, and S. 286.4 “advertising” (CASWLR, 2015b). Proof of exploitation is not even necessary for charging a third party sex worker; all that is required is that it be demonstrated that the accused engaged in *persuasion*, defined as: “to cause or to induce, or to have a persuasive effect” (CASWLR, 2015b). “Persuasion” is not difficult to prove; for example, Canadian case law has set the precedent for “persuasion” to include the accused pointing out the potential of significant earnings to the “victim” (CASWLR, 2015b).

This is especially troubling when considering the argument that targeting third party sex work actually is *not* in the interests of sex workers. Interviews

conducted with sex workers indicate that third party sex work has been proven to provide them with protection and community, and be helpful in terms of time management and efficiency (Gilles, 2013). By making the consequences for third party sex work more severe, it serves as a deterrent for those who might engage in third party sex work, which includes managers, escort services, advertisement, drivers, etc.

Furthermore, sex worker advocates argue that this legislation—alongside trafficking legislation wherein the broadness of the definition is sufficient to include third party sex workers—actually makes sex workers more susceptible to violence and exploitation (Lepp, 2018; CASWLR, 2015; GAATW, 2018). The Canadian Alliance for Sex Work Law Reform cite the following reasons for this situation: (a) “street-based sex workers cannot pay a friend to record license plate numbers of clients, and or act as security at the outdoor location where they provide services”; (b) “sex workers cannot access agencies or other third parties that screen clients, produce bad date lists, collect and verify client information...provide a deterring presence [etc.]”; and (c) not all sex workers have the resources to work independently indoors and, as a result, many are forced to work on the streets, where they are more susceptible to violence (CASWLR, 2015b, n.p.). Thus, legislation that conflates third party sex work with trafficking, and legislation that directly criminalizes third party sex work, does not serve the interests of sex workers, nor does it achieve its intended purpose of decreasing exploitation.

In Canada, the discourses surrounding the “victims” of trafficking differ between international and domestic ones.⁷ Domestic trafficking for sexual exploitation has two common discourses regarding the individual being trafficked. The first is that traffickers target the vulnerable, including Indigenous women, street youth, abused individuals, individuals from a turbulent household, addicts, and other marginalized individuals. The second is that *anyone* can be a target: the girl next door, the good college student, your daughter, etc. (RCMP & HTNCC, 2010, 1-2, 21).

The “girl next door” discourse is the one more readily used in legislative chambers to incite fear over the pervasiveness of the threat. For example, in 2015, Conservative MMP Laurie Scott described domestic sex trafficking in the Legislative Assembly of Ontario as follows:

I’ve heard stories of girls being targeted at the food court, the parking lot at their high school or a house party they attended with friends. This is in stark contrast to how many people perceive human trafficking and it shows that while at-risk individuals do face the greatest threat of being trafficked, human trafficking is a scourge that can affect anyone, no matter their background or socio-economic status (Roots, 2018, 143).

⁷ In a 2010 report “Seclusion: Human Trafficking in Canada”, the RCMP broke down international trafficking “key findings” into three categories: Eastern European women, Asian women, and African women (RCMP & HTNCC, 2010, 10). Although racial stereotypes vary according to what establishments they are found in (for example massage parlours are the prominent focus in discourses around Asian women being trafficked), the common theme linking these three categories are: that these women are often described as being tricked or coerced into sex work by transnational criminal organizations; that those being trafficked share an ethnicity with their trafficker(s); that these transnational criminal organizations recruit in source countries, and facilitate the illegal immigration to the destination country; and that they operate through organized establishments such as massage parlours, strip clubs, and bawdy houses (RCMP & HTNCC, 2010, 1, 11-12).

Similarly, in an interview conducted with a police officer who specializes in human trafficking, the officer literally used the phrase “girl next door”, stating:

this is the girl next door, your niece, your granddaughter, your neighbour....at the end of the day if the girl is vulnerable, and her parents are doctors, so what? If someone is paying attention to her, she’s going to gravitate towards that person. We’ve had victims from very affluent parents and neighbourhoods get caught up in this (Roots, 2018, 143).

This is not to say that these descriptions are not true in some trafficking cases. It is, however, important to recognize the influence these discourses have in instilling fear and insecurity over the perceived increase in criminal activity and the fact that young women of any social class or racial group are at risk. Incitement over this issue has led to increased media attention, and provincial and federal funding being allocated to specialized task forces and anti-trafficking operations such as “Operation Northern Spotlight” (Roots, 2018, 23). Sex workers advocates argue that operations such as these are ineffective as an anti-trafficking operation, and only serves to target sex workers.⁸

Katrin Roots, whose 2018 dissertation analyzes trafficking discourses in North America, with a focus on Ontario, argues that this discourse around “the girl next door” has actually been layered on, and pulled from, North American

⁸ Operation Northern Spotlight is an operation wherein officers go undercover as Johns, and meet up with sex workers to see whether or not they are being exploited. It has been labeled a “rescue” operation, which in itself has been critiqued for its assumption that all the women they encounter need rescuing. It has also been criticized by sex workers as harmful and obstructive to their mental health and work (Lepp, 2018, 26). Ava, a self-identified sex worker, described her experience with Operation Northern Spotlight as follows: “It’s just fucking bullshit man. Again, a power play...And by the way this is hurting me. You just made an appointment with me and you’re not paying me. And additionally, the fucking media is here” (Lepp, 2018, 26).

discourses from the 1970s to the 1990s that expressed concerns around sexualized violence against women, and youth involvement in the sex trade. She argues that this development was actually grounded in the legal-juridico apparatus' interest in regulating white women's sexuality (2018, 14). These discursive influences must be acknowledged within the overarching trafficking discourse, which in turn affects the creation, interpretation, and enforcement of anti-trafficking legislation in Canada

Ontario

Ontario has taken the lead provincially for the most domestic human trafficking arrests/charges, and was the first province to successfully convict an individual for trafficking (RCMP & HTNCC, 2010, 23-24). In comparison to other provinces, Ontario has been at the forefront of anti-trafficking efforts, including influencing federal policy, and even instituting a larger budget for combating trafficking than the federal government.⁹

In 2016, the Ontario Provincial Government launched *Ontario's Strategy to End Human Trafficking*, an action plan supplemented with a \$72 million dollar budget— almost triple the funding provided by the federal government in the *National Action Plan to Combat Human Trafficking* passed in 2012 (Roots, 2018, 23). Ontario's action plan includes the assignment of six new Crown attorneys to specialize in human trafficking cases across Ontario. Roots claims that this decision

⁹ One example of Ontario courts influencing federal policy is in the ruling by the Ontario Court of Appeal over the role of exploitation in sex trafficking cases. As mentioned in the above section, it was in the Ontario Court of Appeal in *R. v. A.A. (2015)* where it was determined that no exploitation need actually occur, but rather *intent to exploit* be proven in order for an accused individual to be convicted of human trafficking (Roots, 2018, 83-84).

is likely a response to the low trafficking conviction rates in comparison to the high rates of charges laid.

This incitement to increase conviction rates for traffickers can be positive, if those traffickers convicted are *actually* engaging in exploitation, coercing victims towards specific ends, and benefitting materially from those actions (putting aside the problem with the legal definition of exploitation for a moment). However, what is concerning is that the motivation to achieve higher conviction rates may not be the result of an increase in trafficking rates. Rather, the incentive for high conviction rates in Ontario may be driven by the need Canada has to meet conviction criteria in order to maintain their “Tier 1” status in the US State Department’s annual *Trafficking in Persons Report*.¹⁰ The drive to increase conviction rates could also come from the fact that federal funding is allocated to different police precincts and task forces based upon conviction results. This means that Ontario based precincts can receive more funding for their task forces if they have higher arrest/conviction/and rescue statistics (Roots, 2018, 289-290). According to Roots, this has a negative effect on *actually* preventing human trafficking, as this competition for funding has led police departments to act out of self-interest, and show less willingness to collaborate with other departments in investigations. The concern is twofold: (1) that this competition for funding often results in procuring offenses now being categorized as trafficking cases in order to increase arrest rates and conviction statistics for that offense; and (2) real

¹⁰ This “Tier Status” will be explained in the following section on the US geopolitical discourse on anti-trafficking.

traffickers may more likely evade law enforcement due to a lack of collaborative efforts between municipal, provincial, and federal task forces (Roots, 2018, 289).

Since the task forces with more lucrative funding are the most successful in securing trafficking arrests, the conclusion drawn is that additional funding is required in order to attain more resources and generate more specialized task forces to combat this ever-growing problem (Roots, 2018, 290). Conversely, if the growing statistics are a result of trying to pass procuring cases off as trafficking in order to secure that funding, then the logic on how to successfully combat trafficking is flawed.

The United States

Beginning in 2000, the United States positioned itself as the global enforcer of anti-trafficking efforts, and began ranking countries based on their ability to meet the US's criteria for combating human trafficking. In order to measure how other countries compare to American anti-trafficking standards, the US developed a "Three-Tier" ranking system (which includes the ranking of a "Tier 2 Watch List", effectively making it four tiers rather than three) which is utilized to judge the effectiveness of countries in combating this issue (US Trafficking in Persons Report, 2017, 28). Tier 1 countries are those that closely uphold US standards, while Tier 3 countries are those that fail to employ or maintain said standards (US Trafficking in Persons Report, 2017, 36). This tier system was passed into US domestic law in 2000 as part of *The Trafficking Victims Protection Act (TVPA)*, which empowers the US to impose economic sanctions on countries that receive a Tier 3 ranking. A 2008 amendment to the TVPA maintains that any country ranked under the "Tier 2 Watch

List” for two consecutive years will be automatically ranked Tier 3 in the third year if their ranking has not changed (US Trafficking in Persons Report, 2017, 28). In addition, the TVPA allows the US to unilaterally audit countries according to their own standards, and does not attain outside consultants to conduct its own domestic evaluation and subsequent ranking (Doonan, 2016, 275). This puts the US in a powerful position globally, as the economic sanctions that can be imposed on Tier 3 countries include: “limiting access to aid from the US, International Monetary Fund (IMF) and the World Bank” (Roots, 2018, 24-25).

In regards to the actual legal definition of trafficking for sexual exploitation in the United States, the US has a slightly different definition of “sex trafficking” than Canada, one that includes two tiers. Tier one, “sex trafficking”, is defined as “the recruitment, harboring, transportation, provision, obtaining, or soliciting of a person for the purpose of a commercial sex act” (Cornell, 2019). Tier two, “severe forms of trafficking in persons” involves the following:

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (Cornell, 2019).

Thus, the legal definition for sex trafficking encompasses any third party involved in sex work, and does not have to involve coercion, exploitation, or force. A coalition of prohibitionists in the United States, composed of radical feminists, evangelical Christians, and neoconservatives lobbied for the inclusion of prostitution related offenses in the trafficking definition due to their shared belief

that no woman can chose to engage in sex work. This is because they either believe that prostitution and trafficking for sexual exploitation are synonymous because all sex workers are all “forced” into the industry, and/or that prostitution is inherently a form of male violence against women, and/or that women who believe that they are engaging in sex work voluntarily are suffering from false consciousness (Jackson, 2016, 27; Chuang, 2010). Another commonality that unites prohibitionists is their belief that an increase in prostitution leads to an increase in trafficking for sexual exploitation, indicating a correlation or even causation between the two (Jackson, 2016, 27).

The legislative definition of “sex trafficking” does not require coercion, force, or deception, which in effect means that all forms of sex work are understood as trafficking. However, criminal charges can only be laid in cases of “severe forms of trafficking”, which *does* necessitate that the coercion, force, or deception be proven (Chuang, 2010). Regardless, prohibitionists were successful in garnering control over the discourse on trafficking through their influence over the legal definition (Chuang, 2010). This helps to explain how the dominant US discourse on trafficking for sexual exploitation conflates trafficking and sex work. Roots argues that both the US and Canada have diverged from the UN human trafficking definition by focusing primarily on trafficking for sexual exploitation, and placing the emphasis on “exploitation” rather than the combined UN requirements of coerced transportation and end practice (2018, 25-26). Roots, along with other critics of US anti-trafficking policy, claim that the decision to create a two-tiered legal definition of trafficking—one of which encompasses sex work —along with an enforcement

strategy directed almost solely towards trafficking in sex, is a result of the influence of prohibitionists who seek to use trafficking for sexual exploitation as a tool to criminalize and abolish the sex trade nationally, as well as globally (2018, 26).

The influence the prohibitionists have over US trafficking policy is further demonstrated by the global impact it has had in international policy. Specifically, the set of anti-trafficking regulations the US uses to determine the “Tier” rankings of other nations encourages an anti-sex work approach to combating human trafficking. The US is quite open about its prohibitionist views on sex work, aligning itself with the prohibitionist stance that the existence of prostitution leads to a higher demand for trafficking. In 2003, the US State Department posted a sex trafficking “fact sheet” on its website that stated: “where prostitution has been legalized or tolerated, there is an increase in the demand for sex slaves and the number of victimized foreign women -- many likely victims of human trafficking” (Chuang, 2010). Further, the State Department also posted a “Model Law to Combat Trafficking in Persons” on its website in 2003, which suggested that countries adopt a definition of trafficking that encompasses voluntary sex work (Chuang, 2010).

This prohibitionist discourse that conflates sex work with trafficking for sexual exploitation can also be seen to be quite effective in the way that it influences US anti-trafficking operations. In the United States, most sting operations (“Operation Cross Country” [2017], “Operation Someone Like Me” [2016], etc.) designed to combat trafficking focus on identifying minors involved in sex work, and pedophiles who are looking to buy their services (Ortiz, 2016; FBI, 2017). The two operations listed above were described as sting operations against *sex trafficking* in

all media sources covering the story, including the FBI press release. According to US Federal law, a person under the age of 18 who is forced or coerced into the sex industry by another individual is a trafficked person. However, these sting operations seem more concerned with arresting the clients, than they are in actually discovering trafficked individuals. These sting operations also seem to reflect with Root's suggestion that trafficking discourse is a partial rebranding of concerns in the 70s and 80s over the perceived "crisis" of minors involved in the sex trade. "Operation Someone Like Me" (2015) resulted in multiple charges against men who contacted agents online posing as underage sex workers, yet it resulted in no "rescue"¹¹ of trafficked individuals, or arrests against individuals charged with trafficking them (Gordon & Apel, 2017). The men arrested were charged with "patronizing prostitution of a minor", and "solicitation to commit aggravated statutory rape", but none of them were charged with sex trafficking, or severe forms of trafficking in persons (Gordon & Apel, 2017). Yet, the media and surrounding discourse identified them as anti-trafficking operations.

In 2018, the House of Representatives bill known as *Fight Online Sex Trafficking Act* (FOSTA), along with a Senate bill entitled *Stop Enabling Sex Traffickers Act* (SESTA), were signed into law by President Trump (Romano, 2018). These bills create limitations to Section 230 of the 1996 *Communications Decency Act* which stipulated that "no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another

¹¹ I place rescue in scare-quotes here as anti-trafficking rescue operations often target sex workers who are not trafficked individuals and do not want to be "rescued" (Lepp, 2018, 26).

information content provider” (Romano, 2018). FOSTA-SESTA limits Section 230 by making it now lawful to hold website publishers responsible for third parties posting ads for prostitution (Romano, 2018). The website cited as the primary motivation for this bill was Backpage.com, which was seized by the FBI a few days before SESTA/FOSTA passed into law (Siouxsie, 2018). Backpage.com was a website utilized by sex workers as an affordable platform that they could use to advertise their work and screen potential clients (Siouxsie, 2018). It was targeted, however, because of the website’s supposed links to human trafficking—as a source traffickers also used to advertise the workers they were exploiting.

Similar legislation exists in Canada as a result of the 2014 PCEPA (Canadian Alliance for Sex Work Law Reform, 2017). Under PCEPA, Section 286.4 of the *Canadian Criminal Code* states that “everyone who knowingly advertises the sale of sexual services is liable to imprisonment” (CASWLR, 2015, n.p.). Sex worker advocates argue that the choice in the wording of “everyone” rather than “persons” suggests that this legislation extends liability to businesses, newspapers, magazines, and websites (CASWLR, 2015).

Both SESTA-FOSTA and PCEPA have come under criticism by sex workers and anti-trafficking organizations alike. Sex workers and their allies claim that these bills have made advertising on the internet increasingly difficult. Consequently, it has forced some workers to work on the streets, or turn to third parties to help get clients, which as already stated above, leaves them more vulnerable to exploitation (Siouxsie, 2018; CASWLR, 2015). Furthermore, without the use of the internet to screen clients, and without available online forums where

sex workers can share information, sex workers are now at greater risk of harm because they are more likely to take riskier jobs, are less able to communicate their services and boundaries to clients ahead of time to assure there are no misunderstandings, and are less able to communicate among one another to share information important to their safety—such as warnings about violent clients (Siouxsie, 2018; CASWLR, 2015).

Anti-trafficking advocates and organizations also argue against SESTA-FOSTA and PCEPA, because evidence gathered from websites such as Backpage.com have been useful in helping to find missing children, as well as in securing trafficking convictions (Siouxsie, 2018). It has also been pointed out that website providers will now be less likely to collaborate with law enforcement in helping to prevent exploitation and trafficking, due to fear of incurring liability (CASWLR, 2015).

Virginia

Despite their efforts, the prohibitionists were unable to put in place criminal felony penalties for “sex trafficking” in the US *Criminal Code* (tier one), which is restricted to “severe forms of sex trafficking” (tier two). As a result, lobbying efforts in support of further criminalizing sex work, and third party sex work, were redirected to the state level, by influencing state definitions of trafficking for sexual exploitation (Chuang, 2010).

Virginia has a specific set of laws targeting both the sex trade and human trafficking that differ from federal laws. Section 18.2-355 of the Virginia Code—*Taking, detaining, etc., person for prostitution, etc., or consenting thereto; human trafficking*—indicates a person can be convicted of human trafficking if they:

(1) For purposes of prostitution or unlawful sexual intercourse, takes any person into, or persuades, encourages or causes any person to enter, a bawdy place, or takes or causes such a person to be taken to any place against his or her will for such purposes; or (2) Takes or detains a person against his or her will with the intent to compel such person, by force, threats, persuasions, menace or duress, to marry him or her or to marry any other person, or to be defiled; or (3) Being parent, guardian, legal custodian or one standing in loco parentis of a person, consents to such person being taken or detained by any person for the purpose of prostitution or unlawful sexual intercourse; or (4) for purposes of prostitution, takes any minor into, or persuades, encourages, or causes any minor to enter, a bawdy place, or takes or causes such person to be taken to any place for such purposes; is guilty of pandering (Virginia Law, §. 18.2-355, 2019).

According to subsection (1), a trafficking charge can be laid if a person “persuades” or “encourages” any person to enter a “bawdy place”. “Persuasion”, or “encouragement”, which are similarly used to convict offenders under S. 286 in Canada, are both broad terms that can be used in court in order to convict third party sex workers such as escort services, or pimps, with human trafficking. It is interesting here that the ability to give consent is taken away if either persuasion or encouragement can be proven —setting the bar arguably lower than the need to prove exploitation or force, as required by US federal legislation — since it could theoretically include any sort of recruitment process, or conversation around entering the industry.

The conflation between sex work and trafficking for sexual exploitation is even more apparent in the Virginia *Criminal Code* when it is recognized that offences for procuring (s. 18.2-356), and “receiving money from the earnings of male or female prostitute” (s. 18.2-357), are classified as class four felonies (or class three if the prostitute is under 18)—the same classification given to those convicted of human trafficking (Virginia Law, §.18.2, 2019). Furthermore, human trafficking is

categorized alongside prostitution offences in chapter eight of the Criminal Code of Virginia “Crimes Involving Morals and Decency”, under Article three, “Commercial Sex Trafficking, Prostitution, Etc.”.

One news channel reported that, in 2017, Virginia was ranked fifteenth for the most reported cases of human trafficking: 156 to be specific, with 70 percent of them cases of trafficking for sexual exploitation (Belletti & Peterous, 2018). The Polaris Project, which operates a non-profit human trafficking hotline and is a known prohibitionist organization, claimed that, in 2017, the city of Richmond Virginia ranked ninth overall in the US for calls per capita (Belletti & Peterous, 2018). These Virginia statistics give the appearance of a severe human trafficking problem in Virginia that may or may not be accurate. They are inaccurate insofar as the media only covers reported cases, not confirmed cases. Moreover, given the conflation of third party sex work with trafficking both federally and at the state level in the United States, it is likely that a number of those cases would previously have been categorized under prostitution related charges, and would not meet the UN definition of human trafficking.

Tennessee

Tennessee state law as it pertains to trafficking for sexual exploitation is laid out under Section 39-13-309 of the Tennessee Criminal Code, which states the following:

- (a) A person commits the offense of trafficking a person for a commercial sex act who: (1) Knowingly subjects, attempts to subject, benefits from or attempts to benefit from another person’s provision of a commercial sex act; or (2) Recruits, entices, harbors, transports, provides, purchases, or obtains

by any other means, another person for the purpose of providing a commercial sex act (TN Code § 39-13-309, 2017).¹²

In accordance with subsection (a)(1), a person can be charged with trafficking for simply benefiting, or attempting to benefit from another person's provision of a commercial sex act. Thus, any third party sex worker can be charged with trafficking for sexual exploitation in Tennessee (as they receive material benefits from another person's commercial sex act). In addition, subsection (a)(2) seems to have replaced procuring charges with "trafficking", as there is no exploitation clause necessary in order to deem "recruitment" worthy of a trafficking charge. Finally, once again subsection (a)(2) further targets third party sex workers, since "harboring" or "transporting" a person for the purpose of providing a commercial sex act is also legally defined as trafficking, regardless of consent, or the requirement of exploitation occurring. In addition, the inclusion of "enticement" in subsection (a)(2) is similar to Virginia's emphasis on "persuasion", which replaces a need to prove exploitation.

