

Transnational Policing and Sex Trafficking in Southeast Europe

Policing the Imperialist Chain

Georgios Papanicolaou



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Transnational Crime, Crime Control and Security

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Transnational Policing and Sex Trafficking in Southeast Europe

Policing the Imperialist Chain

Georgios Papanicolaou

School of Social Sciences and Law, Teesside University, UK

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Contents

<i>List of Tables and Figures</i>	viii
<i>Acknowledgements</i>	ix
1 Introduction	1
1.1 The challenge of Mirage	3
1.2 Explaining Mirage: A materialist critique and thesis	6
1.3 Data	9
1.4 The chapters of this book	10
2 The Study of Transnational Policing	13
2.1 Towards a critique: Theoretical production	13
2.1.1 Ideologies and the production of knowledge	15
2.1.2 Questioning the production of knowledge of transnational policing	18
2.2 The theory of transnational policing: A critical assessment	20
2.2.1 The idea of transnational policing	22
2.2.2 A critical appraisal	27
2.3 Ideological obstacles in the theory of transnational policing	33
2.4 Critical gaps in the study of transnational policing from a materialist viewpoint	42
3 Imperialism, the State and the Police	55
3.1 The state and the police	57
3.1.1 State power and state apparatus	59
3.1.2 The capitalist state and the police	64
3.2 Imperialism and the police	72
3.2.1 Imperialism and the state	76
3.2.2 Policing the imperialist chain: A tentative vocabulary for transnational policing	81
4 The Global Prohibition Regime on Human Trafficking	88
4.1 Emergence of the anti-trafficking regime	88
4.1.1 Origins of the new regime	89

4.1.2 The re-emergence of the trafficking discourse	93
4.1.3 The anti-trafficking regime, transnational actors and ideology	96
4.2 Contours of the new regime: Sex work and international migration control	100
4.3 State power: Diffusion and enforcement of the regime	110
5 Politics and Policing Sex Trafficking in Southeast Europe	116
5.1 Emergence of SECI: International power struggles over Southeast Europe	117
5.1.1 Wider origins	117
5.1.2 An embarrassment of diplomatic riches	122
5.1.3 US initiative and the framework of SECI	124
5.2 The making of 'a place good for business': A note on power struggles within Southeast Europe	129
5.2.1 Economics and politics of the transition period	129
5.2.2 Making ends meet: The question of the informal economy	132
5.2.3 Feminisation of poverty and migration	136
5.3 Inside the SECI Centre: Operation Mirage and its organisation	141
5.3.1 Mission, governance and support	142
5.3.2 Police work at the SECI Centre	145
5.3.3 Implementing Mirage: Structure, problems and results	149
6 Policing Sex Trafficking in Greece	156
6.1 The anti-trafficking regime in Greece: Advent	157
6.1.1 Prostitution and its regulatory framework	158
6.1.2 Prostitution, migration and the 'modern slavery' discourse	159
6.1.3 Actors in the anti-trafficking campaign	163
6.2 Prostitution and trafficking: What do we really know?	170
6.2.1 The knowledge base of anti-trafficking advocacy	170
6.2.2 Exploring the official image	173
6.2.3 Who are the traffickers?	179
6.3 Understanding the anti-trafficking regime in Greece	182
6.3.1 The new legal apparatus	184

6.3.2 Policy and organisational changes in Greek policing	186
6.3.3 Logics of the new security apparatus	193
7 Conclusion: The Mirage of Transnational Policing	198
<i>Notes</i>	204
<i>References</i>	210
<i>Index</i>	238

List of Tables and Figures

Tables

5.1	Unemployment rate in selected SECI countries, 1991–2002	135
5.2	Net migration flows (rate and absolute) of selected SECI countries, 1990–2005	137
5.3	Male and female migrant populations by country of origin in Greece, 2001	140
5.4	US Department of State TIP Report Tier placement of SECI countries, 2001–2006	152
6.1	US Department of State trafficking in persons report of Greece, 2001–2006	166
6.2	Prostituted persons, transactions and income generated 1990–2002 (Lazos)	171
6.3	Trafficking victims 1999, 2003–2007	176
6.4	Victims identified and victims assisted 2003–2007	177
6.5	Human trafficking offenders 2003–2007	179
6.6	Number of members of criminal organisations under investigation, 2003–2005	181

Figures

5.1	Organisational structure of the SECI Regional Centre	146
5.2	Arrangement of (police and customs) liaison officer's hall at SECI, Bucharest	146
5.3	The Mirage Operations network	150

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1

Introduction

During the evening of Saturday, 7 September 2002, police forces from ten countries in Southeast Europe¹ launched Operation Mirage, a week-long, region-wide operation against trafficking in human beings and illegal migration. All throughout that night, the police conducted extensive searches and raided 'hotels, discothèques, night-bars, parking lots, border points and other various places known to law enforcement as possibilities where criminal activity takes place' (SECI Centre, 2003). Similar actions targeting the recruitment and transportation of potential victims were carried out for a week: artistic management companies, transportation, employment and other agencies were investigated; vehicle searches, passport and document checks and surveillance at the border were intensified; and large numbers of suspects were intercepted while travelling. Information exchanges between police forces helped uncover particular trafficking routes and in some cases resulted in arrests of traffickers and the rescue of victims in those countries and elsewhere in Europe.

Overall, 20,558 searches in suspect places were carried out during Operation Mirage. In turn, 1738 women were checked for identification and lawful entry in the participating countries, and 237 of them were identified as victims of trafficking. In addition, 293 persons were found to be involved in the trafficking of human beings as recruiters, transporters, hosts or pimps, leading to the initiation of an equal number of prosecutions. Administrative measures, such as fines, interdictions, temporary imprisonment or expulsion were taken in 2933 cases. The operation also identified 1762 illegal immigrants, who were intercepted at border crossings. About 370 of them were sent back to their countries. Finally, criminal procedures were initiated in 153 cases, involving 73 identified smugglers and 241 forged identification and travel

2 Policing Sex Trafficking in SE Europe

documents. A large number of administrative sanctions and measures were also taken in illegal migration cases (SECI Centre, 2003).

The idea for a regional operation against human trafficking and illegal migration emerged from the works of a regional organisation aiming to promote and coordinate police cooperation, the SECI Regional Centre for Combating Transborder Crime (the SECI Centre). Established in 1999, the SECI Centre embodies the law enforcement aspect of a regional political cooperation initiative, the Southeast European Cooperative Initiative (SECI). Vigorous diplomatic efforts by and sustained material support from the US helped this initiative come to life in the wake of the Dayton Agreement, and the Bucharest-based Centre emerged a little later as a necessary security complement to a series of SECI projects aiming to create a good business environment in Southeast Europe. The Centre's particular purpose was to develop and support operations, training and other events that would involve its member, police and customs forces. In 2000, a task force comprising SECI member and observer police representatives, as well as representatives of other partner non-police organisations came up with the idea of Mirage, and in 2002 an agreement on aims and methods was finally established (SECI Centre, n.d.). Beyond the SECI member states at the time, other observer states were invited to participate in the operation, and two US law enforcement agencies, the Federal Bureau of Investigation (FBI) and the former Immigration and Naturalization Service (INS), were also actively involved (SECI Centre, 2003).

Operation Mirage relied on an agreed regional plan and aimed, firstly, to permit 'real-time' cooperation between the participating police forces regarding the identification of arrested or suspected traffickers and smugglers and the mutual strengthening of the resulting investigations. Furthermore, the involvement of specialist organisations would facilitate the identification of the rescued women, the provision of care and eventually 'their repatriation to their origin countries' (SECI Centre, 2003). The actual conduct of the operation involved a specific national action plan, drawn up by each national police force: each organisation was free to decide on the direction and specific methods of implementing its plan according to national law and procedures.

SECI's role was to coordinate the operation, provide technical assistance and facilitate the interchange between the police forces. As its member police forces were seeking to establish the identities of the suspects or suspected victims uncovered in the course of investigations, 93 messages requesting for information reached the SECI Centre. During the operation, the Centre operated as a hub, facilitating the use of

police information exchange channels and the cooperation process 'in real time' and on a 24-hour basis. In addition, *Mirage* involved other agencies, including the International Organisation for Migration, which played a part in the operation according to an earlier agreement and the rules that were laid down by the regional action plan. It was possible, therefore, in some cases for third parties to assume the responsibility for victim assistance, particularly non-governmental organisations (NGOs) aiming to provide legal, medical and social support to trafficked persons.

The results of the first operation in 2002 were deemed a success. SECI and its member police forces sought to make *Mirage* a recurrent feature of police cooperation in the region. Building on the experience of the first operation, the Centre sought to involve all its members and to consolidate its relations with other organisations, including the judicial networks emerging in the region. Subsequently, SECI reported for Operations *Mirage* 2003 and 2004 similar or better results in terms of numbers of arrests and prosecutions as well as numbers of rescued and assisted victims (SECI Centre, 2005, 2006b). But the operation was not repeated after 2004. Even though SECI has maintained a coordinating role for several subsequent investigations across the region, the original form of *Mirage* has been effectively abandoned; a strange fate, given SECI's activity report in 2005, which stated that 'during these operations, which were intended to be the largest operations ever executed in the South-eastern Europe, the police forces acted as a single body' (SECI Centre, 2006a).

1.1 The challenge of *Mirage*

This book offers a story of Operation *Mirage* and aims to explain it as an event in the history of transnational policing. At first sight, SECI and the series of the *Mirage* Operations between 2002 and 2004 would appear as unremarkable. In the wake of 9/11, stories of cross-border policing and international police cooperation are regularly given attention in the news, and the need for police forces of different countries to work together against transnational criminal threats and security risks is often underscored by politicians, experts and the police. The internationalisation of policing tends to be taken as a natural and obvious fact in a world where borders increasingly appear to matter less for all of us, criminals included.

Yet 50 years ago, although criminals and illicit goods would have crossed borders just as easily as they do today, today's developed universe of international police activity would have appeared as an

anomaly involving unacceptable concessions to the established institutional order, nationally and internationally. It is not difficult to see why. In a world where borders were (and often still are) drawn through bitter conflict and war, policing is not only a state's exclusive tool for upholding law and order, but also an institution that reflects a nation's political, institutional and cultural differences. Today, however, a domain of transnational police activity has emerged, which appears less controllable by the institutions to which policing has traditionally been accountable, and which, more generally, is less accessible to public scrutiny. The proliferation of policymaking and regulation in the form of global or regional, multilateral or bilateral agreements has meant that policing systems and methods are increasingly transferable.

It is thus no surprise that there is considerable confusion and scepticism about the forces and interests that govern the internationalisation of policing. While the internationalisation of policing appears as a natural development to common sense, *explaining* change and the continuing growth and intensification of the networking and cross-border cooperation of the police is a much more difficult task. Timely and fascinating questions emerge which lie at the heart of contemporary debates about the nature and direction of today's world order.

Since the late 1980s, a number of academic works have taken up such questions. These studies can be regarded as formative of a new subfield dedicated to the study and analysis of the problems posed by the internationalisation of police activities. This body is related to well-established academic fields, namely the sociology of the police and the study of international relations, and incorporates insights from these disciplines (Nadelmann, 1993a; Sheptycki, 2002). It nevertheless exhibits certain notable deficiencies that are both empirical and theoretical in nature.

First, particular geographies, organisations and issues in international police activity are over-represented, and thus the complexity of relations and interactions between different police organisations of different nationalities is obscured. Among students of transnational policing, the global omnipresence of US federal law enforcement and the brand new European Union (EU) apparatus of police cooperation naturally monopolise attention (for example, Fijnaut, 1992; Nadelmann, 1993a; Anderson et al., 1995; Andreas, 2000; Occhipinti, 2003). Much less is known about transnational policing in less central locations of the global village.

Secondly, there are problems with what is understood as the object of study. In many cases, work on international police cooperation is

concerned with the description and systematic presentation of the legal and organisational infrastructure that statesmen, diplomats and the police are busy creating (Santiago, 2000; Bruggeman, 2001; Koenig and Das, 2001). The studies that have gone beyond this rather dry view of the field approach the object of study as a question of international police relations. International police cooperation is understood as a relatively autonomous social field, whose outlook and direction are engendered mostly by the interactions of police organisations (Anderson, 1989; Fijnaut, 1992; Nadelmann, 1993a; Anderson and den Boer, 1994; Deflem, 2002a). Explanations of this kind tend to interpret the growth of transnational policing as the result of regular patterns of interactions between police forces and other relevant actors, which eventually crystallise into more formal mechanisms. But while history and the patterns of international police activity are important, there remains an obvious question about the social purpose of this activity and its place in the overall structure of the international system.

Here lies the unambiguous scholarly challenge Operation Mirage poses to established ways of thinking about transnational policing. To put it simply, it happened in a very unlikely place and lacked any roots in history. Chapters 3–5 will show how, more than the result of interaction between police organisations, it was the product of a complex conjuncture in international politics and an interplay between actors in the Southeast corner of Europe. True, it can be approached as another instance of contemporary international police cooperation. But its particular characteristics make it fertile ground for a thorough examination of transnational policing. How were the Mirage Operations possible?

To ask how Mirage was possible means to ask, at a very fundamental level, how it was possible at all. Southeast Europe continues to be troubled by divisions and conflicts in the post-communist era, many of which show no sign of abating. These conflicts go back in time well beyond the recent past. In the twentieth century alone, this history has been marked by two Balkan and two World Wars, repeated episodes of ethnic conflict, forced population exchanges and ethnic minorities oppression, all of which continue to ignite nationalist passions and territorial claims (Mazower, 2000; Stavrianos, 2000; Crampton, 2002). The viability of such a joint venture between police forces in this region, far from resulting from the regularity, intensity and depth of police interchange, could not be taken for granted.

We then need to ask what explains the particular organisation and methods of Operation Mirage: the roots of many of its characteristics

must be sought in wider regional political processes. And, of course, we also need to ask how its results are to be understood. For what are obscured beneath the aggregate figures of arrests, prosecutions and recovered victims reported by SECI's activity reports are the individual trajectories of policing in those countries, which are genuinely different exactly because they condense markedly different national historical trajectories. In all these respects, to ask how *Mirage* was possible is ultimately to challenge established approaches in the study of transnational policing.

1.2 Explaining *Mirage*: A materialist critique and thesis

If, as I indicate above, existing approaches suffer from theoretical deficiencies too, then to explain the *Mirage* Operations requires a search for clear and solid theoretical ground on which a richer story can be constructed. This is a predominant concern of this book and the task of theoretical critique is taken up very vigorously in Chapters 2 and 3. The result of this discussion opens up the path for an alternative perspective on a range of theoretical questions which is, in turn, put to work on the ground of the complex social, political and ideological relations that have gestated the occurrence, characteristics and outcomes of the *Mirage* Operations.

Both the critique and the alternative thesis mobilise a range of ideas and concepts found in materialist philosophy and social theory, particularly associated with the work of Louis Althusser. They build on the concept of structural causality (Poulantzas, 1978b; Resch, 1992; Resnick and Wolff, 1996; Althusser, 2005a), and also on a particular approach to the concept of imperialism that relates closely to the former (Poulantzas, 1978a; Milius and Sotiropoulos, 2009), to advance an understanding of transnational policing as a developed form of the police apparatus in the present phase of imperialism. There are compelling reasons for returning to the ideas of the Althusserian current in this context. While its theoretical roots can be traced in developments in the study of policing and international politics of the 1960s and early 1970s, existing work on transnational policing blossomed in the intellectual climate of the 1990s, and resonates strongly with the ideas and the world view of globalisation theory. As that particular theoretical conjuncture is now well behind us (Rosenberg, 2005), the Marxist theory of imperialism remains the most viable alternative towards a conceptualisation of today's world (Callinicos, 2009). In turn, within Marxist thought, Althusser's writings facilitate a superior reading of that theory, and of processes in the real

world, exactly because of the concept of structural causality (Althusser, 2005a).

We may recall that Marxism understands society as a complex whole, in which economic, political and ideological structures and relations, while distinct and possessing their own efficacy, constitute levels or instances whose systemic articulation is ultimately determined (determined 'in the last instance') by the economic. This complex unity comprises a set of fundamental relations pertaining to the production and reproduction of the material conditions of existence of a society. These entail clusters of social practices involving antagonistic groups of social agents and contradictory types of power relations between them (economic exploitation, political and ideological domination and subordination). The concept of the mode of production is derived from the configuration of these relations and it thus encompasses an understanding of society as a structured whole, which can be scientifically studied on the basis of the concepts of relations of production and social class in its totality (Poulantzas, 1978b; Marx, 1987; Althusser, 1990, 2005a; Resch, 1992; Milios, 2000). This whole is not the sum of its parts, nor does it possess a separate essence from its parts. Rather, it is a complex unity to whose development the various types of social practice contribute unevenly, resulting in particular types of practice being predominant in so far as they have the capacity of assigning 'rank and influence to others' (cf. Marx, 1993, pp. 106–107). Thus part and whole are mutually unintelligible unless they are considered in their structured unity, where a distinctive type of causality applies (Althusser, 1979b; see also Resch, 1992; Althusser, 2005a).

This framework permits a comprehensive analysis of transnational policing as a phenomenon unfolding within an ensemble of complex, structured social relations in one and the same society as well as between different societies. More specifically, transnational policing is the form of policing which corresponds to the present phase of imperialism, the particular configuration of state, capital and class under processes of internationalisation and conditions of higher international integration engendered by the expanded reproduction of capitalism (Lenin, 1964a). According to the view adopted here, under imperialism societies are entangled in a process that brings about complex economic, political and ideological transformations in each one of them and also determines the ways they are combined unevenly and unequally into a system of global relations. This global system of complex and asymmetrical economic and political relations between discrete states is the imperialist chain (Poulantzas, 1978a; Milios and Sotiropoulos, 2009).

This approach (re)assigns a pivotal role to the state in the theory of transnational policing. It reflects the thesis that the state in capitalist society holds a specifically political role consisting in its 'function of constituting the factor of cohesion between the levels of a social formation' (Poulantzas, 1978b, p. 44), that is, of the economic, political and cultural life of a society divided into classes. It is the site where the totality of social relations engendered by the fundamental contradiction between exploiters and exploited at the level of the economy finds its more direct political expression and balance as a historically specific organisation of institutionalised dominance and subordination. It is materialised in an ensemble of apparatuses which, in their combination, transform class domination into legitimate power (Marx, 1991, p. 927; Poulantzas, 2000; Althusser, 2006). In this light, the police constitute a particular state apparatus distinguished by an operative logic, which is carried by specific organisational forms, involves particular sets of practice and is cemented by a distinct internal ideology, and which is thus directed towards the production of characteristic effects in the field of social relations (Althusser, 2006). Police work possesses a practical capacity to produce a specifically political effect by situationally regulating social inclusion and exclusion. This approach recognises the transformative effect of police work on social relations (Bittner, 1979), but situates it under the framework of state theory, which precisely understands the operative logic of the police in relation to the state's global role in the reproduction of an order which overall 'sanctions and legitimises the interests of the dominant classes against other classes' (Poulantzas, 1978a, p. 78).

Police, state and imperialism are the indispensable building blocks in the production of a concept of transnational policing: any understanding of the transnational without the concept of the imperialist chain collapses into indeterminacy and unprincipled relativism; policing is unintelligible without taking into account the state as the condensation of class struggle and domination. To speak of transnational policing as policing in the present phase of imperialism is to establish the necessary connections between policing, the international relations of the police, the interstate system and the social processes indiscriminately labelled 'globalisation', all of which are kept in relative theoretical separation by existing approaches. It is thus possible to develop a concept of transnational policing not as a layer which is separate from or superimposed on national policing. In fact, rather than a form of the police function being determined by the development of international relations, transnational policing is part of a system in which relations

and processes at the national level have priority over international relations.

There is no pretending, of course, that Marxism is a unitary body of theory. There are obvious risks in taking a particular approach that involves taking theoretical sides in a work which is not a study of Marxist social and political theory, but a study of transnational policing. The primary choice made here is not to converse with existing work on transnational policing in an external and mechanical fashion. There are ongoing debates about the implications of the internationalisation of police activities, and I share the same substantive concerns as several other authors in the field have done about the ongoing redrawing of the balance between security and liberty in modern democracies (Hayes, 2002; Sheptycki, 2002; Andreas and Nadelmann, 2006; Deflem, 2006; Bigo and Tsoukala, 2008). An intervention in these debates requires a deliberate, substantive attempt to operate from within the ground that current thinking occupies, and this is precisely what the analyses in Chapters 2 and 3 aim to achieve.

1.3 Data

This book is the result of theoretical work on transnational policing and research on the Mirage anti-trafficking operations carried out between 2003 and 2006. While my primary concern is the theory of transnational policing, the project has involved an extensive engagement with the issue of sex trafficking, which provided the Mirage Operations with an operational objective. Such an engagement was indispensable for constructing an account of the Mirage Operations, since the issue of sex trafficking, which was catapulted to the top of international and national crime control agendas at the turn of the century (see Dottridge, 2007), has punctuated their history at all possible levels of analysis. But despite the centrality of this issue in both the research effort and the analyses that follow, this book is a study of transnational policing, and not of sex trafficking. As a result, the methodology for the collection of the empirical data reflects the primary aim of this study and is more akin to approaches taken by prior work in the study of transnational policing.

The research has also naturally involved an extensive engagement with and analysis of a wide range of documents, such as international treaties and other legislation, with their preparatory and explanatory reports, political texts and decisions, policy overviews and action plans, as well as organisational mission statements. Such documents

are important in so far as they communicate the positions and strategies of 'actors' in the field, which in many cases are relative to each other. My investigation of the issue of sex trafficking and the responses towards it in Southeast Europe, and particularly in Greece, has yielded a significant number of documents which, compared with more programmatic texts, captured more closely the strategies unfolding in the field. These were primarily evaluation reports, training and best practice manuals, seminar proceedings, internal communications and circulars as well as statistical data, which were made available over a period of three years. While some of these documents were widely available, others were not, and could only be obtained at source.

An equally important part of the material was collected in interviews with police officials, as well as with representatives of other state, non-governmental and international organisations in Greece and Romania. In total, 28 interviews were conducted between March 2004 and April 2006, and in some cases additional sessions up to June 2006 were necessary for exploring certain questions in more depth. The majority of interviews were carried out with officials of (or belonging to) the Hellenic Police Headquarters in Athens, Greece, and of the SECI Centre in Bucharest, Romania. In all of these cases, I requested official permission to contact the officers in the units that interested me, and therefore these organisations were aware of my activity as a researcher. Work at SECI was facilitated by its public relations office, through which I was able to arrange access and schedule the interviews with liaison officers. The Hellenic police allowed me to directly organise contact with the relevant directorates. In both organisations, many of the officers kindly facilitated my access to material which is publicly available in principle but not easily accessible, or unclassified documents, which could only be obtained at source. All police officials agreed to be interviewed on a not-for-attribution basis, and it was explicitly explained to each individual that it would not be possible to identify any person in any work resulting from these interviews. Interviews with non-police participants, such as NGO representatives, were also conducted on the same level of confidentiality. In most cases their views were aligned with their organisation's publicly stated positions; however, they were willing to discuss details of particular issues and aspects of their work, as I had hoped.

1.4 The chapters of this book

The remainder of this book is arranged in two notional parts, with Chapters 2 and 3 focusing predominantly on theory, and Chapters 4–6

developing the account of the Mirage Operations from three particular entry points, which can be thought to correspond with global, regional and national levels of analysis, respectively, as explained below.

Chapter 2 offers an extensive review of the existing literature on transnational policing. It is concerned specifically with the question of theory, building on the Althusserian idea of the theoretical mode of production (Suchting, 1986; Althusser, 2005b) as a critical tool towards the unravelling of the conditions under which particular theoretical statements on transnational policing have been produced. The chapter mounts a materialist critique of current theoretical positions in the field and explores the conditions under which they displace the question of the state and thus transpose their object of study into an investigation of the international relations of the police.

