

# Editorial: Thinking with Migration, Sexuality, Gender Identity, and Transactional Sex

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This special issue of *Anti-Trafficking Review* bridges the fields of queer and transgender studies, migration studies, research on sex work, and critiques of the discourse on human trafficking. Along with centring LGBTQI+ subjects as actors within the empirical contexts of domestic and cross-border migration and transactional sex, this collection offers a unique set of perspectives on the operations and production of heteronormativity and juridical power within the spaces of informal economies. Broadly, these papers address the implications of the heightened juridical recognition of sexual orientation and gender identity for debates on migration, sex work, and human trafficking. In so doing, they demonstrate how queer theory can build on and complicate extant critiques of the trafficking framework regarding, e.g., the conflation of trafficking and prostitution, and the reduction of people who sell sexual services to tropes of cisnormative female victimhood and helplessness.

Theoretically, the papers in the issue address a key problematic of binary gender that emerges with the consolidation of the contemporary anti-trafficking framework in the late 1990s, discussed in more detail in the sections that follow. This problematic is built around the ways in which the trafficking framework renders sexuality and gender identity in relation to cross-border migration almost exclusively in terms of violence. Because violence subsumes questions of survival within this dominant frame for sex work and, increasingly, migration, any gender identity or sexual orientation other than cis-male heterosexuality is rendered as vulnerability that cannot act, speak, or transact. The issue addresses this gap by repositioning questions of violence, e.g., in marking the violence of state actors, and by revealing how the discursive elisions constituted by this use of violence are manifested in the everyday lives of people surviving impoverishment around the world. This critique has significant implications for how queer, transgender, and all non-cisnormative people, and non-heteronormative practices, 'appear' as juridical categories in migration, asylum, and refugee processes, along with

the implications this has for understanding transactional sex itself. Rather than eschewing the existence of unfree labour and human trafficking, the issue shows that mistaking economic migration for trafficking erases significant swathes of lived experience of the vast and growing numbers of people who live in extreme forms of privation and precarity.

## Recursive Queer Feminist Critiques

In a sense, the issue demonstrates how new research on sex work is revisiting and extending the kinds of connections, critiques, and alliances that were being made by queer feminists in the 1970s and 1980s, when they argued that sex work and queerness were part of the universe of radical sex politics because both challenged heteronormativity.<sup>1</sup> In a time when homosexuality was still criminalised in most of the world, critical alliances amongst sex workers of all genders, transgender and non-binary ‘gender outlaws’,<sup>2</sup> queers, lesbians, bisexuals and gay men, including those who were first- and second-generation migrants and immigrants, were part of the porous landscape of sexuality-based activism. Although marginal and often struggling for visibility, these alliances regularly included feminist, anti-racist, or trade unionist movements.<sup>3</sup> Histories of LGBTQI+ activism around the world include many such alliances, demonstrating that sex work was part of the broader context for queer and transgender organising, and vice versa, particularly during the first decades of HIV/AIDS in the 1980s and 1990s. This broader context included questions of survival, of which the discourse of migration is necessarily a part.

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<sup>1</sup> See, for example: F Delacoste and P Alexander (eds.), *Sex Work: Writings by Women in the Sex Industry*, Cleis Press, Pittsburgh, 1987; G Pheterson (ed.), *A Vindication of the Rights of Whores*, Seal Press, Seattle, 1989; A Snitow, C Stansell, and S Thompson (eds.), *Powers of Desire: The Politics of Sexuality*, Monthly Review Press, New York, 1983; J Nagle (ed.), *Whores and Other Feminists*, Routledge, New York, 1997; for some perspectives from India, see S P Shah, ‘Sex Workers’ Rights and Women’s Movements in India: A Very Brief Genealogy’, in S Roy (ed.), *New South Asian Feminisms: Paradoxes and Possibilities*, Zed Press, New York, 2012, pp. 27–43 and R Kapur, *Erotic Justice: Law and the New Politics of Postcolonialism*, Routledge, London 2005.