This inclusion of procuring in Tennessee's trafficking legislation allows for much harsher sentencing for third party sex workers who only need to demonstrate that they engaged in "enticement", or recruitment. Procuring is included under the legal definition of "promoting prostitution" in the Tennessee Criminal Code, and it is

¹² The other "means" by which another person could be recruited/enticed/obtained/etc. include but are not limited to threats, physical abuse, physical restraint, destroying or withholding any government identification document, blackmail, or controlling the supposed victim's access to substances (TN code § 39-13-309, 2017).

labeled as a “class E” felony¹³ (s. 39-13-515). “Trafficking a person for a commercial sex act” is categorized as a class B felony¹⁴ (except in cases where the trafficked individual is under fifteen years of age, at which point it becomes a class A felony) (s. 39-13-309). This means that the minimum sentencing for individuals who previously would have been charged with “promoting prostitution” jumps from one year—to eight, if convicted under the trafficking legislation.

“Operation Someone Like Me” was carried out in Tennessee, and as mentioned above, the media identified it as an anti-trafficking sting operation even though it resulted in charges of “patronizing prostitution of a minor” (Gordon & Apel, 2017). As well, Tennessee annually engages in a FBI led operation called “Operation Cross Country”, which again specifically targets saving minors from the sex trade, and is labeled an anti-trafficking operation (FBI, 2016). This is not to say that minors being coerced into the industry and profited from is not legally a form of trafficking. However, it is interesting that all the major anti-trafficking operations in the US target the trafficking of minors specifically. Thus, the focus appears to be on arresting potential clients, or rescuing minors, but not on traffickers or potential victims over the legal age of consent. As mentioned above, anti-trafficking deployments in Canada have followed a similar model, and have been criticized for their lack of effectiveness in combating human trafficking, and for their disregard for the negative impacts they have on the lives of sex workers (Lepp, 2018).

¹³ Individuals charged with class E felonies face between one to six years in prison, and can be fined up to \$3,000 (Tenn. Ann. Code s. 40-35-111).

¹⁴ Individuals charged with a class B felony face between eight to thirty years in prison, and can be fined up to \$25,000 (Tenn. Ann. Code s. 40-35-111).

In summary, legislation in the United States at the federal level separates “sex trafficking” (an anti-prostitution law) and “severe trafficking in persons” (which requires a means such as force or coercion). However, at the state level in both Tennessee and Virginia, the requirement that exploitation and/or use of force be proven for criminal charges to be laid is not present. In the case of Virginia, “persuasion” or “encouragement” need only be proven for a trafficking charge to be laid, while in Tennessee “enticement”, or simply benefiting from sex work (whether consensual or not) is grounds to be indicted. Finally, at both the federal level and the state level in Tennessee and Virginia, third party sex work is being targeted by human trafficking legislation, and third party sex work—especially procuring— is being conflated with trafficking. The prohibitionist discourses prevalent at both the federal and the state levels have influenced the way in which sex work is consistently conflated with human trafficking for sexual exploitation. This is especially apparent in the targeting of “non-exploitative”¹⁵ third party sex work in the first tier definition of sex trafficking at the federal level, and in the Criminal Code definitions for trafficking in both Virginia and Tennessee.

Consent and Exploitation

As I pointed out earlier in this section, in Canada, all you need to prove is *intent to exploit*, and the lack of consent, or inability to give consent. In the United States, the tier one definition considers consensual sex work to fit within the legal

¹⁵ I placed quotation marks over non-exploitative here in order to point out the tension that exists among some feminists and all prohibitionists over the idea that sex work is inherently exploitative.

definition of exploitation, as it is viewed to be an inherently exploitative industry. But in order to be charged under the tier two definition—and receive a criminal charge of trafficking (to be charged with a felony and not a misdemeanor)—it requires that consent not be present. Nevertheless, in both of these country’s federal legal contexts (discounting the tier one definition in the US), consent and exploitation are closely aligned, and exploitation can only occur if consent was not, or could not be given due to age, or means (age cancels out the legal requirement to prove means).¹⁶

I have demonstrated that sex work and trafficking for sexual exploitation have become conflated in the North American context, and argued that this is not in the interest of sex workers. It has made their work more difficult, intensified the stigmatization of the industry, and resulted in imposed subjectivities that paint all sex workers as victims. New legislation that aims to prevent exploitation and disrupt trafficking operations (such as SESTA-FOSTA and PCEPA) has been criticized for making sex workers more susceptible to violence and exploitation (Lepp, 2018; GAATW, 2018; Siouxsie, 2018; CASWLR, 2015). I argue that the legal deployment of consent and exploitation have enabled this conflation, as consent is deemed irrelevant if exploitation is present, which alongside requirements that only “intent” to exploit be proven, “persuasion”, or “enticement”, has the tendency to render all sex work non-consensual (Lepp, 2018; CASWLR, 2015).

¹⁶ In the Canadian context, the means that negate consent are defined as “whether the accused (a) used or threatened to use force or another form of coercion; (b) used deception; or (c) abused a position of trust, power or authority”, while in the American federal context the means are defined in the tier two definition as “induced by force, fraud or coercion” (CCC, S. 279.04(2); Cornell, 2019).

The legal deployment of consent and exploitation in North American trafficking definitions are also not in the interests of sex workers because the binary it offers does not capture the various realities of those involved in the sex trade. As mentioned above, sex workers do not claim that exploitation is not present in their industry (just as it is in most labour industries). However, they do argue that exploitation increases due to the criminalization of the sex industry that forces them to take on more risk (by being less able to screen clients, or communicate with parties that have access to “bad date lists”, etc.), work in areas that may be dangerous, work without the presence of security or a third party that can address safety concerns, have less or no access to resources that would protect their labour rights, etc. (Lepp, 2018; CASWLR, 2015; Siouxsie, 2018; GAATW, 2018). Regardless, sex workers argue that proof of exploitation is not enough to negate a sex worker’s agency and ability to consent to engage in the work (Lepp, 2018, 31). For example, Stella, a Montreal-based sex worker organization, has pointed out “people can be at work consensually but not consent to the conditions of their labour” (Lepp, 2018, 31). Stella also claims that there is a need to emphasize “the difference between exploitation and trafficking because some sex workers experience exploitative working conditions and/or violence at work”, but due to the current trafficking discourse, that exploitation automatically turns them into victims of trafficking in the eyes of the media, and law enforcement (Lepp, 2018, 31).

Exploitation occurs in every form of labour, but legislation is passed to prevent exploitation from occurring without resorting to labeling all victims of labour exploitation “trafficked individuals”. Sex workers and their allies argue that

governments should decriminalize sex work, rather than criminalizing and trying to eradicate the industry (CASWLR, 2017, 6-7). Furthermore, there needs to be a higher precedent set for what constitutes exploitation for the purposes of trafficking, that further distinguishes it from exploitation in the workforce. I argue that decriminalization would be one step towards enabling this distinction, as labour laws would then apply to the sex industry.

The binary categorization of consent is also not in the interest of sex workers, or trafficked individuals, as it reduces their experience to a limited framework that does not reflect the numerous different factors surrounding a woman's choice to work in the industry, or the circumstances of their trafficking. As Lepp noted from her research, while some sex worker advocates rely on consent to distinguish work from trafficking, other organizations find this problematic. Lepp states,

Stella recognizes that sex workers rights groups sometimes 'use the term "consensual sex work" as an informal strategy to counter the inaccurate and problematic conflation between sex work and trafficking or sexual exploitation' or, as Daria noted, to challenge the 'myths and stereotypes related to sex workers and consent—either we consent to everything or we consent to nothing'. Stella, however, tries to avoid this terminology (2018, 31).

The problem with consenting to "everything or nothing" is representative of the legal system's understanding of consent in binary terms. This binary categorization carries with it subjectivities and significations that are imposed on the agent-turned-victim in the media, as well as in the courtroom; it makes "scripting" from law enforcement more of a necessity, as officers need to meet certain criteria in order for a charge to be laid (Roots, 2018, 60). The accusation of "scripting" refers to a detective who negotiates with, or coerces complainants and witnesses to tell

particular stories/describe events in a particular way in order to achieve the outcome that the officer has already decided on. Many police officers believe that some survivors may not comprehend that they are a “victim”, or may chose not to identify as one in order to retain some semblance of control or agency (Roots, 2018, 169). This perspective relies on assumptions about an individual’s victim status, which may or may not be correct, and worse, may be influenced by desires to increase statistics to secure funding, or by police training that conflates sex work with trafficking for sexual exploitation. One Ontario officer that Roots interviewed described “scripting” as follows: “if you have a victim who says she is consenting, you’re not going to get a conviction. You need him or her to say they were taken against their will” (2018, 170). This conflation is further inflated (and demonstrated), as sex workers are required, at times, to identify as victims in order to escape arrest, or avoid deportation (GAATW, 2018).

Furthermore, in order to seek justice, trafficked individuals, or sex workers who have experienced violence, must place themselves in the victim category, relinquishing any agency they feel they may have had. Organizations such as GAATW, have noted the unhelpful effects that labels such as “victim” have on women seeking help. Psychological studies done on women who have experienced sexual violence show that the “victim” label carries with it associations of “unawareness, helplessness, and especially passivity” (Papendick & Bohner, 2017). The idea that the presence of exploitation removes the possibility of consent, also means that it removes the possibility of agency, which is not helpful to the trafficked individual, or the sex worker who may, or may not, have experienced exploitation.

Instead, GAATW recommend using words such as “agent”, as it denotes agency and the ability to act (GAATW, 2018, 20-21). Sex worker activist, Ava Caradonna, claims that there is a distinction between choice (consent) and agency: “the former insinuates a fictional context in which we all have ‘equal’ options in life and unlimited access to resources. The latter recognizes our capacity to make plans, to have strategies, and to act within a limiting structure” (GAATW, 2018, 21). As such, to recognize agency, rather than consent, is to recognize an agent making decisions, while working within cultural, economic, micropolitical, or behavioral confines (which are not predetermined or fatalistic).

Autonomy vs. Agency

This difference between choice (consent) and agency reflects the difference I present in this paper between liberal autonomy/binary consent and agency. As stated in the introduction, I argue against liberal conceptions of autonomy, and instead advocate for a certain conception of agency, that I define as the ability to *creatively* make connections, associations, and decisions that inform action within certain limitations. Liberal conceptions of autonomy are derived from modern humanism, and liberal thinkers such as Kant, and Rawls. The Western tradition of placing political and moral value on individual autonomy, or the “self-governing individual” is a relatively modern development that accompanied the rise of liberal ideology (Cristman, 2018). For the purpose of this thesis, the definition of liberal autonomy I use is: “an individual’s ability to govern herself, independent of ...her role in social structures...to be directed by considerations, desires, conditions, and

characteristics that are not simply imposed externally upon one, but are part of what can somehow be considered one's authentic self" (Cristman, 2018).

The first aspect of this definition of autonomy I wish to critique is the presupposition of an "authentic self". Butler claims that the ontological argument of an "authentic self", or an "I" that exists independent of cultural discourses and construction, is a false normative injunction (2000, 189). She states that, "there is no self that is prior to the convergence on who maintains 'integrity' prior to its entrance into this conflicted cultural field. There is only a taking up of the tools where they lie, where the very 'taking up' is enabled by the tool lying there" (2000, 189). However, she argues that this cultural construction on the self does not preclude agency; rather, she argues that construction is the "necessary scene of agency, the very terms in which agency is articulated and becomes culturally intelligible" (Butler, 2000, 187). As will be discussed in Chapter Four, Connolly also agrees that the preclusion of autonomy allows room for a specific type of agency enabled by the *creative dimension of thought* prompted by affect. Both authors agree with the idea that "identity" is not a result of autonomous action, but is rather an *effect*. Butler states,

Paradoxically, the reconceptualization of identity as an *effect*, that is, as *produced* or *generated*, opens up the possibilities of 'agency' that are insidiously foreclosed by positions that take identity categories as foundational and fixed. For an identity to be an effect means that it is neither fatally determined nor fully artificial and arbitrary (2000, 186-187).

In other words, for Butler, if identity can be produced, that means that it is neither stagnant, nor passive, and can be actively reformed. To discuss agency, and the construction of identity, Connolly looks to the co-constitutive nature of affects,

culture, and creativity in this construction, while Butler points to culture, performance, and “repetitions” (Connolly, 2002; Butler 2000). Butler argues that the “subject” is regulated through a process of repetition and performance that has substantializing effects (2000, 185). She states, “In a sense, all signification takes place within the orbit of the compulsion to repeat; ‘agency’, then, is to be located within the possibility of a variation on that repetition...it is only *within* the practices of repetitive signifying that a subversion of identity becomes possible” (Butler, 2000, 185).¹⁷

The liberal definition of autonomy is thus firstly problematic in its presumption of an “authentic self”, but also in its contention that to be autonomous the individual must be self-governed, and not have desires, considerations, etc. imposed upon them, or at least, to understand the authentic self as the primary director. Butler’s critique of a separate “I” that can enter in and out of discourses and cultural constructs begins to highlight why this understanding of autonomy is problematic. Chapter Four, through an engagement with affect theory, will add to this critique and consider how the production of identity and desires is not only influenced by external affects, but also that “self-governing” relies upon an idea of judgment as a conscious activity, which affect theory demonstrates misrepresents thought processes.

Autonomy and consent rest upon binaries that then impose labels and subjectivities. I agree with Ava Caradonna, and GAATW, that sex worker advocates,

¹⁷ In Chapter Four, I will expand upon how this “variation of repetition” can be enabled by Connolly’s creative dimension of thought.

legislative assemblies, and law enforcement should emphasize “agency” rather than consent, and recognize that exploitation occurs in all avenues of labour. I add to their argument by suggesting that agency should be understood as continually in flux, and that there are contexts in which individuals can enact more or less agency.

This chapter pointed to how the conflation of trafficking with sex work, along with the focus on binary conceptions of consent (tied to exploitation) is problematic for both sex workers and trafficked individuals. The next chapter discusses the grooming process and sets up the case studies that the following theoretical chapters are grounded in, in order to further explore how binary conceptions of consent that presuppose an autonomous individual are insufficient for understanding and determining a trafficked individual.

Chapter Two: The Grooming Process

This chapter provides a description of “the grooming process” identified in cases of domestic trafficking for sexual exploitation, and offers a brief overview of the case studies utilized as primary sources for this project. I consider these case studies to be human trafficking cases because the trafficker was in control of where, when, and for how long the trafficked person worked; contrived that their targets were socially, economically, and/or physically isolated; and the trafficked individuals gave the trafficker the money that they earned from their sex work.¹⁸

The case studies demonstrate variances in the way in which the grooming process is employed, as well as specific examples of how it is used. Furthermore, the case studies are accompanied by an analysis of how they discursively contribute to, as well as reflect, the production of the public image of the trafficked individual and the Black pimp. I engage in this analysis to show that the disciplinary techniques, “performative” aspects, and affective associations I point to in the grooming process are not limited to it, but are, in fact, micropolitically deployed in all

¹⁸ As I pointed out in the previous chapter, there are issues with current legal definitions of human trafficking in North America. Therefore, to claim that these case studies were legally defined as such, is not sufficient for this project. The reasoning I offer here for these case studies to be defined as human trafficking is partially influenced by the UN Protocol (which includes the act, the means, and the ends), but it is not a definition that I propose as a legal substitute. I left out “exploitation” as I have already brought up the current issues with legal definitions of it, and recognize that there needs to be more work done to clearly define it and separate it from exploitation in the work force. However, that exploitation occurs in combination with the above elements (or as immanent to them) is a given for my understanding of human trafficking.

areas of society. In other words, these case studies are *not* exempt from disciplinary deployments that influence the production of the subjectivities.

The case studies that follow provide examples of varied distinctive deployments of the grooming process. The purpose of which is to illuminate different tactical combinations of the disciplinary techniques involved, and to demonstrate the fluid and rhizomatic form these techniques take. The intention in using these case studies is to ground the following theoretical work in domestic human trafficking cases, in order to provide the reader with context for understanding how the construction of identity, perception, subjectivities, and judgment *is* influenced—to a greater or lesser degree depending upon the agency of the individual *in that moment*¹⁹— by external sources.

As mentioned in the introduction, these case studies are derived from transcripts of interviews or court documents. In transposing the transcripts, I attempted to stay as true to the original tone and wording as possible. As such, the case studies reflect their own particular subjectivities and discursive influences. My choice to maintain the original tone and wording was made, firstly, because I can only speculate as to what may be exaggerated or removed in the telling of the events that transpired, or what political or social motivations may have influenced the narrative. Second, in making assumptions, or changing the narrative, I impose my own subjectivities on it. Although this cannot be completely avoided, in maintaining

¹⁹ I place an emphasis here on the temporal relation to agency, as agency is never static but always in fluctuation. Although the degree of variance in that fluctuation is dependent upon the sensibility of the individual along with other external and contextual factors.

the authenticity of the narrative I try to circumvent my subjective interpretations as much as possible.

I introduce each case study with a prelude that highlights some of the potentially problematic discursive and institutional elements. However, as a general caveat for what follows, I would like to emphasize that all three cases are permeated with micropolitical penetrations that range from public policy, media discourse, the setting in which the interview is conducted, to the gestures and tone of the interviewer, etc. These micropolitical proliferations influence *how* and *why* the subject tells their story. It is important to keep in mind the following quote by Connolly—on how thought is affectively imbued and modified depending on the context—when reading the following case studies:

When you express proto-thoughts²⁰ and thoughts in conversation, the public context of the expression changes the proto-thoughts brought into being. Expression alters what is expressed in the art of expressing it. Since the pace of thinking moves faster than the act of public expression, only some things are articulated at any one time. *More fundamentally, the public context of articulation has significant effects on what is said, how it is said, and how it is received* [my italics] (2002, 70-71).

As already stated in my methodology section, I have decided to use these resources despite the problematic elements the caveats disclose. In the case of the interviews I used from survivors, I do this because it is important to believe their experience (with the caveat that *all* perception is shaped by affect, cultural norms, and significations), and to include their voices in discourses that engage in an

²⁰ Pre-conscious “thoughts” (conceived by Connolly as ideas in movement) that consist of “energetic assemblages that are non- or minimally ideational”, which prompt and inspire the formation of a thought or idea (Connolly, 2002, 111). They are driven by the affective register and thus imbued with affect.

analysis of it. Pointing to these caveats is also pertinent to my analysis because of the importance I place upon the constitutive role that discourses have in producing subjectivities and proto-conscious associations. I further engage with the impact of these caveats upon my analysis of the discursive shaping of subjectivities at the end of this chapter.

The Grooming Process

The grooming process is a term utilized primarily by members of the law enforcement apparatus to refer to instances of domestic trafficking for sexual exploitation whereby the trafficked individual is “groomed” into the industry. In the 2012 case, *USA vs. Culp*, special agent Jamie Corman described the grooming process as follows: “when pimps first start meeting girls...they start having a boyfriend-girlfriend kind of relationship, and then after a couple of weeks ...they usually start talking to them about making money, telling them it is easy” and that “they only have to do it for a short time” (USA vs. Culp, 2012, 19). Although the grooming process can take a few weeks (the pre-trafficking stage), it can also take months. For instance, Jasmine, a survivor from Ontario interviewed by Global News (case study I), dated her trafficker for six months before she began engaging in sex work for *his* economic benefit (Croteau, 2013).

The legal-juridic apparatus commonly refers to stage one of this process as the “honeymoon stage”. During this phase, the trafficker will seduce the target, shower them with gifts, and slowly begin the isolation process by beginning to take responsibility for the financial aspects of their life (Croteau, 2013). This introduced isolation is the next important step in the grooming process. Isolation can take

various forms, including economic, emotional/social, and physical isolation. Traffickers will often move their target, physically and socially isolating them from their friends, family, and other external influencers (Croteau, 2013). Isolation, as will be explored in the following chapter, is an important disciplinary technique that is crucial to this process. When discussing the utilization of this technique in prison systems, Foucault states that, "isolation provides an intimate exchange between the convict and the power that is exercised over him" (1977, 237). Replace the "convict" with the trafficked individual in this context, and ultimately it is the same tactic being employed with the same effect: a constructed relation of intimacy, achieved (partially) through isolating maneuvers. Isolation is necessary so that the "one that subjects" can exercise more control over the subject.²¹ This is achieved by blocking alternative sources of influence, enabling a more consistent and uninterrupted deployment of disciplinary techniques that correct behaviour, and affectively modify thought processes according to *their* tactical arrangement.

Case Study I: Jasmine

This case study is based upon an interview conducted by journalist Jill Croteau of *Global News* and appeared in an article entitled, "The Flesh Trade". Croteau takes a somewhat prohibitionist stance on sex work in some places in her

²¹ "One that subjects" is something or someone that imposes/produces, and/or identifies and then makes representative, significations or subjectivities. In other works, one that is engages in a strategy of subjection, and represents the one who aims to subject and then subjectify the other. I also refer to the "one that subjects" as an "external source" in this thesis.

article.²² For example, in another interview found in the same piece, Croteau asks “Nicole”, a sex worker (not a trafficked individual), whether or not she has thought of leaving the sex trade, asking: “do you ever look in the mirror and think: I’m better than that?” (2013). Jasmine herself is now involved with an organization called Sex Trade 101, self-described as “Toronto’s only sex survivors and abolitionists organization” (2009). Thus, it is an organization that works to combat trafficking for sexual exploitation, and seeks to abolish the sex trade. Therefore, the following case study must be read with the knowledge that the interview is influenced by prohibitionist discourses and motivations.

Jasmine met Beni when she was enrolled at Western University in Ontario. She described the first six months that they were together as “amazing” (Croteau, 2013). Beni spoiled her with lavish gifts, expensive dinners, and an extravagant lifestyle. Jasmine characterized this period as follows: “he would take me out to fancy restaurants, he would pay for everything always, he bought me jewelry... would just shower me with gifts. He gave me his BMW truck right away, and we went looking to buy a home together” (Croteau, 2013). However, during this time, he coupled his gift giving (which Jasmine saw as a demonstration of affection) with controlling tactics, and isolating maneuvers.