While Chapter 2 focuses more on international relations theory, Chapter 3 mounts a critique of the sociology of the police. State theory and the theory of imperialism are mobilised here to counter existent theoretical approaches in police sociology and in globalisation theory, and to develop a materialist vocabulary for the analysis of transnational policing that fully acknowledges, from a theoretical viewpoint, the priority of national over international processes.

Chapter 4 constitutes the first entry point in the story of Mirage. It investigates the emergence and implementation of the new global prohibition regime targeting human trafficking, and sex trafficking in particular. Developments in this area have been marked by the inception of the 2000 UN Convention against Transnational Organised Crime (CATOC). Chapter 4 questions the strategies of civil society issue advocacy groups and state interests and policies that have inculcated the CATOC's particular focus on the question of sex trafficking. The argument is that the regime, far from being an aggregation of transnational actor sensibilities, reflects and balances particular state strategies towards the aggressive regulation of illegal migratory movements in general.

Chapter 5 explores the roots of the SECI Centre and the Mirage Operations in the social and political processes that shaped Southeast Europe in the first decade of the post-communist era. It questions the organisation and aims of SECI and the Mirage Operations. These are situated in the context of the international and national power struggles around the effort to reintegrate post-communist Southeast Europe in the international system, as well as in the context of the particular economic and social conditions experienced by the populations of the region.

Chapter 6 investigates anti-trafficking initiatives and related police activity in Greece, which since the 1990s have become an important

destination country for migration in Southeast Europe. Showing how national processes take priority over international processes in transnational policing, the chapter argues that the international anti-trafficking regime facilitated a further reinforcement of the role of the Greek police apparatus in the implementation of ruling class strategies towards migrant labour and migration control at national and regional levels.

Chapter 7 offers a concise synthesis of the results of both the theoretical analysis and the account of the Mirage Operations.

2

The Study of Transnational Policing

The aim of this chapter is to develop in detail and to substantiate the idea that the existing literature on transnational policing relies on a theoretical vocabulary whose deficiencies hinder the systematic explanation of the phenomena it is concerned with. What follows is an assessment of an ensemble of works whose theoretical significance consists in advancing explanations of the organisational activity patterns associated with transnational policing. The result of this operation will be to identify the areas where these deficiencies lie, and to suggest how a materialist perspective can contribute towards the construction of an adequate, theoretically pertinent, concept of transnational policing.

2.1 Towards a critique: Theoretical production

As a theoretical object, the ‘universe of governmental activity at the intersection of criminal justice and international relations’ (Nadelmann, 1993a, p. xvi) has emerged only recently. It has followed a different course from its real-world object, and it is important to notice not only how these courses differ, but also in what ways they correlate.

The international ventures of the police had developed practical relevance and considerable variety long before they came to be perceived as an essential feature of our era of ‘globalisation’. The few, but valuable historical enquiries which are now available leave no doubt about this historical pattern (Liang, 1992; Deflem, 2002a; Andreas and Nadelmann, 2006). However, these activities existed at the margins of what has constituted the bulk of police work or international politics. They involved the dissemination of technical knowledge and training, non-obligatory enquiries for information, as well as methods to supplement and assist

national judicial procedures in circumstances involving an element of extraterritoriality. This pattern unfolded within a definite structure of the international system, a congregation of sovereign states whose police forces constituted an exclusive mechanism for sustaining internal order and national law. Unilateral action has never been eclipsed as an option in international police relations, but its clandestine and scandal-prone nature has seemed to accentuate the above operational logic of the system. Rare exceptions apart, earlier discussions both reflected this logic and, by and large, had been the result of specialist interest or journalistic inquisitiveness, rather than systematic scholarly attention or wider policy concerns (Sagalyn, 1966; Fooner, 1973; Igbinovia, 1984).

Today a global law enforcement arena appears to exist, one in which police forces combine resources, such as knowledge, information and technology, and undertake joint efforts against the criminal enemies of the day in a much more regular and systematic fashion. The modern wars on terror, drugs and other clandestine criminalised activities appear to defy national borders and to pose a threat to more number of societies simultaneously. Such modern wars are often seen to 'primarily involve policing, not conventional soldiering' (Andreas and Nadelmann, 2006, p. 6). But these patterns of police activity are now part of much broader developments. The renewal, expansion or outright creation of suitable technological, organisational and legal infrastructures, the emergence of supporting ideas, rationales and policy objectives and the production and application of relevant types of knowledge occur simultaneously and constitute an integral part of the above process. For example, US law enforcement agencies have in the post-Second World War era been regularly present in locations outside American soil and conducting their operations on a genuinely world-wide scale (Nadelmann, 1993a, b). In Europe, there has emerged a new international police organisation, Europol, and it has rapidly developed into a pivotal mechanism, both functionally and technologically, for the coordination of police forces of EU member states (Occhipinti, 2003).

Such developments cannot be understood in isolation from a range of international agreements and policy decisions at different levels. These decisions enable the police to engage in systematic relations involving the exchange of information and personnel as well as the organisation of joint activities. They also organise both conceptually and politically the field in which this action takes place. For example, the United Nations Convention against Transnational Organised Crime (CATOC: United Nations, 2000d), with its supplementing protocols against the trafficking in persons, the smuggling of migrants and

the trafficking of firearms, has been an important political event too. It sealed an international process shaped by the political strategies, tactics and interests of the parties directly involved in its negotiation. Its foundations should be traced in the gradual emergence of a concept of 'transnational organised crime': a *concept* which organises the particular modes in which numerous international organisations, national bureaucracies (the police included), pressure groups and, not least, institutionalised research have sought to identify, investigate, assess and address the implications of certain patterns of activity in the real world (Castells, 2000; Sheptycki, 2003a). This is a clear indication that the contemporary developments in the internationalisation of policing also involve entirely new modes and levels of intellectual labour, which support the discourses secreted by the various actors populating this arena.

2.1.1 Ideologies and the production of knowledge

The above general pattern suggests that scientific research, professional practice and official policy develop in mutual dependence. Making explicit that such interdependence exists raises questions about the impact of policy and professional demands on the formulation of scientific discourse. This question is often muted, but if the existence of such interdependence is admitted, then it must be explored in order to situate with some precision the nature of existing theoretical work on transnational policing. We need to ask whether politics, organisational and other group interests and expediencies in wider society impact the formulation of questions and answers in scholarly enquiry – and how.

One suitable point of entry to this discussion is Peter Manning's recent pessimistic stocktaking of the theoretical situation in police studies. Reflecting on 'the social bases of interests and rewards to the patterning of knowledge production and acquisition' (Manning, 2005, p. 24) in police studies, Manning questioned the organisation and development of scholarship and its relation to the organisation, policies and interests of public and private organisations supporting police research in the US and the UK. Distinguishing between a sociology *of* the police and a sociology *for* the police – this last one mainly being 'devoted to ameliorative aims' (2005, p. 30) – he concluded that knowledge production in the field is overrun by policy agendas, despite the persistence of an elite group of theoretically sensitive researchers (Manning, 2005). This argument clearly accepts that politics, in the form of organisational and occupational interests, play a fundamental role in so far as they regulate the material, organisational and financial terms of the

production of knowledge, and direct its output towards a specific range of issues.

Now, from a materialist viewpoint, the preceding observation can be fully fleshed out by drawing on the concept of a mode of theoretical production (Lecourt, 1975a; Althusser, 1979a, pp. 40–43; Suchting, 1986, 2006). According to this idea, intellectual work involves practices which can be analysed as a special process of production that works upon representations, ideas and pre-existing theories. As any production, it uses particular tools and takes place within given conditions to produce a result that can in general be described as 'the solution or answer to a problem' (Suchting, 1986, p. 22). Theoretical labour, therefore, takes place not in a vacuum, but within given conditions and social relations of control, which determine how knowledge is produced, circulated and consumed.

The idea that theoretical production is embedded in the wider 'set of political and ideological practices and institutions' related to the production of knowledge allows an investigation of the constraints that the organisation of knowledge production imposes both on the agents engaged in this process and on what is and can be produced by them. Evidently, there can be no 'formal and atemporal conditions of knowledge' (Althusser, 1990, p. 8); rather, one must raise the question of the history of knowledge, that is, of the real conditions shaping knowledge production, and, therefore, of the socially determined character of knowledge. This does not negate that scientific enquiry 'produces at each moment of its history its own norms of truth' (Lecourt, 1975b, p. 164), or that there can be a process of genuine accumulation of knowledge on the basis of these norms. But the derivation of these norms is not exclusively a matter for the scientific community to decide: they reflect the position of theoretical labour among other social practices. The conclusion is that *any theoretical claim on reality reflects the institutional matrix of its production*.

This approach raises immediately the issue of ideology as a source of bias in any scientific enquiry. It is here that Althusser's work is particularly helpful. We may recall that Althusser approached this problem by building on the Bachelardian idea of the *epistemological obstacle* (Balibar, 1979). This idea broadly refers to the effect of extra-scientific notions and preferences in the formation of scientific concepts, which must be overcome, 'destroyed', for science to advance. According to Bachelard, scientific knowledge always emerges through ruptures, 'critical moments in the growth of thought [which] involve in fact a total reorganisation of the system of knowledge' (2002, p. 26). But from a

Marxist viewpoint, knowledge is understood as the product of intellectual practice materialised within a definite grid of economic, political and ideological relations (Resch, 1992, p. 181). In other words, such critical moments involve a rupture with ideological practices through which objective knowledge emerges (Althusser, 1979a, pp. 66–67; see also Resch, 1992).

This approach understands ideology as a distinctive structural instance and objective reality, which pertains to the ensemble of representations, values and beliefs of social agents (Poulantzas, 1978b, p. 206; Althusser, 1990). It is not reducible to the individual subject's ideas and representations of reality. Rather, it has an existence which is both social and material. Ideology can be approached in a threefold way as, firstly, an imaginary and illusory ('inverted') representation of social relations, which is moulded, secondly, by the intellectual dominance of the materially ruling class, and whose explanation, thirdly, must take account of the contradictions of material life (see Marx and Engels, 1976b, pp. 35–54, 59). This means that ideology is connected with the material development of social life and the growth of the division of labour into increasingly complex patterns independently of the will of social agents. Accordingly, ideology can be understood to constitute 'a solution at the level of social consciousness to contradictions which have not been solved in practice' (Larraín, 1983, p. 28).

In this respect, ideology appears as a subject-centred discourse, which emerges from a field predominated by the personal and group interests attached to an existing state of social relations and the contradictions this last involves. Its function is to offer solutions, which are, however, solutions to problems formulated in terms imposed by these interests (Althusser, 1979a; Resch, 1992). It fulfils, therefore, a function of social reproduction, because it eases the insertion of social agents into these social relations, and bestows the latter with a degree of coherence (Althusser, 1971, pp. 162–165; Poulantzas, 1978b, pp. 206–208; Larraín, 1979; Althusser, 1990, pp. 23–25). From the agents' viewpoint, it irons out the effects of contradictions and restores at an imaginary level a relative coherence in the experience of their conditions of existence and position in the field of social relations (Poulantzas, 1978b, p. 208; see also Macherey, 2006, p. 146).

On the other hand, as an objective level of the social structure, ideology has a practical existence structured by the organisation of the production of material life and the distribution of agents in the class relations this structure engenders. So it exists and is experienced through distinctive types of practice, which are concentrated in

distinctive regions or clusters, and are embodied in particular *apparatuses*, such as the family, the church, schools and universities, political parties and trade unions, the mass media, arts and sports (Althusser, 1971).

A rupture with ideology reflects a distancing and disengagement from the interests attached to a given state of social relations. It results in the production of objective knowledge regarding the structural mechanisms at work in nature and society – objective, in the sense that the discovery of such mechanisms allows the errors of existing knowledge to be demonstrated, and which, in turn, offers the conceptual basis around which the production of further knowledge can be organised and formalised. This is clearly a fragile process, which involves a continuous struggle against the material conditions and practical interests from which ideology emerges. It is also circumscribed by history, since its pace and its capacity to resolve these contradictions ultimately depend on a historically given balance of social forces: it is but an aspect of class struggle (Althusser, 1979a, 1990; Resch, 1992). But what are the implications of the preceding analysis for the study of transnational policing?

2.1.2 Questioning the production of knowledge of transnational policing

We may derive from the above analysis a principle for assessing existing knowledge of transnational policing: *any theoretical claim on the reality of transnational policing reflects the institutional matrix of its production, and exhibits the effects of particular ideologies*. This means that theoretical production on transnational policing is embedded in a wider set of institutional arrangements that defines materially both its limits and the pace of its development. Indeed, we may now see more clearly how the increasing relevance of transnational policing in international affairs would explain both the dramatic change of pace in the production of work on transnational policing, *and* the pronounced presence of particular lines of enquiry in prior work associated with policy (on this connection, see also Deflem, 2002a).

Presently, the occasional interest of the preceding period has been succeeded by what is now a distinctive field of studies, where academic authors make regular contributions towards the knowledge of the structures, activities, scope and implications of transnational policing. There is also a larger stream of analyses, such as situation or threat assessment reports or policy overviews and surveys conducted from within, or in close connection with the police organisations and other power centres,

and with direct regard to concrete questions relevant for policy and practice (see, for example, Council of Europe, 2004; Europol, 2009). This undoubtedly correlates with the growth of internationalisation in policing, which generates the need to monitor and plan these activities with regard to the specific resources and objectives of the organisations which perform them. Beyond the work of internal functionaries, there are various research centres, such as the various United Nations entities (United Nations Office on Drugs and Crime, United Nations Interregional Crime and Justice Research Institute), which, while distinct from the political and operational organisational core of policing, whether international, national or transnational, they produce knowledge whose scope and objective are defined in accordance with the institutional needs of that core (for example, Hertzberger, 2007). This can also be seen in connection with numerous and sizeable research programmes, such as the European Union's (EU's) AGIS and ARGO programmes on 'third pillar' areas, including police and justice cooperation. It is, therefore, possible to discern a large body of work, which is more or less adapted to and serves the immediate functional needs of the emerging apparatus of transnational policing. This is knowledge that builds on a very specific and narrow – in short, ideological – perspective of activities and issues in the realm of police cooperation.

Of course, it is not entirely possible to make a hard and fast distinction between separate domains in knowledge production. There is an intersection of the communication channels between research, practice and policy. If, on one hand, various agencies need to generate knowledge of the fields they engage in, there is equally little doubt that social scientists may or must channel their own research programmes and theoretical concerns into the activities of relevant wider epistemic communities (Haas, 1992)¹ and, therefore, routinely engage in processes, which are primarily relevant for practitioner audiences. More than any other type of research in policing, work on transnational policing typically requires access to sites away from a researcher's home base, and additional resources, including financial backing and international networking, if not larger research teams. The experience in the production and dissemination of knowledge of transnational policing shows that conventional institutional boundaries are regularly blurred (Anderson and den Boer, 1992; Benyon et al., 1993; Anderson, 1994; Anderson et al., 1995; Das and Kratcoski, 1999).

Therefore, the current production of knowledge on transnational policing does not straightforwardly constitute a uniform body of knowledge. It is shaped by the multitude of extra-disciplinary interests

associated with its institutional stakeholders and sponsors, and also attracts the interest of a variety of academic disciplines, such as criminology, organisational sociology, politics, international relations (IR) and law, each approaching it from a different perspective. But the above intersection of activities suggests that these knowledge production streams are, in fact, commensurate. For beyond the web of ties knitted by incentives and rewards, the existing body of knowledge exhibits a special type of unity: there is an affinity between the types of knowledge of transnational policing that emerge from the different circuits of its production, and it can be understood as an effect of the inculcation of the dominant ideology in and by the apparatuses that comprise these circuits. If the web of incentives and rewards provides the building blocks of this knowledge, that is, the issues, the means and methods to study them, it is, in fact, the dominant ideology that glues these materials into a relatively coherent discourse, which is functional to the pursuits of states and therefore serves the class interests upheld by the state.

Let us codify the results of the preceding discussion before putting them to work. It is clear that a theoretical critique of the knowledge of transnational policing should identify and assess the results, firstly, of the entanglement of theory with policy or particular organisational expediencies; secondly, the inadequacies of the 'paradigms' to which researchers subscribe, in so far as they are indices of the organisation of knowledge production within the particular milieu of the academic apparatus in which the latter reside. However, if one is not merely to substitute one paradigm for another, a critique of the study of transnational policing must extend into the deeper structures of the theoretical forms employed in the field. What must be entered is exactly a (pre-'paradigmatic') terrain where the dominant ideology gestates the terms by which the study of transnational policing misassigns rank and significance to the processes that constitute its object. Let us see.

2.2 The theory of transnational policing: A critical assessment

It is possible to distinguish between two different types of statements regarding transnational policing. The first type includes those reflecting more directly an ideological problematic, in the sense that they reflect more directly how the phenomenon is perceived and rationalised from within the apparatuses it involves. These are found in such forms as speeches, action plans and activity reports produced today in abundance

by these organisations. Their common theme is captured uniquely by former United Nations (UN) Secretary Kofi Annan's remark that 'if crime crosses all borders, so must law enforcement' (quoted in Savona et al., 2003, p. 37). While reality is thus addressed either from the perspective of the political expediencies served by, or from the perspective of the organisational needs and purposes of these apparatuses (see, for example, Council of the European Union, 1999c; Vitorino, 2002, 2003; Europol, 2007), this is a treatment which remains silent about either the process of criminalisation or the purposes, methods and institutional controls of law enforcement agencies. Both the activities designated as criminal and the activities pertaining to law enforcement are presented as given facts, while beyond the commonsensical appeal of the idea that 'the police do something about crime', nothing of substance is asserted about the social purpose of this particular articulation of actors, actions and issues.

The second type of statements are presented as scientific treatments of the phenomenon, concerned exactly with how the field is the product of historical and social processes. This is a sociology of transnational policing, an endeavour driven by theory and concepts (for example, Anderson, 1989; Nadelmann, 1993a; Anderson et al., 1995; Bigo, 1996; Sheptycki, 2002; Deflem, 2002a; Andreas and Nadelmann, 2006; Goldsmith and Sheptycki, 2007). It lays a claim to objective knowledge by producing substantive explanations in the light of wider social relations and processes, rather than the rhetorics of law enforcement alone. The remainder of this chapter thus focuses on this particular stream of work, for qualitative rather than quantitative reasons. Elements from these works are often pressed into official and practitioner discourses, playing in turn a legitimising role by infusing purely descriptive or analytically unimportant accounts with a sense of scientificity (see Das and Kratcoski, 1999). Moreover, these works engage exactly with those aspects of the phenomenon that policy-oriented talk silences or 'black-boxes' altogether, and, therefore, constitute a prime target for theoretical critique.

Importantly, the academic nature of these works involves certain dependencies on prior ideas and debates found in the disciplines from which they draw insights. It is through the examination of these dependencies, and of the spontaneous ideologies residing in those academic fields, that ideological obstacles, which may pre-empt certain paths of enquiry in particular ways, can be identified more clearly. To anticipate the results of this discussion, the central problems of the role of the state and of political struggles in the development of transnational policing

are perceived in certain illusory forms which throw off-balance the entire path of the investigation. These are precisely engendered by existing formulations of these problems within academic discourses. In fact, the measure of the advance current research could make is given by the extent to which the latter has been able to overcome these ideological obstacles.

2.2.1 The idea of transnational policing

The defining concern in the analysis of the contemporary international relations of the police – reflected in the term ‘transnational policing’ – is the interchange between police organisations as distinctive state bureaucracies, and the interactions of the latter with other state agencies, international organisations and non-state organisations (including criminal ones). Thus current theorising on transnational policing draws its raw material from the empirical manifestations of the international activities of, and interactions between different national police forces and other organisations, and crafts its particular theoretical object according to the type and scope of these activities and interactions.

The classification and assessment of these police activities and their context by the different authors appears to vary considerably, and the identification of common theoretical underpinnings in prior work can be quite a challenging task. Firstly, variations in terminology could be taken as a sign of substantive differences. From this viewpoint, the different works appear to occupy concentric circles, as it were, corresponding to how wide the universe of relevant interactions is drawn. The inner circle is occupied by ‘international police cooperation’ and the interactions of police bureaucracies (Deflem, 2002a). The outer circle, transnational policing ‘proper’, would include a wider range of agencies, whose activities relate to the provision of ‘security through surveillance and the possibility of coercion’ in a global context (Sheptycki, 2002, p. 7).

Such differences, however, are in reality peripheral: they strictly regard the delineation of relevant actors in the international system and in policing (see Sheptycki, 2003b). For example, Mathieu Deflem understands bureaucratic autonomy as the constitutive force of international police cooperation. He argues that ‘international police organizations with broad international representation could only be formed when police institutions were sufficiently autonomous from the political centres of their respective national states to function as relatively independent bureaucracies’ (2000, p. 741). He sees the organising principles

of international police cooperation in the similarities of the institutional position of police bureaucracies across nations. James Sheptycki, on the other hand, acknowledges a higher level of complexity in that system of relations, since his approach assigns relevance to the interplay between the 'sovereign state's representatives, sub-state actors and non-state actors' (2003b, p. 812). But it is evident that both are in agreement regarding the necessity of acknowledging the relevance of actors other than the state. In fact, Deflem draws a sharp distinction between his theoretical viewpoint and other approaches which he rejects as 'state-centred', that is, as positing an unconditional dependence of police cooperation policies on central government and the political centres of the state (2002a, pp. 30–31).

The above point is the ground where all recent work transnational policing stands in agreement, namely, *a distancing from the centrality of the state in the governance of the international interactions of the police*. This thesis can be traced in works as early as Malcolm Anderson's study of Interpol, which acknowledged that 'contact between police forces of sovereign and independent states has been intensifying to the point where there is a qualitative shift in its nature' (1989, p. 13).² Following the same direction, Ethan Nadelmann advanced a framework firmly grounded on considerations of organisational behaviour, an analysis of the 'behaviour of a particular set of agencies and officials, the tasks they perform, the challenges they confront, and the reasons they succeed or fail' (1993a, p. xix). His is an analysis in the tradition of Allison's (1971) interrogation of relations between governmental bureaucracies, that is, sub-state actors that pursue instrumental goals defined by their own particular organisational needs. Finally, for James Sheptycki, who works from within the field of police studies, this stance is consistent with the shift away from a conceptualisation of policing by exclusive reference to the role and activities of state agencies alone, and the acknowledgement that 'policing, far from being the exclusive prerogative of the police, is undertaken by a complex network of public and private agencies' (Bayley and Shearing, 2001; Sheptycki, 2002, p. 7; Johnston and Shearing, 2003, p. 10).

But how are we to understand this thesis? What does it mean that the conceptualisation of transnational policing moves away from notions of the centrality of the state? One must take account of the fact that the understanding of the contemporary international activities of the police has developed in very close connection with two distinctive regions of academic scholarship, IR and, naturally, the sociology of the police. The concepts and approaches used in the study of transnational policing

are invariably defined by (or defined against) concepts and approaches residing in each of these 'parent' disciplines, thus leading to a distinctive theoretical mix. Moreover, the connection to certain wider developments, such as the questions of globalisation or European integration, is made, more often than not, through the conceptual lens of the parent disciplines. We owe to James Sheptycki the most systematic explanation of transnational policing as a concept grounded in developments in both police studies and IR (Sheptycki, 1995, p. 616; 2002), and his work exhibits in the most transparent fashion the above procedure of defining transnational policing with the help of (and also against) ideas residing in the parent disciplines.