<sup>2</sup> K Bornstein, *Gender Outlaws: Men, Women and the Rest of Us*, Routledge, New York, 1994.

<sup>3</sup> C Cohen, ‘The Radical Potential of Queer? Twenty Years Later’, *GLQ: A Journal of Gay and Lesbian Studies*, vol. 25, issue 1, 2019, pp. 140–144, <https://doi.org/10.1215/10642684-7275334>.

This sensibility changed over time, particularly in the wake of the feminist ‘sex wars’<sup>4</sup> in the late 1980s and 1990s, and the consolidation of the contemporary discourse on human trafficking and prostitution abolitionism as radical feminism’s essential crisis and cause in the late 1990s. This consolidation inaugurated the discourse and debates that have animated the literature on sex work and human trafficking that now seem almost timeless, along with its attendant emphases on questions of choice, force, consent, and carcerality.<sup>5</sup> If the contemporary discourse on human trafficking is marked by the key debate on sex work as violence versus labour and livelihood, then it should also be noted that the conflation of violence and transactional sex was rhetorically achieved by rendering transactional sex as the province of cisgender ‘femaleness’ and therefore as distinct from non-heteronormative and non-cisgender modes of being. This discursive turn had a profound impact on the power of the anti-trafficking narrative, particularly with respect to its ability to harness the discussion of migration away from poverty and towards the role of the state in rescuing women and girls from violence.

## Drawing from Everyday Complexities

The papers in this special issue draw on the ways in which transactional sex, queerness, and migration status work and are debated in geographic contexts spanning Western and Eastern Europe, the Americas, Asia, and Africa. They build on the understanding that economic questions are not exclusive to those of sex and gender, and that sex work is a capacious category for critiquing the imbrications of sexuality, gender identity, material survival, affect, age, and agency. The phenomenon of economic migration offers a way toward clarifying these connections. Reflecting renewed interest in the literature toward these imbrications, this collection proceeds from the insight that, as the juridical legibility of non-binary, non-heteronormative, and non-cisgender forms of sexuality and gender identity moves forward, it appears to de-emphasise the explicit connections that sexuality- and gender-based social movements have historically drawn between identity, governance, and material survival. The need for this kind of critique is particularly urgent because of the pace at which forms of legal recognition for LGBTQI+ subjects has been expanding. In the Global North, this legibility has taken the form of legal recognition via expanded rights to adopt children, to form civil unions, and to marry. Around the world, this expansion has also included greater social legibility for some forms of non-cisgender identity and comportment. In the Global South, juridical LGBTQI+ legibility has taken

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<sup>4</sup> L Duggan and N D Hunter, *Sex Wars: Sexual Dissent and Political Culture*, Routledge, New York, 2006.

<sup>5</sup> J Doezema, ‘Who Gets to Choose? Coercion, Consent, and the UN Trafficking Protocol’, *Gender and Development*, vol. 10, issue 1, 2002, pp. 20–27, <https://doi.org/10.1080/13552070215897>.

form via movements calling for the decriminalisation of homosexuality (see India, Trinidad and Tobago, Singapore, or Kenya, for example) or laws that now recognise local forms of non-cisgender identity. Some countries now recognise sexuality- and gender-based identity categories in granting asylum and refugee status. These kinds of developments require analytic attention because the discourse of ‘trafficking’ has also expanded significantly, now serving as a universalising frame for making sense of the intersections of sexuality, gender, and migration.