Jasmine indicated that Beni exhibited extremely controlling behaviour during their first six months of dating. He was always texting and calling her when they

²² Whether or not Croteau’s prohibitionist views may have overtly influenced the questions she asked Jasmine is unknown. This is because the interview I used for this case study was presented as a monologue. Only Jasmine’s responses were audible; the interviewer’s questions, or reactions were not taped, or recorded.

were apart to inquire about her location and activities, and she felt as though he was keeping track of her movements (Croteau, 2013). He also began the isolation process during this period, by rendering her financially dependent upon him, and physically and socially isolating her by moving her away from the home she shared with friends, and placing her in a condo that he paid for.

Beni would consistently pair his controlling behaviour with “loving” words and affection. He would say such things as: “you’re my girl forever, you’re going to be my wife...you’re going to belong to me forever” and would ask that she immediately repeat those sentiments back to him (Croteau, 2013). Jasmine recalled that this behaviour was slightly frightening as she felt the threat behind the words, but at the same time, she was thinking “wow he must really love me if he wants me forever already” (Croteau, 2013). Beni soon began coupling this “romantic” rhetoric with stories about his violent history. He described instances where he was violent to somebody who crossed him, even telling her about a moment in his past when he set his previous romantic partner’s house on fire, with his daughter inside, because she had wronged him (Croteau, 2013). These statements and gestures of affection, accompanied by stories of his violent past and his controlling behaviour caused her to begin associating “disloyalty” with violent action, and expressions of love with expressions of loyalty. Jasmine acknowledged that at this point in their relationship she feared Beni, but that she was also deeply in love with him (Croteau, 2013).

During this “honeymoon phase”, it can be interpreted that Beni was deploying micropolitical techniques through his threatening “yet loving words”, his physical and financial gestures of affection, his controlling behavior, his isolating

tactics, etc. to affectively mould Jasmine's somatic associations to create new representations (such as new somatic associations of love, disloyalty, or security). Beni's act of displacing Jasmine — moving her away from a home she shared with her friends and into a condo that he owned and controlled — enabled him to establish a relation of isolation-intimacy. This allowed him to exercise total control over her environment and limit her access to outside influences. To emphasize the importance of this technique in creating an environment that makes individuals more susceptible to controlling tactics, "Pimpin' Ken" — whose autobiography, *Pimpology*, contains advice on how to subject and exploit women— gives this advice: "without roots, even the mightiest tree can be easily moved here and there. People are the same way. Without strong ties to a place, family, or loved ones they can be easily manipulated and controlled" (Ivy, 2007, 85).

The honeymoon phase ended once Jasmine found out Beni was a pimp and having sexual relations with the women he represented. Beni was out of town at the time, so she moved out of his condo, found a new apartment, and returned his BMW truck to the woman who had informed Jasmine of her professional and sexual relationship with Beni. In response, Beni showed up at Jasmine's new apartment and threatened her with physical violence if she ever left him again (Croteau, 2013). Jasmine decided to stay with Beni, and returned to the home they shared. She indicated that the reasons she did so were because she feared what Beni would do if she did not return to him, and because she loved him and wanted to be with him. She desired to equalize their relationship, so she decided to start engaging in sex work to get back at him for cheating on her. She claimed that her justification for

entering the industry was that she wanted him to feel how she had felt upon hearing he was with other women. However, now that Jasmine has reflected back on her decision, she recognized that he had wanted her to prostitute for him, and that this was likely his plan all along: “like he cared, that was his plan...I didn’t know it at the time” (Croteau, 2013).

Beni organized Jasmine’s entry into the sex trade. He bought condoms for her, and introduced her to his friend’s “girl” to teach her the tricks of the trade and tell her how much to charge (Croteau, 2013). Jasmine recalled that after her first night turning tricks, she felt deeply depressed and if Beni had not had been in the hotel room they shared, she claimed that she probably would have killed herself (Croteau, 2013). At first, Beni was compassionate, comforting Jasmine and allowing her to confide in him about her experiences. Once Jasmine was beginning to feel safe and consoled by Beni, he turned on her and became verbally abusive. He yelled at her, claiming that since she was acting like a “ho”, he was going to treat her like one (Croteau, 2013). He then proceeded to rape her, beat her, and asked her to put the money she had made that night in a drawer for him so that they could start financially planning their future together.

From that point on, Beni would couple savage beatings when Jasmine stepped out of line (to punish her), with buying her expensive gifts and professing his undying love for her. Beni even proposed to her, and intentionally got her pregnant, in order to further secure their bond and her dependence on him

(Croteau, 2013). According to Jasmine, “by the end of our three years together, he took something like 270 000 dollars from me” (Croteau, 2013).²³

One night, Jasmine told her brother about a recent violent altercation between her and Beni and he called the police. Jasmine described how she felt when she reviewed a phone call from the police station telling her that Beni was in custody: “I was like oh shit I’m screwed, I’m pregnant with this guy’s kid, he’s going to kill me, I need his money, I need him to support me, what am I going to do?” (Croteau, 2013). Even though Jasmine feared for her life, she loved Beni and could not imagine her life without him. She refused to cooperate with the police or the prosecution during Beni’s trial. She even signed an affidavit claiming that her brother was lying, so that Beni would be released from jail and the restraining order against him would be lifted (Croteau, 2013). A few years after signing the affidavit, Jasmine finally agreed to give a statement to the police, but even then, she was hesitant to do so, stating that “I really didn’t want to give my statement...I guess I

²³ In a purely theoretical interpretation of the interview, it could be said that Beni began changing somatic associations of security for Jasmine, so that she began associating it with him. But, in order for Jasmine to become truly dependent on Beni, he had to deploy micropolitics to make her feel insecure, while simultaneously making her dependent upon him for security. This was done so that she would begin to see *him* as a source of security and salvation. She felt simultaneous love and fear for Beni (security and insecurity). He would couple physical abuse that enabled feelings of insecurity, with romantic gestures and words that made her feel secure in their relationship. And he continued to navigate her through tactics of isolation that further separated her from other support networks by getting her pregnant, proposing to her, keeping all her money, etc. This resulted in an increasingly solidified perception that she was dependent on him that further reinforced his role as her sole basis for security.

still had feelings for him at the time. Not that I wanted to be with him, but I still cared about him as a person” (Croteau, 2013).

Case Study II: Tanya

Tanya Street, the focus of my second case study, was interviewed in the 2016 American documentary *In Plain Sight: Human Trafficking*. At the end of the documentary, viewers are directed to websites that promote “family values” and “sexual morality”. Consequently, the documentary can be interpreted as taking a prohibitionist stance on sex work. For example, one suggested website is “Identifiable Me” which is an organization that Tanya runs and has the following mission statement: “our hope is that Identifiable Me will change the way society views sex and sexual related topics. In today’s culture sex takes the center stage in a way that degrades the value of the human race” (Street, 2011). Tanya’s current organizational work may well have shaped how she chose to tell her story, as well as the prohibitionist and hetero-normative family oriented discourses potentially underlying the documentary’s narrative.

Tanya met her trafficker —who for the purpose of this analysis I will call Bill²⁴— on a blind date when she was eighteen years old. At the time, she was living on her own with a newborn baby. She was in a vulnerable space during this period in her life, as she had recently escaped an abusive household where she was subjected to sexual abuse from the age of seven to fourteen (Rodriguez & Hornsby, 2016). When Tanya and Bill started dating, he became a confidant with whom she

²⁴ Tanya does not name her trafficker, but instead refers to him as her “pimp”. I chose to give him a name so as to not add to the discursive conflation of pimps with traffickers, as well as for clarity purposes when referencing him.

shared her stories of abuse, as well as a source of comfort and support (Rodriguez & Hornsby, 2016). After a few months, Bill informed her that he was a pimp and asked her to prostitute for him. Tanya recalled that her first response to his request was “I can’t do that cause I’m not a ho” (Rodriguez & Hornsby, 2016). However, after a while, Tanya finally gave in to Bill’s requests and became involved in the sex trade. She indicated that the reason she did so was that she felt she needed to “partner with him” in order to maintain their relationship, and her “Queen status”:

The way he turned it, he made it seem like it was my job to keep our relationship together. Or to maintain my ‘Queen status’ I needed to make more money. So me walking into it I said ‘yes’. I said ‘yes’ to my relationship with him, I said ‘yes’ to what he asked me to do, because what he asked me to do was partner with him and I thought that’s what I needed to do, to keep my relationship with him. So, the entire time I was being trafficked, that was my mindset (Rodriguez & Hornsby, 2016).

But Tanya was not his partner. She never kept any of the money she made, and she was not in control of where they went, or how long she would be working: “I never knew where we were going to go... I didn’t know if we were going out of State, I didn’t know when we would get [to] sleep, I didn’t know when I would come back home...it was always up in the air and it was always up to my pimp” (Rodriguez & Hornsby, 2016). Bill utilized a tactic to make his women *feel* as though they had some control over how long they would work. He set quotas for them that they had to fulfill before they could go home, quotas he would arbitrarily increase when the mood suited him (Rodriguez & Hornsby, 2016). However, he never let them feel as though they were in control of *where* they worked, nor did he frequent one location consistently.

Tanya recollected how after only a few weeks of working for Bill, he became increasingly more controlling over every aspect of her life. He even arranged to have a daycare set up at his house for the women who “worked for him”, so that their children were always under his control (Rodriguez & Hornsby, 2016). Bill requested that they call him “daddy”, and to come to him for anything they required. He would pay their bills, always asking “what we needed and what we needed it for” (Rodriguez & Hornsby, 2016). He made sure that he was their sole provider, and responsible for all their financial and physical needs (Rodriguez & Hornsby, 2016).

Tanya described how Bill went out of his way to construct a false reality for her, wherein she played the role of his “Queen”, validating a desire of hers to be respected and important. He reinforced this role by allowing her to always sit in the front seat of the car, while the other women sat in the back. In addition, to further reinforce this false reality, he would never punish Tanya physically, but would instead assault the other women and make her watch. She reflected that although it frightened her to “see this other side of him”, it also affirmed her relationship with him as his Queen. She remembered that during these beatings she would think: “ok, he still respects me and loves me because he’s honouring me [by hitting them and not me]” (Rodriguez & Hornsby, 2016).

However, even though he never beat her, Bill would still make casual threats about not relinquishing her son from the daycare he had set up, or refusing to take her to school if she did not make enough money that day, because he knew both of those things were important to Tanya. Eventually, she dropped out of school due to

Bill's influence over her: "He [was] just constantly finding ways to pull me apart"

(Rodriguez & Hornsby, 2016).

Finally, Tanya reached a breaking point, a moment when everything changed, and Bill's power over her was solidified:

Every pimp wants to break their girl. So, there was that breaking point. I lost money again, and I get into the car and I'm crying...he just lets me know how disappointed he is with me, and he threatens to hit me, and I'm thinking 'this is it'. So he looks at me and says, 'you know what, I'm not going to hit you cause you're not worth it'. That was powerful because I wanted to be worth something to him. I was wanting it to be the way it was in the beginning. So he's quiet and we drive to the bus station... and it's raining outside. And he says 'you can leave I don't want you anymore, you're like trash to me'. And I turned to him and I say 'I love you, and that's all I want, all I want is what we had in the beginning, what happened to it?' I'm like pleading with him and he says 'you know what, if you want it to be the way it was before, you have to do something for me' and I'm like 'ok what is it?' and he goes 'see that mud puddle out there? I want you to go on your hands and knees and go in that mud puddle ...that's it you can do that or you can go home'. I go get out the car and get in the mud puddle...it's raining...people are outside looking. I get back in the car and he looks at me and he says: 'get in the back seat'.

(Rodriguez & Hornsby, 2016).

It was at this breaking point that the "Queen status" became inverted, and the loss became a form of punishment. All Tanya wanted was to go back to the "honeymoon stage" — the stage at which she not only held her "Queen status", but also she had had the loving relationship with him when they first started dating. Instead, she lost both: "I lost everything. I lost my dignity, my courage, I had given everything to him in the name of love, or what I thought love was" (Rodriguez & Hornsby, 2016).

Tanya never rode in the front seat again, and physical violence was no longer restricted to the other women (Rodriguez & Hornsby, 2016).

In this case, rewards and punishments are techniques utilized to correct behaviour, actions, and gestures that affectively serve to regroup representations of

failure, disappointment, and love. In the “Queen status” phase, failure was associated with a temporary withdrawal of affection, disappointment from her “boyfriend”, and the physical abuse of other women— which she interpreted as affirmation of his love and respect for her yet accumulatively served to deter her from failing him in the future. Once stripped of her “Queen status”, failure, disappointment, and love became entangled and associated with the back seat, physical violence, mud, and degradation. Tanya was already vulnerable before entering into a relationship with her trafficker. Bill sought out her vulnerabilities, and exploited her desire to be listened to, loved, and respected as a “Queen”. The pivotal point when she acquiesced to his demands and placed herself in the back seat signified her subjection.

For Tanya, the sense of security Bill represented to Tanya was reinforced through micropolitics of insecurity. He caused Tanya to feel insecure by controlling her finances, son, and tuition as well as by using her son’s safety, and the payment of her tuition as leverage to ensure her cooperation. Yet he also made her feel secure, by going out of his way to make sure that all of her needs were met, and making her think that he loved and respected her. “Rewards”, romantic in nature, reminded Tanya of the beginning of their relationship. However these rewards were reinforced with punishments that manifested as demotions, and beatings (at first only violence against others), that threatened the eventual return to that happy phase. The honeymoon stage gave Tanya something to hold on to; she affectively associated him not only with the punishments, but also with the memories of him as a loving boyfriend, which he was careful to affirm when necessary. Tanya genuinely

believed Bill could be that wonderful person again, if she would just do as he asked and did not disappoint him.

Case Study III: Culp

This case study is derived from court transcripts of the 2012 US District Court case *USA vs. Marvell Antonio Culp* in Tennessee (No. 11-20319-JPM). The narratives that emerged in this case were produced in and mediated by the criminal justice system. For example, police officers and detectives involved in domestic trafficking for sexual exploitation cases have been accused of and have admitted to “scripting” (Roots, 2018, 60). The reasons for a police officer pre-determining an individual's victim status can be the result of a combination of factors already mentioned in chapter one, such as: competition for funding, police training that produces an “image” of the trafficked individual that is then imposed upon individuals who share similarities with those traits, prohibitionist discourses that paint all sex workers as victims, etc, (Roots, 2018). Scripting is not just limited to police officers coercing or negotiating with “victims”; defendants and witnesses can also be exposed to scripting in order to have the case fit within legal discursive confines. For example, as mentioned above, the black male-pimp-trafficker is an association that is stereotypically produced in trafficking discourse; as such getting the defendant to admit to being a pimp enables this association in court. Further, in the courtroom, prosecution and defence lawyers tailor their questions in such a way so as to elicit specific responses that will benefit their case (Roots, 2018, 196). Roots (citing Ehrlich, 2012) has highlighted how lawyers are able to shape the narrative: “controlled questions can serve as ways for lawyers to lay blame on the

complainant regardless of the answers provided, in effect transforming the cross-examination ‘from dialogue into self-serving monologue’ (2018, 200). Thus, institutional actors are in control of the narrative, which influences the overall perception of the case, the “victim”, the perpetrator, and the crime. Importantly, then, these mediating factors need to be kept in mind when interpreting the transcripts of the criminal trafficking case.

Marvell Culp was charged with trafficking three women: Ashley Spencer, Kayla Freeman, and a fifteen year-old minor identified through court transcripts as TG. Culp kidnapped TG, but was engaged in “romantic” relations with both Ashley and Kayla. The prosecution depicted both Ashley and Kayla as isolated from support systems before Culp met them. Ashley had already been engaged in sex work,²⁵ whereas Kayla had run away from home (USA vs. Culp, 2012).

Culp was much more aggressive than the traffickers in the other case studies, physically abusing the women early on in the grooming process. After only a few months of dating Kayla, Culp approached her about engaging in the sex trade; she refused and he backhanded her. A few days later, he asked Kayla again if she would work for him; this time when she refused he beat her with his belt (USA vs. Culp, 2012(b), 20). Shortly thereafter, Kayla agreed to prostitute for Culp. He posted pictures of Kayla on Backpage.com, bought her condoms, and sent her to walk the streets (USA vs. Culp, 2012(b), 20). After a year of this, Kayla began self-regulating.

²⁵ I do not mean to assert here that sex work is an isolating vocation; rather that the prosecution described her as isolated and vulnerable, due to her age (18-19 years), and her vocation. It is unclear whether that was deduced from Ashley’s feeling about the situation, a psychological profile, or assumptions made by the prosecution.

Culp no longer followed her around on her dates, but she was required to call him when she had fulfilled her quota. After Culp kidnapped TG, Kayla was the one who prepared her to engage in sex work: she dressed her up in lingerie, took photos of her to post on Backpage.com, and informed her that if she just followed “the rules”, Culp would not hurt her (USA vs. Culp, 2012(b), 11, 22).

Culp read Pimpin’ Ken’s book, *Pimpology*, and took inspiration from some of the practices discussed in the text. For instance, he took the “rules” Pimpin’ Ken laid out for his women and demanded that both Ashley and Kayla rewrite them. The rules they wrote out were as follows: “(1) I will be the best ho I can be. (2) I will believe in myself and remain confident in my hoing. (3) I will make as much money as I can for daddy...to invest in our family. I will not fight, cross or steal from my wives in-laws” (USA vs. Culp, 2012, 23).²⁶ In addition to the rules he appropriated from *Pimpology*, Culp also posted a list of daily rules on the hotel wall that were to be obeyed at all times. These included the following: (1) “When you wake up, brush your teeth.” (2) “Clean up” (according to Ashley and Kayla, it was their job to clean the hotel room so that the housekeepers never had to come in). (3) “Lay back down unless I say otherwise.” (4) “Every Friday is your day, clothes, nails, et cetera.” (5) “If you go on down, take at least two showers a day.” (6) “If I tell you something more than two times, you will take a swim and meet Newport.”²⁷ (7) “Work starts

²⁶ Wives-in-laws is a term Culp used to refer to the other women he “managed” (USA vs. Culp, 2012(b), 79-80).

²⁷ Taking a swim and meeting Newport referred to Culp forcing the women into a scalding hot shower and burning them with a Newport cigarette (USA vs. Culp, 2012(b), 83-84).

sundown till sunset unless your goal has been made” — a goal which Culp arbitrarily set each night (USA vs. Culp, 2012(b), 78-84).

Micropolitically, Culp can be interpreted as being less sophisticated than the other traffickers in his deployment of disciplinary techniques; he operated almost exclusively through methods that centered on punishment and regulation. Although Culp engaged in an apparatus of capture through affection and love at the beginning in order to romantically bond with the women (the exception being TG), he subjugated them primarily through violence, rather than through emotional attachment. The women Culp trafficked knew the rules they had to follow, and the consequences if they did not. As such, the rules served to correct behaviour, homogenize their experience, and modify affective associations with specific behaviour until punishment was no longer required to enforce the rules.

The rules Culp enforced through violence became a source of security and consistency for Kayla and Ashley. Before TG left the hotel room to walk the streets for Culp, Kayla pulled TG aside and told her that: “if she just followed the rules she wouldn’t get hurt” (USA vs. Culp, 2012(b), 15). Culp’s acts of physical violence against the women were not arbitrary, but were forms of punishment when the rules were disobeyed. Thus, the rules, accompanied by Culp’s “care” over the women’s bodily needs when they were obedient, can be understood as functioning as an affective way of habituating behaviour through repetition.

Culp regulated and controlled the women’s bodily functions, movements, and personal hygiene. He dictated when they were to get up from bed, how many times a day they had to shower, when they ate, for how long they worked, and who had

access to their body. Culp's control over the women's bodily movements and consumption through a routine timetable and set of regulations functioned to render them docile and malleable. In other words, he subjected them by appropriating their bodily activity and expressions, and then homogenizing them into a routine.

Culp coupled the use of a timetable and list of rules with a regime of isolation-intimacy. He isolated the victims in the hotel room, manufacturing their environment to enable an intimate exchange between the women and the power that he exercised over them so that his disciplinary tactics were uninterrupted in their deployment (Foucault, 1977, 236-237). This combination of isolation-intimacy, rules, and disciplinary reinforcements were enacted in order to modify behaviour to the point where the women no longer required him to watch their activity and enforce the rules through punishment. Once Kayla began to self-regulate her behaviour, she could have left at any point, but she did not. In contrast, Culp followed TG during all of her "dates" and never let her out of his sight, as she was new and had not yet begun self-regulating.

Pimpology and The Pimp Bible

The two "pimp autobiographies"—*Pimpology* and *The Pimp Bible*—contain rules and advice on how to control and exploit women. However, in an analysis of these texts, I do not conflate all pimps with traffickers, nor do I wish to condemn all third party sex work. As Gilles argues, third party sex work — which includes but is not limited to managers, escort services, drivers, etc. — can provide sex workers with protection, community, and assist with various tasks related to the business

(2013). However, what the “pimps” are describing in their autobiographies are not working partnerships, but exploitative relationships that resemble the grooming process in cases of domestic trafficking, as the women keep little to none of the profits of their work, and are not in control of when or where they work.

As discussed in the introduction, these two texts need to be analyzed with caution. The authors may be embellishing their narratives in order to sell their books, or be encouraged to do so in order to feed into cultural stereotypes that depict Black men as violent, “gangbangers”, and sexually promiscuous. In addition, as discussed in the introduction, there is a highly racialized trafficking discourse in North America (especially in the US) with Black men being targeted less as procurers and increasingly profiled as traffickers.

In their autobiographies, Pimpin Ken and Gholson depict themselves as high-class “pimps” deploying choreographed techniques aimed at subjecting women for profit. In Pimpin’ Ken’s autobiography, he states that, “instead of using terror and violence, I developed my own form of persuasion. I use psychological warfare, or pimpology, to get what I want, which is often more treacherous than physical abuse.