'Transnational' refers directly to a core postulate of a stream of work in the 1970s that sought to highlight the role and impact of international relations on such international actors as multinational corporations, interest groups and non-governmental organisations (NGOs), and also sub-state bureaucracies and agencies (Nye and Keohane, 1971a, b; Huntington, 1973). Transnational relations, according to this idea, are '*regular* interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organisation' (Risse-Kappen, 1995a, p. 3, my emphasis). As Dunne (2001, p. 170) notes, 'the overriding image of international relations is one of a cobweb of diverse actors linked through multiple channels of interaction'. Thus, identifiable transnational actors, or coalitions of actors, such as multinational corporations, financial agents, human rights groups or government officials pursuing an agenda independently of national decisions engage in such interactions in pursuit of particular economic, political or other goals, gain access to policy-making processes and eventually have a significant policy impact (Risse-Kappen, 1996).

Sheptycki drew directly from the work of Nye and Keohane (Sheptycki, 2002, p. 8), but resisted the narrower 'transgovernmental' focus, which would apply to the international interactions of the police alone as 'sub-units of governments [which] act relatively autonomously from higher authority in international relations' (Keohane and Nye, 1974, p. 41). This particular stance seems to have been dictated by, and is perfectly consonant, with current trends in the sociology of policing. Other authors, too, generally adjust their terminology by reference to the positions they adopt within the parent disciplines. For example, Anderson et al. (1995) draw from European integration theory, whereas Nadelmann (1993a), who did use the term 'transnational policing' and acknowledged the connection and debt to the transnational relations

literature, adopted the apparently more neutral term 'internationalisation' to describe the development of the activities of US law enforcement agencies abroad.

Evidently, the theme of transnationalisation has an affinity with globalisation, which refers to a 'widening, deepening and speeding up of worldwide interconnectedness in all aspects of contemporary social life' (Held et al., 1999, p. 2), an 'intensification of worldwide social relations' (Giddens, 1990, p. 64). It is manifested as markedly increased flows of trade, capital, information and people within an integrated global market, which, in turn, shape new patterns of interactions and interdependence in the global system (Hirst and Thompson, 1996; Keohane and Nye, 2000; Cohn, 2003). Transnational relations are, therefore, inherently part of the new global landscape, which is understood to involve a plurality of actors other than national states. These possess a power base, which is other than the type of monopolistic political authority that national states are thought to possess, and they accumulate power by transacting in the different domains of activity involved in the channels of economic, informational or cultural interdependence (see Keohane and Nye, 2001, chapter 2).

The emergence of a global arena along the above lines poses urgent questions as to how, as Held and McGrew note, 'global affairs and transboundary problems are governed' (2002, p. 8). Insofar as interdependence creates a pluralist universe, it is conducive to the emergence of multiple channels of communication, adds complexity to the process of agenda formation and necessitates diverse strategies to pursue interests and goals in equally diverse issue areas (Keohane and Nye, 2001). It thus creates the conditions, or necessitates the reconfiguration of the processes by which regulation is sought and achieved. A pivotal aspect of this reconfiguration is typically theorised as a shift from government to 'governance'. This practically amounts to an acknowledgement of the need for private actors, including particular interest groups in various issue areas, to be represented as stakeholders in the process of decision-making and the shaping of policies, no matter what their power base may be, and thus, no matter what the nature of their capacity to exercise authority may be (Rosenau, 2002). Consequently, this shift is thought to bring about a heightening of the role and relevance of international organisations, in so far as they are better placed to act as mechanisms for policy aggregation internationally. It is also thought to engender a functional adaptation of the state apparatuses, a restructuring towards a novel form which corresponds to this pluralistic environment. Anne-Marie Slaughter has called this new form the

'disaggregated state', emerging from 'the rising need for and capacity of different domestic government institutions to engage in activities beyond their borders, often with their foreign counterparts' (Slaughter, 2004, p. 12). As Slaughter explains, the traditional formal and centralised channels of inter-state relations are more likely to be circumvented, both in a horizontal sense, that is, in the form of interactions between government officials of different nationality, and in a vertical sense, in the form of interactions between national officials and supranational organisations (Slaughter, 2004).³

In the idea of transgovernmental networks we find a certain core image of the phenomenon as conveyed by studies of transnational policing, the content of the innermost circle, as it were, of the concept which the drawing of all others presupposes. It comprises patterns of formal and informal interactions of the police, as a particular sub-state bureaucracy, with their counterparts or other police-related international organisations across state boundaries occurring in conditions of relative autonomy from the central mechanisms in charge of the official foreign policy of their states. Sheptycki's seminal case study of transnational policing in the English Channel region builds on materials and observations sources from police agencies – that is, governmental agencies (Sheptycki, 1998a, 2002). Equally, in Anderson et al. (1995), 'Europolicing' is a field whose boundaries are delineated by the wider framework and balance of power within the institutions of the EU, but whose specific content and pace of development are actively shaped by the interactions of police bureaucracies.⁴ Furthermore, Deflem (2002a) has explored a different historical context to argue that the origins of international police cooperation can be explained by the historical patterns of exchange between the increasingly autonomous professional police bureaucracies. These patterns feed a process of institutionalisation which, according to Deflem, continues to be relevant today.

The above outline of the origins of the concept of transnational policing, as they can be traced in the analyses of several authors, confirms that there are differences between approaches, which are significant enough to shape a very uneven outlook when the literature is viewed as a whole. However, the conceptual frameworks these authors use for the understanding of contemporary developments in the international activities of the police share a number of fundamental assumptions and are indeed theoretically akin. It is this affinity that makes possible a critical assessment of the accomplishments of prior research as a single theoretical body.

2.2.2 A critical appraisal

The current theorising of transnational policing involves a theoretical motion in two dimensions: firstly, at the level of designating relevant actors, that is, the number and nature of the primary units which participate in the system of relations under study, and, secondly, at the level of understanding the processes shaping the patterns of relations between those actors. These dimensions are closely related, because as soon as a plurality of actors below and above the state (or central government) has been asserted as relevant, a more complex explication of their relations is required. It becomes impossible to assume that this plurality of actors is positioned on a single relational plane, as would be the case in an understanding of international police activity and cooperation as strictly dependent on the dictates of state sovereignty and national interest. This is the same to say that a greater number of variables, economic, social, technological or political, which affect the behaviour of these actors become relevant for the explanation of the patterns of relations in transnational policing.

It appears therefore that the most useful entry point to the answers provided by the literature can be found with the help of the metaphor of levels. It is possible to speak of three different dimensions of the phenomenon which, in their combination, advance an overall answer to the question regarding the processes by which relations in the field of transnational policing are configured.

A first dimension regards the formation and evolution of a special type of international regime, which Andreas and Nadelmann call 'international prohibition regimes' (Nadelmann, 1990; Andreas and Nadelmann, 2006, chapter 2). In IR, the idea of international regimes is used in the investigation of patterns of cooperation and involves 'sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations' (Ruggie, 1975; Krasner, 1982, p. 186; Keohane, 1984). Andreas and Nadelmann see the emergence of global prohibition regimes as a contingent process which rises from a combination of international and domestic politics, in so far as both depend on external pressures and domestic struggles involving national and transnational organisations influencing the 'actions and opinions of diverse societies'. International prohibition regimes have historically reflected 'the economic and political interests of dominant members of international society', but may also involve 'moral and emotional factors' (2006, pp. 17–18). Not all prohibitions are capable of escalating to the status of a global regime. Rather, they depend on a gradual redefinition of

certain activities as a problem, which, through a process of agitation which takes various forms, including the application of force, financial incentives or diplomatic pressure, is diffused internationally and becomes, with the mediation of international institutions, the object of criminal laws and police action. Nadelmann's study of the internationalisation of US law enforcement, particularly against drug trafficking, has demonstrated extensively various aspects of this international agitation process, involving a combination of the operational expansion of American law enforcement agencies and persistent diplomatic efforts (Nadelmann, 1993a).

A second dimension is related to the particular activities, exchanges and interactions, of police officials at the international level. The focus here is on those mechanisms and practices which are characteristics of international police cooperation: firstly, international police organisations, such as Interpol (Fooner, 1973, 1989; Anderson, 1989; Bresler, 1993) or Europol (for example, Santiago, 2000); secondly, particular mechanisms of cooperation at regional level or at the border (Nadelmann, 1993b; Soeters et al., 1995; Sheptycki, 1998a); and finally, the concrete organisation of work and the new roles which transnational policing involves, such as the diffusion of knowledge through training, the analysis, exchange and use of information, and the characteristic role of the liaison officer (Bigo, 1994; Nadelmann, 1995; Bigo, 2000; Sheptycki, 2002).

While some part of the literature in this area engages in analyses of institutional and organisational frameworks, a distinctive strand mobilises the concept of the occupational subculture of the police, as a set of 'learned problem solutions', 'embedded in the routines of the "job"' (Sheptycki, 1998b, p. 58). The understanding and use of this concept in police studies varies (Skolnick and Fyfe, 1993), but it essentially communicates the idea that the occupational subculture of the police is shaped by the characteristics of the police role, and in turn defines the repertoire of responses police officers are likely to mobilise in the course of their professional activities. According to Sheptycki, the correlates which frame the subculture of transnational policing flow from its technological and legal infrastructures as well as its political and managerial regimes, and give rise to a range of roles, which are enacted in the occupational subculture (Sheptycki, 2002, chapter 3). The idea that the main engine of the development of transnational policing is fuelled by the professional exigencies of the police role also informs Mathieu Deflem's (2002a) analyses. It is in this line of work that the connection of the field with the mainstream police studies is established.

A third dimension, finally, involves a preoccupation with the effect of transnational policing on national policing structures. For example, Hebdon and Thomas (1995, p. 104) have considered some of the changes in UK policing as stemming from the need of the UK police forces to compensate for the practical and legal implications of the development of a European system of police cooperation. But they identified various factors, such as the decentralised model of the British police or differences in occupational police cultures, as possible impediments to the even development of an emerging European policing system. The idea of what they call 'recoil effect' addresses therefore an essential aspect of the process by which transnational policing develops, namely, the role and effects of particular domestic policing structures in the wider mode of development of the phenomenon. This is the inverse aspect of a process described by Ethan Nadelmann as the 'Americanisation' of foreign criminal justice systems, that is, their approximation of the operative logic and methods of American criminal justice (Nadelmann, 1993a). In this sense, what Nadelmann's analyses capture is the interaction of the exposure of national policing structures with the policies and activities pursued by the agencies of the dominant state in today's international system.

But analyses of this last complex aspect of the phenomenon are unfortunately the least developed in the literature. In Europe, they have gravitated around the theme of the 'Europeanisation' of criminal justice systems of the member states of the EU, again as a result of the increasing interactions between the different national police forces, and of the gradual legislative harmonisation on the basis of common EU policies of the 'third pillar' (Peers, 2000; den Boer, 2002b). While valid, this path of enquiry is often saturated with arguments of a legalistic type which tend to equate the real processes determining police work with developments in the political and legal frameworks pertaining to it. It is a 'naïve separatism' that assesses and evaluates models of police cooperation independently of wider social forces (Anderson et al., 1995, p. 88), but the practice of approaching the field through timetables and scoreboards has hardly abated in the European arena. One sees clearly how a traditional 'legalistic-bureaucratic approach' to policing (Dixon, 1997) is replicated in the much more complex subject of police cooperation at the detriment of substantive explanations. At any rate, the essential point at this level concerns the effectivity of the 'movement from below' in the constitution of transnational policing as a phenomenon of the international/supranational sphere: national policing apparatuses are active integral parts of the process.

There is no doubt that the literature appears fragmented on the surface. At a closer look, however, the theoretical affinity of its components and the combination of insights gathered from work at each of the above levels *do* constitute an advance *vis-à-vis* more traditional understandings of international police cooperation. It introduces a novel image of internationalisation, and communicates, as an ensemble, the essential lines of a theoretical shift.

Firstly, there is a process of internationalisation of police activities, which cannot be conceptualised as pertaining to the sphere of international affairs alone, but rather relates to a state of increasing integration between different societies, manifested by the growth and thickening of economic, social and cultural cross-border ties.

Secondly, this process of internationalisation involves a multifaceted interchange between the different national police forces, which cannot be reduced to the pursuit of technical organisational objectives of the police related to the suppression of crime alone, but rather involves flows of technologies, knowledge, techniques and mentalities that do impact not just policies, but the very organisational logic of the police as well. All these elements appear to possess a special effectivity in the unfolding of this process and, therefore, causal explanations of the forms and paths of action transnational policing takes must necessarily take into account an increasingly complex range of relations.

Finally, the analysis of the process cannot be separated from the question of how power is distributed among and exercised by the relevant international actors. The balance of power relations in transnational policing involves the capacity of these actors to influence processes of policy making; it follows that patterns of activity are also likely to reflect the prominence of certain states in the international system (see Andreas and Nadelmann, 2006).

Let us identify where the shift lies. The sum of these propositions is a break with regard to the prior conceptualisations of the relation between the police and the state. The stream of work on transnational relations is usually and correctly understood as a reaction against realist orthodoxy in mainstream IR, which grounds its image of the international system on the notion of the sovereign state as the principal actor in international politics (see Dunne and Schmidt, 2001). Many of the original contributions on transnational relations aimed 'to replace the state-centred paradigm of world politics by a society dominated perspective' (Risse-Kappen, 1995a, p. 14), and work on transnational policing incorporates this particular conceptual shift in thinking about the nature of the international system.⁵

Of course, not all authors have engaged directly with the debates in IR to take sides explicitly. This distancing has been, after all, facilitated by the ubiquitousness of globalisation-talk, which has rendered this conceptual shift accessible to disciplines beyond IR (Sheptycki, 2002; Deflem, 2002a). But all analyses of transnational policing primarily contrast a pre-existing, relatively insular understanding of police cooperation as consisting strictly in lower level technical and administrative tasks associated with the police role. Such an understanding was nothing but a corollary of the orthodox realist thesis in IR. The non-existence of any previous substantial and theoretically meaningful analysis of police cooperation in any of the disciplines informing today's research in the field is the decisive piece of evidence in this respect. In addition, this understanding had been embedded in the professional ideology of the police themselves, who would, for example, typically stress Interpol's dependence on the strictly voluntary nature and cooperative services of its members (for example, Sagalyn, 1966).

The principle of respect to national sovereignty, which is enshrined, for example, in Interpol's constitution (Bossard, 1988; Fooner, 1989) captures quite accurately a mode of understanding the organisation of the international system as an aggregation of autonomous ontological units, sovereign states, which exist in the absence of any overarching authority and exercise 'final' authority over their territory and population in so far as they constitute discernible 'political communities' in the Weberian sense (Weber, 1978b, p. 902). It follows that the police function, as it pertains to 'forcible maintenance of orderly dominion over a territory and its inhabitants' (Weber, 1978b, p. 901), is a sovereign function par excellence. It follows that the international interchange of police forces can only occur under specific conditions that are not detrimental to a state's sovereignty. It may only exist as voluntary, cooperative and mutually beneficial activity, regulated by the state's overarching rationale of exclusive control over territory and population.

Now, this view of police cooperation, in so far as it organises the conceptualisation of international relations of the police on the basis of the institutional effectivity of sovereignty, is bound to offer a very distorted, if not untenable, view of the real world. While sovereignty as a juridical institution is a cornerstone of international law, it cannot by any means perform the same function from the viewpoint of social theory. No matter what meaning one attributes to sovereignty (Krasner, 1999, chapter 1), its content invariably refers to an institutional form pertaining to the exercise of authority and control. This presupposes a system of historically constituted social relations where the power base

of the institution is found. In other words, sovereignty's effectiveness is overdetermined by the structures that engender the organisation of the modern world system as an inter-state system in the first place. Thus to assign theoretical priority to sovereignty as an organising principle in the explanations of police cooperation displaces the real problem, since it reproduces the quintessential realist view of the state as a primary and unitary actor in international relations. For all practical purposes, the problematisation of the form of the institution results in a reification of the state and a reduction of international relations into a process powered by states – actors, whose attributed properties forbid any further analysis of what lies 'inside' or 'below'.⁶

Historical evidence suggests that police cooperation cannot be efficiently understood at the level of relations of states *qua* states, because such an approach *obscures* the institutional specificity of the police apparatus and, from a different angle, attributes a false sense of agential unity to states. Transborder police activity and contacts between different national police forces do not constitute new phenomena. Rather, the development of these activities coincided with the early development of the modern police organisations themselves and had been a distinctive part of their mission as particular agencies of the state, that is, their position in the division of labour among agencies of the state. Liang (1992) has offered an overview of political policing activities in the nineteenth- and the early twentieth-century Europe, which not only were conducted by police agents across borders, with or without central government knowledge or permission, but also served as a matrix for the development of forms of international cooperation at the level of police administrations. Deflem's work (1996, 2002a), whose theoretical framework interrogates police practices at an organisational level, also offers ample historical evidence of low-level, inter-organisational cross-border interactions for the same period. In this light, the works examining international police activities in the twentieth century confirm, rather than discover, the fact that transnational policing is constituted in a field which does not necessarily exist in conditions of absolute dependence from centralised, 'higher' levels of foreign policy conduct. Rather, its prime mover appears to be the particular operative logic of the police apparatus, with or without regard to the formalisation of contacts and procedures at this 'lower' level by means of international law instruments.

All the works which comprise the new literature on transnational policing return to the above point in various ways, and they accordingly assign to it special theoretical significance. For theorists whose work relates directly to police studies, such an organisational focus is derived

immediately from the core problematic of mainstream police studies. Thus Sheptycki's work gravitates around a rescaling of the interrogation of police subculture, by which police studies have attempted to explain the issue of police discretion and of the particular professional attitudes of police officers to a transnational framework. This problematises the 'links between particular manifestations of the occupational subculture of policing agents and the political canopy of their governance, including, but not limited to, sovereign states' (2003b, p. 812).

The preceding remarks are important for two reasons. Firstly, there is no doubt that this new stream of work must be fully credited for its bold breakthrough against notions of international police relations as a mere appendix of interstate politics. By attacking a certain mythical notion of the state as an ontological given (see Krasner, 1995, p. 257), crafted by the realist orthodoxy to suit the needs of inter-state power politics, research in transnational policing has uncovered a universe of interactions of policing agents as representatives of particular bureaucracies and their respective interests. It has thus produced an image of international activities of the police that appears to be more faithful to their real-world patterns.

Nevertheless, this is an advance that must be considered in the light of these particular characteristics, that is, as an advance against prior notions of the field. The question of the state indeed represents the most important entry point towards the unravelling of the theoretical errors of the discussion on transnational relations, because it confounds the distinction between structures and actors in world politics (Risse-Kappen, 1995a, b). Stated in such terms, this is obviously a problem that goes deeper and has a general significance for social science beyond IR. It is precisely this question that must now be posed in order to interrogate how the treatment of this problem reveals that an ideological problematic is still present in current analyses of transnational policing.

2.3 Ideological obstacles in the theory of transnational policing

The preceding section has provided an appraisal of recent work on transnational policing by juxtaposing its positions with certain conceptions of international police cooperation derived from realist theses in IR. The defining line of this contrast is primarily drawn against the axiom of the state as an ontological given, the state, in other words, as an irreducible structural quantity and state policy as an irreducible category referring to agency in the analysis of the international system.

The corollaries of this position also bear upon the questions of actions and issues in the international system, since realism assumes an international system with no overarching authority ('anarchy') driven by the states' pursuit of national interest and striving for survival (Rosenberg, 1994). The positions taken by the transnational policing literature constitute a fundamental disagreement with the realist analytical point of departure. The latter effectively turns international police activities into a non-problem, not only in the sense that the police function is unproblematically assumed to serve domestic control, but also in that the content of international police activities would fall outside the agenda of international power politics, one that is properly saturated by questions of military and economic power.

Now, the realist problematic is sometimes presented as a question of analytical technique having to do with suitable and adequate levels of analysis in IR, that is, the selection of pertinent variables around which theories claiming to explain international outcomes should be constructed (Waltz, 1959, 1979). Ultimately, one must declare a preference on the question 'Who acts?' in international relations. But to accept that the problem can be posed in such terms denies the very possibility that fundamental differences about the object of analysis and the mode of explanation may exist. In his survey of the different approaches and objections on the matter, Wight (2006) has recently argued that in reality the typology of analytical levels used in IR refers to two separable and distinct problems, and that the methodological issue can be separated from questions regarding the nature of the object of the knowledge which is sought. But the accommodation of his survey in a discussion of the agent-structure problem in IR theory can only suggest that the matter has been ingenuously formulated in realism's own terms in the first place. The entire debate is structured on the basis of the statist disposition that is invariably particular to realism, and which effectively transposes any discussion regarding the nature of international relations into a discussion of agency in the international system. As soon as the problem appears in terms of agency, the nature of the state is bound to remain unquestioned, as for all practical purposes it retains its almost mythical agential properties attributed to it by the original realist problematic.

Having posed the problem of agency, it is now time to enquire whether, from a materialist viewpoint, the new literature on transnational policing may still carry the same ideological problematic as realist analyses. As argued earlier, an ideological problematic in the formation of a theoretical object and of the vocabulary referring

to this object may firstly be traced in the immediate institutional dependencies on policy and organisational expediencies bearing upon intellectual labour. Fortunately, unlike police studies, IR is quite aware of such critical dependencies in its development as an academic discipline. In fact, 'realist orthodoxy' in IR is a mode of thinking about international relations which emerged as an 'intellectual compass', as it were, for US foreign policy as the US rose to the status of world power in the post-Second World War period. Among the intellectual, political and institutional circumstances that were unique to the US, Hoffmann (1977) has noted very clearly the importance of the links between academia and government: the increased mobility of personnel between academic and policy-making roles, the availability of funds to support policy-driven research and the readiness of American universities to respond to these demands, innovate and specialise were all decisive factors for the emergence of the realist discourse, which continues to be recognised as 'orthodox' and 'mainstream'. 'Mainstream' IR thinking and realism in particular, in so far as they exhibit the intellectual characteristics cast by the above matrices of theoretical production, have come under sustained fire in the ongoing epistemological debates in IR (Holsti, 1989; Hollis and Smith, 1990, 1996; Wendt, 1998; Wight, 2006). Justin Rosenberg (1994, pp. 30–31), in particular, has provided an excellent exposition of the ideological nature of this discourse, by pointing exactly to the particular practico-social function it serves in connection with policy dictates.

Still, the question is whether the pluralist imagery informing the transnationalist perspective replicates the same ideological problematic of realism, but at a different level and with different implications. If, on one hand, realism, by advancing a purely interstate theory, is compelled to endow states with anthropomorphous characteristics and conceives states as egoistic, rational actors pursuing their interests in a space where no overarching authority exists, the transnationalist imagery advances a notion of a system conforming to a logic which differs only in so far as it is intended to take account of the presence of a plurality of actors. It advances, in other words, a similarly subjectivist problematic, within which social reality is registered as an assemblage of as many component parts as deemed relevant from the researcher's perspective. The formulation of vocabulary of 'organisational goals, decision-making or adaptive behaviour, modes of legitimisation and enforcement of compliance' (Therborn, 1978, p. 37) is a corollary of this problematic.

Recall that the original purposes of the early debate on transnational relations in the 1970s aimed to accommodate theoretically a reality

which, from the viewpoint of the study of international politics, seemed to threaten the accuracy and plausibility of the interstate paradigm. In Samuel Huntington's words, the study of world politics had to take into account what he called the 'transnational organisational revolution': in the quarter of the century following the Second World War, transnational organisations proliferated in unprecedented number and size, and performed functions and operated in a scale unknown or impossible in the past (Huntington, 1973). The criterion for registering the importance of these entities involved apparently the possession of resources and influence leading to a capacity of acting 'on their own', and thus the capacity to determine in distinct ways results in international politics as autonomous or semi-autonomous actors. The result of such an approach, whether unintended or intended, as in the case of works openly claiming to substitute a 'state-centred' view of the world with a 'society-centred' view (Rosenau, 1980), is an inevitable and thorough expansion of the circle of entities that are endowed with the property of agency in international relations. Such reconceptualisation comes with certain important implications.