## Queer Migration and Critical Trafficking Studies

Of the critical interventions that are circulating in relation to human trafficking, this special issue is perhaps most in dialogue with critiques of sex work as labour, and with the literature on Queer Migration Studies and Critical Trafficking Studies. A recent example of the intersection of these two frames of critique is a 2018 special issue of *Women’s Studies in Communication*, edited by Annie Hill and Karma Chávez.<sup>6</sup> The issue reflects an emphasis in the Queer Migration Studies literature on scholarship that focuses its critiques on the workings of American empire and racism in globalised discourses of the dangers of migration and migrants. This literature has emphasised how the administrative illegibility of undocumented queer migrants plays out in the violence of border crossings into the US, and in the rhetoric of the US border itself.<sup>7</sup> Like this literature, the articles in this issue of *Anti-Trafficking Review* are also concerned with people who are identified and categorised as ‘queer’ and ‘transgender’, while including geographic contexts in which discourses of migration and sexuality reference non-US histories and problematics.

## This Special Issue

The papers in this special issue range in their approaches and foci, covering topics as diverse as street-based sex work, social welfare schemes for irregular migrants who are transgender, and the discursive ways in which children and women are figured in the matrices of juridical power. These contributors aim to reposition, rather than to eschew, the role that violence plays in our critiques of migration’s relation to sexuality and gender identity. Some articles reflect a particular temporal location in their ability to address the context of COVID-19, with several reflecting

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<sup>6</sup> A Hill and K R Chávez, ‘Introduction: Inciting Communication Across Queer Migration Studies and Critical Trafficking Studies’, *Women’s Studies in Communication*, vol. 41, issue 4, 2018, pp. 300–304, <https://doi.org/10.1080/07491409.2018.1544000>.

<sup>7</sup> For example, see E Luibhéid, *Entry Denied: Controlling Sexuality at the Border*, University of Minnesota Press, Minneapolis, 2002.

research done during the pandemic and associated lockdowns and other health and economic measures taken during 2020 and 2021.

The first four papers, by **Jacqueline Sanchez Taylor and Julia O’Connell-Davidson, Valentini Sampethai, Shakthi Nataraj, and Ntokozo Yingwana**, are all drawn from field work in, respectively, Jamaica, Greece, India, and South Africa. Sanchez Taylor and O’Connell-Davidson show how the category of ‘sex trafficking’ in policy and social welfare programming often obscures the violence that LGBTQ youth face in Jamaica. Their paper is based on interviews with 25 adults who, in their youth, had experienced forms of violence and control that are now rendered via the rubric of ‘sex trafficking’. Participants’ stories paint a complex picture of home, childhood, work, sex, pleasure, and violence that challenge dominant assumptions about ‘wayward youth’ in the country as victims of trafficking. The authors conclude that the heavy-handed rhetoric of ‘sex trafficking’ obscures children’s (and adults’) unmet needs for care and the realisation of their own freedom projects.

Sampethai and Nataraj offer ethnographic perspectives on sex work in Athens and South India, respectively, that disrupt the normative reduction of sex workers to cisgender women or victims of trafficking. Sampethai draws on an ethnography with local and migrant, cis and trans, women sex workers in order to understand ‘grassroots tactics and community-building processes that respond to the material realities of criminalisation, violence, and devaluation’. She argues that mainstream trafficking discourses obscure the diverse relationships of help, community, exploitation, and obligation that exist between migrants, sex workers, brokers, gatekeepers, and police. The article describes the ways in which informal labourers in the sex industry, including trans mothers, ageing local and migrant women, and young gay and trans refugees, form communities to navigate ‘overlapping forms of illegalisation’ due to their migration status, gender identity, work, health, and other factors. These communities and chosen families, the author concludes, can be a source of exploitation but are also of life-and-death importance in overcoming the violence of impoverishment and surviving in street-based economies.

Nataraj draws on long-term ethnography with people who identify as *thirunangai* (transgender) and *kothi* (feminine gay men) in South India. Using a popular newspaper story about a migrant *thirunangai* and her conversations about it with the author and a group of *thirunangais* and *kothis* in Chennai, she shows how gender identity can be shaped by migration, labour, class, family, and intimate relationships. This argument has broad implications, not only for combatting regressive legislation on trans rights, but also for better understanding migration, marriage, and women’s labour. The paper posits that ‘thinking of social gender itself as a product of migration and economic exchange.’ Both papers draw on longstanding traditions of urban and feminist anthropology.