I use words and gestures to get others to act right and do right” [my italics] (Ivy, 2007, 3).²⁸ These “pimps” describe a process whereby they either choose individuals who are vulnerable, or they *create* vulnerabilities, and then use those

²⁸ I have italicized the last sentence of this quote as it highlights how Ivy is aware of the affective weapons at his disposal. As will be discussed in chapter four, “micropolitics” includes a choreographed combination of gestures and words that act on the body in such a way as to incite an initial response, and through repetition rearrange subliminal associations and attachments that solidify somatic responses. As such, words and gestures carry affects that work on the subliminal register to modify perception and judgment.

vulnerabilities to their advantage. These vulnerabilities become entry points for establishing intimate relationships with their targets, in order to deploy individualized tactics to break a person down and then rebuild them for their own purposes.

Gholson, a self-proclaimed “King Pimp”, describes this process in his autobiography as follows: “[the King Pimp] has the ability to bring out the best in the worst kind of woman. He can understand her trials and tribulations, her unwanted pregnancies, her sometimes incestuous background, her loneliness, her desperation, etc.” (2014, 47). On a similar note, Pimpin’ Ken gives this advice to aspiring pimps:

Most hoes have low self-esteem for a reason. A pimp looks for that weakness and if it isn’t on the surface, he brings that motherfucker out of them. It doesn’t matter to a pimp what hoes’ weaknesses are, so long as they have them. Then he uses those weaknesses to his advantage. Weakness is the best trait a person can find *in someone they want to control*. If you can’t find a weakness, you have to create one. You have to tear someone’s ego down to nothing before they will start looking to you for salvation. Then you have a chance to *build them back up*, showing them that it’s *your* program that takes them from darkness to hope. While you want them to feel good about themselves eventually, you want them to feel that it’s because of you. They begin to see you as their champion, their hero – *even if the weakness you rescue them from is one you created* [my italics] (Ivy, 2007, 22).

These descriptions depict these pimps’ disciplinary operations as relying on the creation or capitalization of perceived weaknesses. Then they use affective deployments to exploit those weaknesses to destabilize the individual for the purpose of instilling a state of equilibrium wherein they are in control.²⁹ In

²⁹ This idea of states of disequilibrium providing the ideal environment for the assertion of new states of order will be discussed further in Chapter Four.

Deleuzian terms, the “pimp” breaks down the individual by capitalizing on a perceived weakness or vulnerability that they utilize as an entry point to “break their rhizomatic map” and begin instilling a tracing that depicts a reality partially constructed by them (Deleuze & Guattari, 1987, 12-18)³⁰ A necessary component of that tracing is that the “pimp” is perceived as a savior and in a position of control.

Pimpology and *The Pimp Bible* both describe how through applying “psychological warfare”, the “pimp” is able not only to capitalize upon an individual’s weaknesses but also exploit their desires (for, for example, love, security, a home, etc.), by utilizing them as a point of intervention, as well as sources for potential rewards and punishments. As pimpin’ Ken states, “Ask them what their dreams are, and really listen to their answers. Then you can use that information to make *your* dreams come true” [my italics] (Ivy, 2007, 78). Importantly, desire is constructed. As such, it can be modified, or imposed, just as much as it can be used as an entry point. As Deleuze states, “desire is always assembled; it is what the assemblage determines it to be” (Deleuze & Guattari, 1987, 229). It is assembled through an interaction of affects and repetition. As such, desire is a result of affect consciously recognized and sought. Although Ivy called his method “psychological warfare”, like Deleuze and Guattari, Ivy and Gholson seem to understand that “weapons are affects and affects weapons” (Deleuze & Guattari, 1987, 400).

³⁰ The concept of the “rhizomatic map” and the “tracing” were developed by Deleuze and Guattari and will be discussed in Chapter Three.

The Black Pimp and The Trafficked Individual

The above case studies and autobiographies accumulatively serve to contribute to discursive stereotypical representations of the trafficked individual and the Black pimp. The trafficked individual, and the Black pimp, have become sources of objectification and subjectification in trafficking discourses. They become objects of knowledge when interviewed, or examined, and their experience is categorized, based on pre-existing conclusions drawn about similar cases (Foucault, 1982). Once categorized, their experience is then homogenized with those who are labeled in a similar categorical framing.³¹ This process of categorization-homogenization leads to the imposition and/or production of significations, or subjectivities, upon the subject. Although subjectivities/significations may be imposed to begin with, through repetition, they can become a part of that subject's "performance" (Butler, 1990). This is a disciplinary process that Foucault recognizes in such institutional spaces as the penal-judicial apparatus, with the examination being the primary technique used for the purpose of objectification (Foucault, 1977).³² It is similarly used in trafficking discourse to produce knowledge-power representations of the trafficked individual and the Black pimp/trafficker.

All of the above case studies and autobiographies share commonalities in how the trafficked individual and the pimp/trafficker are portrayed. One such

³¹ This homogenization is a process employed in an apparatus of capture which I will discuss in Chapter Three.

³² The "examination" is a disciplinary technique that will be discussed Chapter Three.

commonality is that they all depict the relationship between the trafficked individual and her trafficker as a prostitute-pimp relationship— in either the way in which the relationship started out, or in the way in which it progressed. Regardless, the women in all three case studies referred to their trafficker as their pimp at some point in the interview, and in the case of Culp, the prosecution referred to him as a pimp. I was not able to find a case study that met my research requirements of (a) being a domestic trafficking case, and (b) that involved the use of the grooming process and that did not involve the women identifying her trafficker as a pimp.

As well, there are no autobiographies of known traffickers that I am aware of; the only sources I found were *Pimpology* and *The Pimp Bible*. This unfortunately has the potential consequence of adding to the conflation between Black men and pimps/traffickers.³³ The racial background of the “pimps” in the first two case studies involving Jasmine and Tanya is unknown; however, Culp, the “pimp”/trafficker in the third case study, is a Black man.³⁴ Thus, the two autobiographies, along with the third case study (and perhaps the unknown racial background of the pimps in the other two case studies, which does not dissuade readers from envisioning a Black man when reading them), contribute to the signification-association of a pimp/trafficker being a Black man.

This relationship is also gendered. In all the above examples, the pimp is a man, and the prostitute/trafficked individual a woman (or an underage female

³³ Especially because I was not able to find a source on pimping (that met the requirements detailed above) from an author that was not a Black male.

³⁴ I write pimp/trafficker to emphasize the discursive conflation between the two. I place “pimp” in quotation marks to emphasize my interpretation of these men as traffickers, and not pimps.

youth). In all three case studies, and in *Pimpology* and *The Pimp Bible*, the pimp is also described as being manipulative and physically violent against the trafficked individual or others. In the case studies involving Jasmine and Culp, as well as in *Pimpology* and *The Pimp Bible*, the pimp/trafficker is sexually involved with more than one woman that works for him, which adds to racist stereotypes about Black men being sexually promiscuous (Roots, 2018).

The case studies and autobiographies depict the women (either before, or after the intervention of their trafficker/or pimp) as vulnerable and submissive. In all three case studies, the women presented themselves as trafficking “victims”, and not as “survivors” or “agents”. None of the women offered accounts of trying to resist her trafficker, or acting independently of him, *after* she become engaged in sex work on his behalf.³⁵ This gives the impression of a broken individual that lost all agency at the moment of economic exploitation.

Accumulatively then, these case studies and autobiographies add to the categorization and signification of the domestic trafficker as associated with pimping, Black men, violence, manipulation, and sexual involvement with multiple women that he exerts control over (implying sexual promiscuity, disloyalty, and predatory behaviour). The trafficked individual is associated with prostitution, vulnerability, submission, and as a victim with little to no agency. These categorizations/labels homogenize the experience of these individuals, and carry

³⁵ To be clear, I am not stating that the correct or “strong” thing to do would have been to offer resistance; I am simply pointing out how this contributes to discursive stereotypes.

with them associations and significations that the trafficked individual, and the Black pimp/trafficker, are expected to represent.

As mentioned in the previous chapter, Judith Butler critiques philosophical claims that the “cause” of a person’s actions, thoughts, and identity can be found within a self that is separate from cultural, discursive, and disciplinary practices.

She states that to do so, allows for:

Political regulations and disciplinary practices which produce that ostensibly coherent gender [to be] effectively displaced from view. The displacement of a political and discursive origin of gender identity onto a psychological ‘core’ precludes an analysis of the political constitution of the gendered subject and its fabricated notions about the ineffable interiority of its sex or its true identity (Butler, 2000, 173-174).

Although Butler is engaging in an analysis of gender identity, the critique holds true for any disciplinary production of identity. Hence, what is relevant here is that an “I” does not exist independently of discourse, political regulations, or disciplinary practices. This means, that just because an individual is “rescued” from being trafficked, does not mean that they are then reconstituted as their authentic self, or that they are then free from discursive and disciplinary regulations that help mould their identity. In all three case studies, once separated from their trafficker, the women were passed from one disciplinary regime and struggle of subjection to another. I am not claiming that these disciplinary regimes are equivalent, or that there are no moral degrees of difference between the two. Instead, I am suggesting that to claim that these case studies and autobiographies represent each speaker’s “true authentic self” is to not comprehend the processes involved in the production of identity.

The following chapter moves into a theoretical engagement with Foucault and Deleuze. It explores their theories as they relate to strategies of subjection, disciplinary techniques, apparatuses of capture, rhizomatic maps, and arborescent traces. It also incorporates a brief discussion of Deleuze's critique of Foucault's "disciplines" to determine the contemporary relevance of Foucault's "disciplinary" theories in a society of control.

Chapter Three: A Theoretical Exploration into Strategies of Subjection and Disciplinary Techniques

This first theoretical section is structured primarily by Foucault's theories on relations of power, subjectivity, and positive techniques of power (disciplinary tactics and biopower). I will mainly be using Foucault to discuss his theories about positive techniques of power and the creation of subjected bodies imposed/or produced with subjectivities. Specifically, I discuss how the positive techniques of power he recognizes being deployed in disciplinary societies for the purposes of producing subjected bodies are quite similar to the techniques utilized by domestic traffickers for sexual exploitation during the "grooming" stage. This process involves breaking down the body, rendering it docile, and subjecting it to disciplinary tactics to produce a specific type of body and consciousness. While Foucault used the military and the penal apparatus in *Discipline and Punish* to demonstrate extreme examples of disciplinary power, I point to the grooming process. It is *this production of a subjected consciousness* through a relation of power engaged in a strategy of subjection that is missing from discourses attempting to make sense of this process. The production of subjectivities through strategies of subjection serve to question the limitations of binary categorizations of consent. This chapter concludes with an engagement with Deleuze and Guattari, to attempt to understand the contemporary relevance of disciplinary techniques, and how they differ in their deployment in a control society.

Foucault: Apparatuses and Subjectivity

According to Foucault, power “exists only when it is put into action” (1982, 788-789). It acts upon actions, and can only exist in a relation of power with another, or others (Foucault, 1982, 788-789). In other words, power is the ability to act upon another and to respond to another’s actions through action. The precondition for power thus necessitates an “other” to act upon. A relation of power comes to an end when there is no one to engage with—death is power’s limit (Foucault, 1978, 138).

In *Discipline and Punish*, Foucault argues that even though the death penalty and public forms of torture may have been replaced with the penal apparatus, the body still remains a site on which power acts. When the death penalty is carried out the power relation comes to an end, as it has turned a strategy of struggle into one of victory in a momentous act of sovereign power. As such, it is in the death penalty that power recognizes its limit. And it is precisely this limit wherein power is the most visible and recognizable: in its final invasive act the power relation ceases to exist and is replaced instead with the victor and the vanquished.

In the penal apparatus, the body of the convict is constantly engaged in a relation of power. It is acted upon, responds to actions, and is thus engaged in an ongoing strategy of struggle where power is limitless. Therefore, power over bodies increases with the introduction of the penal apparatus. Execution is replaced by rehabilitation, and an ongoing strategy of struggle replaces the one time momentous act of sovereign power.

The strategy of struggle “constitutes a frontier for the relationship of power, the line at which, instead of manipulating and inducing actions in a calculated manner, one must be content with reacting to them after the event” (Foucault, 1982, 794). In other words, a strategy of struggle begins only *after* a power relation has been fixed: when party A has fixed a power relation whereby they are able to act upon party B, while party B is left to react to party A’s actions. It is crucial that party B still be able to act—even if B’s actions are limited to simply being responsive—otherwise it would cease to be a power relation. This is because “it would not be possible for power relations to exist without points of insubordination which, by definition, are means of escape” (Foucault, 1982, 794). Thus, precisely *because* it is a *power* relation, the relation is never *permanently* fixed; there are always points of insubordination that can become lines of flight (escape from the power relation), and/or points of action whereby the power relationship is destabilized and a new power relationship can be fixed.

The type of struggle can be one of exploitation, domination, subjection, or a combination of all three. However, according to Foucault, when a combination of struggles occurs, one type of struggle will often dominate the power relationship (1982, 781-782). Domestic trafficking for sexual exploitation is often looked at in terms of exploitation and domination, but not in terms of subjection; i.e. the rendering of someone into a subject, as well as the imposition of subjectivities on said subject. Struggles of subjection are unique in that they primarily involve the deployment of “positive techniques of power”.

Foucault differentiates between negative and positive forms of power as that which *limits* behaviour, versus that which *produces* behaviour; that which is recognizable as power, and that which is not. Negative forms of power manifest as limits on freedom, such as laws and taxes. They are essentially juridical in nature and thus necessitate the categorical decision, along with the subsequent enforcement of that decision (Foucault, 1978, 85). Foucault argues that society only tends to recognize negative forms of power because,

Power is tolerable only on condition that it mask a substantial part of itself. Its success is proportional to its ability to hide its own mechanisms...would they accept it if they did not see it as a mere limit placed on their desire, leaving a measure of freedom -- however slight-- intact? Power as a pure limit set on freedom is, at least in our society, the general form of its acceptability (1978, 86).

In other words, power is only acceptable if it is understood as a *limit* on freedom, while still leaving room for the conception of the autonomous and somewhat free individual that operates within certain legal restraints.

Positive power is precisely that which is “masked”. It *produces* specific thought patterns, gestures, behaviours, associations, etc. It produces reality, normative knowledge, and the individual (Foucault, 1977, 194). Crucially, positive power reinforces, and is reinforced by, negative forms of power. For example, juridical limits are determined based upon changing social norms; once those limits are decided on, the norms are then enforced and perpetuated until they become naturalized. The naturalization of a legal limit occurs through the production of a specific type of thought process that views something that was previously not “natural” or “normal” as either, or both, of those things. Foucault argues that it is

this combination of negative and positive techniques of power that renders individuals into subjects. He states:

This form of power that applies itself to everyday life categorizes the individual, marks him by his own individuality, attaches him to his own identity, and imposes a law of truth on him that he must recognize and others have to recognize in him. It is a form of power which makes individuals subjects. There are two meanings of the word 'subject': subject to someone else by control and dependence; and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power which subjugates and makes subject to (Foucault, 1982, 781).

Importantly, this form of power functions in a way that it forces the need to know one's identity and to make that identity recognizable. Further, it *imposes* identity by allowing someone to feel as though they are in control of the creation of that identity. In reality, "identity" is constructed through a combination self-discovered—then rendered categorizable—significations/subjectifications, as well as through the imposition of subjectifications/significations through previous categorizations that are then perceived as being self-imposed. It is this *perception* of self-identification that is produced through subjectification.

Subjectification can occur in two different and yet often overlapping ways for Foucault: (1) through the deployment of apparatuses, and (2) through struggles of subjection. Agamben interprets Foucault's conception of an apparatus as "anything that has in some way the capacity to capture, orient, determine, intercept, model, control or secure the gestures, behaviours, opinions, or discourses of living beings" (2009, 14). Agamben claims that "subjectivity" is a result of human engagement with apparatuses, as apparatuses function for the purpose of turning humans into "subjects" (2009, 14). As such, an apparatus is first and foremost "a machine that

produces subjectification, and only as such is it also a machine of governance” (Agamben, 2009, 20).

According to Agamben, it is impossible to escape the process of subjectification. Even if one recognizes the process, and tries to engage in desubjectification by actively negating the part of themselves they identify as being subjugated (either because they have come across other apparatuses that challenge it, or due to contradictions they themselves recognize within it), one only leaves room for the constitution of a new identity through subjection to another apparatus, and by the negation of the previous apparatus (which carries its own subjectivities). Agamben warns that contemporary society has seen a proliferation of apparatuses accompanied by processes of desubjectification that completely ignore the subjectification that presupposes and follows desubjectification (2009, 20). A perfect example of this is in the way in which women who are rescued from trafficking for sexual exploitation are presented as “desubjectified” once they claim their “victim” status and understand their experience to be one of a trafficked individual. This perception ignores the subjectification process that follows once the “victim”, and “trafficked individual” labels are accepted (by the legal-judicial apparatus, the subject, or both), and the subjectivities that accompany those labels are produced.

As well, since humans are in constant contact with apparatuses, they become subjectified in many different ways, and not all humans are subjected by the same apparatuses, or subjected to the same degree. When disciplinary tactics of isolation factor into relations of power, access to a proliferation of apparatuses is limited,

which then increases the influence of specific apparatuses in subjectifying the isolated individual.

An apparatus is thus inherently involved in a struggle of subjection with living beings. However, struggles of subjection also can occur among living beings engaged in a relation of power. Crucially, since living beings are all subject to apparatuses, these struggles of subjection among human beings will thus inherently involve the influence of apparatuses.

Struggles of subjection are not always physically violent, but they still involve deployments of power that take the body as its object. Foucault states:

Subjection is not only obtained by the instruments of violence or ideology; it can also be direct, physical, pitting force against force, bearing on material elements, yet without involving violence; it may be calculated, organized, technically thought out; it may be subtle, make use neither of weapons nor of terror and yet remain of a physical order (1977, 26).

Struggles of subjection remain of a physical order precisely because they are *biopolitical*. Subjection is a result of “direct” force that does not necessarily involve violence, but does involve “calculated, organized, technically thought out” methods immanent to a technology of power he called the “disciplines”. *Biopower* and *discipline* are both *positive* modalities of power that Foucault argues are immanent to struggles of subjection.

The first mode, biopolitics, is based on regulatory controls surrounding the body. In biopolitics the focus is on supervising and regulating the processes of life: health, average life expectancy, birth rates, death rates, and all the factors and diseases that affect those mechanics (Foucault, 1978, 139). Biopower is mastery over the immanence of life: giving power access to the body, its health and its

management. It is the utilization of the body as a source of power, constantly reaffirming power through decisions over bodily activity (Foucault, 1978, 143).

The second mode, discipline, focuses on the anatomo-politics of the human body. This strategy perceives the body as a machine, and focuses on optimizing its capabilities through a micropolitics of power that utilizes different disciplinary techniques in order to integrate it into social systems and economic controls (Foucault, 1978, 139). Foucault describes disciplinary power as:

These methods, which made possible the meticulous control of the operations of the body, which assured the constant subjection of its forces and imposed upon them a relation of docility-utility, might be called 'disciplines'...a policy of coercions that act upon the body, a calculated manipulation of its gestures, its behaviour. The human body was entering a machinery of power that explores it, breaks it down and rearranges it. A 'political anatomy', which was also a 'mechanics of power', was being born; it defined how one may have a hold over others' bodies.... Thus discipline produces subjected and practiced bodies, 'docile' bodies. Discipline increases the forces of the body (in economic terms of utility) and diminishes these same forces (in political terms of obedience). In short, it disassociates power from the body; on the one hand, it turns it into an 'aptitude', a 'capacity', which it seeks to increase; on the other hand, it reverses the course of energy, the power that might result from it, and turn it into a relation of strict subjection (1977, 137-138).

Thus, the disciplines act by first breaking down the body and rendering it docile, and then rebuilding it in such a way as to integrate the body and increase its efficiency within a desired framework. This process, while corporal in its points of intervention, *produces a cohesive consciousness* that enables the body to function in a specific way.

Although these two modalities of positive power can be understood separately, they are in fact immanent to one another. Discipline requires access to the body in order to act upon it, which is inherently biopolitical, while biopolitics

necessitates a regulation and investment in bodily mechanisms, which requires discipline. Discipline is inherently biopolitical in that it dissociates power over the body from the individual, measures individual ability and capacity for productive power, and subjects it (Foucault, 1977, 138). It is in this inversion of power, and in this external influence over the body and mind, where the new economy of power resides.

Disciplinary techniques are specific microphysical interventions on the body that work in concert to impose a relation of docility-utility. In other words, they work on the body in order to affect and modify individual physicality, behaviour, and consciousness. It is the ability to produce a specific subjected consciousness through the control and submission of the physical body. The deployment of disciplinary techniques presupposes a relation of power engaged in a strategy of struggle for (at minimum) subjection and perhaps also domination and exploitation.³⁶

The most important disciplinary technique is the use of “tactics”. For Foucault, tactics are: “the art of constructing with located bodies, coded activities and trained aptitudes, mechanisms in which the product of the various forces is increased by their calculated combination” (1977, 167). Importantly, tactical advantage increases along with the accumulation of knowledge that can inform its strategy. Thus, *disciplinary tactics* are strategic deployments of disciplinary

³⁶ “The study of this micro-physics presupposes that the power exercised on the body is conceived not as a property, but as a strategy, that its effects of domination are attributed not to ‘appropriation’, but to dispositions, maneuvers, tactics, techniques, functionings; that one should decipher in it a network of relations, constantly in tension, in activity...a perpetual battle” (Foucault, 1977, 26).

techniques that function in relation to the overall strategy of disciplinary power, i.e. the production of subjection.³⁷ As such, the examples that Foucault gives of disciplinary *techniques* are only really understood in relation to their combined tactical deployment, and their overall strategy, which is the subjection of human beings.³⁸

Regardless of the assertion that disciplinary techniques must be understood as only *one element* of a strategic deployment aimed at the production of subjection, it is still helpful to analyze them individually in order to better understand their

³⁷ Foucault considers disciplinary tactics to be one of four “techniques” of disciplinary power along with the drawing up of timetables, the prescription of movements, and the imposition of exercises (1977, 167). It may be observed that I have chosen *not* to differentiate between disciplinary methods, principles, and techniques in this project, choosing instead to label them all as techniques. The reasons behind this decision are as follows. First, because it is somewhat unclear what the difference between “techniques, methods, and principles” are, and I am not certain that Foucault meant to categorize them differently. Further, I do not want to get caught up in an exegetical study of the subtle differences between “techniques”, “methods”, and “principles” as the purpose of this section is to examine their combined effect in producing a subjected body, which is the overall strategy of the disciplines. Second, because I agree with Deleuze that we have moved into a control society, which means that some “methods” or “techniques” which Foucault focuses upon in a disciplinary society may not be as relevant in a control society. Further, a control society brings with it new disciplinary methods and techniques that I wish to analyze in combination with the old. Thus, I have taken the essence of disciplinary “techniques”, “methods”, and “principles” and distilled them into one term (disciplinary techniques) in order to: (a) not get caught up in an exegetical analysis of Foucault, (b) emphasize the *calculated combination of disciplinary forces in line with the overall strategy of the disciplines* immanent to disciplinary tactics, and (c) focus on the strategic objective (the production of subjection) in a way that allows me to bring in contemporary disciplinary techniques/methods as an extension of Foucault, rather than as a break with him.