If ideology has a practico-social function of 'reconstituting on an imaginary level a relatively coherent discourse which serves as the horizon of the agent's experience' (Poulantzas, 1978b, p. 207), then the ideological underpinnings of the transnationalist approach are quite transparent. As a discourse, the reconceptualisation of world politics as a system of a plurality of entities interacting across national borders and bearing an impact on political and policy outcomes is firstly quite congruent with the experience of the last third of the past century, no matter whether one refers to it as 'transnationalisation' and 'interdependence' (in the 1970s) or 'globalisation' (in the 1990s and after). These terms accommodate the same experience of cross-border mobility and integration in the post-Second World War era, and in fact, as ideas, they stand on the same intellectual timeline: discussions of interdependence and transnational relations aimed to accommodate from the viewpoint of political theory developments such as the perceived erosion of American state hegemonic power in the international system and the rise of the multinational company. Similarly, discussions of globalisation have sprung from further developments in the same direction, and have been boosted by the major geopolitical events of the 1990s (Schumpeter, 1949; Robertson, 1992; Castells, 1996; Hirst and Thompson, 1996; Held et al., 1999; Rosenberg, 2000; Held and McGrew, 2002). What matters here is to note the continuity between earlier discussions on transnationalisation and certain current ones on

globalisation, according to which the latter appears as a highly advanced stage of a process where the former has taken a genuinely global dimension (Keohane and Nye, 2000). It is this particular intellectual line that informs the theory of transnational policing, asserting that transnationalisation and globalisation are the bases of a reconfigured world order, and that a shift towards a multilayered, multilateral system of global governance involving a plurality of actors has occurred (Nadelmann, 1993a; Sheptycki, 2002).

We may recall here that analyses of this flavour gravitate around the concept of 'complex interdependence', which Keohane and Nye advanced during the first transnationalist debate and continue to regard as relevant for today's globalised world order (Keohane and Nye, 2000, 2001). 'Complex interdependence' aims to capture the consequences of the multiple channels of communication and interaction between actors in global politics through interstate, transgovernmental and transnational relations. 'Interdependence' assumes that the power differentials between these multiple actors determine the patterns of cooperation and conflict in the pursuit of their various goals and interests. For Keohane and Nye, this essentially means that international cooperation evolves around issues, or sets of issues, depending on the power capacity of those involved. This, of course, includes issue areas where particular sub-state bureaucracies are involved, since the approach is by definition sceptical of the idea of a unified concept of national interest, since national interests 'will be defined differently on different issues, at different times, and by different bureaucracies' (2001, p. 30).

The crucial questions here are whether, when considered *vis-à-vis* realist politics, this reconceptualisation *substitutes organisational rationality for raison d'état* as the organising principle for the system of transnational relations, and whether this remains an ideological conception of this system. There is little doubt that a discursive reconfiguration along such lines holds an unquestionable use-value, when examined in the light of the immediate institutional dependencies of its production. This is certainly true for American works – these often being a 'whisper in the ear of the sovereign', in Hardt and Negri's (2004, pp. 33–34) vivid terms. Contemporary liberalism highlights the importance of ideas such as 'soft power' (Nye, 1991, 2004) or 'disaggregated sovereignty' (Slaughter, 2004), and shares in many respects the spirit of Huntington's original 1973 article on transnationalism. That went at considerable length to explore the American roots of the phenomenon as an expansionist strategy of territorial penetration (rather than acquisition) that was characteristic of the 'American Empire', and to illustrate the logic and

impact of transnational operations as conduits of American power in an era where nation-states and borders mattered less (Huntington, 1973, p. 344).

The idea that the organisational rationality of particular bureaucracies is the prime mover of a system of cross-border relations can also be detected in European works – in our case, especially those which in various degrees emphasise the importance of the various levels of relations between particular national police bureaucracies for the development of the European system of police cooperation (Benyon et al., 1993; Anderson et al., 1995). In this sense, those European studies of police cooperation which break the formidable barrier of analysing exclusively the existing or developing legal frameworks complement respective American works, in the sense that they essentially constitute studies of the activity of police bureaucracies in historical or contemporary context (Anderson and den Boer, 1992; Fijnaut, 1993; Nadelmann, 1993a, 1993b, 1995; Sheptycki, 1998a).

So it is possible to obtain a plausible explanation of the happy marriage of the transnationalist perspective with police studies: if the transnationalist perspective organises its world view on the assumption of a multitude of actors pursuing their particular interests across borders, the study of policing already possessed a concept of the police restricted to questioning how the organisational rationality of the police is instantiated under conditions of interaction with elements of the external environment of the police organisation (for example, Reiss and Bordua, 1967; Wilson, 1968). In other words, in so far as the social purpose of the police as an agency pertaining to crime control and order maintenance could be taken for granted for the study of its role and activities inside national borders, nothing could preclude the application of a similar approach and procedure once the organisational exigencies of the police dictated an expansion of these activities beyond national borders. The foundation of this happy marriage is the tendency to rely on an institutional definition of the police derived from official declarations of the organisational mission of the police, rather than an analysis of the structural determinations of the police role in society and of the police bureaucracy as an agency of the state. In other words, the accommodation of the police in this system of relations relies on a *discounted* view of the institutional specificity of the police.

The above point emerges more clearly when one considers how the theory of transnational policing conceptualises the ordering of the system of relations it is concerned with. The implications of a subjectivist problematic are amply manifested here since the modes in

which this ordering is theorised relate to the particular treatment of the problem of agency in international relations by the transnationalist literature, namely the admission of a multitude of self-interested international actors whose behaviour is governed by their particular organisational rationality. Risse-Kappen notes correctly that the original transnationalist approach, by seeking to replace the state-centred paradigm with a society-centred one, sacrificed precision, as 'there is no logical connection between the argument that states remain dominant actors in international politics and the conclusion that societal actors and transnational relations should be therefore irrelevant' (Risse-Kappen, 1995a, pp. 14–15). The problem, however, cannot be corrected by recognising the importance of the state as an actor in retrospect, once what was originally intended, namely, the relegation of the state to the status of an 'actor' among other 'actors', has been accomplished.

The presence of an ideological problematic is not simply apparent in the sense that notions of the retreat or of the weakening of the state complement the distinctively economist notion of the dominance of the markets. This is a combination which, as critics of globalisation-talk stress, serves as the ideology of 'really-existing globalised liberalism' in the present conjuncture (Petras and Veltmeyer, 2001; Amin, 2004; Harvey, 2005). Rather, the conceptualisation of international/transnational relations on the basis of a subjectivist problematic positing a multitude of relevant actors bears the visible traces of the dominance of juridico-political ideology. As Poulantzas has shown, juridico-political ideology constitutes the dominant region of the dominant ideology under capitalism, since it is best suited to mask the dominance of the economic in this mode of production and systematically erase all trace of class domination (Poulantzas, 1978b, pp. 211–215). The subjectivist problematic in our case relies heavily on a conception of actors on the basis of the public/private distinction (state governments, sub-state bureaucracies, private actors), which is, of course, a fundamental juridico-political distinction that governs modern law, but ultimately bears little import as the basis for conceptualising social systems.

Once agency has been admitted as a basis for the construction of the system of relations transnationalism regards as relevant, these actors are put on an equal plane, since they are separated from the structural instances that objectively determine their position in that system of relations. Rather, elements of differentiation other than organisational rationalities are understood as contingencies, thus consolidating the

impossibility of questioning their very social purpose, and of conceiving the power relations that underlie them as a structural effect, rather than a consequence of the actors' inherent properties effected by subjective 'will' and 'decision-making'. This instrumental conception of power is characteristically exhibited when the latter is, for example, defined as 'the ability of an actor to get others to do something they otherwise would not do (and at an acceptable cost to the actor)' (Keohane and Nye, 2001, p. 10).

Subjectivism not only undermines rigorous thinking about the concept of structure as a combination of instances which lies outside the actors' immediate experience of reality (see Godelier, 1967), but also reduces the very conception of structure to the question of how an actor's presumed properties are experienced in social reality as values and ends which govern action. Both the question of 'anarchy' and, importantly here, the question of the integration of a multitude of international actors in a system of 'governance' are decided on the basis of these normative elements, thus leading to a conceptualisation of structure itself as a normative system, as a crystallisation, as it were, of the actors/agents' projects and ends. Here are found the deeper roots of the difficulties that particular approaches (Deflem, 2002a; Andreas and Nadelmann, 2006), which raise a point against 'crude functionalism', have for radically differentiating themselves from the latter, since they do depend on a conceptualisation of the social whole that is, in fact, akin to functionalism.

This predisposition is becoming manifest with their acceptance of the general significance of regimes, which, as noted previously, are understood in IR as 'sets of implicit or explicit principles, norms, rules and decision-making procedures around which actor expectations converge', and which, therefore, 'regularise behaviour and control its effects'. The significance of the concept of regime emerges readily as a result of the admission that actors other than the state, whose behaviour is governed by their particular organisational rationality, can play an independent or quasi-independent role in international relations. As Keohane noted, such self-interested actors are expected to 'seek, under certain circumstances, to establish international regimes through mutual agreement' (1982, p. 327). It is not incidental that the idea of regimes sprang from the shift of perspective that transnationalism brought about in the study of international relations. The former is a further elaboration of the original methodological preference of the latter in studying transnational relations in the context of particular 'issue areas' and sets of dependence and interdependence (Nye and Keohane, 1971b; Strange, 1976).

While such restricted use is legitimate and holds analytical value, the tendency to generalise and overplay the idea of regimes can be shown to create more problems than it solves. Regimes involve an imprecise, value-biased and, by and large, static conception of international relations (Strange, 1982). With the benefit of hindsight we are also able to understand why regimes did not prove a passing fad: the idea of regime is prone to be vested with a more or less explicit institutionalism of a functionalist flavour, one that highlights their normative foundation and integrative function. Thus, regime analysis has rather been a transitory phase towards a general institutionalist turn in mainstream IR (for example, Krasner, 1983; Young, 1986; Keohane, 1988). But in so far as regimes are understood to emerge from a degree of consensus on norms and rules, which reflects the values and interests of individual actors, any analysis will tend firstly to obscure the structural determinations and hence the institutional specificity of the actors considered. It will remain unclear *what sort of power* motors the relations these actors engage in, how these actors came to possess it in the first place and why this power is exercised in the forms that it does.

To the extent, therefore, that the nature of power *differentials* is obscured, the emergence and maintenance of the arrangements involved in regimes are unlikely to appear as the result of a contradictory process motored by the structurally determined, differential capacities of power centres to intervene with pertinence within a complex set of social relations. Rather, they appear as the natural, as it were, course of things, in the shaping of which all actors are somehow equally involved and inevitably drawn into. All the actors considered relevant for the emergence and evolution of a regime are placed on an equal and undifferentiated plane, whereas, in reality, they may be structurally unequal and different. This is certainly the case when one considers the differences between state bureaucracies, corporations, international organisations or NGOs, or differences within subsets of the same structural ensemble, such as bureaucracies of the same state. This formulation obscures that the system of relations thus emerging is one that is primarily shaped by the interventions of the powerful, even though it appears as the product of consensus or convenience. And because it is constructed as a normative system, it is also open to distinctions of a normative nature, which further consolidate its value-biased and static character. This is because the projects and actions of agents are judged not on the basis of their social purpose, but rather on whether they conform, as expected, to the set of rules and norms that are assumed to govern that system.

2.4 Critical gaps in the study of transnational policing from a materialist viewpoint

Let us move on to see how these hindrances are more concretely manifested in the analysis of transnational policing. The preceding analyses have raised several points of contestation, all adding up to the argument that theorising the international activities of the police through the combined lenses of transnationalism and of established approaches to the study of policing *discount the institutional specificity of the police*, and hence distort the logic and modality of its engagement in international relations. True, prior research has left little doubt that the police can pursue particular projects with disregard for national borders, can engage in relations with their foreign counterparts, and that such relations are patterned according to certain rules, norms and expectations. But on closer consideration, it offers little towards a substantive explanation for the emergence of such systems of relations, or for the logic that holds them in place. 'Substantive' means a type of explanation that does not refer to the declared or presumed organisational rationality of the police, whether this is understood as the 'immobilisation' of criminals (Nadelmann, 1993a, p. 4), or, even more comprehensively, the provision of 'security through surveillance and the possibility of coercion' (Sheptycki, 2002, p. 7). One must avoid entering an ultimately circular argument, whereby the police are understood to act the way they do because this is what the police do. The complaint about the discounting of the institutional specificity of the police does not regard the 'proper' definition of police work, but rather the refusal of existing approaches to consider seriously the possibility that the boundaries of the organisation and activity of the police cannot be drawn once and for all. Organisation and activity constitute the practical manifestation of a historical process which involves economic, political and ideological struggles between contradictory social forces. To speak of the institutional specificity of the police, therefore, is to determine the position the police occupy and the role they perform, as an organisational entity and as a social force themselves in those struggles.

From a historical materialist perspective, the social forces that propel the above process are engendered by the organisation of the production of a society's material life: contrary to what is asserted by the perspectives informing the present theory of transnational policing, institutions do not possess a power of their own, they do not 'think' or 'act', but constitute instances, which are motored by class power, reflect the practices of the various classes in conflict and correspond to the interests

of determinate classes. Because historical materialism understands the social whole as an ensemble of different levels and instances which, while effectively determined by one instance, do possess a relative autonomy (a 'structure in dominance': Marx, 1987; Althusser, 2005a), it holds a vantage point from which the nature of an institution can be deciphered in the light of a multiplicity of structural determinations. The concrete social purpose of that institution can be established in connection with the contradictory class practices that converge in the field it covers. From this viewpoint, an analysis of the police apparatus cannot be separated from the question of the state understood as the juridico-political superstructure of a social formation, the structural instance which constitutes 'the factor of cohesion between the levels of a social formation' (Poulantzas, 1978b, p. 44). This does not mean that other structural instances are irrelevant, or that contradictory class practices other than political ones cannot bear an effect on the police apparatus, but rather, that the organisation and practice of the police are determined in the final instance by the specifically political function performed by the state.

It is often correctly remarked that one of the important contributions of the transnationalist perspective has been the assertion of the integral relation of foreign policy to domestic structures and processes (Haggard and Simmons, 1987; Risse-Kappen, 1995a). In our case, the value of this assertion rests in its primarily being an oppositional statement to a particular form of statism. It also reproduces the well-known tendency of police studies to examine the subject of police organisation and activity with little regard to the macrostructures governing policing. This means that the consideration of domestic structures is limited to the acknowledgement of characteristics of actors or sets of relations between given actors in domestic politics, such as the form of the state or relations between the state and civil society (Risse-Kappen, 1995a, b). The liberal pluralist or institutionalist foundations of the political theory of transnationalism drastically limit the horizon of enquiry into domestic structures and processes (and therefore into the latter's impact on international relations), because they either regard the state as a mechanism that aggregates the preferences of groups in civil society and thus acts allocatively, or as an independent social actor that acts on the basis of its own interests and goals (see Cammack, 1990).

Thus, while as a hybrid field of enquiry the study of transnational policing has achieved a qualitative break by substituting *organisational rationality* (the police as a particular bureaucracy) for *raison d'état* (the police as an agent of state sovereignty), the limits of this achievement

are located precisely in the inability of thoroughly questioning this rationality as a social fact. Under the dictates of the dominant ideology, the acknowledgement of domestic and societal actors is delimited to a given system of institutional arrangements, rather than extended to a set of relations referring to the modalities by which the arrangements came about and exist. That the institutional specificity of the police as a state apparatus is being discounted by the theory of transnational policing can be understood as a double theoretical movement. It involves, first, the tendency to rely heavily on the idea that the particular characteristics and mission of police work shape a professional identity that can be universally recognised by police officers regardless of national origin; and, secondly, the idea that such differences set apart the interests and goals of the various sub-state bureaucracies to an extent that includes the possibility of discord and conflict between them.

Both are more or less explicitly present in Mathieu Deflem's theory of international police cooperation as a correlate of the bureaucratic autonomy of the police, gained through a process involving professionalisation and bureaucratisation as complementary aspects (Deflem, 2002a, p. 19). Deflem attributes paramount importance to the increasing capacity of the police historically to operate on the basis of professional considerations and expertise, in relative independence from the political centres that created them and from which they derive their legitimacy. At the same time, he maintains that national interests remain paramount for the international police activities, giving rise to a structure of international police cooperation having the form of a collaborative network between national police systems, which may 'separately [engage] in unilaterally instigated transnational activities' (27). This latter element, however, enters the theory almost as an afterthought, since Deflem does not, in fact, provide a systematic explanation of a pivotal contradiction: on the one hand, bureaucracies have developed a capacity to communicate and understand each other on the basis of a normative system, 'culture of rules and network of relations' based on professional values, and are capable of overriding the dictates of the 'institutional settings in which they practice their profession' (24); but on the other, they persistently pursue national interests, to an extent that the centrality of national states is reaffirmed as a factor of organisation for the entire system of international cooperation. This formulation does account for a very real fact, yet the theoretical contradiction is irreparable, since the theory already proposes a hierarchy of determining factors where the professional values of the police hold

the dominant position. Hence the pursuit of national interests enters the picture as an institutional side effect, as it were, since Deflem claims that the transcendence of borders in international police cooperation is rationalised as an inevitable consequence of the police mission to enforce the laws of the land. Deflem takes the general view that 'institutions matter' somehow, but it is not clear how and to what extent they do.

The question of the bureaucratic autonomy of the police reflects a recurrent theme in the literature, seen in conjunction with the emergence from the occupational exigencies of the police role of a distinctive set of norms and rules governing police behaviour. The question is not whether a distinctive occupational subculture of the police exists or not, but whether the idea of the police occupational distinctiveness and subculture is useful as such in understanding the way in which the police apparatus is attached to the institutional body of the state.

Consider, for example, the blatantly neglected nowadays topic of American police assistance programmes in foreign countries, particularly in Latin America. With the establishment of the Office of Public Safety, the US provided as early as in 1954 expertise and technical assistance with a view towards promoting democratic policing and strengthening the capacity of police forces of third countries. The Public Safety programme ran for 20 years, supplied assistance to 52 countries and trained thousands of foreign police officers on American soil and thousands of others in the beneficiary countries, spending overall about \$350 million. It has been argued that the programme was marred by conflicting policy goals, as Office of Public Safety (OPS) also extensively sponsored capacity building programmes against internal subversion and insurgency, and thus supported the survival of oppressive regimes and the systematic human rights violations the latter carried out (Marenin, 1986; Cottam and Marenin, 1989).

But in a damning critique of American police assistance, Klare and Arnson (1981) expounded the continuity in the content and implications of that and the International Narcotics Control programme since the provision of hardware, training and technical support channelled through these programmes, despite the change of goals, was ultimately put in the service of suppressing political opposition by the (pro-US) governments in those countries. The tendency to overplay the significance of the professionalisation of policing as a technical activity and the distinctiveness of the police occupational culture obscures the fact that while police organisations are capable of pursuing policies in their particular domain, they are ultimately subject

to the unity of institutionalised political power which is characteristic of the modern state. The point is also conceded by Cottam and Marenin:

when difficulties arose, the OPS took the easy course and exported the most repressive, most authoritarian, and most technological aspects of the professional police model: SWAT teams instead of community relations officers, hardware instead of service orientations, management from the top instead of public involvement.

(Cottam and Marenin, 1989, pp. 601–602)

Whether or not this is a result sanctioned by the institutionalised values, professional knowledge and technical expertise of the police, one has to acknowledge that, ultimately, there was *one* US policy regarding police assistance, and that, as Martha Huggins put it with regard to Latin American police, its purpose was 'to serve as a mechanism for gaining political control over recipient countries' internal security rather than to further the spread of democracy' (Huggins, 1998, p. 19). Current theorising of transnational policing, however, cannot accommodate such an admission, because it relies heavily on the element of the professional and bureaucratic autonomy of the police *vis-à-vis* the other power centres of the state. Put differently, because it conceptualises the state as an assortment of semi-autonomous bureaucratic actors, and not as the ensemble of apparatuses constituting the conduit of political power in a social formation, it is unable to explain the transnational activities of the police as a result of the specifically political nature of the latter's ties with the other mechanisms of the state.

It is useful to delve further in Klare and Arnon's exposition of the workings of the American police assistance programmes, because it highlights certain aspects that the current literature tends to neglect – blatantly. For example, while the impact of technology is often considered, much less is said on the specifically material ties of the police with those who provide these technologies. Klare and Arnon examined the role of the assistance programmes as an intermediary in the supply to third countries of US-manufactured equipments which would have otherwise been subject to US export regulation, that is, of handguns and firearms in general, riot agents and other chemicals, armoured cars, surveillance devices and computers. This is an important aspect indeed. It relates to the effect that 'civil society' or private agents has/have on the international activities of the police, and, in fact, the very constitution of police organisations. Police officials themselves are aware

of this effect: '[a]s an OPS official explained, "we can't export police systems, but we can export technology"' (Lobe 1975 quoted in Cottam and Marenin, 1989, p. 602). But the current vocabulary of the study of transnational policing lacks the conceptual tools to make theoretical sense of this aspect.

Furthermore, Klare and Arson's observation that 'the United States stands at the supply end of a pipeline of repressive technology that extends to many of the world's most authoritarian regimes' (7) relates to their finding that police assistance programmes had a prominent role in what they called the 'international repression trade', the 'global commerce in police weapons, prison gear, intelligence systems, torture devices and related hardware' (100). This led to the conclusion that this role had been consistent with the characteristics of US foreign policy, particularly with the commitment of the US to counterinsurgency and political control of the recipient countries. Such a conclusion would have been unattainable had the authors limited the range of their enquiry within the official view of the purposes of such programmes in the US. This view has tended to emphasise the aim of aiding the 'development of modern, "professional" police forces dedicated to the "maintenance of an atmosphere of law and order under humane, civil concepts and control"' (Klare and Arson, 1981, p. 22). Note that this official view had been complemented by an explicit concern about human rights violations in the recipient countries only occasionally. It is obvious, therefore, that while the official language of transnational policing may tend to emphasise the technical and moral aspects and benefits of the activities involved, the activities themselves may be part of a different and wider pattern, which may have nothing to do with the above declared aims.

It follows that the emergence and concrete conceptualisation of issues in transnational policing depend primarily not on the system of specialised knowledge and practical expertise shared by police professionals across borders, but rather on a wider process which involves the police apparatus as part of the international strategies laid out by the institutional ensemble of the state as the conduit of political power in domestic and in international relations.

A prime example in this respect is the idea of transnational organised crime, which has gained dramatic ascendancy over the past decade, and, of course, features heavily in the language of the international law enforcement. The idea, enshrined as it is now in the text of CATOC, seems to summarise the fears against which the instrument of transnational policing is summoned to confront, and refers to the

perceived reality of the expansion of criminal activities across and beyond borders. In an understanding parallel to that of transnational policing, transnational organised crime refers to crime in the age of globalisation as the networking of powerful criminal organisations across the globe (Castells, 2000, p. 170).

Yet the idea of transnational organised crime is not one that would spring naturally from a 'system of knowledge and expertise' residing in the interior of the police apparatus, and, at any rate, not on the basis of scientific work. It appears that its origins can be situated in the works of the official circles involved in the monitoring of 'transborder clandestine activities', including the agents of global law enforcement. James Sheptycki places the genesis of the term in Naples, at the World Ministerial Conference on transnational organised crime in November 1994, and notes that this development had been anticipated in the language used in official law enforcement well before that point (Sheptycki, 2003a, p. 123). By turning to the debate and controversies that the idea of transnational organised crime has sparked among experts, criminologists, political scientists and economists, we understand the ultimately political origins of the idea. It opens up a suitable site for the fusion of a range of politically contested issues in the contemporary world, both at the international and the national level, including, but not limited to, international security, financial market stability, corruption, human rights, immigration and specific crime-related problems, such as drug addiction (Albrecht, 2002).