Yingwana's paper is based on Feminist Participatory Action Research with 17 migrant and mobile cis and trans, gay and straight sex workers in Cape Town, South Africa. Through participants' stories, collected via live and WhatsApp-mediated focus group discussions, the paper examines 'intersections of sex work, mobility and gendered sexualities—specifically as they pertain to notions of (sexual) citizenship'. It shows how sex work can allow people to explore their sexuality and experience new forms of sexual (dis)pleasure, thereby broadening the body's 'erotic vocabulary'. Research participants highlight the ways in which migration provides the anonymity needed for this experimentation to take place.

The papers by **Anna Forringer-Beal** and **Ekaterina Rosolovskaya** address the themes of the special issue via discourse and legal analyses. They consider how the inclusion of LGBTQI+ perspectives in the historical imagination of trafficking and in contemporary asylum claims, respectively, change how we frame our historiographical and policy perspectives on the intersections of sexuality and mobility. Drawing on a queer genealogical reading of British campaigns against white slavery in the late nineteenth century, Forringer-Beal demonstrates how the ideal victim of trafficking is a construction which serves to personify cultural anxiety over limiting migration and maintaining white hegemony. A queer analysis of the history of anti-trafficking, she concludes, allows for the removal of the ideal victim and the destabilisation of harmful anti-trafficking approaches.

Rosolovskaya offers a critique of the Russian Federation's treatment of asylum claims based on sexual orientation and gender identity (SOGI). She provides an overview of the evolution of the Russian asylum system, including in the context of increasing state homophobia and intolerance towards human rights over the past decade. She reviews the courts' and immigration authorities' decisions in twelve cases of gay men seeking asylum in Russia on the basis of SOGI. She finds that the authorities either did not sufficiently consider the criminalisation of homosexuality in claimants' countries of origin or stated that their being gay was not a sufficient reason for granting asylum. She highlights how this leaves rejected asylum seekers without the right to work or use social services, rendering them vulnerable to exploitation.

In addition to these long-form articles, the special issue also includes four short pieces. **Yvonne Su and Tyler Valiquette** discuss the difficulties facing Venezuelan transgender people who are migrating to Brazil to escape Venezuela's prolonged economic crisis. The article discusses in particular how COVID-19 impacted their livelihoods and increased their vulnerability to exploitation. **Romeo Joe Quintero and Amrita Hari** apply a queer lens to challenge the current definition of protracted refugee situations (PRS) as outlined in international legal instruments. Drawing on life stories of women and gender-diverse internally displaced persons (IDPs) in the Philippines, they highlight the fluidity and complexity of protracted displacement and IDPs' imagination of 'home'. They call for an extension of the definition of PRS to IDPs.

**Nicola Mai and Liaam Winslet** discuss the film *CAER*, produced by a transgender women's collective in Queens, a New York City borough with a high immigrant population. The film-within-a-film format shows how undocumented trans women who work as sex workers navigate immigration and policing in the United States in a time when anti-immigrant sentiment is high. Finally, this special issue concludes with an interview by **Subha Wijesiriwardena** with Bwaggu Mark from the Queer Sex Workers Initiative for Refugees—a community-based organisation in Nairobi that provides services and support to queer refugees engaging in sex work in Kenya. They discuss the organisation's work within the context of the policing of borders as well as the criminalisation of homosexuality and sex work in Kenya and across Africa.

## Conclusion

Taken together, the articles in this special issue add to and expand the literature in queer migration studies by exploring non-North American contexts and internal migration scenarios as well as those which cross international borders. The issue serves to 'queer' the literature on trafficking by showing that there are no stable gendered referents among those who sell and transact sex. In drawing from the critiques of racism and racialisation and from processual understandings of sexuality and gender identity as constantly in the process of becoming, the collection expands our understanding of how survival is waged in the worlds of migration and informal labour.

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