³⁸Crucially, disciplinary techniques are not limited to the ones observed by Foucault, but rather encompass any technique that shares the objective of producing subjection. Because of this, Deleuze’s conception of a “control society” is useful in thinking about how disciplinary techniques may be deployed in contemporary society, and in cases of domestic trafficking for sexual exploitation.

functionality. Foucault used panopticism and the prison system as an example of an enclosed disciplinary apparatus in which the deployments of disciplinary techniques are recognizable and more easily studied. Crucially, Foucault argued that these deployments are not limited to the panopticon or the prison, but spread throughout the whole social body. He states:

The celebrated, transparent, circular cage, with its high tower, powerful and knowing, may have been for Bentham a project of a perfect disciplinary institution; but he also set out to show how one may 'unlock' the disciplines and get them to function in a diffused, multiple, polyvalent way throughout the whole social body....Bentham dreamt of transforming [these disciplines] into a network of mechanisms that would be everywhere and always alert, running through society without interruption in space or in time. The panoptic arrangement provides the formula for this generalization (Foucault, 1977, 208, 209).

Even though the disciplines are not limited to the enclosed structure of the panopticon, it does provide a general schematic formula for how Foucault understands disciplinary power to function. Therefore, the following section will primarily use Foucault's analysis of panopticism and the prison system in order to explicate how the disciplines operate as positive techniques of power, and then compare their functioning to domestic cases of trafficking for sexual exploitation.

Discipline and the Panopticon

The panopticon is a circular structure, comprised of individual cells with glass walls or windows lining two out of the four walls. It is structured as such so that the subjects are visible both to outside observers and to the guards who monitor them from a tower positioned in the centre of the circular enclosure (Foucault, 1977, 200). This architectural design is modelled off the panoptic principle that power should be both visible, and unverifiable: visible, in that the

subject will at all times be visible to the observers in the tower, and that conversely, the inmate will always be aware of his visibility, as the tower is always visible to the subject (Foucault, 1977, 201); unverifiable in that the observers within the tower will not be visible to the subject, so that the inmate will never know when they are being observed. This results in the subject feeling as though they are *constantly* being watched (Foucault, 1977, 201). The tower allows for power to be automated and de-individualizing. It does not matter who resides in the tower, so long as it remains (or appears to remain) occupied. *Anyone* can supervise the panopticon (Foucault, 1977, 202).

A relation of subjection is thus produced in an environment that creates a fictitious relation between the subject and the “watcher” who remains unknown to the subject (Foucault, 1977, 202). Constant unverifiable surveillance is the panoptic addition to disciplinary practices. Bentham discovered how panoptic institutions had no need for bars, or heavy locks. All that was deemed necessary was for the subject to feel as though they were under constant supervision. Surveillance was reinforced through a system of rewards and punishments that affirmed the prisoner’s belief that their behaviour was under constant observation.

The disciplinary result of this surveillance was that the subjects began to replicate the effects of surveillance by monitoring their own behaviour, correcting and constraining themselves without the need for external mechanisms or interventions (Foucault, 1977, 202-203). In this way, the one who punishes becomes less necessary, as the subject begins performing both roles in the power relation, “[becoming] the principle of his own subjection” (Foucault, 1977, 203).

Although all three case studies discussed in the previous chapter do not involve the same deployment of panoptic surveillance, all three traffickers utilize surveillance as a general tactic. In the third case study, Culp arguably comes the closest to a panoptic deployment of surveillance. He stayed in hotel rooms with the women he was trafficking, and at all times followed the new recruits around in his vehicle during their work hours. For instance, Culp followed TG, whom he had kidnapped, during all of her “dates” and never let her out of his sight. In contrast, Kayla underwent a different grooming process than TG who was “romantically” involved with Culp. After about a year, she began to self-regulate and required less supervision. Culp would set a quota for Kayla to meet at the beginning of each night and she would leave independently of Culp, and would call him to pick her up when she had fulfilled it.

In the first case study, Jasmine described Beni as always wanting to know where she was at all times: he was always calling and texting her when they were apart so that she could inform him of her whereabouts. After a few months, Beni moved Jasmine into a condo that he owned and shared with her. The one time Jasmine tried to leave Beni and move out of the condo, he showed up at her new apartment, demanded that she move back in, and threatened her with physical violence. After Jasmine had accepted that she would not be leaving Beni, she began to self-regulate: she would work, go home, and place the money in the drawer without constant supervision from Beni— she adhered to Beni’s rules even when he was not around.

In Tanya's case, surveillance was conducted in a much more abstract way. Although Bill would often watch her and the other women on the corner from his vehicle (in this way they never knew when they were being watched), he did not follow them from location to location, nor did he live with Tanya. Instead, he set quotas for the women to meet. This way he would know, by how much money they made, how much work they had done that night. Further, he provided mandatory free daycare for the women, so if Tanya did not meet her quota for the night, she might not be able to take her son home. The fact that her son was under Bill's supervision and control was a constant motivating factor for Tanya to meet her quota. Further, Bill did not allow his women to handle money, nor were they given any to buy necessities. Instead, they had to tell Bill everything they needed, and he would buy it for them. In this way, he was always aware of what they consumed, where they lived, what they wore, etc.

Isolation is also an important feature of the panopticon and the penal apparatus in general. Isolation is individualizing: enabling a reality whereby subjects view themselves as the chief orchestrator behind their incarceration. It is also a way of binding the prisoner to the power that is exercised over them. It engenders an enclosed environment whereby there exists no other relation of power that can overthrow, or interfere with, the current tactical deployment. According to Foucault, "solitude is the primary condition of total submission. Isolation provides an intimate exchange between the convict and the power that is exercised over him" (1977, 237).

As the first case study demonstrates, Beni began the isolation process when he moved Jasmine out of an apartment she shared with friends, into one that he owned and controlled. He continued this process by convincing her to drop out of university, monitoring her social interactions, impregnating her with his child, and proposing to her. In addition, in all three case studies, the traffickers were in complete control of the women's finances and kept the money that they made from prostitution. Harnessing control over an individual's finances is isolating as it enables the trafficker to manage most aspects of the trafficked individual's life: their movements, when they eat, where they sleep, what they wear, if they go to school, etc. Pimpin' Ken further explains how being in complete control of someone's finances renders that person utterly dependent:

I had this ho from Chicago. She was always asking me why she couldn't have any money. 'A bitch gets no dough,' I told her. 'And that's how pimpin' goes.' 'Naw, that's not why,' she said. 'Okay, Einstein ho, why?' 'Because as long as you have all the money, I can never pay the bills. I can never buy my own clothes. I can never eat unless you say so,' she said. 'You do this to control my actions and keep me totally dependent on you. Plus, I can't think for myself. And if I try to leave, I will leave with nothing --- basically the clothes on my back. So basically, I will always need you' A pimp says he keeps a ho in the hole because she is irresponsible. *But the real reason is that the more someone depends on you, the more power you have over them. To master someone completely, they have to depend on you for everything* [my italics] (Ivy, 2007, 19-20).

Thus, isolation is not simply limited to the act of restricting physical movements and interactions, which is how the panoptic cell is described. Financial isolation is another form of isolation. In the case of Jasmine and Tanya, this was also tied to emotional isolation, as they were both involved "romantically" with Beni and Bill. Both men made sure that Jasmine and Tanya cut ties with friends, family, and their universities so that they became their primary source of emotional support.

Furthermore, both Culp and Beni utilized physical isolation to ensure that they were in control of the women's environment, and that their techniques had less competition from alternative external deployments to contend with.

It is through isolation—combined other micropolitical/disciplinary techniques such as the timetable, and surveillance—that the prisoner becomes docile, submissive, and capable of transformation (Foucault, 1977, 239-240). Once the prisoner has reached this stage, a whole regime that is focused on the regulation of behaviour is deployed. This tactical deployment often includes (but is not limited to) the use of a timetable, and an employment of rules, reinforced through a system of rewards and punishments that are put into place to ensure proper reception to disciplinary training (Foucault, 1977, 246).

The timetable is a disciplinary technique that allows for management of bodily activity, and is often coupled with surveillance and isolation. It dictates the time and length of every laborious action, meal, rest period, etc. It allows for the regulation of schedules that become habitual, establishes rhythms that feel natural, and imposes occupations that become repetitious (Foucault, 1977, 149). The imposition of rhythms and repetitions is important for cementing somatic markers and subliminal associations.³⁹ As such, repetition is essential to disciplinary practices that aim at subjection.

Rewards and punishments are utilized in order to train and correct behaviour, gestures, movements, and thought processes. As such, it is a disciplinary

³⁹ I will elaborate on this point in Chapter Four, as it is an important aspect of affect theory.

end in itself. However, it can also be used to reinforce other disciplinary techniques. For example, it has already been mentioned that rewards and punishments can work to reinforce the surveillance technique by affirming to those under surveillance that there are consequences for their actions at all times. In other words, the rewards and punishments the subjects receive for actions done without someone being physically present to observe them serve to confirm their awareness of constantly being watched. Rewards and punishments can also be used to reinforce the timetable technique. In the third case study, Culp wrote out a list of daily rules/routines, which he posted in the hotel room he shared with Kayla and TG. If a rule was broken, the perpetrator would be punished. If Culp had to tell Kayla or TG something more than twice, they would be forced into a searing shower and burnt with a lit cigarette.

Rewards and punishments also function in tandem with rank or hierarchical ordering systems. They can manifest as awards, promotions, demotions, the ordering of rank, academic categories, etc. In this way, the disciplinary apparatus can rank the subjects from bad to good, or productive to less productive. Importantly, this hierarchization occurs for subjects in relation to one another, creating an immediate norm as well as contributing to an abstract norm (Foucault, 1977, 181). As such, for Foucault, this “hierarchizing penalty” has a double effect. The first is to categorize subjects according to their behaviour and abilities, enabling a quantifiable measurement of their current productive capacity, as well as a projected estimate of their future productivity. The result of this is the creation of an average, or “norm” that subjects then desire to conform to in order to receive

benefits (Foucault, 1977, 182). As such, the “hierarchizing penalty” encourages conformity and engenders an aspiration towards increasing productivity. Foucault states:

[This technique] refers individual actions to a whole that is at once a field of comparison, a space of differentiation and the principle of a rule to be followed...it measures in quantitative terms and hierarchizes in terms of value the abilities, the level, the ‘nature’ of individuals. It introduces, through the ‘value-giving’ measure, the constraint of a conformity that must be achieved (1977, 183).

Thus, through supervision and surveillance, this ‘value-giving’ measure facilitates the comparison and categorization of differences, creating a hierarchical system that encourages homogenization and the establishment of norms that then necessitate exclusion (Foucault, 1977, 183). It is the *threat of exclusion* that serves as the ultimate punishment in a hierarchical system.

In the first two case studies, both Beni and Bill used the hierarchizing-penalty technique on Jasmine and Tanya. Jasmine saw herself as different from the other women that Beni “represented” as she lived with Beni, was engaged to him, and he claimed to love only her regardless of his sexual involvement with the other women.⁴⁰ Meanwhile, Tanya’s “Queen Status”⁴¹ allowed her to feel rewarded because of her special status in Bill’s world. The inversion of that status, as indicated by Tanya’s demotion to the back seat, served as an effective punishment.

⁴⁰ I am not prioritizing monogamous relationships. This contrast is commented on because Jasmine claims that Beni’s infidelity was a problem in their relationship.

⁴¹ This was reinforced through tactical deployments such as only allowing her to sit in the front seat, calling her his Queen, and punishing her by physically assaulting the other women but never her.

Importantly, Foucault believed rewards to be a more effective motivational tool than punishment. He argued that when deploying this system of “gratification-punishment” for the purposes of training and correction, it was important to avoid—as much as possible—the frequent punishment of the subject. He maintained that desire was a more effective motivator than punishment (Foucault, 1977, 180).

It would then follow that in deploying this technique in the most effective way, the subject’s desires would be drawn out, pinpointed, and then targeted as the metaphorical “carrot” in order to better control the subject. Better still, when engaged in a strategy of subjection, the ideal tactical deployment of this technique would be to *produce* desires in the subject that *seem* to arise autonomously, but are actually constructed through proto-conscious associations in the brain-body influenced by the “one that subjects”. This causes the subject to desire that which will enable their subjection, all the while allowing them to believe it is *their* desire, which represents something essential to their individuality.

Punishment must also be used sparingly so that it can be more effective. It is also most effective when the person who is punished loves the punisher. In discussing the favouring of rewards over punishment in schools, Foucault quotes Charles Demia, who stated: “the lazy [are] more encouraged by the desire to be rewarded in the same way as the diligent than by the fear of punishment; *that is why it will be very beneficial, when the teacher is obliged to use punishment, to win the heart of the child before doing so*” (1977, 180). Foucault does not develop this idea, but given the context, it seems that he and Demia are arguing that it is beneficial for the teacher to “win the heart of the child” so that the teacher’s

love/respect/affection becomes something that the child *desires*. Therefore, the teacher's punishment of the child increases the severity of the punishment, as the punishment is not only the act itself, but the distancing from a desire (or reward) as well. The punishment will then serve to motivate the child to work harder to re-attain the teacher's affection—the reward. Most importantly, when desire manifests as winning the love of the one who punishes/corrects them, the subject begins to desire their own subjection. In other words, in learning to love the one who punishes, the subject learns to love their own subjection.

This tactic of utilizing affection as a reward can be identified in the first two case studies. In both, the groomers went out of their way to enter into a romantic relationship with the women, and to instill in them a desire to have it continue. That desire served as a source of motivation for good behaviour later in the grooming process. In case study (II), the ultimate reward for Tanya was a return to the way things were in the beginning of her relationship with Bill, when she held her “Queen status”, and was the recipient of constant demonstrations of affection from him. The most severe punishments inflicted on her were those that took her further away from that goal. The effectiveness of this technique was demonstrated when Tanya agreed to crawl on her hands and knees and beg Bill to let her stay with him after he threatened to leave her at a bus stop.⁴²

⁴² In the case of Tanya, the use of a hierarchizing penalty can be observed throughout her reported experience. First, she desired the one who punished her. Her love for her punisher dictated that her punishments and rewards were centred around what she desired most: to go back to the “honeymoon phase” that they had at the beginning of their relationship. Second, the “Queen status” that she clung to

Jasmine was also in love with her trafficker, and her main motivation for working was to reinstate fidelity between them, and to one day have enough money for her and Beni to retire together. The rewards that Jasmine received only further contributed to the illusion that that dream would be realized. Rewards included Beni proposing to her, taking her on romantic trips (with the money she had earned), and —whether she viewed this as a reward or not is contestable— impregnating her. Beni was careful to use their relationship to ensure Jasmine's obedience. He also constantly coupled rewards and punishments so that Jasmine would remain attached to him. For example, she claimed that after he punished her, he would buy her a present (with the money she made for him) and shower her with affection. This was done so that she would not only take the disciplinary correction, but also believe that he still loved her, and that the reward of their living as a happy family together was still attainable.

The examination is a disciplinary technique that turns a person into an object that can be studied (1977, 191). It looks at the factors that the examiner associates as fundamental to that person's individuality: their weaknesses, their desires, their histories, their sexuality, etc. It made possible two functions: (1) to render a person *into an individual and a subject* that can be described and analyzed, but most importantly understood in relation to their "individual characteristics"; and (2) once analyzed, the person can then be compared to the collective (1977, 190). The examination is thus very much connected in its deployment to the hierarchizing

during much of her experience created the false perception that she was Bill's number one woman and that she was different from the other women.

penalty. It is through the examination that the “truth” of a person’s individuality comes to be known to both the individual and the examiner. As such, the examination can be a useful technique in attaching/associating subjectivities with an individual, whether they be imposed by the examiner or discovered. The examination can also be used to determine weaknesses, desires, shameful histories, etc., which can then be used to better inform tactical deployments of techniques aimed at subjection.

In analyzing these techniques in relation to the case studies, some may seem to obviously fit, while others may not seem relevant. For example, it may be difficult to contemplate how “the examination” can be taken out of its institutional context and made to function within an overarching strategy of subjection in cases of domestic trafficking for sexual exploitation. The examination, however, can operate in a less formal setting. Jasmine, Tanya, and Kayla dated their trafficker before they engaged in sex work for his economic benefit. During this time, they discussed their dreams, their fears, and in Tanya’s case, her history of sexual abuse. In other words, they explored the “truth” of who they were as individuals in their respective “relationships”. Understanding a person’s weaknesses and desires is crucial for being able to manipulate and subjugate them. Pimpin’ Ken discusses this in his autobiography, advising that “[you] ask them what their dreams are, and really listen to their answers. Then you can use that information to make your dreams come true” (Ivy, 2007, 78). In using weakness to your advantage, Ken claims that,

Weakness is the best trait a person can find in someone they want to control. If you can’t find a weakness, you have to create one. You have to tear someone’s ego down to nothing before they will start looking to you for

salvation...even if the weakness you rescue them from is one you created” (Ivy, 2007, 22).

In this way, the essence of the examination technique is present in varying degrees during the grooming process described in each of the case studies, and in the way Ken describes how he goes about manipulating and controlling women. In “dating”, or getting to know these women, the groomers utilized the examination technique by looking at the women as objects of study and examining just what it was that contributed to their “individuality” (including their weaknesses, their desires, their histories, their sexuality, etc.). If they did not have weaknesses, desires, or dreams that the groomer could exploit, then the groomer had to create them. It is precisely these factors that contribute to a person’s individuality— in how they identify as a person. And, it is also these factors that become entry points into molding the consciousness of a person. Through emphasizing and reinforcing *preexisting* weaknesses, and/or desires, and/or dreams, a groomer can gain a point of entry into the individual in order to turn those weakness and desires against them. It is through the imposition or modification of desire, or weaknesses, that a groomer can change how a person identifies with themselves.

Bringing in Deleuze: Control Societies

Gilles Deleuze claims that Western society is in the process of leaving behind Foucault’s disciplinary society and transitioning to a society of control.⁴³ In this

⁴³ Foucault’s disciplinary society takes the panopticon as its model. It is a society composed of spaces of enclosure wherein “the individual never ceases passing from one closed environment to another” (Deleuze, 1992, 3). For example, moving from the home, to school, to the factory, potentially also to a prison, a hospital, an asylum, etc., Foucault describes the disciplinary society as taking root in the eighteenth

control society, there is no abrupt departure from institution to institution, but rather a constant continuation of regulation that tracks individuals or rather “dividuals”. “Dividuals” is a term Deleuze uses rather than “individuals” to describe how in control societies people are both divisible and a part of a whole, but also particular with their own individual code (1992, 5). For example, Deleuze claims that the corporation is representative of how a control society turns individuals into “dividuals”. He states that the corporation “constantly presents the brashest rivalry as a healthy form of emulation, an excellent motivational force that opposes individuals against one another and runs through each, dividing each within” (1992, 5). A disciplinary society views a subject as an individual with a numeration that positions them within a mass, creating a mass/individual pairing. In contrast, in a control society “individuals have become ‘dividuals’, and masses, samples, data, markets, or ‘banks’ (Deleuze, 1992, 5).

A metaphor that Deleuze utilizes to differentiate the two societies is to imagine them both as monetary systems: a disciplinary society adheres to the gold standard, while a control society operates according to “floating rates of exchange” (1992, 5). Disciplinary societies signify a person with a number, indicating their inevitable homogenization and reduction from being an individual to one among many (individual/mass). In contrast, control societies monitor and influence the

century and reaching its height in the twentieth century. Deleuze claims that we have since moved past a disciplinary society and into a control society which no longer functions according to enclosure, but rather according to a fast-paced system of “free-floating control” that operates both in virtual and physical assemblages (1992, 4).

unique code of each individual, operating virtually and continuously to decode and re-code “dividuals”.

I argue that Deleuze’s claim does not mean that we have entirely left behind disciplinary societies, but that societies of control are layered on top of and woven within disciplinary societies. This interpretation is very much influenced by Foucauldian thought. This is because Foucault recognized that we do not simply pass from one society to the next, but rather layer societies upon one another. This enables them to utilize institutions/apparatuses that are already present as points of penetration for new deployments of power.⁴⁴

Think of it like a computer. A computer’s typical function in contemporary society requires that it combine the technology of the machine itself, and the technology of the networks it connects to. The machinic assemblage of the computer represents a disciplinary society. It can be broken down and rebuilt and its mechanics consistently improved upon in order to increase its efficiency and productive power (in terms of speed, size, function, etc). The society of control is

As Foucault pointed out in *The History of Sexuality*, the bourgeois regime did not simply start deploying new tactics of power. Instead, it utilized structures and deployments already in place by the ancient regime and layered on additional deployments, morphed the deployment, and/or utilized the initial deployment as an entry point (Foucault, 1978, 106-107). For example, Foucault argues the deployment of sexuality was deployed through the pre-existing deployment of alliance. The layering of these two deployments allows for deployment of alliance to continue operating by drawing a line between the illicit and the licit, while the deployment of sexuality functioned to continually extend into all areas of society, creating a web, rather than a line (Foucault, 1978). However, that web also serves to re-enforce and recalculate the line, as it enables a more expansive network in which the legal system can draw lines, or gather information in which to re-calculate existing lines. As such, while the deployment of alliance functions as an entry point for the deployment of sexuality, they also both serve to re-enforce one another in order to continue their function.

represented in the virtual networks accessed by the computer. They are tangible yet intangible, constantly in flux, accessible, and hack-able. They enable the proliferation of apparatuses and penetrative techniques of power, as well as possible points of resistance. Yet these networks (the control society) rely on the computer (the disciplinary society) as its mechanical point of entry.