This political nature is evident in those instances where transnational organised crime is spiritedly expounded as possessing robust organisational forms and rationality (Sterling, 1994). The precisely political threat it appears to pose is sometimes presented as a new form of authoritarianism, appearing in a non-state form exactly as a consequence of the rise of non-state actors and the decline of the nation-state in the age of globalisation (Shelley, 1999). But in scholarly analyses there is a profound discomfort with the attribution of such characteristics to transnational organised crime. The core notion of organised crime itself has followed a very specific intellectual trajectory which was linked to particular manifestations of criminal activity within a specifically American context (Paoli and Fijnaut, 2004). Many scholars do take issue with the particular characteristics which official (or mainstream) representations attribute to it, namely the 'specialisation in market-based crimes, [the] hierarchical and durable structure, [the] use of violence and corruption to achieve monopoly power, high rates of return and the penetration of the legal economy' (Naylor, 2004, p. 16).

Rather, what emerges from analyses of organised crime is an image of criminal enterprises as 'improvisational, opportunistic and contingent' (Sheptycki, 2003a, p. 125), assuming forms variably situated in a continuum between traditional formal organisations and loosely structured associations and networks. Furthermore, economists have been much more attuned to the analysis of the conditions associated with particular illegal markets, and it has been argued that the rigid distinctions and notions that result in the vilification of the underground economy may be in fact stemming from inadequate conceptual tools and from identifiable political expediencies regarding the activities it encompasses (von Lampe, 2001; Naylor, 2005). Rather, what is involved is a complex political economy where formal and informal economies constitute an organic social whole and where upperworld and underworld actors are enmeshed in struggles for survival and domination. Criminalisation itself suggests that the state plays a pivotal role in this process, and internationalisation is an extension of this role in a global context (Naylor, 2004).

We may recall here the assertion of Andreas and Nadelmann that the global prohibition regimes feeding the growth of transnational policing emerge in connection with particular types of criminal activities, and each possesses its own specificity, implications and, therefore, prospects of being successfully established. This involves a process where functional gaps in law enforcement, state advocacy – particularly when the issues involve the interests of the most powerful states, transnational agitation in civil society and the nature of the criminalised activity itself play a role (2006, pp. 20–21). It is no coincidence that terrorism, which challenges directly the political authority of the state, has been consistently a reason for the launch of international initiatives towards police cooperation (for example, Jensen, 1981). Transnational policing, far from emerging from the exigencies of the police profession and bureaucratic logic alone, is rather a result conditioned by particular economic, social and political factors determining what activities become criminalised and how and to what extent the institutionalised force of the state engages with them. The transnationalist approach regards the disparities in the establishment of international prohibition regimes as historical contingencies resulting from the interchange between a plurality of equal and undifferentiated transnational actors: it thus refuses to recognise the hierarchy of structures governing the entire process it specifies as relevant, and particularly the strategic importance of the state as a structural instance which bears upon both the domestic and international aspects of that process.

There is no lack of historical and contemporary examples which illustrate that the point made above is relevant for the understanding of the patterns of transnational policing, whether these involve activities emerging more directly from national initiatives, or the governance of transnational policing at the level of international relations, particularly within the context of international police organisations (such as Interpol or Europol). Consider for example, how rendition, the 'spider's web spun around the globe', involved several European countries which 'actively participated, ignored [these activities] knowingly, or did not want to know' (Council of Europe, 2006, p. 59), and which, naturally, dismissed the Council of Europe's denunciation (Council of Europe, 2006). In fact, the intra-party revolt of senior Republican Senators against US President G. W. Bush's measures regarding the detaining and questioning of alleged terrorists by US officials may have had more impact (see, for example, BBC News, 2006), as it was mounted against a policy that according to former US Secretary of State Colin Powell would allow the world 'to doubt the moral basis of [the American] fight against terrorism' (De Young and Baker, 2006). But the whole debate was framed around the question of the obligations of the US under the Geneva conventions (see UN Commission on Human Rights, 2006) and was resolved on American terms, in the direction of laying down partial rules regarding the detainees' defence in front of military courts. So the solution would allow the American security and law enforcement agencies to continue on their programmes of detention and interrogation (Smith and Babington, 2006). It was national politics that determined the outcome of this debate.

The relevance of the political battles conducted across the entire institutional domain of the national state and framed by conditions specific to national contexts is similarly underscored by developments elsewhere. Within the EU, there is today an accumulated effect of 'third pillar' policies, which bring together under a common label a number of broad issues such as terrorism, organised crime, immigration and border control. According to critics, these policies amount to an unprecedented major threat for civil liberties and democracy (Bunyan, 2005), and there are in fact Europe-wide initiatives aiming to challenge the deplorable levels of accountability and democratic control in the elaboration and implementation of those policies (Hayes, 2002; Mathiesen, 2006). However, the most significant battles are fought not at the European, but at the level of the member states of the Union, where they acquire a distinctive national form, sometimes as high-level enquiries or constitutional court decisions challenging European policies and legislation

(see, for example German Federal Constitutional Court, 2005; House of Lords, 2006; Parga, 2006).

The continuing and direct significance of national institutional arrangements for the governance of transnational policing can be shown even within its organisational kernel. Consider for example the delicate question of accountability: the significance of the national context goes beyond the 'embeddedness' of legal and democratic accountability of transnational policing in the national states' governance structures, that is, with regard to national regulatory frameworks (den Boer, 2002b). Rather, various forms of accountability (den Boer, 2002b; Sheptycki, 2004) are diffused in the practice of transnational policing and reaffirm the importance of national controls even in the opaque environment and workings of an international police organisation such as Interpol. As James Sheptycki noted, 'in spite of the loose accountability framework that Interpol is wrapped in transnationally, its day-to-day working remains largely subject to the exigencies of national sovereignty' (Sheptycki, 2004). One of the basic principles applying to the regulation of work within Interpol is that national sovereignty prevails, but Sheptycki's analysis points not to the formal rules, but rather to the structure and organisation of work between the various components of Interpol, particularly of the National Communication Bureaus (NCBs), as channels which continue to instil national differences in the use of and attitudes towards Interpol. A similar observation applies to Europol too (den Boer, 2002b, p. 278).

The above suggests that the examination of the transnational activities of the police cannot be separated from an investigation of the institutional field of the state in structural terms. The national state, in particular, represents an instance which condenses social and political processes bearing a fundamental effect on the content and patterns of police activity, hence of transnational policing. The political battles fought across its entire institutional terrain ultimately mould in a characteristic fashion, in each case the (sub-)structures and practices of national bureaucracies as they relate directly or indirectly to transnational policing. In other words, certain structures and practices acquire the organisational form we recognise as the police apparatus in each concrete case, because of these struggles. Conversely, if certain discourses acquire a more robust form within the police apparatus, this is because it constitutes a field where contradictory social strategies are distilled into distinctive forms of practice: policing. But these processes are indecipherable without situating the police within the ensemble of apparatuses that comprise the state as that wider structural instance that

constitutes the factor of cohesion between the different instances of the social whole.

From a historical materialist viewpoint, the question of the state is always posed in connection with the conditions in which the material life of society is produced, and the contradictory moulding of social relations that these conditions effect. It is '[t]he totality of these relations of production [that] constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure and to which correspond definite forms of social consciousness' (Marx, 1987, p. 262). As Marx remarked,

it is in each case the direct relationship of the owners of the conditions of production to the immediate producers – a relationship whose particular form naturally corresponds always to a certain level of development of the type and manner of labour, and hence to its social productive power – in which we find the inner most secret, the hidden basis of the entire social edifice, and hence also the political form of the relationship of sovereignty and dependence, in short, the specific form of state in each case.

(Marx, 1991, p. 927)

There is a complex process of social ordering, by which the fundamental contradiction between exploiters and exploited at the level of the economy finds in capitalism its more directly political expression and balance as a specific organisation of power relations of dominance and subordination. The idea of the state as a factor of cohesion means that this complex ordering is effected through the state, which emerges as the strategic site for the organisation of political power under conditions forged by the totality of social relations. The state is the material condensation of relations between contradictory social forces in an ensemble of apparatuses, by which class domination is constituted into legitimate power within specific institutional, organisational, practical and ideological forms (Poulantzas, 2000).

There can be no theory of the police, and of transnational policing, outside a social theory of the state. In so far as explanations of transnational policing embark on a venture to identify its subculture, and theorise the formation of the subculture as the commanding process of the field, they conceptualise the agents' behaviour in terms of a normative structure engendered by the occupational exigencies of the police profession, and are therefore unable to explain police behaviour as the social practice of a *special* state bureaucracy. The

investigation of the various regimes understood as correlates of that subculture (Sheptycki, 2002) is limited by the necessary focus on modes of interaction between agents at particular institutional sites on a case-by-case basis. While this draws on a strong tradition of subculturalist/interactionist studies in policing, it also inherits the most prominent of the latter's problems since it fails to problematise adequately how wider social structures and forces shape the institution of the police (McBarnet, 1978; Grimshaw and Jefferson, 1987). In other words, it suffers from an inadequate theory of the state. Organisational sociology is not a solution either. In the field of police studies such approaches have been useful in identifying the limits of the subculturalist perspective (Reiss and Bordua, 1967; Wilson, 1968; Manning, 1997; Crank, 2003), but, even so, a problematisation of the police bureaucracy as part of the state is absent. The state itself is understood as a conglomeration of distinct bureaucracies and institutions, and is therefore assumed to be part of the organisational environment, and thus external to the police.

More generally speaking, the problem cannot be solved by any theory that tends to regard state and society as two separate things, and this is true for both the liberalist and for the statist/institutionalist approaches to the political theory of transnational policing. These roots are traced both in defining treatises of the field of police studies (Reiss, 1971), and the original transnationalist effort to establish a society-centred perspective in IR. But if the state is ultimately reduced to either a tool or an 'actor' among many others, individuals and associations in society, it loses its specificity as a structural instance of the social whole. Because the political theory of policing builds upon this paradigm, it is also content with a certain concept of the relative autonomy of the police, which, via a distinction between 'general' and 'specific' order, relativises the social relations of power which constitute the state and the police apparatus at the same moment, and presents policing as an essential element of every conceivable society (Marenin, 1982; Reiner, 2000). It is, therefore, no coincidence that whenever the issue of the relation between the police, the state and politics is posed beyond narrow juridical conceptualisations of the state (the 'public/private' distinction), mainstream theories of the police invariably reflect the liberal belief that the state should be acting as a neutral arbiter, bound by the law and serving society as a whole. This root political theory of the police is invariably present no matter whether the quest for more substantive concepts may delve into Weberian insights about the constitutive forces of the division between officialdom and the people, which inform discussions of the problem of the legitimacy of the police,

classical conceptualisations of the state as dispenser of public goods or Hegelian conceptions of the state as a repository of universal values (Loader and Walker, 2001; Walker, 2002). Such approaches are still compromised by an ideological problematic, reflecting the conditions of their production as knowledge. A problematic, which, sanctioned ultimately by the omnipresence and tutelage of the dominant ideology, masks the role of the police apparatus in the sustenance of capitalist relations of domination and subordination within and across social formations. Let us proceed to consider an alternative.

3

Imperialism, the State and the Police

The preceding chapter has explored a range of difficulties that current theorising on transnational policing faces in explaining its object, the nature and logic of the mission, of the actors and of the actions it involves. The development of this field of study, driven by the evolving demands for knowledge posed by its immediate institutional sponsors and the established problematics of its parent disciplines, has produced a distinctive explanation of the empirical manifestations of the internationalisation of police activities. Prior work has admitted international agency to the police by detaching it from the monolithic subjectivist imagery of the sovereign state.

One should not miss the point that the achievements of recent work on transnational policing constitute a significant breakthrough *vis-à-vis* the prevailing rationalisations of police agents themselves and, to a large extent, against prevailing theoretical vistas of police cooperation. Nevertheless, this body of knowledge exhibits the traits of its provenance from within the ground of the main ‘actors’ in the transnational policing arena, and of the main centres for the production of the sociological knowledge of the police, which are none other than the heartlands of global capitalism, North America and Western Europe. This milieu is still responsible not only for the marked tendency to discount the institutional specificity of the police as a state apparatus, by reducing transnational policing to an inter-organisational process, but also for the difficulty to acknowledge that this development is inscribed in a wider process which enforces and reproduces an international order that is specifically capitalist. Spontaneously inclined to apply the characteristic binary oppositions of the dominant ideology – licit/illicit, public/private, domestic/international – which flatten out the complex and uneven landscape produced by the very material conditions of the

reproduction of capitalism both at national and at global scale, prior work approaches transnational policing merely as law enforcement at an international scale. It is thus less able to fully grasp not only how the particular activities of police agents fit in the international system, but also the asymmetries and asynchronies of these activities themselves.

The purpose of this chapter is to offer a historical materialist vocabulary for the study of transnational policing, by an initial recoding of the achievements of prior work along the lines of a counter-hegemonic, oppositional discourse with a definite claim to scientificity (Burawoy, 1990). The Marxist conceptualisation of the state and the theory of imperialism, from which I draw to accomplish this task, offer an alternative to the pluralist vision the current theory of transnational policing espouses. It also quite explicitly addresses its deficiencies, by being able to situate the role of the police among other social institutions of the capitalist state and among the processes unfolding across the international system.

One initial difficulty in posing the question of transnational policing along the lines of Marxist thinking on imperialism is that it appears to have little immediate relevance to the question of policing, understood as the particular activities of organisations pertaining to the everyday maintenance of 'law and order' in society (see, for example, Klockars, 1985, p. 12). It may appear as even less relevant to transnational policing conceived as police cooperation, since it bears strong connotations of conflict and domination, especially as the theory¹ aimed to explain the major historical event of the First World War in the light of capitalism's development.

The relevance becomes evident as soon as one recognises that an understanding of the state and its apparatuses is organically inscribed in the theory of imperialism, and that one deals with a continuous theoretical body that offers systematic conceptualisations of the linkages between the state and the international. At any rate, recoding the current vocabulary of transnational policing into historical materialist lines does not entail a direct correspondence between the terms of the former and the terms of the latter, but rather a reconceptualisation of general themes through a change of problematic. This is particularly highlighted by the fact that the question of the state, which prior work on transnational policing suppresses, features (or should feature) heavily in any Marxist approach of the subject matter. In fact, the preceding chapter has already posed the question of the role of the state as an organiser in the production of knowledge on transnational policing. This chapter will reveal other aspects of the same role with regard to the object of that knowledge itself.

The following discussion firstly situates the police apparatus amidst the apparatuses of the state, and its role in the reproduction of the system of social relations sanctioned by the state. Secondly, it situates transnational policing as an imperialist era phenomenon, whose emergence is exactly underpinned by the function of the police as an apparatus of the capitalist state.

3.1 The state and the police

If the sociology of transnational policing suppresses the question of the relation between police and the state, this happens because it largely inherits this tendency from its parent discipline, the sociology of the police. It is therefore useful to begin by enquiring briefly how this is the case, and to identify certain themes for further analysis.

Much of the sociological writing on the police has been a result of an increasing awareness, not so much of the real or perceived lack of ability or capacity of the police to control crime, as of the fact that their activities as law enforcers involve a wide discretionary margin (Goldstein, 1960). This, in turn, has been understood as the source of systematic biases against particular groups in society. This political role of the police has been highlighted by their visibility and involvement in the suppression of social movements, such as the civil rights and anti-war movements in America, strikes and industrial conflicts, campus protests, as well as racial unrest and inner city riots (Cowell et al., 1982; Marx, 1988; della Porta and Reiter, 1998). The relation of the police with politics was not, of course, suddenly discovered in the 1960s and after. Rather, the case was that the investigation of these questions could be performed with the help of a much more developed intellectual infrastructure in the social sciences. It is characteristic that the emergence of the sociology of the police involved instantly a theoretical apparatus that mainstream social science already possessed at the time. This is exhibited lucidly in how earlier approaches made use, for example, of occupational sociology and interactionism (Bittner, 1967; Skolnick, 1994), of organisational sociology in a variety of flavours (Bordua and Reiss, 1966, 1968; Reiss and Bordua, 1967; Wilson, 1968), or sociologically informed investigations of the historical development of the police as an institution (Bayley, 1975; Fogelson, 1977).

The common denominator of these approaches is that the question of the relation of the police with the state is never posed in any way, but not because the literature does not recognise the relation between the police and the state. Obviously, the empirical fact, that police officers are employees of state and local state organisations and also wield a public

force with which state-produced law equips them for the performance of their duties, could not be ignored. The sociology of the police has not doubted whether the police perform for a state, or, at any rate, perform a public function. Rather, it has suppressed the questioning of that function itself, in so far as it philosophically assumes that the latter appears as a natural fact involved in the need to resolve disputes in society by an authority possessing the general right to use coercive force (Klockars, 1985, p. 15). But this formulation effectively retains a conception of the role of the police within a framework where the fundamental structure of Western liberal democracy is never questioned. Within this framework, the role of the state as the fair and ultimate arbiter embodying the 'common good' in a society where a multiplicity of private interests exists is never questioned (Bunyan, 1976; Carnoy, 1984).² On this basis, the agency and autonomous power of the police organisation is, on one hand, derived from an original power that the state possesses, the consequence of the original social contract which constitutes the state. Take for example Carl Klockars's definition of the police as 'institutions or individuals given the general right to use coercive force by the state within the state's domestic territory' (Klockars, 1985, p. 12). While this definition is heralded by its proponent as value-neutral, it is, in fact, fully value-laden and ideologically charged, as it philosophically subsumes society as an undifferentiated whole of free and competitive individuals under the authority of the state which is sovereign and separate from it.

In the above light, biases in police activity can evidently only exist as aberrations from the fair and equitable enforcement of the law. They must be, therefore, attributed not to fundamental biases in the nature of state power wielded by the police, but rather as mishandlings of power, the causes of which can be traced in the circumstances surrounding the individual police officer's behaviour and attitudes, or within the confined milieu of the police organisation, as a particular organisational ensemble. This approach forms the basis for the entire mainstream line of institutional analysis of the police (for example, Skolnick, 1994). By assuming that police work and the application of coercive force occur in the interests of whole society, the sociology of the police was free to be as creative as it wished to investigate the psychological, cultural, situational or organisational factors that could be empirically associated with police deviancy. At the same time, this approach is capable of informing directly, and of lending scientific legitimacy to a narrow police sociology as a technique of government (Manning, 2005). This is because the problems of police work are isolated in an extra-political space, where

they can be reduced to questions of personal or organisational efficiency and effectiveness.

Ironically, the liberal assumption on which this body of knowledge is founded prevents it from realising that its research formulation of the function of the police in society contributes itself to a perpetuation of the problems, such as the occupational isolation or 'misguided' bureaucratisation, to which its original insights pointed as the roots of police deviancy. In so far as the wider politics of the police are reduced to the micropolitics of the negotiation of police autonomy between its institutional stakeholders, the position of the police organisation is understood to necessitate a continuous investment towards the increase of its legitimacy *vis-à-vis* those institutional stakeholders, and, above all, the public, whose consent makes the activity of the police possible in the first place (Skolnick, 1994, p. 21).³ But what is forgotten is that the measure of this legitimacy is derived exactly by the capacity of the police to perform their given functional as 'crime fighters' or 'peace-keepers', through 'expert' solutions, increasing use of technology, and the fine-tuning of managerial control over the rank-and-file. This vicious circle is made even more visible by formulations of leftist orientation that refuse to pose directly the question of the organic relation of the police with the state, and call upon the state itself to intervene and reset the deviation of the police from good delivery of public service, as if one dealt with a relation of externality (for example, Kinsey and Young, 1982).

3.1.1 State power and state apparatus

Let us examine how the above questions appear from a Marxist viewpoint. Firstly, it is true that, along the sidelines of the mainstream sociology of the police, there has developed a small and irregular stream of works that approach the subject matter from a critical, radical or explicitly Marxist perspective that poses explicitly the question of the relation of the police with the state. The core idea is that the police 'have primarily served to enforce the class, sexual and cultural oppression that has been an integral part of the development of capitalism' (CRCJ, 1977, p. 11, emphasis in original). But as the wider enterprise of radical criminology has only resulted in a handful of works that address explicitly the question of the police apparatus, the essential highlights of the Marxist-informed English-speaking literature, depending on how labels are applied, are quite limited in number (for example, Platt and Cooper, 1974; Quinney, 1977, 2002; Harring, 1983; Grimshaw and Jefferson, 1987; Spitzer, 1993). Even at the heyday of that production in the late

1970s, there was acute awareness of the fact that 'most criminological theories – including much of "radical criminology" – have no concept or theory of the state' (Hall et al., 1978, p. 194). It may be the case that not only repression, but also co-optation has played a role in the marginality of this radical enterprise (Platt, 1991). Radical criminologists not only lack substantial organisational bases, but are also constantly exposed to peer allegations of 'class reductionism' (see, for example, Klockars, 1979), or to the fear of such allegations, forgetting perhaps that 'it is not Marxism, but capitalism itself that is "class-reductionist"'.⁴ Essentially, there is a relative absence of a radical equivalent of a sociology of the police on the basis of which the development of a vocabulary applicable to the phenomenon of transnational policing could take place. It is therefore necessary to reconsider a number of ideas to support this task.

In asking what the state is, and how the police are related to it, it is firstly necessary to take an initial precaution, which comes from the body of classical Marxism itself. Engels's remark that the 'first ideological power over mankind appears to us in the form of the state' (1976, p. 53) is a reminder that the risk of reification when talking about the state as a reality separate from society is inherently involved in constituting politics as the domain of projects for social change. This is useful, since political action acquires an imaginary horizon for action towards an object that represents the unity of society and the general interest. But the ideological mode of the state's existence, which endows it with the imaginary properties of a thing or a person, should not be confused with its practical mode of existence. This practical mode coincides with the multitude of institutions – apparatuses – condensing the practices that reproduce and perpetuate social relations of domination and subordination in everyday life. Through a process of historical development, these institutions appear in the first instance to involve a division between officialdom and lay people: 'the government, the administration, the military and the police, the judicial branch, sub-central government and parliamentary assemblies', all 'make up "the state" and [their] interrelationships shape the form of the state system' (Miliband, 1973, p. 50). The issue, however, lies with the substantive explanations of this division, which determine the nature of the power wielded by the officialdom, and ultimately determine whether this division exhausts the nature and limits of the state itself.

For Marxism, and regardless of the particular paths the debate has taken as it progressed by the leaps and bounds that have reflected the Left's seizing or coming to power as a historical fact or a prospect, the

question of the state has consistently involved a distinction between state power and state apparatus(es), whereby

the modern state... is only *the organisation* with which bourgeois society provides itself in order to maintain the general external conditions of the capitalist mode of production against encroachments either by the workers or by individual capitalists. The modern state, whatever its form, is an essentially capitalist machine, the state of the capitalists, the ideal aggregate capitalist.

(Engels, 1975, p. 91, emphasis added)⁵

Under this conception, and in contrast with liberal political theory, the issue of the separation between society and state is delimited to the question of the 'separation' of state apparatuses alone, and that, *only* with regard to the particular interests of particular fractions of the dominant class. State power itself is class power: it is located within the field of social relations, which are class relations between 'groupings of social agents defined principally but not exclusively by their place in the production process' (Poulantzas, 1978a, p. 14), constituted by the contradictory economic, political and ideological practices involved in and engendered by the particular positions these agents occupy within the social division of labour under a particular mode of production.

Recall that the mode of production is not an object that exists in the 'strong sense of the word', but is rather an 'abstract-formal' object (Poulantzas, 1978b, p. 13), which conditions the knowledge of a concrete historical reality as an articulation of systems of relations founded on the material production of human life and the fundamental distinction between exploiters and exploited. Equally, the concept of class constitutes not the sum of empirically attested material or other inequalities or opportunity differentials between individuals, but rather the abstract-formal object that conditions the knowledge of the development of the contradictory practices of groups of agents entangled in the fundamental positional divisions involved in a mode of production.

The real-concrete object, however, on which the concept of the mode of production is applied in the process of knowledge production, is a historically determined social whole, concrete in time and space: the social formation (Poulantzas, 1978b, p. 15; Resch, 1992, p. 36). The *social formation* is the site of real historical development, in which the different instances of the social structure, economic, juridico-political and ideological, are constituted on the basis of a complex articulation of

overlapping modes of production, which themselves exist in relations of domination and subordination. This combined and uneven development of the different modes of production ultimately determines the general outlook of a particular society, the historically unique modality and rhythm of its development (Poulantzas, 1978b; Althusser, 2005a).

From the viewpoint of social relations, what really exists is the contradictory material practices of classes that correspond to this complex articulation, and the development of the forms of organisation that these class practices engender. This firmly situates the reading of historical reality on the basis of class struggle (Althusser, 1976c), and also clarifies that classes themselves are constituted in the process of class struggle and in relation with the forms of social organisation engendered in that process. This last aspect allows an understanding of these *organisational forms* as the embodiment, the material expression of the entire range of economic, political and ideological determinations of class relations of domination and subordination. Marx and Engels's assertion that 'the history of all hitherto existing society is the history of class struggle' (Marx and Engels, 1976a) may also be taken to mean that the economic domination of one class upon another that rests on the organisation of economic exploitation is further instantiated in a multitude of organisational forms that relay politically and ideologically the economic root of that domination.

The state itself is, therefore, an organisational ensemble, which, while being the material product of class struggle, appears as separate from it, exactly because the organisational forms it assumes are themselves an instance of the domination of one class upon another. These forms replicate and reflect the characteristics of the social division of labour, the division 'between those who fix and those who accomplish the goals of production, between administrators and producers, between bosses and the bossed-over' (Mandel, 1992, p. 79). In other words, what is condensed in the state apparatuses and is deployed from them throughout the entire social formation is the power of the dominant class – 'tout court', as Althusser remarks (Althusser, 2006, p. 124). The social practices clustered around these organisational arrangements result in the reproduction of the conditions of class domination in a concentrated manner. This capacity of the state apparatuses is conveyed by Poulantzas's conceptualisation of the political as a regional instance that 'has the particular function of constituting the factor of cohesion between the levels of a social formation'; the organisational reality of the state as an ensemble of apparatuses is itself a factor of order in a social formation by functioning 'as the regulating factor of its global equilibrium as a system'

(Poulantzas, 1978b, pp. 44–45). It, therefore, performs a global political function, irrespective of the particular functions that each of these apparatuses performs, whether economic, administrative, legislative, judicial, representative (political parties, trade unions) or educational (schools, universities), and regardless of the specific modality of their function, whether repressive or ideological (Althusser, 1971).⁶ What emerges from Poulantzas's analyses is that these particular functions are overdetermined by the global function of the state, which organises and maintains the unity of the social formation in accordance with the political interests of the dominant class.

The above clarify the idea that the state is the 'machine' or the 'engine' of class domination. This particular characterisation occurs unwaveringly in the work of the Marxist classics (Lenin, 1970b, 1992; Marx, 1977). Despite the relative lack of explicit explanations, this suggests strongly that the entire problematic of the state should be anchored not only around the distinction between state power and state apparatus, but also in the consideration of the state apparatus as exactly a 'special machine'.

The question was taken up by Althusser in a text drafted in the heyday of the Marxist debate on the state in the 1970s, but published in this incomplete form only posthumously (Althusser, 1994, 2006). He took there the opportunity to reflect on the 'classical' theses, and to modify certain positions found in his earlier essay on the Ideological State Apparatuses (Althusser, 1971). Althusser approaches the question by treating the description of the state as a 'special machine' as an index of a concept that pertains both to the special structure of the state and to the particular effect by virtue of that structure.

The state is a *special* machine firstly made of 'a different metal' (2006, p. 82), in the sense that the characteristics of the social division of labour translate in it as hierarchical structures enabling 'steering', as special rules effecting internal division of labour and as separations between its personnel, establishing obedience and discipline, and inculcating a particular ideology on the personnel. This ideology emphasises 'public service and technique' and engenders characteristic forms of *esprit de corps* in the different apparatuses (2006, p. 102). Secondly, the state is a special *machine*⁷ in the sense that by virtue of its special structure – in which the special characteristics of the social division of labour are inscribed – it performs as a power-machine that transforms 'Force', the excess of force of the dominant class over the force of the dominated classes, into 'Power', that is, legitimate power, 'right, laws, and norms' (Althusser, 2006, pp. 108–109).

Although by no means complete, Althusser's analyses of the state point to something that does go beyond the 'couplet coercion + ideology', to which, according to Poulantzas's objections, the former's earlier formulations appeared to restrict it. The state's efficacy does not lie merely in that 'it forbids, rules out and prevents; or in its capacity to deceive lie, obscure hide and lead people to believe what is false' (Poulantzas, 2000, p. 30). The state acts as the legitimiser of class rule by virtue of being an organisational field itself, therefore, it also acts positively by intervening in the very material conditions of the production of the knowledge of social reality as a spiralling movement between ideology and objective knowledge. This translates to positive action across the field of social relations through and through. It is no coincidence that the well-known expression of classical Marxism that the working class must smash the capitalist state in order to retain power, more than physical violence, points exactly to the dismantling of the organisational structure of the state apparatus and the establishment of 'a new and truly democratic' (Marx, 1977, p. 17) one.⁸

The reoccurring, consistent treatment of this theme, especially in the light of historical experience (Lenin, 1966a, 1966b, pp. 428–429; 1966c, 1992; Bettelheim, 1971; Mandel, 1992), leaves also little doubt that the role of the state must be understood dialectically. This means that the existence, or survival in the state apparatuses of a system of organisational relations that reflects the social division of labour of a class society, is capable of ultimately compromising any advances achieved in the modification of social relations in the realm of production or elsewhere. The state, by virtue of being an assemblage of apparatuses itself, produces its own special effect in the field of social relations (the class struggle), by constituting the site where the particular interests of the different fractions of the dominant class are being processed and are articulated as state policies and ideologies.⁹ In this respect, the state constitutes a factor of political organisation for the dominant classes within a social formation, and, conversely, it is a factor of disorganisation for the subordinate classes by instilling and reinforcing divisions and gradations among the latter, in both a negative and a positive fashion, by both force and ideology (Poulantzas, 1978b, pp. 287–288).¹⁰ It is along these lines that the role of the police should be interrogated.

3.1.2 The capitalist state and the police

The preceding analyses situate the Marxist distinction between state power and state apparatus, and the problematic of the separation of the state apparatus from the field of class struggle. They entail a reversal

of the problematic of mainstream police studies in the approach of the police as an apparatus, as an organisation in the strict sense of a purposive, boundary-maintaining activity system (Aldrich, 1979, pp. 4–6). This is because they make possible a questioning of the police not generally as an indispensable institution for upholding order in every society, but rather as an apparatus precisely of the capitalist state. The specificity of the police apparatus regards both its function among the various functions of the capitalist state, and its personnel, the police officials, as a particular category of state functionaries.

Recall Carl Klockars's definition of the police as 'an institution given the general right to use coercive force by the state within the state's territory' (Klockars, 1985, p. 12), whose main element represents the starting point for a variety of analyses regardless of their particular theoretical position (Bayley, 1975, p. 328; Bittner, 1979, p. 42; Manning, 1997, p. 49; Reiner, 2000, p. 6). In much of the literature, the idea lending unity to the many empirically attested functions that the police perform is the oft-repeated Weberian thesis that the modern state holds the monopoly of legitimate force in its territory (Weber, 1978b, p. 904).¹¹ In this light, the police are seen as a practical mechanism for the prevention or resolution of conflicts and disputes by coercive means or, normally, by the symbolic evocation of the possibility of deploying such means (Bittner, 1979). In this way, not only is the content of police activities effectively depoliticised, but it is also impossible to analyse any quantitative variations in the deployment of force, that is, the intensification of the activities of institutions of organised repression within particular conjunctures (Poulantzas, 1978b, p. 226) – a problem which Marxist theory addresses by considering the relations between the state and the field of the class struggle.

There are, on the other hand, certain approaches, which are still part of mainstream police sociology, but which conceive the matter on the basis of the organisational and situational context of police activities. They thus distance themselves from a definition that depends entirely on the idea of the state monopoly of force. Such sophisticated analyses go a step further to acknowledge the possibility that 'powerful interests that sustain the state provide a tacit "authorisation" for policing' (Manning, 2003, p. 37). In this light, the police are defined as 'the authoritatively coordinated organisations that stand ready to apply force up to and including fatal force in specified political territories to sustain political ordering' (Manning, 2003, p. 42). Still, the question of political interests is delimited to the interests of the police, whereas as the wider dimensions involving the state are dismissed, either as rather

irrelevant for praxis, which is always a product of an actor's definition of the situation, or as not easily identifiable.

There are, it is true, certain critical views, which, using a Marxisant vocabulary, have posed the question of how the state relates with the interests of particular groups in society. However, a peculiar concept of a relative autonomy of the police has been used in this case to support the arguments that the police defend both a specific order, that is, the promotion of particular interests by the use of state power, and a general order, which is 'the interests of all in regularity'. Thus Marenin argues that

[t]he concept of ordered social relations does not mean the maintenance of existing social formations but of regularity, an irreducible minimum of confidence in the future which allows groups and individuals to engage in routine activities, including the promotion of change.

(Marenin, 1982, p. 258)

If approaches of the former type are problematic because of their positioning of the police as a repository of state force in an abstract and ahistorical fashion, the latter suffer from an inadequate or outright commonsensical conceptualisation of the police as a state apparatus and of the political role that this quality entails for their activity. This ultimately collapses the effort towards an understanding the police role to a hyper-empiricist venture.¹² This is not to say that there is no point in attempting to approach the activities of the police in their organisational and situational context. To be sure, it is not enough to assert that the police wield coercive force and are inscribed in the circle of the apparatuses of organised physical repression of the class state. The point is to grasp the sense in which the apparent 'bewildering miscellany' of police activity (Reiner, 2000, p. 6) is concentrated in and performed by this particular apparatus of the capitalist state. The distinction between state power and state apparatus is the tool that enables such an analysis, exactly because it clarifies the political character of the police role and situates it *vis-à-vis* the field of class struggle. At a minimum, it is capable of placing a range of insights produced by the sociology of the police in perspective. It does, of course, much more than that.

Let us return to Althusser's discussion of the 'different metal' of the state machine in order to consider firstly the police apparatus as such. It is useful to begin by recalling how Lenin, while commenting on innumerable occasions on the persecutions, pogroms and repressive

tactics of the tsarist police, drew, in fact, at a very different point the analytical line of demarcation in the discussion of the organisation of the police. That point can be derived from what he thought had *to replace* the police of a class state. In these few references, the weight falls not on the question of force, but rather on the configuration of the social division of labour within the police apparatus:

we need a state, but not the kind of state the bourgeoisie needs, with organs of government in the shape of a police force, and army and a bureaucracy (officialdom) separate from and opposed to the people. All bourgeois revolutions merely perfected this state machine, merely transferred it from the hands of one party to those of another... The proletariat must 'smash'... this 'ready-made' state machine and substitute a new one for it by merging the police force, the army and the bureaucracy with the entire armed people... they themselves should take the organs of state power directly into their own hands, in order that *they themselves should constitute these organs of state power*.

(Lenin, 1964b, pp. 325–326, emphasis in original)

Echoing Lenin, Althusser (2006) discusses at length the question of the organisation of the various state apparatuses: the 'different metal' of the state machine consists exactly in the presence of a group of officials occupying a specific place within the state's general division of labour. These officials are armoured with a particular ideology that corresponds on the state's structural characteristics and also on the particular characteristics of the apparatus, as a function of the state's 'internal separations, those of its corps and their "esprit de corps"' (Althusser, 2006, p. 102). It is important to note that as regards the historical evolution of both the organisational structures and of the ideology of the police, we are dealing at all times with a field that bears the footprint of class struggle. Firstly, the existence of officialdom is a general characteristic of the state in class society, and, secondly, the particular locus of these officials is defined by the type of state that corresponds to that class society. The particular characteristics of the apparatuses correspond to the form of state and regime emerging from the configuration of the balance of forces in the field of class struggle and the characteristics which the domination of the dominant class and its allies over the subordinate classes acquire within particular historical phases (Poulantzas, 1978b, pp. 147, 153).

One then may speak, with Althusser, of the emergence and evolution of the police in the capitalist state as an instance of the 'inheritance' of

the state apparatus along the lineage of the dominant classes and its *continuous* 'perfectioning' in correspondence with their interests in subjugating the exploited classes (Althusser, 2006, p. 60). Historical surveys of the police have shown clearly the long processes by which the modern police emerged from pre-existing offices and functions (Williams, 1979), including the gradual transformation of military bodies into police forces (Emsley, 1999). This process of fermentation, both organisational and ideological, is present even in those cases where the establishment of a specialised police force appears as a rupture, for example, in England (see Emsley, 1991; Taylor, 1997).¹³ There is a double edge in this point: firstly, the emergence of the capitalist state and of the modern police are inscribed in one and the same process, and the configuration of the field of class struggle that corresponds to the phase of capitalism's extended reproduction is engraved in the organisation of the state and of the police apparatus. Yet the tempo of process was dictated by the specific circumstances of capitalist development in these social formations.

In this light, the tendency towards the bureaucratisation and the professionalisation of policing reflects a continuous process of the development of a public body, whose characteristics correspond more closely to the general structural determinations of the state as an ensemble of apparatuses perpetuating class rule under capitalism. The police are a 'separate' body of officials holding a particular position within the state's division of labour. They are armoured with a corresponding ideology of *esprit de corps* and of public service, which is instilled in this personnel by virtue of its training, appearance and organisation of work within a force invested in public stature. The sociology of the police, exactly because of its conditions of emergence as an academic discipline, has been inclined to make too much of the individual police officer's experience and point to the contradictory effects of this internal ideology from the rank-and-file's viewpoint (Grimshaw and Jefferson, 1987). But while the occupational subculture theme is an important one, one should not lose focus of the fact that, if a police force is possible for the capitalist state, then it must be constituted via the general processes that define the separation of the state. These processes involve the constitution of a rule-based system of work implemented on the basis of an internal division of labour that involves gradations of the personnel and enables steering from the top. It is no accident that the conception of the police as a neutral, depoliticised, rule-bound and rationally organised force was ever present in the political programmes for police reform in the direction of professional, technique-driven police forces in the service of public interest (see, for example, Vollmer, 1922, 1933).

Although the preceding discussion suggests that the particular characteristics of police organisation and ideology should be more appropriately sought in the light of the historical constitution of the state apparatuses within specific social formations (Gleizal, 1981; Jones and Newburn, 2002; Rigakos and Papanicolaou, 2003; Ferret, 2004), it is now possible to return to a discussion of police activities situated exactly within the framework of the state and its overall political role in the structure of social formations where the capitalist mode of production prevails.

It should be clear that any examination of police work must take into account the fact that one is dealing at all times with the operation of a body constituted within the organisational space of the state. Police work bears the traits of public officialdom both internally, through its constitution as a hierarchy of salaried professional functionaries of the state, and, externally, as state intervention in the field of social relations. Police work is not organisational work in the general sense of bureaucracy employed by organisational theory, which points to a rational arrangement of technologies and work processes aiming to a maximisation of efficiency and effectiveness (Thompson, 1967). It is rather a work process within a bureaucracy in the original strict Weberian sense that applies directly to the constitutive characteristics of modern officialdom.

In this sense, the use by the sociology of the police of organisational sociology cannot, in fact, yield entirely satisfactory answers to the question of the role of the police in society. Recall that the central question of the sociology of the police, underpinned by the liberal understanding of the state as neutral arbiter, has been the explanation of police deviancy, the violation of the rules that presumably establish the neutrality of the police. In this respect, the enterprise has followed a trajectory that parallels that of organisational sociology in general. The established official/dominant thinking on the police, which stems from within the police bureaucracy itself and also bears upon the sociology for the police (see, for example, Doerner and Dantzker, 2000), has largely espoused the idea of the organisation as a closed system, and thus seeks the perfecting of bureaucratic control over the force via incessant rule-laying (Dixon, 1997). The sociology of the police has progressively moved to a paradigm of external-social control over the organisation and its members (Reiss and Bordua, 1967; Manning, 1979, 1997; Crank and Langworthy, 1992; Crank, 2003), echoing the ascendancy of institutionalism in wider organisational theory itself (Meyer and Rowan, 1977; DiMaggio and Powell, 1991; Scott, 2001). Ultimately, the theme of

police subculture itself covers the behavioural adaptations of the police officers under the strain of hierarchical, peer or external constraints.

When the question comes to what the police do, the idea of lending unity to their organisational activities by conceiving them as a repository of legitimate, state-sanctioned force operates within the framework of the sociology of the police as a device that impedes the questioning of the social purpose of the police function. Consider Bittner's oft-used definition of the police as 'a mechanism for the distribution of non-negotiably coercive force employed in accordance with the dictates of an intuitive grasp of the situation' (Bittner, 1979, p. 46), which is derived from the formula 'something that ought not to be happening and about which someone had better do something now!' (1979, p. 132). This definition marks an important theoretical break only on the condition that one recognises that police action unfolds in an already structured space. How one understands that space makes a fundamental difference, as it depends exactly on where the theoretical line of demarcation is placed. Arguably, the different theoretical perspectives could ultimately be as incommensurable as the positions that different classes take in the waging of ideological class struggle (Althusser, 1976a, p. 143). The formulation that the police intervene in situations that 'ought not to be happening', begs the question 'by whose standards?'. A marxist would readily remark that the police are 'a special organisation of armed men subordinate to the bourgeoisie in one way or another, separate from and opposed to the people' (Lenin, 1964b, p. 327).

This is already a compelling alternative formulation. From the viewpoint of the ruling classes, the guardianship and peacekeeping tasks of the police contribute directly to the maintenance of the reproduction of capitalist social organisation. There is certainly a small number of studies that have explained clearly that the emergence of the police went hand in hand with the emergence of capitalism, and has functioned to protect the interests of the capitalist class by disciplining and intimidating the working class and by disrupting and suppressing working class activism (Harring and McMullin, 1975; Bunyan, 1976; Storch, 1976; CRCJ, 1977; Harring, 1983). The state's task in a class society is to sanction and legitimise the interests of the dominant classes by constituting a factor of organisation for the latter and, conversely, a factor of disorganisation for the subordinate classes (Poulantzas, 1978a). What then lends conceptual unity to police activities as practice that bears its transformative effects in the field of social relations should be understood, beyond open oppression, exactly in the light of the global political role

of the state. According to Poulantzas, the state relates to the field of class struggle by mediating an effect which is by and large of its own making, and which he calls an 'effect of isolation'. The juridical and ideological structures constitute the agents of production as juridico-political subjects so that socio-economic relations are experienced by subjects 'as fragmentation and atomisation', as relations of 'competition between both the wage-earning workers and the capitalist owners of private property' (Poulantzas, 1978b, p. 134). The state's function is to represent the unity of this isolation, and by acting as the repository of all these individual wills to reconstitute them as the unity of the people-nation (see also Hall et al., 1978).

The special characteristic of the police apparatus is that, firstly, by being a body of professionals disciplined and ideologically inculcated within its organisational field, its separation from the people is much more pronounced; secondly, its intervention in the field of class struggle is much more direct, by being the front line of state action. Police work mediates directly the political facets of the ideology of individualisation, firstly by virtue of it being work with the law. Whether one sees the law as a resource (Bittner, 1979) or a structure (Grimshaw and Jefferson, 1987) of police activity, there is no doubt that the police perform and specialise in intellectual labour, of which its object is the application of substantive and procedural legal rules (Dixon, 1997). The mechanics of police discretion can ultimately be traced in the import for this intellectual labour of the special structure of the criminal law, whereby an individual's behaviour must be situationally reconstructed as a unity from a sum of fragmentary actions and subjective states that may occur at particular places and times, or under particular conditions.

However, the ideology of the police is not merely legalistic, but rather is equipped with ideological elements which are promulgated by a range of apparatuses. These include the apparatuses which, by means of involving an element of incorporation or representation of the popular masses, constitute sites where the spontaneous forms of ideology secreted by the social division of labour are embodied more directly (Poulantzas, 2000, pp. 65–66). This means that the police apparatus is also organised from the outside, by means of distinctive ideologies about crime, victimisation, difference and fear. Such ideologies are capable of instilling an ideological unity of the dominant classes *vis-à-vis* subordinate populations, which are constituted as 'deviant' or 'dangerous', but which are intransparent enough to the subordinate classes so as to engineer consensus or even cooptation. That intransparency is due

to the fact that what these ideologies refer to is experienced as crime, victimisation and difference, but it is reconstituted (at the level of ideology) across dimensions which are emptied of class content (age, race and ethnicity, geography and so on). It follows that police work unfolds in a space which is already organised ideologically to conceal class bias, and translates directly to concentrated effects of inclusion and exclusion of particular populations. While it is possible to conceptualise this effect in terms of legal rights and citizenship status (Waddington, 1999) and derive a horizon for a rights-based political action towards controlling the police, the very conditions of this action are nevertheless already compromised by the divisions among the subordinated classes that police work instils.

3.2 Imperialism and the police

The remainder of this chapter will discuss the import of the preceding theses for policing, and transnational policing, in the light of contemporary developments. This necessitates an examination of the question of imperialism and, accordingly, the mobilisation of a range of relevant Marxist theoretical insights that are compatible with the preceding framework. As in the previous section, I propose to begin by discussing briefly the premises of current mainstream understandings of globalisation, which underpin the current theory of transnational policing. Just as a liberal understanding of the state and police relation has been juxtaposed with Marxist ideas, so will the liberal understanding of the current state of affairs as globalisation be juxtaposed with the Marxist theory of imperialism. It will then be possible to draw the implications for transnational policing.

A pivotal characteristic of the conceptualisation of the internationalisation of police activities in current approaches is informed by what is a notion of a unified global social structure as the condition of the process (Sheptycki, 2002, pp. 1–2). This assumption is by and large common to both the early transnationalist framework and current mainstream approaches to globalisation. As shown in the previous chapter, it generally translates to an understanding of the world as a unified social space, where actors other than states and interests other than state interests possess the capacity to shape the state of affairs in various issue areas – even against the ‘will’ of states. Globalisation, it is argued, produces a borderless world, where the autonomy of the national state is decisively undermined. Sociological accounts of the phenomenon embrace the idea of a structural shift ‘from a world of discrete but interdependent

national states to the world as a shared social space' (Held and McGrew, 2007, p. 3). They either build on a range of empirical indications that are thought to provide support to the above idea, or on globalisation as a concept on its own accord, one that encapsulates a theoretical primacy of space-time compression (see particularly Giddens, 1990).

The strong version of globalisation theory has already been subjected to devastating critique on the ground that its treatment of the spatio-temporal dimensions of social organisation involves a fatal logical inconsistency by conflating explanans and explanandum (Rosenberg, 2000). According to this strong version, the present era involves a fundamental change in that human societies undergo a process of thorough deterritorialisation. As Scholte argues, the 'growth of "suprareterritorial" relations between people' (Scholte, 2000, p. 46) brings about a distinct kind of space-time compression to the effect that global transactions take place under conditions where '“place” is not territorially fixed, territorial distance is covered in effectively no time, and territorial boundaries present no particular impediment': 'they can extend anywhere in the world at the same time and can unite locations anywhere in effectively no time' (2000, p. 48). The point is that the organisation of human societies on the basis of a system of territorially based national states is rapidly becoming obsolete. However, the conceptual inflation of 'suprareterritoriality' to something that explains other types of social relations is quite unwarranted. Rather, the case is that these other relations, economic, technological and so on produce spatial patterns and configure the relation of time and space. In short, if globalisation is the negation of territorialism, it is exactly the new configuration of position, distance and separation that needs to be explained by reference to social relations that can be shown to be of more fundamental importance (Rosenberg, 2000, p. 39). In other words, these other social relations also explain the existence (and persistence) of the interstate system.