The importance of unpacking this interpretation is to demonstrate how the only way to understand societies of control is to acknowledge their entwinement with disciplinary societies. Societies of control cannot be understood in isolation from disciplinary societies, nor can it be stated that societies of control represent a departure from disciplinary societies. Instead, societies of control should be looked at *as a progression* from disciplinary societies. Control societies have only further enabled the proliferation of apparatuses and relations of subjection. As such, the utilization of Foucault in this theoretical chapter is not outdated, or irrelevant. Deleuze's conception of societies of control is not a departure from Foucault, or a disavowal of contemporary proliferation of disciplinary techniques: it is a continuation of Foucault.

In accordance with this interpretation, it is not that society has disengaged with the techniques of power utilized in the disciplinary age, but rather that a control society has no limitations or breaks in the deployment of these techniques, which are fluid and in constant flux. It must then be taken into consideration how this fluidity and continuous proliferation of positive techniques— without break or limit— influences the way in which traffickers operate.

Deleuze refers to individuals as moving from having been assigned a “number” in a disciplinary society, to becoming coded individuals in a control society (1992). This “coding” is indicative of the fact that individuals do not leave one institution behind before entering another; they are constantly being targeted by relations of power. An individual’s code can be interpreted as a never-ending accumulation of numbers that rearrange themselves according to a particular moment in time, or engagement in a power relation. The use of the term “individuals” means that apparatuses, techniques, and deployments in a control society can simultaneously work on a mass scale, while also be in/dividualizing.

Unlike the military— which utilizes a uniform training regiment and schedule, decided on and then enacted throughout the chain of command— the grooming process is uniquely targeted toward each individual. Groomers utilize similar disciplinary techniques as the military, but understand that each person has a different background and thus a unique code that needs to be broken and rearranged for their purposes.⁴⁵ The groomers operate fluidly and not according to a uniform, bureaucratically imposed training schedule. They modify their approach when necessary, and constantly monitor the response of their target in order to produce a subjected consciousness. Put differently, the military *imposes* a number on its members, a subjectivity to which they must conform. In contrast, groomers examine the code of each individual, and then work to rearrange that code (perhaps

⁴⁵ This is perhaps one reason why the traffickers that engage in romantic relationships with their targets before trafficking them are so successful, because this long “examination” has resulted in them understanding what the best approach would be to best manipulate and affectively subject their target.

adding or subtracting numbers) in order to create a *fluid* code that is best suited to their needs in that moment; a code that reflects the masses, as well as the individual, and is not static.

Even though the code is never static, it is nonetheless desirable for the trafficker to slow the progress of its rearranging so that their influence in its composition is more effective. From a theoretical standpoint, isolation is paramount in achieving this, because in a control society, individuals are *constantly* exposed to multitudes of apparatuses, institutions, and relations of power that affectively compose, break down, and restructure a individual's code. In order for a trafficker to ensure that *their* relation of power's struggle for subjection is the primary influence on that code, *breaks and blocks* from this constant exposure must be imposed to better limit external influences and increase the effect of that struggle of subjection/subjectivity.

Rhizomes, Maps, and Tracings

To better understand why these breaks and blocks are imposed, and the importance of isolation (emotional, physical, and financial), I will break this down further in Deleuzian terms. Positive techniques of power, apparatuses, and relations of power act *rhizomatically* (Deleuze & Guattari, 1987, 22). A rhizome has offshoots, lines of flights, is non-linear, always re-grouping and re-structuring, and operates through constant expansion—to act rhizomatically is to act in this fashion (Deleuze & Guattari, 1987, 20). Unlike arborescent structures, rhizomes do not reproduce, but produce; they utilize maps that are constantly being added to, restructured and modified, while arborescent structures utilize tracings that reproduce an image.

Deleuze states that with rhizomes “the issue is to *produce the unconscious*, and with it new statements, different desires: the rhizome is precisely this production of the unconscious” (Deleuze & Guattari, 1987, 18). A *tracing* is employed by arborescent structures to trace from the map exactly that which it wants to reproduce from it. It isolates, blocks, and configures the map in order to provide a blueprint of what it wishes the subject to replicate (Deleuze & Guattari, 1987, 13). In contrast, the rhizomatic map is “detachable, reversible, susceptible to constant modification. It can be torn, reversed, adapted to any kind of mounting, reworked by an individual, group, or social formation...it always has multiple entryways” (Deleuze & Guattari, 1987, 12). Thus, the rhizomatic map is fluid, adaptable, creative and receptive, while arborescent structures are rigid, hierarchical organizations that try to halt the constant reconstruction that the rhizomatic map offers. It imposes blockages and seeks to reproduce specific elements of the map that benefits its structure. Therefore, arborescent structures do not engage in creation, but restrict it, imposing structure and stagnancy instead.

As such, the military can be seen as an example of an arborescent structure that utilizes both negative and positive techniques of power to deploy tracings upon its members in order get them to reproduce its mechanisms and conform to an imposed structure. In contrast, groomers in a control society act rhizomatically. They do not seek to act like an arborescent structure by imposing a pre-produced tracing upon a individual. Rather, they seek to examine the rhizomatic map of their target, find an entryway, and then modify it. Once inside the map, however, they begin blocking lines of flight and entry points that alternative external sources

might otherwise access. They do impose a tracing, but they do so by acting rhizomatically rather than arborescently. This means the groomers themselves are not reproducing a tracing that they themselves represent; they create a tracing by utilizing the offshoots, and lines of flight already present in the target's rhizomatic map, and through rhizomatic modification of the map. Just as they reconfigure the dividual's code by first utilizing the numbers that are already there and then adding and subtracting what they may, they also utilize the lines of flight, offshoots, and the current design of the map that are already present in order to mold it into a unique tracing for that dividual. This can be done so subtly that the dividual—whose map is constantly being “torn, reversed... [and] reworked by an individual, group, or social formation” —does not even notice the tracing that they begin reproducing (Deleuze & Guattari, 1987, 12).

Thus, groomers act rhizomatically, but keep some aspects of the arborescent structure, when they seek to impose their loose tracing. This is not a contradiction for, as Deleuze and Guattari state, “the root-tree and canal-rhizome are not two opposed models: the first operates as a transcendent model and tracing, even if it engenders its own escape; the second operates as an immanent process that overturns the model and outlines a map” (1987, 20). But the tracing utilized by groomers is different from the arborescent ones in that it *retains* the rhizomatic action of its creator. It is drawn in pencil rather than ink, and as such is never permanent. Instead, its purpose is to block as many entryways and exits as possible so that the dividual can begin self-replicating the affects/effects the loose tracing has imposed. Rather than expanding their rhizomatic map in one direction or

another, the loose tracing manipulates its growth. Crucially, however, because it is not meant to be a permanent tracing, the rhizomatic groomer can adjust the tracing to match the current tactical deployment utilized in this strategy of struggle for subjection.

This is powerful for, as Foucault points out, power relations cannot exist without the potential of a reversal in that relation, or an escape from it (line of flight) (Foucault, 1982, 794). Therefore, when tracings are imposed by arborescent structures, they are not able to adjust those tracings when a line of flight appears, or is created, to break the tracing. However, for rhizomatic actors who create this semi-fluid tracing, they can adjust the tracing whenever a line of flight appears, re-blocking the rhizomatic map. Isolation is important for the smooth implementation of the tracing in order to limit a competitor's access to the rhizomatic map in question. It is easier to impose a tracing when there is less competition for re-configuration of the map. Further, isolation helps to prevent lines of flight from arising and the need for the trace to be realigned.

This blockage of lines of flight, and the imposition of a tracing occurs through the rhizomatic deployment of a "war machine", functioning according to an "apparatus of capture". The "war machine" is a deterritorializing apparatus that creates "smooth spaces" that are non-linear and rhizomatic that can then be reterritorialized (decode/recode, desubjectify/resubjectify) (Deleuze & Guattari, 1987, 353). It operates through "secrecy, speed, and affect....affects transpierce the body like arrows, they are weapons of war" (Deleuze & Guattari, 1987, 356). As such, affects are the weapons of the war machine; they operate through speed, are

constantly mobile, and come from all directions—building and splitting off of one another.⁴⁶

An “apparatus of capture” is formed through two operations: direct comparison and monopolistic appropriation (Deleuze & Guattari, 1987, 444). It appropriates through over-coding: relying upon the deterritorializing mechanisms of the war machine that allows it to reterritorialize on the smooth spaces (desubjectification-resubjectification). The apparatus of capture “constitutes a form of expression that *subjugates* the phylum: the phylum of matter is no longer anything more than an equalized, homogenized, compared content, while expression becomes a form of resonance or appropriation” (Deleuze & Guattari, 1987, 444-445). Thus an apparatus of capture first works to subjugate the target to the point where it becomes an equal part of the homogenized mass, and its expressions reproduce the content.⁴⁷

Traffickers thus employ an apparatus of capture, by creating bonds with their victims, and then *subjugating* them by “breaking” their rhizomatic map and blocking their lines of flight. They impose a tracing that results in an “equalized, homogenized, compared content” with the rest of the women they “represent”. They use an apparatus of capture to appropriate any expression that emerges as lines of flight by “overturning the model” and modifying the tracing. They deterritorialize, and reterritorialize the women using the war machine’s main

⁴⁶ Chapter Four engages in a more detailed analysis of affect theory, and affects as weapons.

⁴⁷ This is similar to Judith Butler's critique of discursive significations naturalized through performativity and repetition (2000).

weapon of affect, along with disciplinary techniques, in a struggle of subjection that results in homogenization and subjection.

Similarly, trafficking discourse, and the juridico-police apparatus act through an apparatus of capture in order to impose the tracing of “the victim”, the “trafficked individual”, and the “Black pimp/trafficker” on those that they deem deserving of the categorical label. They engage in a deterritorialization-reterritorialization process, wherein the subject's experience is relayed, and then re-structured, in order to fit the narrative, and the criteria required for a sentence to be passed. Prohibitionists, through an apparatus of capture, and an arborescent tracing, equalize, compare, and then homogenize the experiences of the survivor and the sex worker. Similarly, the legal system equalizes and homogenizes survivors' experiences through the all-encompassing label of “victim” and “trafficked individual” and the Black man with the pimp/domestic trafficker.

When considering a transition from a society heavily influenced by arborescent structures, to a control society proliferated with rhizomatic actors, the disciplinary techniques of power outlined and described above should not be thought of in rigid arborescent terms when repositioning them in a rhizomatic setting. They are not implemented in the same way during the grooming process as they are institutionally. Rather, the essence of each technique can be deployed in a fluid, non-linear manner. For example, the essence of the examination technique is to turn a person both into a subject and an object of study. This objectification and subjectification occurs in order to gather information about that *individual*, discover their “truth”, categorize and compare them, and then impose those categorical

subjectivities on them (which are perceived as already present). As mentioned above, the essence of the examination arguably exists during the “dating” stage of the grooming process, but it functions continuously, and in such a way that the subject is unaware that they are being “examined”.

The consistency in the deployment of these techniques of power from disciplinary societies to societies of control is precisely in *what* these techniques are targeting. Foucault emphasized the biopolitical nature of disciplinary techniques, in that they target the body and that it is through the body that power is harnessed. But precisely how do techniques that affect the body change and produce consciousness? The next chapter explores how the affective register is targeted through physical and discursive techniques, and how affects “as weapons” shape subjectivities.

Chapter Four: Affects as Weapons

Chapter One focused on how anti-trafficking legislation, along with legal understandings of consent as a binary categorization (and tied to exploitation), do not serve the interests of sex workers, or trafficked individuals. It pointed to the conflation of sex work and trafficking for sexual exploitation, and the problematic reliance on consent and exploitation. The chapter ended by engaging with Butler and suggesting that binary understandings of consent are insufficient for identifying and understanding cases of trafficking for sexual exploitation. I argued that a theoretical engagement with struggles of subjection, disciplinary techniques of power, and affect theory would further exemplify this insufficiency. As mentioned in the introduction, the reason for choosing case studies that documented “the grooming process” (as outlined in Chapter Two) was because they best illustrate the limitations of the binary categorization of consent that presupposes liberal autonomy; and offer an opportunity for an analysis of human trafficking through the lens of Foucault, Deleuze and Guattari, Connolly, and Butler. Chapter Three began this theoretical engagement, seeking to understand the grooming process by looking at it as a struggle for subjection, as well as a rhizomatic disciplinary process that makes use of techniques already deployed—through various tactical arrangements—in different assemblages in a control society.

This chapter builds upon the groundwork that has already been laid. It draws less on the case studies, and instead focuses on engaging in an analysis of affect theory and the role the affective register has in solidifying proto-conscious

associations, and how that aids the “one who subjects” in struggles of subjection.⁴⁸ It continues the theoretical work undergone in Chapter Three to understand the nuanced and rhizomatic nature of one aspect of trafficking, and the insufficiency of contemporary understandings of consent in trafficking discourse. The previous chapter dealt with the construction of subjectivity through disciplinary tactics and techniques. This chapter examines how these tactics and techniques are affectively deployed in order to successfully subject, and then subjectify, bodies. It explores why liberal conceptions of the autonomous⁴⁹ rational subject are inaccurate, and explains that there is a deficit in the way in which “thought”, “judgment”, and “consent” are conceptualized in the legal-judicial apparatus. Finally, it offers an understanding of *agency*, that addresses the insufficiencies of liberal autonomy and binary conceptions of consent.

Context: Agency and Subjectification

Legal discourse lacks an understanding of the way in which the affective register is in *constant contact* with external influences that vary in the degree of influence they have over *producing* specific modalities of behaviour and thought. Meaning that “thought”, “judgment” and “consent” are neither autonomous, nor

⁴⁸ To refresh, the “one who subjects” engages in a strategy of subjection, and represents the one who aims to subject and then subjectify the other.

⁴⁹ I am using a definition of autonomy that is very much influenced by liberal thought. I define the autonomous subject as one that is “self-ruling”, in that they act according to their own rationality, without influence or coercion from external sources. As they act according to their own rationality, they are fully conscious of *why* they reached the conclusion that they did. This is an important distinction, as many liberal theorists would argue that a mentally unstable person is not capable of autonomy.

purely conscious processes. This leaves legal conceptions of consent—as something that can be discussed in black and white terms— *increasingly* contestable.

In lieu of autonomy, this interpretation of affect theory allows for a certain conception of “agency”. While insufficient as a basis for determining consent, it does offer a lens through which *an alternative understanding of consent and exploitation* can be offered which looks at agency, and thus consent, as occurring along a fluctuating scale, rather than in static binary categories. Further, this understanding of agency is powerful, for it is a conception that recognizes action as maneuvers within limitations (economic, cultural, situational, emotional, intellectual, etc.), while also recognizing the fluidity of those limitations. This allows for the possibility of those limitations to be increased, but also decreased. It also recognizes the importance of empowering individuals so that they are able to decrease those limitations. The definition of agency I offer is the ability to *creatively* make connections, associations, and decisions that inform action within certain limitations. Agency is made possible through the *creative* aspect of thinking that is both *limited* by affect and *enabled* by the dissonant moments within it that fashion “forks in thinking”. Agency increases along with the awareness of these limitations—in the production of subjection/subjectivity, signification, and consciousness—and personal implementation of the tactics and techniques used to prompt new associations, lines of flight, and avenues of thought. Agency decreases when the influence of an apparatus or relation of power blocks alternative sources of subjectivity and signification, rendering affective associations to be increasingly directed by the deployment and repetition of their micropolitical tactics and

techniques. The grooming process is an extreme example of a relation of power decreasing a subject's agency through blocking their lines of flight and alternative affective influences, in order to engage in a strategy of subjection that involves targeting the modification of somatic markers, affective associations, and ultimately the *constitutive* dimension of thought.

Understanding subjectivity as constructed through the affective register also has another important consequence when considered in conjunction with Butler's thesis on identity as a *performance* that solidifies itself through repetition. If subjectivity can be constructed through the *repetitive* deployment of apparatuses and disciplinary techniques (understood in its essence as any method that works to modify behaviour and thought processes), this also means that an individual can utilize these same techniques *consciously* with the intent of working on their own thought processes, somatic associations, and behavioural responses. Encouraged by this possibility, Connolly differentiated between techniques that are self-enacted (arts of the self), and techniques that are *acted upon bodies* engaged in power relations (micropolitics). He states,

You can think of micropolitics in the Deluzian sense, as a cultural collectivization and politicization of arts of the self. Micropolitics applies tactics to multiple layers of intersubjective being. *Because it is often practiced in competitive settings, it contains an agonistic element.*⁵⁰ The assemblage to which such micropolitical tactics are applied might be a small group, a large constituency, [etc.]...Arts of the self and micropolitics are ubiquitous in cultural life, even though they also stand in relation of torsion to each other. In a fast-paced world you might try to step out of the cauldron of

⁵⁰ I will come back to this point below, as it connects to my definition of agency, and how it is decreased once in a state of isolation where there exists less competition amongst micropolitical forces.

micropolitics from time to time to work on the ethical sensibility you bring to it. Such a retreat can never be entirely successful in a modern world of intensive institutional discipline, but the effort still makes a difference. That is when arts of the self become particularly pivotal. But it also becomes advisable to step back into the cauldron periodically to enable the sensibility you have cultivated to exert a larger influence, or, sometimes to compel it to encounter new challenges and pressures (Connolly, 2002, 107).

Here Connolly is suggesting that the proliferation of micropolitics can be both partially resisted as well as re-constituted through arts of the self. However, micropolitical interventions can never be fully escaped, as societies of control are immersed in their continual deployments. This is in line with Agamben's argument that it is *impossible* to escape the process of subjectification. This is because whenever the process of desubjectification occurs, it only leaves room for the formation of a new identity through re-subjection to another apparatus, while simultaneously being constituted in the negation of the previous apparatus (Agamben, 2009, 20). However, it is precisely during this period of suspension—enabled by negation, or a perceived contradiction (or point of resistance), or surprising encounter— from an apparatus or relation of power wherein Connolly argues the “creative” element of thinking is jolted into action. This creative element of thinking—both limited and made possible through affect—enables choice within limitations (agency) that allows for the individual to take part in the construction of their “identity”, as well as to influence the proliferation of micropolitical techniques in other assemblages.

What is Affect?

“Between two thoughts all kinds of affects play their game; but their motions are too fast, therefore we fail to recognize them... ‘thinking’ as the epistemologists conceive it, simply does not occur; it is quite arbitrary fiction, arrived at by selecting one element from the process and eliminating all the rest” (Nietzsche quoted in Connolly, 2002, 66).

Affect exists as that which is “below” and in-between conscious thought and action (Seigworth & Gregg, 2010, 1). It is precisely the activity that occurs neurologically among and *between* bodies and areas of the brain. The affective register acts to engage the unconscious processing of sensory information, virtual memories, and emotional tags that result in perception, and the prompting of conscious thought (Connolly, 2002). Affect is both intercorporeal and intracorporeal: it does not just occur neurologically within the body, but functions as well *in between bodies*, through intensities, gestures, discourse, significations, visceral bodily responses, etc.

Seigworth and Gregg define affect as the potential a body has to both be affected and to affect other bodies (2010, 1). This broad understanding of affect, although not incorrect, leaves open limitless possibilities and understandings (not unlike the potential of affect itself). In a more detailed statement they claim affect to be “visceral forces beneath, alongside, or generally *other than* conscious knowing, vital forces insisting beyond emotion—that can serve to drive us toward movement, toward thought and extension, [and] that can likewise suspend us...” (Seigworth & Gregg, 2010, 1). Affect is thus always *immanent* to conscious thought, relations, gestures, and the composition of “identity”, language, and even culture itself.

To further clarify, research into affect's contribution to thought processes demonstrates that affect is the "thinking" that begins before the subject consciously starts composing an idea or stream of consciousness. Thus Nietzsche's statement: "between two thoughts all kinds of affects play their game". In between thoughts, and before conscious thought begins, the affective register (also called the virtual register, or subliminal register) is hard at work below intellectual awareness. According to the affect theorists cited above, when a new thought "pops" into your mind, or the solution to a problem that has previously eluded you presents itself suddenly, this is due to connections made in the virtual register bubbling to the surface of intellectual attention.

In *Neuropolitics*, Connolly takes an interdisciplinary approach to his understanding of affect theory, incorporating perspectives from neuroscientists, cultural theorists, and phenomenologists. He argues that thinking is a complex, layered activity linked to brain and body networks that is influenced by micropolitics and culture (2002, 62). He states that although conscious thought and representation are important functions of the brain network, the brain must also first engage in the "linguistically mediated world and respond to multiple signals from the body that bear the traces of past experiences upon them" (Connolly, 2002, 62). Representation does not occur before affective processing. Affective processing functions through the linking of multiple brain nodules to numerous body zones through "a series of relays and feedback loops" that communicate together in order to connect memory, emotion, the deductive process of sensory

material (all elements of perception), before then *moving* or *prompting* thinking and judgment (Connolly, 2002, 7).