Apart from approaches such as the above, it has been argued on empirical grounds that globalisation represents a fundamental shift, bringing about a change that is both quantitative and qualitative in nature. It is characterised by the 'stretching of social, political and economic activities across political frontiers', the 'intensification, or growing magnitude, of interconnectedness, in almost every sphere of social existence', the 'accelerating pace of transborder interactions and processes' as a result of technological change, and finally, the 'deepening enmeshment of the local and global' as a result of the growing 'extensivity, intensity and velocity of global interactions' (Held and McGrew, 2007, pp. 2-3).

It is characteristic that the main lines of this argument are typically drawn from the domain of the economy. Globalisation is essentially an intensification of world economic integration and flows of capital, commodities and, to a lesser extent, labour. It has been boosted by liberalisation policies in the post-Second World War era, and is manifested by the significant growth and expansion of trade in goods and services between a larger number of countries and sectors (Held and McGrew, 2007, p. 74). Even the proponents of the strong thesis often underscore the significance of genuinely global markets, in which products are 'distributed and sold in a transworld space through a coordinated suprataritorial business strategy'. Global markets involve industries which possess a global marketing strategy for a huge range of products, including raw materials, food and beverages, clothes, pharmaceuticals, music recordings, cigarettes, vehicles and so on, products which have become part of the 'everyday lives of most of humanity' (Scholte, 2000, p. 51). Similarly, money and finance have also become genuinely global, as manifested by worldwide accepted monies such as the US dollar or the euro, or of 'round-the-world, round-the-clock' money markets, or off-shore financial centres.

The globalisation thesis is quick to draw a number of conclusions about the nature of contemporary international politics exactly on the basis of the intensification of global integration. To return to the question of international agency, this last is conceptualised exactly on the ground of a unified social space emerging from the retreat or the demise of the national state as a unit for economic, social, political and also cultural organisation of human life. Put in the simplest of terms, the contemporary levels of economic integration are complemented by processes of social and political integration, which diminish the importance of the nation-state as a site of political action and decision-making. Although Held et al. (1999) – in whose account the globalist argument is presented with as much clarity as caution – remark that governments and states remain powerful actors, they note that the latter nevertheless share a global arena with a vast array and enormous number of intergovernmental organisations, international agencies, supranational organisations and non-governmental bodies. Their analysis moves on to identify empirical instances of events and interactions, which, under the rubrics of internationalisation, transnationalisation and the growth of international regimes, constitute aspects of a process by which national government is increasingly locked into a web of global, regional and multilateral systems of governance. Thus,

the emergence of a global economic space is complemented by a social and political global unified space.

The problem is that these analyses, in so far as they are supposed to be explanations rather than descriptions, more raise than solve problems. A possible entry point towards a critique is their acceptance of the declining significance of territorial organisation and boundaries. Such an approach removes from the theoretical vista of globalisation theory the most tangible manifestations of the materiality of human history and replaces them with an abstract reality, the normativity of institutions. This is particularly evident in Giddens's analyses on 'trust' and its relation with the disembedding mechanisms of 'abstract tokens' (money!) and 'expert systems' that 'lift out' social activity from localised contexts and 'reorganise relations across large time-space distances' (Giddens, 1990, pp. 21–29, 53). Within this abstract space, one encounters the empirical flows of money, goods, people and ideas. Now, all these may move incessantly across the globe, yet, theoretically detached from their material conditions of existence, and placed in a world emptied from 'recognisably social causes' (Rosenberg, 2000, p. 89), they go nowhere. They are only as free as to flow within the normative space of one single institution that provides the template for all empirical analyses of globalisation – the market.

Thus are connected the theoretical propositions of globalisation theory with the idea that globalisation has served as key means of neoliberal ideological warfare against state regulation and for market liberalisation, a criticism which is now well-established (for example, Callinicos, 2001; Amin, 2004; Harvey, 2007). To recall an observation by Michel Aglietta (1982, p. 5), neoliberal thinking in international relations is 'nothing other than' the projection of an idealised structure of the market, a homogeneous space of exchange, on a world scale. If all that defines the structure of the social world is the operative logic of the market, then everything else must inevitably succumb to the reality of the market.

Yet, beyond the issue of ideological expediency, essential problems remain when theories of globalisation are taken as what they present themselves to be, as explanations of the contemporary world. From this viewpoint, it is difficult to discern what exactly is asserted, not only about the configuration of the multiple centres that propel these contemporary transformations, but also about their direction. The multidimensional reciprocal causality that globalisation theory admits amounts to little more than an admission of directionless indeterminacy (see also Resch, 1992; Pozo-Martin, 2006, p. 229).

3.2.1 Imperialism and the state

Sceptics pursuing an empirical assessment of contemporary developments in the globalisation debate have been quick to point out that the levels of economic integration we currently experience are not unprecedented, and at any rate not dramatic enough to support the idea of a radical qualitative change in the configuration of human societies. Several accounts have documented the existence of comparable volumes of market exchanges and levels of capital flows regionally and worldwide during the nineteenth century (for example, O'Rourke and Williamson, 1999). So, the contemporary sense of dramatic change is arguably due to the fact that international market integration regressed between the beginning of the First World War and the end of the Second World War to levels far inferior to those existing before 1914 (Hirst and Thompson, 1996). While it has been suggested that the matter cannot be settled entirely on quantitative comparisons between the two eras, the substance of the sceptic argument is that, in the final instance, these contemporary changes are inscribed within the one and the same process of global development of capitalism and of the changes it induces to human social and political organisation. It is the same process that Marx and Engels had been describing as 'intercourse in every direction, universal interdependence of nations' in the pages of the *Communist Manifesto*. Put in a different way, while the task of the day is the analysis of the contemporary restructuring of capitalism at a world-wide scale, the analytical tools that allow this task to be carried have been available for quite a while.

In this respect, the historical materialist thinking on imperialism, which incorporates several analytical lines initiated at different times during the past century (Brewer, 1990; Milius and Sotiropoulos, 2009), offers a viable alternative to the conceptualisation of the global reality offered by the perspectives in mainstream IR or theories of globalisation. The theory of imperialism includes in its explanatory horizon an account of the development of capitalism as an economic system around the emergence of finance capital as a fusion of industrial and financial capital and the creation of monopolies as powerful economic units (Hilferding, 1981). It is also an account of the social and political implications that this developed form brings about, not only at the level of particular social formations, but also at the level of the relations between social formations and their states – the international system. This thinking complements, therefore, in an essential manner the Marxian corpus, of which its treatment of the internationalisation of capital and its implications had been fragmentary. As there are

inevitably differences between the various views, in what follows I shall present a brief synthesis that complements the approach I have already taken on the questions of state power and the police. This will then be applied more directly on the question of transnational policing.

In one of the first systematic expositions of the theory, Nikolai Bukharin, building heavily on Hilferding's (1981) analysis of the transformations of capitalist economic organisation under the dominance of money capital at the beginning of the twentieth century, defined imperialism as 'the policy of conquest of finance capital' (Bukharin, 1972, chapter 9). Shortly afterwards, in his well-known 1916 pamphlet, Lenin proposed a wider formulation, and saw imperialism as the latest stage of capitalism characterised by territorial expansion of capitalism under the domination of finance capital (Lenin, 1970a, p. 106). Following Hilferding, Lenin incorporated in his definition the political implications of the fusion and concentration of capitals with regard to the question of state power. This approach allowed him to fulfil the political purpose of the pamphlet and outline an explanation for the outbreak of the First World War, as a consequence of the formation of state policies dictated by finance capital. In this light, states represent the interests of finance capital, which, because of their dependence in the world market for resources and outlets, pursue policies aiming to shape international spheres of influence. In the case of the most powerful states, where capitalism is most advanced, these policies include war as a strategy towards world domination.

Given the political purpose of this much-discussed pamphlet, the task of elaborating on Lenin's simplified rendering of the processes unleashed in the imperialist stage has fallen to other theorists. Among the numerous analyses that have appeared since, and which all develop the basic and often contradictory analytical lines laid down by virtually all the important Marxist theorists of the early twentieth century, including Lenin, Luxembourg, Bukharin and Kautsky, it is Poulantzas's work (Poulantzas, 1974b, 1978a, 2000) that has provided a very sophisticated analysis of the process of the internationalisation of capital using a structural causality approach (Althusser, 2005b). He has thus been able to outline the implications of internationalisation as regards the changes in state power it induces, and the modifications these changes entail for the state apparatuses.

Developments in the last quarter of the twentieth century, particularly the rise of the multinational corporation (see, for example, Modelska, 1972; Nye, 1972) and the question of European integration in the form of the European Economic Community (EEC) (within Marxism,

see, for example, Mandel, 1967), brought at the forefront of theoretical concerns the question of whether internationalisation brings about a dissolution of national economy and national state in favour of transnational economic organisation and supranational government. Poulantzas's (1978a) answer was that such developments could be understood as the full unfolding of imperialism as the ongoing re-articulation of capitalist social relations at an international scale. The roots of the intensification of this process, manifested in all areas of economic activity, including international capital flows and export of goods and capital, lie in the crisis of overaccumulation, which capitalism entered after the prolonged boom of the post-Second World War period (see Brenner, 2006). This phase of imperialism is an expression of capital's continuous drive towards maximisation of profit, not merely as the 'globalisation' of the sphere of circulation, which capitalism had accomplished already at an earlier point, but also primarily as export of capital (what is known as foreign direct investment – FDI) and also investment in the international financial markets. The latter allows an additional benefit from the unevenness of global development and the potential for capital to be employed more profitably, and thus counteracts the tendency of the rate of profit to fall. While this process of restructuring makes it impossible to speak anymore of isolated and independent national social formations, internationalisation does not annul capital's structural reliance on the national state as the fundamental unit of its reproduction (Milios and Sotiropoulos, 2009). Rather, as it engenders very high levels of integration, which, from a structural viewpoint, modify the conditions for class struggle within the national social formation. Such modifications apply to both the relations between dominant and subordinate classes and the relations between the fractions of the dominant class and its allies. Thus internationalisation also creates the conditions for the emergence of a new form of state.

Poulantzas considers these developments at the level of social formations, understood as an articulation of modes of production, and in the light of the 'conservation–dissolution' effects (see Bettelheim, 1972) engendered by the extended reproduction of capitalism. What characterises the imperialist stage is, firstly, the full consolidation of the dominance of the capitalist mode of production in the most advanced capitalist social formations, the imperialist metropolises; secondly, the simultaneous expansion of capitalist social relations outside these formations, both in the other metropolises, and within those other social formations that were previously connected to the former under a colonial type of relationship. This double movement works upon a given

cleavage between advanced and dominated and dependent formations, the relations between centre and periphery, but modifies them to engender *the imperialist chain*, an integrated structure that links national social formations through relations of dominance and dependency so that each link 'reflects the chain as a whole in the specificity of its own social formation' (Poulantzas, 1978a, p. 42). Imperialism, in short, overdetermines both the reproduction of the capitalist mode of production within national formations and the relation of this mode with the other modes and forms of production that exist within those formations. But the primary sites of the reproduction process are still the social formations that comprise the imperialist chain (Poulantzas, 1978a, p. 49).

In order to draw the relevance of the above approach for what concerns the present analyses, it should be remembered that the entire discussion of the reproduction of capitalism on an international scale is firmly grounded on a perspective that considers social relations since capital itself is a social relation and 'not a thing'. This idea could already be found in Hilferding's analyses, which stressed the significance of capital export as an instance of the reproduction of advanced capitalist relations of production within the ground of less advanced social formations:

imported at the level already attained in the most advanced country... a newly established industry develops from the outset as an advance capitalist enterprise, so capitalism is... imported into a new country in its most advanced form and exerts its revolutionary effects far more strongly and in a much shorter time.

(Hilferding, 1981, pp. 322–323)

It follows that the induced reproduction of capitalism within these other formations also involves the domains of their state apparatuses and ideological forms (Poulantzas, 1978a, p. 46). So there is an economic process, which motors the development of the imperialist chain and creates reciprocal but asymmetrical movements between its nodes, including, for example, migratory movements from those countries where the dissolution effects are most intense (History Task Force, 1979). At the same time, this process engenders complex modifications of the political and ideological structures of social formations, including the metropolises. The imperialist chain is not a hierarchy, but indeed a complex articulation of overlapping relations of domination and dependency between social formations, where stronger and weaker links are

shaped by economic, political and ideological class struggles relaying the effects of the process of its reproduction as a whole in a distinctive national fashion (Milios and Sotiropoulos, 2009).

Poulantzas attempted to explain post-Second World War US hegemony exactly on the basis of the extend to which other formations, including the European metropolises, became sites for the reproduction of American capital. Very complex networks of economic, political and ideological dependencies were thus engendered, of which its effects could not be cancelled out by the progressive strengthening of European capitalisms, and the counteraction in the form of the EU. It is rather the case that the process has created conditions for a more concretely European economic regionalism (Carchedi, 2001), which operates under the superintendence of American capital and the superior diplomatic and other capacities of the American state (Gowan, 1999a; Bacevich, 2002; Panitch and Gindin, 2005). This phase of imperialism does engender an international socialisation of the labour process, manifested in the transnational production networks established by multinational corporations. But it is not the case that the internationalisation of capital creates a truly transnational, unified global social structure, which in turn gives rise to a transnational state (as argued, for example, by Robinson, 2004). Even within conditions of very high economic integration between the capitals of different countries, the dominant relations of control can be traced to a primary national base, and entail privileged access to the state apparatuses of that state (for example, IBM or Microsoft are, in the final instance, US corporations).

Rather, the mechanism that produces the political possibility of international integration in a 'peaceful' manner and of higher levels of international organisation, as manifested in the period since the end of the Second World War, lies exactly in the modifications of the class structure of social formations where foreign capital is reproduced. This particularly involves the relations between different segments of the capitalist class, according to the mode in which they themselves relate with the process of the reproduction of multinational capital. Foreign capitals arrive on the site of a social formation as truly transformative social forces (Panitch and Gindin, 2005, p. 8) both independently, and also in their interaction with the domestic bourgeoisie, through the appropriation or use of existing production, commercial and financial networks, or the creation of new ones, to the effect that the capitalist class itself and its interests become heterogeneous by virtue of their internationalisation.

Furthermore, the transformative process is extended to the structures that determine the position of other social classes, the traditional petty

and new petty bourgeoisie and the working class. So the current phase of imperialism modifies relations in the field of class struggle. To return to Althusser's terms, the process, in so far as it modifies the 'fuel mix' of the state engine, transforms the state into a field where the fragmented interests of the ruling bloc must be now reorganised and transformed to legitimate power. While the structural role of the capitalist state remains the same, and while it also remains a national state in so far as the traits of the nation, territory, language and ideology are firmly inscribed in the very material structure of the state (Poulantzas, 2000), imperialism brings about transformations in the form of state that entail the possibility of a transnational networking of bureaucracies. But the modality of this networking is conditioned by the global role of the state itself and its anchoring on the national social formation, so that in the imperialist phase the state performs its global task of maintaining the unity and cohesion of a social formation 'in a context of world class contradictions' (Poulantzas, 1978a, p. 78).

3.2.2 Policing the imperialist chain: A tentative vocabulary for transnational policing

What follows from the preceding analyses is an extensive and substantive corrective perspective of transnational policing exactly with regard to the point raised in the previous chapter, the question of the institutional specificity of the police. The determinations of transnational policing must be sought not on an abstract 'need' for police cooperation, nor to a presumed agency of the police organisation as an 'autonomous' bureaucracy. Rather, they can be deduced from the form of state that corresponds to the present phase of imperialism, the mode in which it articulates the interests of the ruling class and the conditions for its continuing political domination. A number of general analytical lines can be extracted from this thesis.

By relating the activities of the police apparatus to the form of state that corresponds to the present phase of imperialism, it is possible to establish, firstly, *the continuity of national policing and transnational policing*. It is no longer possible to regard the international activities of the police as an exceptional domain that exists in relative isolation from the forms of everyday policing. At the same time, by being inscribed in the dynamics of the imperialist chain, the modality of this international networking of the police apparatuses stands in dialectical relation to the domain of domestic policing. The last effectively determines the conditions for the emergence of networks of transnational policing, dictating their size, form and intensity of activity.

In this last respect, Poulantzas's analyses have a continuing value despite the fact that he did not live to write on the full extent of the political consequences of the capitalist restructuring he was already writing about in the 1970s. His analyses of the form of state emerging in the ongoing, present phase of imperialism remain entirely relevant, exactly because his outlining of 'authoritarian statism' (Poulantzas, 2000) is concerned with the fundamental contradiction between the state's 'economic role and its role in maintaining order and organising consent' (2000, p. 168).

Internationalisation has not been inconsequential for the state, but not because it has presumably diminished its significance or capacity for intervention in the field of social relations – unless, of course, one insists on the subjectivist imagery of society and of international relations. Rather, because the national state constitutes a node for the reproduction of the imperialist chain as a whole, its economic role has become more pronounced, in the sense that the totality of its operations has been reorganised in relation to that role. The rise of neoliberalism since the late 1970s and early 1980s has been a radical political solution to an overaccumulation crisis, which could not be dealt effectively for capital's interests without abandoning the redistributive politics, public expenditures and the expansion of welfare state that complemented the post-Second World War economic boom.

The overcoming of capitalist crises from an economic perspective entails the destruction (devaluation) of less profitable capitals, the reorganisation of production through technological innovations and the reshuffling of the power balance between capital and labour by means of laying off part of the workforce (Harvey, 2006b, pp. 200–203). But neoliberalism has provided the political complement for the overcoming of this crisis within already advanced levels of internationalisation and within the given structure of the imperialist chain operating under US hegemony. The restructuring of capital in the capitalist metropolises was not merely complemented, but quite actively reinforced by state policies of privatisation and deregulation, the adoption of suitable monetary policies, new public management, the flexibilisation of the labour market and the dismantling of the welfare state (Harvey, 2006a). In short, in accordance with the particular situation in the field of class struggle, states have acted as *organisers* in the ascendancy of neoliberalism, beginning with the Conservative and Republican administrations in the UK and the US, respectively; others followed suit, especially as the US-controlled International Financial Institutions have orchestrated the promulgation of these policies

internationally (Gowan, 1999a; Peet, 2009). Viewed from this perspective, it would not be an exaggeration to say that globalisation is the result of how neoliberal policies have been relayed by states throughout the imperialist chain.

The idea that the state was becoming geared towards the organisation of this vital breath of life to a capitalism that showed increasingly the signs of a deep crisis resonates throughout Poulantzas's last book, which diagnosed with great clarity the characteristics of the neoliberal state pointed out currently in critical analyses (for example, Panitch, 2000). It is a state that assumes actively and intensively the economic role of supporting a capitalism in crisis, by realigning the totality of its operations, political and ideological, around this role (Poulantzas, 2000). The political implications in particular involve an increasing tension between the state's role in maintaining the conditions of the political domination of the ruling classes, the power bloc of the dominant class and its allies, and its capacity to retain a popular-democratic form.

Applying the results of his studies of the political forms associated with the emergence of inter-war fascist regimes (1974a), and of the more recent dictatorships in South Europe (1976), he concluded that the restructuring of the state in the late 1970s was following a comparable (but distinct) authoritarian trajectory. The state's thickening of economic functions through increasing intervention in the fine-tuning of the production and circulation cycles is complemented and combined with a decline of democratic institutions – put differently, with an intensification of the state's separation from the field of class struggle. The indices of this change were the strengthening of the state's executive functions at the expense of parliamentarism, as well as the rising significance of the ideological apparatuses operating as transmission belts of the state (neoliberal) ideology to the people and as means of eliciting the consent of the electorate, particularly of the middle class, through plebiscitary tactics. This form of state Poulantzas called 'authoritarian statism':

greater exclusion of the masses from the centres of political decision-making; widening of the distance between citizens and the state apparatus, just when the state is invading the life of society as a whole; an unprecedented degree of state centralism; increased attempts to regiment the masses through participation schemes.

(Poulantzas, 2000, p. 238)

The importance of these analyses, then, is that they fully situate certain important structural factors driving the intensification of the

interactions of the police apparatuses in the 1970s and after, and bear upon the conceptualisation of transnational policing as a distinctive phenomenon of this era.

What Poulantzas calls the 'irresistible' rise of the administration under authoritarian statism provides, firstly, the general background for the development of such a pattern, especially since much of the activity occurring under loose political frameworks of cooperation is regarded as 'technical matters' and is therefore insulated from closer political scrutiny from representative bodies or elected officials. This point does not so much relate with the question of informality of contacts in transnational policing, as, more generally, with the institutionalisation of the development of transnational police cooperation via the administrative channels of police bureaucracy and away from power centres performing institutional controls towards accountability. What appears as 'practical solutions' or police 'initiative' in cross-border or wider international cooperation (Benyon et al., 1993) is, in fact, an effect of the structures of authoritarian statism in the field of police bureaucracy. The intensification of these modes of action is accounted by these structures. Criticisms of the mode of development of the structures of European police cooperation since Trevi stress exactly this pattern of *initiative-cum-insulation* (Hayes, 2002).

But what should be emphasised is that these police officials enter the field of international relations as functionaries of their respective states; that is, states, which in performing their global political role must still cater concretely for the cohesion of the national social formation within the context of international contradictions under imperialism. So these agents enter the field as bearers of the ideology and *esprit de corps* of their national police apparatus which interpellates them as agents of this national police apparatus, and separates them culturally and professionally from their foreign counterparts. Then, nationality bears upon what Deflem (2002a) perceives as a contradiction in transnational policing, the definition of the pursuit of objectives in terms of the national interest. This is not a mere rationalisation of the nature of the tasks accomplished, but flows directly from the constitution of the police organisation as an apparatus of the national state. It is an ideological effect as much as it is a structurally determined function, provided that one does not adopt a rigid definition of the national interest (Krasner, 1978), but recognises that it is at all times defined by the field of class struggle, and more specifically from the balance of forces within the power bloc, where foreign class interests may also participate as distinctive social forces. The national interest is a concretisation in policy

terms of the overlapping relations of domination and dependency materialised in the state, and it enters the domain of the international police organisation as such. Put simply, national interests strictly determine the limits of the specific effectiveness of international police organisations.

Furthermore, the rise of authoritarian statism as a result of the state's closer tuning in to the regulation of the economy and of socio-economic relations firstly situates the fact that much of contemporary police cooperation involves criminalised activities which bear heavily on the functioning of the economy. Organised crime, which provides the concrete justification for the development of structures of police cooperation currently (den Boer, 2002a), either relates to the operation of an illegal market or to activities that distort the smooth operation of legal markets (Beare and Naylor, 1999; Levi and Naylor, 2000). Projected to the contradictions embodied in the imperialist chain, the core of organised crime control as police activity is polarised along the characteristic movements of capital on one side and labour on the other, and provides the real substratum upon which state interests may be aggregated in a manner that abstracts from the particular balance of ruling class interests condensed in the state. The United Nations' CATOC and its additional protocols, which is the single most important international instrument pertaining to contemporary transnational policing, offers a characteristic example of this instance. *It condenses characteristically* the gravitation of state interests on the capital-labour axis, as an attempt towards the disciplining of both rogue or emerging capitals and the movement of labour under the current advanced conditions of economic integration. The policing of transnational organised crime rests on the necessity, firstly, of controlling 'underworld' capitals, which may and will take advantage of opportunities for profit transnationally; and, secondly, of controlling, to a much larger extent, the corresponding clandestine mobility of labour, on whose exploitation the emergence of the former rests more concretely. These, therefore, must be dismantled and suppressed by the police and not other available institutional means of regulation. This sheds an entirely different light on Nadelmann's observation that the internationalisation of police activities involves 'immobilisation' of criminals (Nadelmann, 1993a, p. 4).