The brain nodules operate at different speeds and capacities: some are limited to “intense, crude inscriptions”, but then communicate with other nodules more apt to linguistic refinement (Connolly, 2002, 74). One such brain nodule, which is limited to “intense, crude inscriptions” but capable of communication with more linguistic areas of the brain, is the amygdala. It is *intense* because it responds to dangerous situations through rapid neural firing, operating faster than conscious thought allows— due to this, it is involved in the “half-second delay” of perception that I will elaborate on further below (Connolly, 2002, 89-90). In addition to acting upon proto-perceptions (perception before it reaches the conscious stage), the amygdala acts as a relay station. It forms neural pathways to more sophisticated brain regions that can use the intense signals from the amygdala to sift through virtual memories, tied to (or creating) emotional tags or somatic markers, that then make their way to the prefrontal cortex (the area of the brain where conscious thinking and judgment occurs) (Connolly, 2002, 89). Neuroscientist Joseph LeDoux describes this process in the following passage:

When the amygdala detects danger, it sends messages to the hypothalamus, which in turn sends messages to the pituitary gland, and the result is the release of a hormone called ACTH. ACTH flows through the blood to the adrenal gland to cause the release of steroid hormone. In addition to reaching target sites in the body, the steroid hormone flows through the blood into the brain, where it binds to the receptors in the hippocampus, amygdala, prefrontal cortex, and other regions (Connolly, 2002, 90).

As such, the amygdala is capable of communicating with many different areas of the body and brain. Scientists believe its primary function is to mediate fear and

other emotional responses, while also enabling visceral responses to dangers that require immediate action (Ressler, 2011). Its participation in “proto-perceptions”, and the visceral responses it navigates during the “half-second delay” are where we turn to next. As Freud once claimed, “affect does not so much reflect or think; affect acts”, and the amygdala is one of affect’s primary actors (Seigworth & Gregg, 2010, 3).

The Half-Second Delay, Virtual Memory, and Somatic Markers

The immense role that memory plays in perception and judgment cannot be understated. Because of this, it is crucial that memory be acknowledged as an *actor* in the present, and not simply recollections of the past. As Bergson argues, “in truth [memory] no longer *represents* our past to us, it *acts* it; and if it still deserves the name of memory; it is not because it conserves bygone images, but because it prolongs their useful effects into the present moment” (Connolly, 2002, 27).

Similarly, Deleuze states:

Memory is clearly no longer the faculty of having recollections: it is the membrane which, in the most varied ways (continuity, but also discontinuity, envelopment, etc.) makes sheets of past and layers of reality freely correspond, the first emanating from an inside which is always already there, the second arriving from an outside always to come, the two gnawing at the present which is now only their encounter (2005, 199-200).

There are two useful points that Bergson and Deleuze touch upon here. First, memory is constituted both from the time during which it occurred, as well as during the moment of recollection; every time it is recalled it is constituted slightly differently. This is because when a memory is recalled, it is imbued with the present context. As such, a memory can be influenced, changed, or highlighted by the present. For example, perhaps the present context requires you to focus on a

specific element of a memory and as a result, the other details become less important; hence, your recollection is influenced by what becomes subtracted from it, highlighted in it, and the need in the present to recall it. Or perhaps someone recalls the same memory, but they remember it differently, or add contexts to it that you were previously unfamiliar with, all of which modify the way in which you now recall that memory. Second, memory is *affective in the present*. This means that past experience and analysis will affect the perception of the present. This is where the role of *virtual memory* in perception and thought processes comes into play.

Bergson recognizes two modalities of memory: virtual (or motor) memory, and explicit recollections. Explicit recollections are memories that are consciously recalled. In contrast, virtual memories are categorized by their lack of an explicit image, and their ability to process information rapidly without an image. They function below conscious awareness and communicate with brain nodules in order to organize sensory experience into perception, and to highlight possible courses of action (Connolly, 2002, 25).

It is necessary for perception to occur rapidly in order for the body to respond to the world without having to wait for a cognitive decision on all matters of bodily existence. The human capacity to explicitly recall images in order to analyze and organize sensory experience during every moment of the day is severely lacking due to the speed necessary to accomplish such a task; not to mention, it would severely limit the ability to engage in other cognitive endeavors with the mind so constantly preoccupied. Because of this, virtual memories, triggered by the amygdala, function below conscious awareness in order to rapidly

organize perception to then inform action. As a result, perception is *perceived* by the subject to be objective and not informed by subjective experience (Connolly, 2002, 25). However, Connolly argues that this is a misconception:

[Perception] is a double-entry activity guided by the concerns of possible action, not by a spectatorial quest to represent an object in all its complexity. And the action possibilities mobilized through the rapid conjunctions between event and memory often lead to the summoning of additional virtual memories, adding new layers of complexity to perception. Again, representation by a disinterested spectator would be too slow and disinterested to organize perception...Luckily we have a crude, infraperceptual brain subsystem available to deal with high-speed situations...In an emergency your reaction time must be quicker than that allotted to image formation in regular perception. So in an emergency it is not only that explicit recollection gives way to virtual memory, *explicit image formation gives way to rapid information processing without image*. You respond in a split second to cues processed below the threshold of image production...In this instance the relatively slow, complex process of perception gives way to the lightning-fast, crude processing of the amygdala (a small, fast, intense little brain nodule connected to other brain regions *and* to direct, crude, perceptual experience) (2002, 25-26).

Thus virtual memory (and proto-perception) is crucial in acting during that half-second delay between information reception and information processing that can enable unconscious action in a dangerous situation. For example, when a ball is thrown in your direction unexpectedly, your body responds before you have a chance to consciously process your options (perhaps either by ducking or automatically lifting up your arms to catch the ball).

Furthermore, in those moments of time when a split-second decision does *not* have to be made, virtual memories can trigger explicit memories that the conscious mind can then filter through and reflect on (Connolly, 2002, 27). As such, virtual memories are not only influential during the half-second delay, or in the

organization of perception, but are also what prompt explicit memory recall (Connolly, 2002, 27).

However, since perception is guided by “concerns of possible action” that are informed by virtual memory, this means that past experiences, and more importantly, the *present processing* of past experiences, *inform* what “concerns” may influence the options processed by “unconscious” brain activity before conscious judgment takes place in the prefrontal context. Virtual memories are imbued with emotion and “affective charges” that help the brain to interpret sensory material and *subtract* unnecessary information (based upon virtual memory banks that categorize what is important for perception in that moment—which is again influenced by past experience) to nudge perception— and thus thinking and judgment—towards certain directions rather than others (Connolly, 2002, 26-27). As such, “thinking and judgment are already well under way before they enter the picture as conscious processes” (Connolly, 2002, 27). The brain does not represent something *and then* processes subjective feelings about that representation; rather, representation (which is never stable) only occurs after and during “thought processes” organized below the threshold of consciousness (Connolly, 2002, 27). This is crucial, as it means that thought and judgment are very much influenced by the organization and processing of virtual memories, and the emotional tags associated with them. The amygdala— associated with emotional processing and fear response— communicates with areas of the brain where virtual memories are processed.

According to Connolly, there are three layers to memory: “(a) explicit memories called up by an existing situation, (b) potential recollections that operate implicitly in action contexts because time is too short to pull them up as recollections, and (c) effects of the past on the present that cannot take the form of explicit recollection” (2002, 37). Virtual memory encompasses (b) and (c). In some cases, virtual memories *can* be expanded into explicit recollections when time allows for conscious thought to be given to reflection (category b). However, in the case of category c, these memories are intensive affect-imbued traces that exist in a fragmented form. Because they exist simply as fragments, they are not able to form an image that can be processed in the prefrontal cortex (Connolly, 2002, 37). According to Connolly, these fragments of affect-imbued traces are one form “somatic markers” take.

Somatic markers are at the core of virtual memory. They are *processed* in the ventral and medial prefrontal cortices, have multitudes of bidirectional connection with the hippocampus (an important component of the limbic system that is mainly associated with memory), the amygdala, *and have projections* towards central autonomic control structures (Damasio, 1996, 1416). These fragmented, affect imbued, intensive traces operate below the threshold of reflection; mixing culture, memory, sensory material, and emotion in order to participate in the decision making process by eliminating and highlighting options (Connolly, 2002, 34). As mentioned above, virtual memories imbued with affective charges *subtract* “unnecessary” sensory material in order to enable the prefrontal cortex to focus perception on the important elements of the surroundings. In addition to this,

somatic markers also “scale down the material factored into cost-benefit analyses, principled judgments, and reflective memory” (Connolly, 2002, 34). Somatic markers do not deliberate for us, but they do help (or in some cases perhaps hinder) the process by sifting through virtual memories imbued with affect, sensory material, and cultural contexts in order to reduce or (at times) negate the need for us to do so ourselves. As a result, after this “sifting” is complete, somatic markers provide “an automated detection of the scenario components” deemed to be relevant for judging the potential outcomes as well as a potential emotional response to them (Connolly, 2002, 34).

Importantly, somatic markers work by filtering through sensory material, and then *linking* virtual memories of similar situations, focusing on “aspects” of that situation that would illuminate potential outcomes and responses (thus engaging in the subtractive process explained above), and linking them to emotions associated with similar situations in the past (Damasio, 1996, 1414). Therefore, these somatic markers often carry with them “emotional tags” that tell the body how to feel about the “automated detection of scenario components”, and inform the brain of appropriate emotional/behavioural responses (Damasio, 1996, 1414). Repetition of a similar result every time similar components arise affirms the validity of the emotional tag and subsequent behavioural responses, strengthening the automation of the somatic marker. For example, subjects are more likely to follow rules once they have become familiar with the rewards and punishments for doing so; the cost/benefit calculation for scenario components becomes increasingly fixed after increased repetition results in similar outcomes. Think here of how Kayla began

self-regulating. She went out to meet the quota assigned by Culp and called him when her task was complete, without the need for physical supervision. The repetitive deployment of rules, accompanied by a fixed routine, enabled her to associate certain behaviours with rewards and punishments. The advice she gave to TG highlights this when she told her “if she just followed the rules she wouldn’t get hurt” (USA vs. Culp, 2012(b), 15). Thus somatic markers reorganize forces of the body— deterritorialization followed by a consolidated reterritorialization of pathways in the body/brain network—which due to their connection to biochemical and molecular components, imbue them with a “deterministic” feature that automates responses (Deleuze & Guattari, 1987, 329, 336).⁵¹

Despite the fact that the “automation” somatic markers enable is efficient for rapid perception and information processing important for cognitive decision-making, what is of interest here is how the subtracting and highlighting they engage in during this process influences judgment and overall disposition. This process can lead to an individual making unwise or cruel decisions, and it enables repetitions in behaviour that become habitual and less reflected upon.

Crucially, somatic markers are *not* biologically wired predispositions. They have intersubjective and linguistic elements and are thus responsive to external and

⁵¹ Deleuze and Guattari are not specifically talking about somatic markers in this section. Instead, I derived this reference from their concept of “refrains”, which I interpret as including somatic markers. Deleuze and Guattari define a refrain as that which “acts upon that which surrounds it, sound or light, extracting from it various vibrations, or decompositions, projections, or transformations. The refrain also has a catalytic function: not only to increase the speed of exchanges and reactions in that which surrounds it, but also to assure indirect interactions between elements devoid of so-called natural affinity, and thereby to form organized masses” (1987, 348).

internal techniques and tactics that can effectively ‘rewire’ their links (Connolly, 2002, 35). Arts of the self, along with micropolitical techniques, are precisely that which can alter (through deterritorialization-reterritorialization) the way in which the brain network engages with the linguistically mediated world, *and* the way in which it responds to signals of the body— by working at the affective level of virtual memory and somatic markers that help to organize bodily signals.

Creative Thinking

To state that conscious thought is autonomous—for the purposes of preserving liberal ideas of identity, free will, and the rational individual—and placed above biological processes, is to “underplay the layered, biocultural character of human perception, thinking, culture, and ethics” that is affect (Connolly, 2002, 61). At the other extreme, are those that conceive *affect* to be autonomous— rather than the conscious mind— due to its subliminal activity below the conscious threshold in organizing thought processes, perception, and judgment (Watkins, 2010, 269). However, I fall into the same camp as Connolly and Deleuze who argue for degrees of agency in conscious thought, by acknowledging the *creative* dimension of thought and the *compositional* effect thinking has on affect. Connolly refers to the *creative dimension* as “the opaque process by which new ideas, concepts, and judgment bubble into being” (2002, 1). By the *compositional dimension*, he means “the way in which thinking helps to shape and consolidate brain connections, corporeal dispositions, habits, and sensibilities” (Connolly, 2002, 1).

Micropolitics, and arts of the self, function by either trying to repress the creative dimension or stimulate it. As such, through repressing the creative register,

micropolitics can function as “disciplines of regularization”, while arts of the self can stimulate creative thought processes facilitating “periodic challenges to established scripts of normalization” (Connolly, 2002, 94). It is through repressing the creative dimension that techniques can be used as disciplines of regularization and correction, but when stimulated the creative dimension can open up lines of flight that challenge hegemonic or stable orders.⁵²

The compositional dimension of thought is representational and occurs internally, yet is affected by external stimuli and it can also have external effects. Thoughts, ideas, gestures, tone, touch, etc., can both affect and be affected by discourses, bodies, and culture. To introduce something new or different to an assemblage (or network) results in an altering of that assemblage—whether or not the consequences of that alteration are small or substantial. This means that thinking exists within multiplicities and helps to compose assemblages, apparatuses and culture, which in turn facilitate the composition of thought.

⁵² The rehabilitative potential of arts of the self in counteracting the effects of negative micropolitical interventions for survivors of domestic trafficking for sexual exploitation is a notion to keep in mind while reading this section. I am not advocating for rehabilitation model to be enforced on these agents/survivors. However, the work that these two sex workers’ rights organizations— “Stella”, and “Butterfly” —do, in offering sex workers a communal space where they can take language courses, get help with their careers, find emotional support, have access to medical care, make connections with individuals who work in the same field, have access to a centre that will help prepare them for leaving the industry if they wish to do so, etc., seems to be a good model for cultivating arts of the self and empowering women (Lepp, 2018). There is potential here, an avenue that should be explored in another project, for setting up something similar for survivors of trafficking— a grassroots operation run by survivors to offer community, support, and empowerment to those that have experienced human trafficking (potentially in connection with organizations like Stella and Butterfly).

The creative dimension of thought is to a great extent associated with the affective register. Nietzsche even went as far as to say “without affect, thinking would lack creativity” (Connolly, 2002, 66). Allow me to elaborate. As a result of acting in the world, new ideas, identities, and gestures are manifested, which then become objects of knowledge and representation. Because of this, thinking is understood to be both creative and representative. The consequences of affect on creativity become apparent when considering how immanent the proto-conscious mind is to conscious thought (Connolly, 2002, 65). Thought contains creative possibilities “partly because that which moves below it and feeds into it also moves across a horizon that is not entirely closed” (Connolly, 2002, 61). The possibility for alternative perspectives, emergent identities, and novel ideas increases when the mind— or assemblage—moves further away from a state of equilibrium. Emergent orders are established in unstable conditions by either acting externally or internally upon the body in such a way as to modify somatic markers, to compose or reconfigure neural pathways in the brain that make connections or associations, and increase or inhibit amygdala activation.⁵³ Here, Connolly points to the findings of Ilya Prigogine:

‘Matter near equilibrium behaves in a ‘repetitive’ way. On the other hand...far from equilibrium we may witness the appearance of...a mechanism of ‘communication’ among molecules’. Within this mechanism successive repetitions are not identical to each other because they arise out of highly sensitized responses to ‘initial conditions’ that exceed the reach of our

⁵³Inhibiting or augmenting amygdala responsiveness affects fear and emotional regulation, which in turn influences the processing of somatic markers, and the reconfiguration of neural pathways and proto-conscious associations (Ressler, 2010).

capacities for close delineation. Bifurcation points, as forks that express the play of unpredictability and set new possibilities in motions, can also morph into a new state of *order*. Unstable systems set conditions of possibility, then, for emergent orders (Connolly, 2002, 55-56).

What Connolly is pointing to here, is that disturbances, contradictions, and encounters that the body (or assemblage) experiences over time, temporarily disrupt its equilibrium—an equilibrium based on the consistent expression of repetitive behavior or “performativity”⁵⁴—and presents the opportunity for creativity through “forks in thought”. The repetition of the conventional mode of thought is called into question during these moments of disequilibrium, and affect moves below the surface to prompt lines of flight: new ideas, perceptions, and judgments that then have the potential to consolidate a “new order”, identity, or sensibility that can then serve to influence or destabilize external assemblages. Creative thinking thus has a compositional effect in that it can create new pathways in the brain, somatic markers, and representations as the new ideas become habituated in the body and begin a new order of stability and repetition (Connolly, 2002, 96).

Connolly, taking inspiration from Deleuze, goes deeper into his analysis of the creative dimension. He claims creativity of thought is not only jolted into being by a contradiction or unexpected encounter that enables “forks in thought”, but it is also inspired by the mere placement of thought in “fugitive zones” that can generate “forks in time”:

During thinking, diverse elements in a nonchronological sheet of past [virtual memories] enter into communication with each other and with the present in

⁵⁴ I will circle back to this idea of performativity that Judith Butler examines.

which they are set. Thinking thus occurs in a delicate zone between dreaming and action-oriented perception. It involves an internal ‘conversation,’ with some of the voices involved subsisting below the threshold of conscious awareness. Since its constitutive elements coexist in a relation of constitutive instability, it can easily lapse into boredom, dreaming, or action...It is because thinking subsists within this fugitive zone that it sometimes generates forks of time through which new ideas, concepts, judgments, actions, and sensibilities are ushered into the future (2002, 97).

This “fugitive zone” that exists between dreaming and action perception circumvents linear conceptions of time for the purpose of putting virtual memories in communication with one another. Placing virtual memories in communication with one another —aligning the past with the present alongside apprehensions about the future— allows thought to be *suspended in-between* action, dreaming, boredom, and reminiscence. It is during this moment of suspension that thought experiences a “forking of time”, as time is “out of joint” for any thought occurring during this suspension; this enables it to be prodded in fresh and innovative directions (Connolly, 2002, 97). As such, this fugitive zone is a bifurcation point or “fork” because it contains a moment of unpredictability where new creative possibilities can be put into motion.

Arts of the self contain cognitive techniques that make use of, or try to create, these “forks” and “fugitive zones” in order to prompt creative thinking and engage it in a *conscious* desubjectification-resubjectification process wherein the creative dimension partakes in the compositional dimension of thought. These techniques aim to alter unconscious processes that reside below cognitive recognition, all the while utilizing conscious thought to assess the *effects* of the techniques on the body (Connolly, 2002, 76). A technique of thought *intervenes* to question or alter an

emotional response, representation, or stream of consciousness (Connolly, 2002, 86).

In terms of exploring the creative dimension for innovative purposes, arts of the self can be utilized to pay attention to the fugitive moments in between thoughts: to consider what prompted a thought, and perhaps to play with the fugitive distance between thoughts in order to see what may arise. For example, Deleuze and Guattari's writing style, inspired by their "schizoanalysis", is one way of prompting different ways of thinking. *A Thousand Plateaus* is written in a non-linear, disjointed, and yet poetic fashion that challenges the reader to pause, re-read, and jump ahead in order to bring out connections and contradictions in the text that demand constant reflection.

Moreover, arts of the self are not merely interventions in *conscious thought*. As Nietzsche pointed out "a mere disciplining of [conscious] thoughts and feelings is virtually nothing...; one first has to convince the body. It is decisive...that one should inaugurate culture in the *right place* ...the right place is the body, demeanor, diet, physiology, the rest follows" (Connolly, 2002, 75-76). The *body*, understood as inseparable from the mind and thus a point of access, is key to the modification of thought processes—something Foucault acknowledged in the 1970s with his fascination with biopolitics. Some examples of techniques, or arts of the self, that target the body and can result in an altered state of mind are yoga, exercise, drugs, music, lighting, aromatherapy, etc. But in order for them to be considered "arts of

the self”, they must be combined with a conscious effort to utilize that activity or tool to alter thought processes.⁵⁵

Micropolitical techniques—such as the ones discussed in the previous section— can be utilized to target the body, and also affectively alter thought processes. This involves creating new associations between a set of circumstances, sensory material, virtual memories, and emotional ties that alter or produce somatic markers—which organize and subtract from perceptual experience and conscious judgment. Thus, micropolitics intervene on the mechanics of the body through such techniques as regulation, isolation, systems of rewards and punishments, correction of bodily activity, etc., while simultaneously rearranging the virtual/affective register.

It is not just the disciplinary techniques themselves that effect the organization of the virtual register. The disposition of those engaged in a relation of power also has effects. According to Connolly, “The contagion of affect flows across bodies as well as across conversations ...by the timbre of our voices, looks, hits, caresses, gestures, the bunching of the muscles in the neck...affect is infectious” (2002, 74). In other words, the *perception* and *processing* of disciplinary techniques is processed alongside affective “flows across bodies”, registered below cognitive awareness. For example, Kayla and TG were told that they would be punished every

⁵⁵ Some suggestions Connolly gives are: “you listen to Mozart while reading a philosophical text, in order to relax your mind and sharpen its acuity of reception”, or “you meditate at the same time every day, striving to loosen the hold the grasping mind has on the self and to open the self to side perceptions that slip away when the first temper prevails”, or “you go dancing to music that inspires and energizes you after having very disappointing news”, etc. (Connolly, 2002, 100-102).

time they woke up and refused to obey the “daily rules”. These words probably would have given rise to different feelings, memories, and thought process if said in a calm joking manner as opposed to being relayed by a tense and angry Culp roughly touching Kayla’s scar while holding a pack of Newport cigarettes. As such, in micropolitical deployments, there are numerous factors that combine to contribute to the reorganization of the virtual register.

Micropolitical techniques, then, work affectively. But how do they “win out” against pre-existing somatic markers and competitive subliminal associations? The answer is: through repetition and isolation. In *Gender Trouble* (2000), Judith Butler claims gender to be *performative*, rather than having an ontological source. She argues that subjectivities are only constructed and maintained through a repetitive performance informed by social discourses and ideals. She states:

The subject is not *determined* by the rules through which it is generated because signification is *not a founding act but rather a regulated process of repetition* that both conceals itself and enforces its rules precisely through the production of substantializing effects. In a sense, all signification takes place within the orbit of the compulsion to repeat; ‘agency,’ then, is to be located within the possibility of a variation on that repetition (Butler, 2000, 185).

Repetition of imposed subjectivities then becomes fundamental for the construction of identity. A *conscious variation* on that repetition, akin to Connolly’s conception of “arts of the self”, is where Butler places the role of agency. Butler examines the performativity of significations (subjectifications) as a consequence of *social construction through discourse and repetition*,⁵⁶ without going into the

⁵⁶ I interpret Butler's use of "signification" to have the same meaning as Foucault's use of “subjectification” for the purpose of this argument. The difference in word

neurological and affective effects of repetition. She states that, “this repetition is at once a reenactment and re-experiencing of a set of meanings already socially established” (Butler, 2000, 178). But repetition is also a reenactment and re-experiencing of a set of meanings that are *affectively established*. As mentioned above, somatic markers and virtual associations become consolidated through *repetition*. Somatic markers enable automated associations, behaviour, thought processes, and judgment that occur below the threshold of conscious awareness. The more consolidated a somatic marker becomes, the less conscious reflection occurs, and the more behaviour becomes habituated—enabling repetition in behaviour/movement/action/etc. Repetition is thus co-constitutive, in that repetition of behaviour enables the solidification of virtual associations and somatic pathways in the brain/body network that then habituate behaviour to enable its continued replication.

choice, I would argue, is based in Butler’s emphasis on the language and discourse in the construction of identity/a subject. She states: “to understand identity as a *practice*, and as a signifying practice, is to understand culturally intelligible subjects as the resulting effects of a rule-bound discourse that inserts itself in the pervasive and mundane signifying acts of linguistic life. Abstractly considered, language refers to an open system of signs by which intelligibility is insistently created and contested” (2000, 184). To signify an individual, is to define them based upon preconceived understandings of different cultural signs. Or, to signify an individual can mean to produce the desired signs and subjectivities necessary to order to construct an identity. For example, cultural discourses have enabled the “sign” of a pimp to be a Black gangbanger, with gold chains, nice cars, and a lavish lifestyle. This has constitutive effects as well, for if one chooses to identify as a pimp, they may look to cultural significations of that label, in order to understand how they fit into that category (or how to better fit in). Thus both subjectification and signification rely upon the overlapping of the previous subject/object dichotomy.

The front seat of the car, for example, has different somatic associations (with varying degrees of importance) for different people. Tanya⁵⁷ associated the front seat of a car with her “Queen status”, which she perceived ranked her above the other women that Bill had working for him, and positioned her as his primary romantic and business partner. For months, Tanya watched Bill beat the other women, was told by him that he loved her and she was his “number one” his “queen”, and allowed no one but her to sit in the front seat with him. This repetition in behaviour, and the associations she created with her “Queen status” and the front seat, led her to then associate sitting in the back seat with punishment, shame, a loss of her “Queen status”, and a fundamental disturbance in her relationship with Bill.

At the proto-conscious level, different degrees of affective intensity push thinking towards certain areas rather than others. In some cases, new combinations of intensities can open up lines of flight that usher in new perspectives or ideas that can begin affecting an individual’s overall sensibility (Connolly, 92-93). As mentioned above, lines of flight occur more frequently in a state of disequilibrium, are immanent to rhizomatic and creative thinking, and represent the creative avenue in Connolly’s “forks in thought”. However, they also can be dangerous as they open up spaces of “recoding” that can be hijacked by an external source. Deleuze is wary of this possibility, stating that “you may make a rupture, draw a line of flight, yet there is still a danger that you will reencounter organizations that

⁵⁷ See Case Study II.

restratify everything, formations that restore power to a signifier, attributions that reconstitute a subject” (Deleuze & Guattari 1987, 9).⁵⁸

Even more insidious, is the potential that external sources—through isolation, and apparatuses of capture— can block lines of flight in order to prevent forks in thought from circumventing their imposition of subjectivities (or in Deleuzian terms, their “overcoding” endeavors) (Deleuze & Guattari, 1987, 229). Domestic traffickers attempt to block the trafficked individual’s lines of flight through an apparatus of capture, isolation, and the imposition of a tracing. The tracing “has organized, stabilized, neutralized the multiplicities according to the axes of significance and subjectification belonging to it. It has generated, structured the rhizome, and when it thinks it is reproducing something else it is in fact only reproducing itself” (Deleuze & Guattari, 1987, 13). Deleuze and Guattari look at Freud’s case study of “little Hans” to demonstrate how psychoanalysis (in the case of Freud at least) has a preconceived notion of what is wrong with patients, and as a result, imposes subjectivities and correlations of behaviour on the patient. They claim that Freud’s actions are an example of a “tracing” being imposed by an external source: “They kept on breaking his rhizome and blotching his map, setting it straight for him, blocking his every way out until he began to *desire his own shame and guilt, until they had rooted shame and guilt in him...*you will be able to live and speak, but only after every outlet has been obstructed” (Deleuze & Guattari, 1987,

⁵⁸ This argument is quite similar to the one that Agamben makes about desubjectification always resulting in resubjectification through a different apparatus. Whereas Deleuze and Guattari see it as a danger, Agamben sees it as a certainty.

14). As such, the tracing has— in Foucauldian terms—self-replicating effects. Once the rhizome is blocked, movement in or out is limited, and so too is creativity of thought. As a result, rather than *creating* something new, the subject begins *reproducing* what has become habituated through repetition. The self-replicating effects evident in the case studies, as observed in Jasmine, Tanya, and Kayla, only occurred after the temporal allowance of a consistent deployment of micropolitical techniques enabled the modification of somatic markers— consolidated through repetition—that habituated specific behaviors and associations. The self-replicating effects of the disciplines reach their pinnacle when the subject begins to *desire their own subjection*, or when their desires mirror the desires imposed upon them by an external source through a tracing.

Importantly, I want to re-emphasize and elaborate upon how one effect of “blocking the rhizome” is to block *entrances* as well as exits. When groomers isolate an individual—physically, emotionally, or financially—they are able to increase the effects of *their* micropolitical deployments by *limiting* the effects of others. Limiting an individual’s access to a proliferation of micropolitics limits the agency of the individual in choosing which apparatuses or assemblages they wish to influence their constitution. Or in Butler’s terms, these blocks limit access to variations in repetition that can act as potential alternatives to current performative structures. Agency is limited in this case precisely because restricted access to variations in repetition limits the possibility of the occurrence of a contradiction/point of

resistance that opens up the creative dimension to forks in thought.⁵⁹ Further, *if* an individual's access to multitudes of networks, assemblages, and apparatuses is limited, then it enables an increase in the affective influence of the external source responsible for the imposed isolation. This is because there exists less competition for the imposition of subjectivities and modification of thought processes.

According to Connolly, the deductive nature of perception, alongside competitive subliminal information processes, makes it so that "human beings are often so loyal to the thoughts that survive the competition within the subliminal field long enough to enter the field of consciousness for further work" (2002, 75). Thus, less competition among antagonistic micropolitical deployments can result in a loyal attachment to thought patterns that spring primarily from the influence of an external source.

What is important to take away from Connolly and Deleuze's conception of the creative dimension of thought, is that it *can* be prompted by techniques, consciously as well as unconsciously. When done consciously, it can open up avenues of thought and behaviour that challenge hegemonic understandings of the world, or that work on sensibility of the self. As such, an increase in agency over the creative dimension of thought translates into an increase in agency over the

⁵⁹ Think as well about the conflation of sex work and trafficking for sexual exploitation, and how anti-trafficking deployments limit an individual's agency to resist labels such as "victim" and "trafficked individual", especially if they want to prevent arrest or deportation. The criminalization of the sex trade, and the refusal in North America to include sex workers in these important conversations about trafficking prevention, suppresses points of resistance and contradictions that would challenge the wide-spread use of these labels, and perhaps open up "forks in thought" to more effective ways of combating human trafficking.

constitution of identity, behavioural patterns, and thought processes. However, when techniques are deployed upon the body by external sources other than the self (micropolitics), this can serve to decrease the level of agency enacted by the individual. I argue this to be the case if the techniques deployed are not *consciously* chosen by the subject,⁶⁰ as they are not aware that they are (a) being conducted, and (b) that they have a choice to limit the degree to which that deployment affects the body. In addition, if the subject is isolated by an apparatus or relation of power, then the degree to which that particular external source is able to affectively modify the subject's sensibility increases— as there is less competition for the instillation of subjectivities; simultaneously the subject's agency decreases as there are fewer options of external influencers to consciously choose from, and their position as the primary actor in the construction of their sensibility becomes effectively challenged.

In addition to exploring the role of the creative dimension of thought and understandings of the agency enabled and restricted by it, this section has also demonstrated the role of affect in micropolitics and disciplinary techniques that serve to restrict agency. Foucault's disciplinary techniques target the virtual register of consciousness, affectively connecting signals from the amygdala, virtual memories, sensory material, action-potential associations that modify perception, somatic markers, and other brain-body pathways, through repetitive deployments

⁶⁰ I italicize "consciously" here to emphasize that micropolitical interventions that are consciously undergone can be constructive and enable arts of the self. In addition, not all micropolitical interventions are negative; my point is just that they can contribute to a (temporary) decrease in the agency of the individual (which is not always negative). For example, a parent deploys micropolitical techniques on a child in order to encourage good behaviour, which many would argue to be acceptable and necessary for healthy development.

and performative acts that lead to reproduction and self-replication. Disciplinary tactics are effective *because* of their effect upon visceral and subliminal processes. Just as power is “only tolerated on the condition that it mask a substantial part of itself” (the productive/positive element of power), the disciplines are dangerous because their effects *are not limited to physical corrections in behaviour that can be measured and observed*. The productive power of the disciplines in creating subjected bodies is really only comprehensible when its affective constitutive effects are understood. The immeasurable visceral and proto-conscious effects on the constitution of subjectivities, thought processes, judgment, etc., that the disciplines have, point to the convoluted process involved in the construction of identity and consent.

As stated above, to posit the non-autonomous being does not preclude an idea of “agency”. However, the degree to which agency can be measured is contestable when considering the multitudes of factors involved, as well as the present impossibility in configuring the degree to which an individual’s conscious processes are determined by biological responses and subliminal associations that prompt conscious thought. As such, I am not suggesting that my conception of “agency” is sufficient as a legal standard. However, I am arguing that it can be used to question the sufficiency of current legal understandings of consent and exploitation, and could perhaps be useful to those interested in legislative reform in this area. The insufficiency I have pointed to here, along with the problematic aspects of consent and exploitation in its current usage in human trafficking legislation in North America, questions how effective the current legislative

structure is in distinguishing sex work and trafficking for sexual exploitation, and in identifying and understanding trafficking for sexual exploitation.

Importantly, as my analysis of the construction of the image of the trafficked individual and the Black pimp suggests, strategies of subjection and disciplinary practices are not limited to the grooming process, the prison, or the military; they permeate throughout control societies. The grooming process employed for the purpose of human trafficking is not an anomaly; it is a reorganization of forces that are already deployed by institutions, individuals, apparatuses, etc. But not all deployments are equal in their effects. Agency can be maximized and minimized, and the grooming process is but one example of a situation wherein agency is intentionally limited by an external source.

Conclusion

This thesis has addressed two political problems identified in human trafficking discourses, policies, and interventions. First, the conflation of sex work and trafficking for sexual exploitation in North America is problematic, for those who advocate for sex worker rights, as well as for those who desire to properly understand and combat real trafficking operations. This conflation has had real consequences for sex workers, as anti-trafficking deployments have led to policies that further criminalize sex work and third party sex work, and to “rescue” operations that target sex workers. Instead of addressing sexual exploitation, evidence shows that anti-trafficking legislation and operations have left sex workers more susceptible to exploitation and violence (Lepp, 2018; Roots, 2018; Gilles, 2013; Siouxsie, 2018; CASWLR, 2015). Furthermore, I argue, alongside many scholars and activists, that trafficking is misunderstood as a result of this conflation. Consequentially, anti-trafficking operations have not been as effective in preventing trafficking, so much as they are effective in targeting sex workers and third party sex work. As well, legislation is tailored to the end purpose of eliminating sex work, under the false assumption that eliminating sex work will eliminate trafficking. This approach indicates incomprehension of the nuanced and diverse aspects of trafficking that policy needs to address. As such, current North American anti-trafficking legislation, policy, and operations puts prohibitionist interests first, the needs of trafficked individuals second, and the safety and rights of sex workers last.

The second problem is that binary understandings of consent (as tied to exploitation) in trafficking legislation in North America are problematic *and*

insufficient in both distinguishing sex work and trafficking for sexual exploitation, and in identifying and understanding some trafficked individuals, such as those who have undergone the grooming process. I first examined this problem by exploring how binary conceptions of consent are problematic for sex workers. I argued that the entwined deployment of consent and exploitation in trafficking definitions actually serves to further conflate sex work and trafficking for sexual exploitation, which does not serve sex worker interests. As discussed in Chapter One, consent cannot be given when the “means” criteria is met to prove exploitation is present (or in the case of Canada, when intent to engage in exploitation is demonstrated) (Roots, 2018). This is made problematic because the way in which the legislation is currently formulated in Canada and the United States is such that the “means” criteria is often broad enough to encompass sex work as a whole, especially third party sex work (Lepp, 2018; Roots, 2018).

Furthermore, I also pointed to preexisting critiques of binary conceptions of consent present in discourses that support sex worker rights. Stella, a sex workers rights organization in Montreal, has pointed out that binary categorizations of consent are damaging for sex workers because “people can be at work consensually but not consent to their labour” (Lepp, 2018, 31); sex workers can experience exploitative working conditions— just like any worker—but that does not negate the fact that they are sex workers and not trafficked individuals (Lepp, 2018, 31).⁶¹ In addition, sex worker activist, Ava Caradonna, claims that there is a distinction

⁶¹ Stella acknowledges that exploitation can occur more in sex work, but that is largely *because* the industry is criminalized and workers do not have access to the same support systems (Lepp, 2018, 31).

between choice (consent) and agency, “the former insinuates a fictional context in which we all have ‘equal’ options in life and unlimited access to resources. The latter recognizes our capacity to make plans, to have strategies, and to act within a limiting structure” (GAATW, 2018, 21). As such, to recognize agency, rather than consent, is to recognize an agent making associations and decisions, while working within cultural, economic, micropolitical, or behavioral confines (which are not predetermined or fatalistic). To focus on consent, draws upon liberal ideas of autonomy (that we have equal opportunity, and are self-ruling individuals) that are not only flawed (as Chapter Four demonstrates), but problematic for understanding the realities of sex work and labour as a whole. This is especially the case for women and racialized people who may have more economic, institutional, and cultural limitations.

I also argued that binary categorizations of consent in trafficking legislation are problematic in serving the interests of trafficked individuals. They are problematic because the binary focus upon consent forces survivors to identify as victims. In failing to adopt that label— which requires relinquishing any amount of agency they may have had—survivors run the risk of not seeing justice served. As such, claiming victim status can be disempowering for some survivors, when the focus should be on empowering them. In addition, the label is accompanied by discursive ideas about how that individual should feel and act; the expectation is one of performativity, and disciplinary processes are imposed to aid in the execution of this performance. This binary categorization carries with it subjectivities and significations that are imposed upon the survivor-turned-victim in the media, as

well as in the courtroom. It also makes “scripting” by law enforcement more of a necessity, as officers need to meet certain criteria in order for a charge to be laid (Roots, 2018). Some survivors may not identify as victims because they do not want their agency to be taken away from them, or because they do not view themselves as such. To label these survivors as victims and strip them of their agency is to engage in an apparatus of capture that seeks to homogenize their experience, preventing points of resistance and the creative dimension of thought from increasing their agency at a time when agency and empowerment should be encouraged.

I also engaged with this issue by theoretically exploring how binary conceptions of consent in trafficking definitions are theoretically insufficient and limiting for understanding the complexity of some cases of human trafficking. Consent is not always a binary, nor a constant. Individuals can consent to actions, but not their conditions. Consent can be given and then taken back, or consent can be constructed. The binary legal understanding of consent relies on the presupposition of an autonomous rational being that implies an “I” that is self-ruling and exists outside of discourse/social interaction, which I critiqued through Butler, Foucault, Deleuze and Guattari, and Connolly. This critique negates liberal understandings of autonomy and then moves to questioning the sufficiency of consent without the autonomous being. I engaged in a theoretical analysis of the role that strategies of subjection and disciplinary techniques (or micropolitics)—in conversation with affect theory— play in the grooming process identified in cases of domestic trafficking for sexual exploitation. I pointed to the *varying degrees* to which identity, judgment, and consent are *constructed* through the *production* of

subjectivities and the reorganization of preconscious thought processes that inform conscious thought and judgment. My emphasis on “varying degrees” is important, as it demonstrates an allowance for a certain type of agency that presupposes limitations. Limitations that are *not* static; they can be *consciously and creatively* expanded, or increased by external sources. This idea of agency, that I advocate for as an alternative to liberal autonomy, does not support binary categorizations of consent. If there are limitations to agency, then, limitations to consent also exist. These limitations do not allow for categorical binary determinations, as they are numerous and thus hard to determine, and never static (although this does not mean that the level of flux cannot be minimal). Affect theory complicates the idea of an autonomous mind/individual as it demonstrates that the conscious mind is limited in its ability to analyze and recognize proto-conscious associations and visceral responses, as well as their subsequent effects upon judgment and identity. Affect theory’s contribution to this thesis gestures to how subjectivities, judgment, and identity are *not* self-governed (or autonomous), but are produced through affects, culture, discourses, *as well as* conscious judgment.⁶²

I grounded this theoretical exploration in one aspect of domestic trafficking for sexual exploitation: the grooming process. I did so, as I believe it effectively

⁶² In allowing for the role that conscious judgment has in this process, however, I do not make conscious judgment synonymous with the “Self” or “I” that exists outside of external influences. It is constructed through interactions with the outside world, as well as through contradictions and “forks in thought”, which engender self-reflection and creativity that contribute to individual sensibilities, allowing individuals to introduce new variants in repetitions into the world that helps to sculpt that which influences them.

demonstrates the insufficiency of binary categorizations of consent, by pointing to cases that illustrate the fluidity of agency, the habituation of behaviour through externally imposed techniques, and the production of consent. I also gestured to the production of the trafficked individual, and the Black pimp, to point out that disciplinary techniques are not limited to the trafficker-trafficked individual relationship in this discourse, and indeed, that these techniques penetrate all aspects of society.

The grooming process, as explored in the three case studies, exemplifies a relation of power wherein the agency of the trafficked individual is, temporarily, highly limited. I argued that when micropolitical techniques are deployed on the body by external sources, this can serve to decrease the level of agency enacted by the individual. This is especially true if the subject is unaware of the techniques being deployed that modify thought and behaviour, as they are not cognizant that they are (a) being conducted, and (b) that they have a choice to limit the degree to which that deployment affects the body. In addition, I argued that if the subject is isolated by an apparatus or relation of power, then the degree to which that particular external source is able to affectively modify the subject's sensibility increases— as there is less competition influencing the production of the subjected body and its subjectivities. Simultaneously, and consequentially, the subject's agency decreases, as there are fewer external influencers to consciously choose from, and their position as the primary actor in the construction of their sensibility becomes effectively challenged. In situations such as these, consent can be produced through the modification of proto-conscious associations made successful

through isolation and repetition.

Continuing from this line of thought, the legal language of consent (as tied to exploitation), along with the criminalization of the sex trade, sets up the following issue: if the means to prove exploitation are met, it precludes the possibility of giving consent, which (alongside prohibitionist claims that all sex work is inherently exploitative) results in sex work being conflated with trafficking for sexual exploitation, and the “victim” status being attached to sex workers who do not identify as such. Those who claim that they consent to the work, and are not being trafficked, are labeled as “trafficked individuals” suffering from a “false consciousness” that prevents them from understanding their situation (Lepp, 2018).⁶³ Importantly, I have made the argument that consent *can* be produced. This is a similar (but theoretically different) argument that “false consciousness” advocates could (inaccurately) take up to support their interests.⁶⁴ The problem is this: how can we recognize that some survivors may have been engaged in a

⁶³ As mentioned, the argument that all sex work is inherently exploitative is only true if one is willing to extend that argument to all labour under a capitalist system. The false consciousness narrative, in this context, implies that there is a “true” consciousness, or “self” that exists outside of external influences; this ontology has already been critiqued in this thesis; there is no “true consciousness”.

⁶⁴ Prohibitionists who would conflate these arguments would fail to understand that the production of consent is not limited to trafficked individuals. Thus, they fall into the same logic trap that they do when viewing sex work as inherently exploitative, by not extending this argument to encompass all labour. Their efforts to abolish sex work do not extend to abolishing all labour in a capitalist system, but are focused on this particular form. Furthermore, to conflate this argument with the false consciousness argument would again presuppose that the production of subjectivities stops once the individual is rescued. This ignores my engagement with Deleuze and Agamben, who claim that individuals are constantly exposed to apparatuses and assemblages, and that processes of decoding/desubjectification are always accompanied by recoding/resubjectification.

struggle for subjection that produced thought patterns and behaviour to make them “consent”, without then taking away agency from sex workers who *did* choose to work in the industry?⁶⁵ I argue that the binary focus on consent and autonomy, alongside the conflation of sex work with trafficking for sexual exploitation, is the crux of this problem. A focus on agency, rather than consent, alongside the decriminalization of the sex trade and a partnership between sex workers and law enforcement in combating human trafficking are my recommendations for future research dedicated to addressing this problem.

This paper has engaged with the theoretical and political problems above, to show that the criminalization of sex work, alongside/reinforced by the focus upon binary conceptions of consent in human trafficking legislation, are not serving the interests of sex workers, or trafficked individuals. It has pointed to both the problematic nature of categorizations of consent, as well as its insufficiencies, to argue that work must be done to reform legislation on sex work and human trafficking. New policies and anti-trafficking operations need to be implemented that end the conflation of sex work and trafficking for sexual exploitation, support the rights of sex workers and survivors, effectively identify and combat human trafficking, and enable justice and empowerment for survivors.

⁶⁵ While still recognizing the limitations and significations that informed and influenced their choice in some instances.

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