The above analysis still constitutes an abstraction in the sense that it does not take into account the concrete dynamics of the imperialist chain. These determine how these processes are relayed within particular national formations and in the light of their relations of dominance over and dependency from other social formations. A bifurcation of

the process is involved, which is dialectically articulated as a relation between the activity of the police within a national formation and the process of the formation of the international regimes that correspond to these activities.

Firstly, one should always take into account the distinction between state power and state apparatus, which is a distinction between the field of class struggle and the state. The variable pressures exerted on the links of the chain bear upon the course of national economic, political and ideological struggles, whose effects are relayed by the ideologies and policies promulgated by the state apparatuses. These ideologies thus organise the activities of the police apparatus from the outside, by structuring the terrain on which police action unfolds, therefore laying the path for the concretisation of the politically divisive effect of the police apparatus in the field of class struggle, as organisation of the dominant classes and disorganisation of the subordinate classes. The scare of organised crime is as much an instance of the ideological aspect of this process as the criminalisation of the migrant worker is its terrifying result.

Secondly, these ideologies do not enter the formation of the international regime as a simple, general correlate of an agitation process, as Andreas and Nadelmann (2006) suggest.¹⁴ Rather, the ideological results of agitation campaigns enter the process of regime formation *only as state-organised ideologies*, underpinning the concrete direction of international regulation under the concrete international balance of forces between states. This is true not simply in the case of national social movements and organisations for advocacy in related issue areas, but even in the cases of actors that possess an international organisational base, such as NGOs and even specialised international organisations. Their specific effectivity will be a correlate of their capacity for intervention within national class struggles.

Finally, it should be remembered that the state's closer involvement in the cycle of capital accumulation also means that the state itself has become a prime site for capital valorisation. This also pertains to the police apparatus: the development of IT – intensive capacity for surveillance, such as the development of networks of terminals connected to centralised databases, or the acquisition of technologically advanced investigative tools and the development of its repressive capacities by means of advanced weaponry and other hardware, which is an equally distinctive aspect of the contemporary policing (Kraska and Kappeler, 1997; Kraska, 1999). Such trends unfold nationally and internationally on the basis of the dialectic between the state's role in the circuits

of capital accumulation and the perfectioning of the police apparatus under authoritarian statism, much more than they involve technology as a cause for the internationalisation of policing (Deflem, 2002b).

The preceding two chapters have laid out a materialist critique of and a response to the theory of transnational policing. We possess now a theoretical vocabulary that recognises how the logic and contradictions of the imperialist chain underpin police activity within and across national borders. The stage is now set for a return to the story of Operation Mirage and the concrete analysis of the complex balance of forces that brought it to life.

4

The Global Prohibition Regime on Human Trafficking

A characteristic of the Mirage Operations that stands out immediately is the formulation of their objective, the targeting of human trafficking, specifically the trafficking of women for sexual exploitation,¹ and illegal migration as forms of (transnational) organised crime. This is the most suitable entry point to their story, as it involves the most general condition of their emergence, namely the formulation of the problem that these police operations sought to address. In fact, the fusion of organised crime, sex trafficking and illegal migration in the objectives is not coincidental, but rather reflects the core rationale of what can be called, following Ethan Nadelmann (1990), 'the new global prohibition regime on human trafficking and prostitution', as it evolved in the 1990s and after. 'New' differentiates the contemporary intent and practical state of a series of international rules and law enforcement approaches from their 'traditional' focus, associated with the repression of 'white slavery' and prostitution.

4.1 Emergence of the anti-trafficking regime

Viewed without regard to specific historical context, the norms featured at the core of the new global prohibition regime appear to have a long history, as the first instance of international legislation pertaining to the matter emerged as early as the beginning of the twentieth century, with the International Agreement for the Suppression of the 'White Slave Traffic'. Signed in Paris in 1904 initially by 13 European countries, the agreement was the first instalment of a series of international treaties signed in the early twentieth century that were eventually consolidated with the 1950 United Nations (UN) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of

Others.² These rules are still in place today for the parties involved: the 2000 UN CATOC and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the 'Palermo Protocol') did not amend any of these rules – in fact, various commentators assert that the Protocol has been successful in providing a clear definition of what trafficking is (for example, Gallagher, 2001).

What the Convention and its supplementing Protocols also did was to recode the prohibitions instituted by the anti-white slavery instruments into a new form, underpinned by apprehension about the growth and threat of transnational organised crime. Concerns about organised crime and vice were not, of course, absent from the discourse and policy proposals of the older abolitionist campaigns. However, the international instruments containing the rules of the anti-trafficking regime were not constituted with a view to target transnational organised crime as it is understood today. Therefore, this chapter interrogates not the emergence of a new set of prohibitions, but rather the recombination of existing elements into a novel form which involves equally novel forms of diffusion and enforcement. How are we to explain this development, and what are the implications?

4.1.1 Origins of the new regime

First, it is useful to draw some parallels between current and older history. Arguably, the story of the international agreements of the first half of the twentieth century can be written in terms of the increasing influence and success of the national and international abolitionist campaigns of organised womanhood that began in the second half of the nineteenth century and extended well into the first half of the twentieth century (Walkowitz, 1982; Rosen, 1983; Scully, 2001; Limoncelli, 2006). As Ethan Nadelmann (1990, p. 514) puts it, 'the international movement to abolish white slavery was led primarily by transnational moral entrepreneurs rather than governments'. This international movement originated in national campaigns against the state regulation of prostitution. In Britain, a campaign conducted by a diverse coalition of feminists, Evangelists and liberal social reformers, spearheaded by the Ladies' National Association and the charismatic Josephine Butler, successfully pursued the repeal in 1886 of the Contagious Diseases Acts which Parliament had passed in the 1860s (Walkowitz, 1982). Out of this campaign emerged groups, such as the British, Continental and General Federation for the Abolition of Government Regulation

of Prostitution, subsequently the International Abolitionist Federation from 1898 onwards, which developed an international presence and influence (Limoncelli, 2006).

The abolitionist movement had a comparable outlook and course on the American side of the Atlantic, firstly waging a battle against the 'regulationist' or 'reglementarianist' views of medical and police authorities which sought to implement a system of state-regulated and medically monitored prostitution.³ As in Britain, the American anti-regulationist campaign was conducted by a coalition of religious, feminist and civil libertarian groups from which, after the defeat of regulationism, a 'social purity' movement emerged. This aimed to abolish prostitution entirely, as part of a wider programme 'to reform the sexual mores of American society' (Rosen, 1983, p. 11). Amidst growing anxiety over the spread of prostitution in American cities, the movement escalated into the anti-vice crusades of the Progressive era. This came at a point in time, in which American abolitionists had already established connections with their European counterparts.

The abolitionist movement provided the backdrop for the emergence and diffusion of both discourse and action about the question of white slavery, as an emotive issue and an image capable of mustering support for the abolitionist cause. As Doezeema explains, the abolitionist white slave image, by heavily featuring deceit, force, kidnapping or drugging, 'broke down the old separation between "voluntary", sinful and/or deviant prostitutes and "involuntary" prostitutes, construing all prostitutes as victims, and removing the justification for regulation' (Doezeema, 2000). The implications were quite powerful. On one hand, because 'white slavery' appeared to be predominantly an international activity, it gave the anti-prostitution campaign an international scope, and also eliminated any conceptual boundaries between domestic and migratory prostitution. On the other hand, because the 'white slave' image led to the inescapable conclusion that the woman was a helpless victim, it also led predictably to the vilification of the foreign characters mediating the process, including the Russians and the Jews (Bristow, 1982). Here lies the root of the entanglement of prostitution and migratory movements. Predictably, therefore, the white slavery discourse operated as a clarion call for the erection of international prohibitions, and it is in this context that the international instruments of the first half of the twentieth century can be understood in solid connection with the gradual expansion and dominance of the abolitionist movement.

The organisations involved in the international campaign against white slavery were a continuation of, or emerged from the earlier

abolitionist ones. Limoncelli (2006) has examined the organisation, actions and influence of two of these groups, the International Abolitionist Federation (IAF) and of the International Bureau for the Suppression of the Traffic in Women (IB). The emergence of IB appears to be exactly connected with the emergence of the white slavery discourse, since the groups involved in its formation were in fact part of the earlier campaign against the Contagious Diseases Acts, but allowed some compromises towards the regulationist side as a result of their focus on suppressing white slavery. A core component of IB, which also acted as its national committee, was the National Vigilance Association (NVA), of which its efforts generated enough momentum for the organisation of an international conference in London in 1899, and then for the orchestration of the 1904 International Agreement among 12 European states, which by and large coincide with the countries where the NVA organised national committees (see Scully, 2001; United Nations, 1950b).

Although the 1904 Agreement did identify its aims as pertaining to securing 'effective protection against the criminal traffic known as the "White Slave Traffic" of 'women of full age who have suffered abuse or compulsion, and also of women or girls under age', it did not concretely define 'trafficking'. Instead it provided for the 'coordination of all information relative to the procuring of women and girls from immoral purposes abroad' (art. 3), called for the signatories to 'have a watch kept especially in railway stations, ports of embarkation and en route, for persons in charge of women and girls destined for an immoral life' (art. 2), and undertook to 'have the declarations taken of women or girls of foreign nationality who are prostitutes, in order to establish their identity and civil status and discover who has caused them to leave their country' (art. 3) (United Nations, 1950b). Given the content of the Agreement and in the light of Scully's (2001) account of it as a result of the efforts of NVA/IB, it is not difficult to understand the dissatisfaction of some quarters of the original abolitionist movement at these developments. It appears that Butler herself understood them as a serious deviation towards regulationism (Limoncelli, 2006, p. 41).

The emergence of the discourse about white slavery was not merely a European event. In the first decade of the twentieth century, the image had fully captured the American imagination too, but the pace of developments was dependent on the particularities of the American juridico-political system. The United States did not accede to the 1904 Agreement until 1908, and did not become signatory to the 1910 Convention due to constitutional concerns. Nevertheless, Congress had passed the Alien Prostitution Importation Act as early as 1875.

Moreover, trafficking had already been brought under federal jurisdiction under the interstate commerce clause since the 1890s, and the White-Slave Traffic Act (known as Mann Act) of 1910 criminalised the transportation in interstate commerce of women and girls for the purpose of prostitution or debauchery, or for any other immoral purpose, regardless of whether that woman or girl had consented. Furthermore, the Mann Act effectively interfered with all forms of trafficking for prostitution or other immoral purposes, whether it involved inter-state movement, or movement between US territory and a foreign country (Beckman, 1984; Grittner, 1990). Interestingly, it was the fear of international trafficking that gripped the American public, fed by the reports of both muckrakers and respectable scholars and conjuring visions of vast networks of Jewish, French, Russian, Southern Italian or Chinese procurers kidnapping or luring white women to supply brothels in the Orient, South America or even the vice districts of American cities (Feldman, 1967; Rosen, 1983). Somehow, as Scully remarks, it was a vision combining 'racial anxieties, colonial debates, immigration politics and public morality issues' (2001, p. 86). It provided a formidable base for the Progressives' abolitionist, anti-vice crusades which were fiercely waged at local, state and federal level in the years preceding the First World War.

Given the comparable trajectories of the abolitionist campaigns on both sides of the Atlantic (they were, to an extent, interconnected, too), it is noteworthy how the international instruments of the period adopted the approach of prohibition-cum-state-intervention. While the 1910 International Convention (see United Nations, 1951) was targeted directly at the criminalisation of white slavery by committing its signatories to punish 'any person who, to gratify the passions of others, has hired, abducted or enticed, even with her consent, a woman or a girl who is a minor for immoral purposes', or 'any person who, to gratify the passion of others, has by fraud or by the use of violence, threats, abuse of authority or any other means of constraint, hired, abducted or enticed a woman or a girl of full age for immoral purposes' (art. 1 and 2), the 1933 League of Nations International Convention for the Suppression of the Traffic in Women of Full Age eliminated the requirement for the lack of consent altogether (League of Nations, 1933, art. 1). The four pre-Second World War treaties were consolidated in 1949 by the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which bound its signatories to punish any persons who, 'to gratify the passions of another: 1. procures, entices or leads away, for the purposes of prostitution, another person, even with the consent of that person; 2. exploits the prostitution of

another person, even with the consent of that person' (United Nations, 1949a, art. 1). The 1949 Convention retained the state obligations for surveillance of ports, airports, railway stations and routes where the principals, accomplices or victims (immigrants or emigrants, women or children) of trafficking could be detected by the authorities, and also the earlier provisions for the repatriation of the victims. Obviously, the Convention did not criminalise prostitution itself; but by criminalising all the third parties involved and by the adoption of other measures, it instituted a web of prohibitions which can certainly be regarded as a vindication of the abolitionist movement of the earlier twentieth century (see Marcovich, n.d.).⁴

4.1.2 The re-emergence of the trafficking discourse

A century later, we find that the story of the 2000 Palermo Protocol can be and is often understood in the context of the modern feminist anti-trafficking campaigns and the (different) positions taken by each of the participating groups on the issues of prostitution and trafficking (Pickup, 1998; Gallagher, 2001; Doezeema, 2002, 2005; Sanghera, 2005; Dottridge, 2007). These contemporary campaigns unfold within an international institutional environment that is quite different from that of the late nineteenth to the early twentieth century, and which features unprecedented levels of international organisation. There are now numerous global and regional bodies, such as the UN and the Council of Europe, special organisations, such as the International Organization for Migration (IOM) or International Labour Organization (ILO), and even more special monitoring bodies established by particular international instruments, such as the CEDAW Committee. The development of initiatives for intervention in problems of international importance takes place in a much more formalised framework of inter-state relations. Still, as Barbara Sullivan (among many others) notes, '[f]eminists and feminist organisations were particularly involved in discussions about the text of the Trafficking Protocol and had a significant impact on the final form of this document' (2003, pp. 67–68). An examination of the positions taken by those feminist groups provides, therefore, an initial entry point towards understanding how the current regime emerged.

The 1949 Convention could be regarded as the vindication of the abolitionist campaigns of the first half of the twentieth century, but this is only true in a relative sense. Lacking a mechanism for monitoring its implementation, it largely left matters at the discretion of states. In addition, by the time of the conclusion of the next landmark instrument, the

1979 Convention on the Elimination of All Forms of Discrimination against Women – CEDAW, only 48 states had become party to the Convention, and a total of 71 states by 1996 (United Nations, 1996). Developments in the feminist movement in the third quarter of the twentieth century, particularly the emergence of a radical feminist discourse, engendered a new dissatisfaction with the actual situation, and thus can be regarded as a powerful factor contributing to a resurfacing of the issue on the feminist and wider political agenda. In fact, 1979 can be seen as a double landmark. It was the year of the conclusion of the CEDAW, and also the year of the forceful re-emergence of abolitionism with the publication of Kathleen Barry's *Female Sexual Slavery* (1979).

Barry's book is a landmark, being not only a point of reference for the new abolitionist movement, but also the obvious target for other parts of the feminist movement that take different positions on the issues it raises. The argument of the book is underpinned by an understanding of male power as domination which can be exercised on an individual basis, as control by a man of a woman, or collectively, as control enforced and sanctioned by institutionalised forms of male domination over women – a situation which Barry calls 'sex colonisation' (Barry, 1979, p. 194). The book does contain powerful testimonies of sexual violence, coercion and deprivation of personal freedom, yet these are treated as instances of a more immediate situation of 'sex terrorism'; the above framework allows Barry to extend the circle of slavery-like practices almost infinitely, since female sexual slavery is present in all circumstances where women and girls are deprived of autonomy or they are subject to sexual violence and exploitation (Barry, 1979, p. 40).

Along these lines, Barry's book defined a research programme aiming on the one hand to uncover the experiences of survivors or 'rescued' women, and, on the other hand, the role of male buyers in perpetuating the phenomenon by creating demand. As new forms of sexual exploitation, such as sex tourism or mail-order brides, also emerged in the 1980s and the 1990s, the radical approach also defined a new abolitionist political agenda heavily featuring the question of the penalisation of those who buy commercial sex (Kappeler, 1990; Jeffreys, 1997). In 1988, Barry herself founded a new and highly influential transnational non-governmental organisation, the Coalition Against Trafficking in Women (CATW), which advocated the idea of a new international convention against sexual exploitation and the expansion of the sex industry at an international level (UNESCO and CATW, 1992; Marcovich, n.d.).⁵ The CATW's ongoing campaign had a direct import on the negotiations of the Palermo Protocol.

Albeit influential, the neoabolitionist, radical feminist discourse sat uneasy with other quarters of the feminist movement, feminist (and other) sociologists and, naturally, the international movement of sex workers themselves, who understand prostitution as (legitimate) work (Carmen and Moody, 1985; Delacoste and Alexander, 1987; Truong, 1990; Jasmin, 1993; Chapkis, 1997). This is quite a diverse camp, but it gravitates around the line of pushing the debate towards a conceptualisation of prostitution as an economic activity and the consideration of the concrete economic and other conditions prostitutes face as workers. According to this view, while these conditions do not differ significantly from those of other low-status workers with regard to wages, health and safety, relations with employers and clients, especially in the informal sector, criminalisation and repressive state intervention make worse a situation already defined negatively by representations of prostitutes as diseased or immoral. These, as Bindman and Doezeema (1997) note, 'allow police and other officials to harass them without ever intervening to uphold their most elementary rights'.

The pivotal point of contention with the abolitionist discourse on female slavery and trafficking is that it leads to a distorted representation of the conditions prevailing in the sex industry and of the position of sex workers themselves. Given the diversity of sexual services and the occupational differentiation within the sex industry, sex workers may find themselves possessing much greater margins of freedom and self-determination than the radical abolitionists assume (Bindman and Doezeema, 1997; O'Connell Davidson, 1998).

It is not surprising then that the course towards the negotiation of the UN Trafficking Protocol involved a marked, bitter split between the two camps (see Doezeema, 2001). As a response to the CATW's transnational organisation, present as part of the wider International Human Rights Network at the works of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime in the second half of 2000 in Vienna (Raymond, 2002, p. 494), groups adopting a rights-based, 'sex-work' strategy were organised as the Human Rights Caucus.⁶ 'Sex-work' strategies, nevertheless, should not be seen as entirely homogeneous. Some quarters argue straightforwardly that the decriminalisation or legalisation of prostitution and sex work as well as the extension of human, civil and occupational/worker's rights to sex workers is a path which has the potential to combat exploitative abuse, forced labour and slavery-like practices (such as debt bondage) in prostitution and the sex industry in general. A more moderate path is the emphasis on the distinction between 'voluntary' prostitution/se

work and forced prostitution/trafficking, which calls for more support to sex workers on one hand, and an explicitly human rights approach for help and assistance to victims of trafficking on the other. This position has been taken by the Global Alliance Against Trafficking in Women (GAATW), a member of the Human Rights Caucus, which was formed in 1994 and had previously successfully fended off the CATW's lobbying for a new Convention against All Forms of Sexual Exploitation at the Fourth World Women's Conference in 1995 (Raymond, 1998). As Barbara Sullivan (2003) notes, the GAATW's position was informed by a wider definition of 'trafficking' considering the elements of violence, abuse or coercion as applicable to a wider array of forced labour, and therefore avoided the notion of prostitution as the (only) site of trafficking. The distinction between free and forced prostitution in a way that disassociates it with trafficking was elaborated in an important work carried out under the auspices of the GAATW and the Dutch Foundation Against Trafficking in Women (see Wijers and Lap-Chew, 1997, p. 45).

Almost a century after the emergence of the old trafficking regime, 'organised womanhood' was once again actively present in the negotiations of the document that consolidates the general lines of the new anti-trafficking regime. The exchange of positions, the micro-politics and divisions of civil society actors are part of live history and arguably account for much of what did emerge as the content or the wording of the 2000 UN Trafficking Protocol. Nevertheless, one detail that often seems to escape the lengthy discussion of what has been accomplished by this process is the very obvious fact that the Protocol is, after all, the supplementary protocol to the UN Convention about Transnational Organised Crime. And it is the main body of the Convention that provides the measure of what has and what has not been accomplished by these campaigns.

4.1.3 The anti-trafficking regime, transnational actors and ideology

What was then the outcome of the latest anti-trafficking campaign of the twentieth century? All sides involved in the process do applaud the fact that the 2000 UN Protocol, which was signed by 80 out of the 121 signatories of CATOC, included a definition of 'trafficking':

(For the purposes of this Protocol:)

- (a) 'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or

use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article.

(United Nations, 2000b)

It appears that the lengthy and complex wording of the definition, extending to all three paragraphs of the article, captures quite accurately the equally long and difficult negotiation that took place at the works of the Ad Hoc Committee in Vienna. Sufficient information about this process is available, including first-hand accounts of activists who participated in it, and who, subsequently, reflected openly on what was exactly achieved (see, for example, Ditmore and Wijers, 2003; Doezenma, 2005; Raymond, 2002). As the records of the process from both sides show, the subtext of the Vienna process was, in fact, a 'key battle' (Raymond, 2002, p. 497) over the lines along which prostitution, and not the position of any trafficked person, should be conceptualised, and it is exactly the uncertain result of this battle that is captured in the final outcome of the Protocol's definition. This was clearly the case for the International Human Rights Network and the CATW, as revealed by the analyses that appeared in the aftermath of the Convention. These straightforwardly understand the Protocol as action towards the suppression of transnational prostitution. Janice Raymond, expounding the CATW's approach, has justified the very need for a new trafficking convention on the grounds of the 'new and pernicious' forms of trafficking 'such as trafficking in women and children for mail order bride industries and for sex tourism' and 'the millions of women and children trafficked into the sex industry' including many women who end up being sexually exploited while being trafficked for domestic

labour (2002, pp. 492–493). Thus the CATW and its allies centred their efforts on the question of consent, as a fundamental element of the definition of the position of the trafficked person as victim. According to Raymond's analysis, had the Protocol not made consent irrelevant for affirming that trafficking has occurred, it would have been ineffective in situations where the victim could not prove the element of force or coercion and, therefore, be protected, or, conversely, where convictions against traffickers could not be secured for the same reason. The CATW's position was therefore unambiguously informed by an idea of sex trafficking as the exemplar of trafficking. In the light of Raymond's insistence on the issue of irrelevance of consent as part of the full definition of 'trafficking', and the question of the abuse of the victim's vulnerability beyond force or coercion, it is also evident that what underlies this position is the abolitionist idea that a woman's consent to prostitution is meaningless (Raymond, 2002, pp. 497–498).

That the definition of 'trafficking' proved to be the main battle-ground for the two lobbying groups at Vienna was not inconsequential, since it was clear that the goal that could potentially unify them could not be served by the conceptual welding of prostitution to trafficking. The association of trafficking with prostitution opens up a path for the assessment of the trafficked person's position on the same moral grounds by which prostitution is assessed, whereas the issue at stake, from the lobbying groups' viewpoint, even though each derived it from different starting positions, was clearly the articulation of a framework oriented towards the protection and legal empowerment of that person. Wijers and Lap-Chew's report, having arrived at definitions dissociating trafficking and prostitution on the basis of subsuming the latter under the general category of forced labour, made a very lucid assessment of the implications of the different strategies that the feminist movement could adopt. They lucidly explained the possibility that the real difficulty involved in the conjuncture of the late 1990s could be the entrapment of the question of sex trafficking in the articulation of repressive strategies that targeted different problems:

Precisely the fact the trafficking in women is related to so many other areas and (State) interests means that each proposed solution needs to be carefully examined in terms of which problem and, above all, whose problem it aims to solve, whose interests it serves and what the effects on the women concerned will be. Does a given strategy address the problems of the women concerned or the problems of

the State? Will it help to prevent and combat abuse and violence or does it in fact target another problem? Will it improve conditions for the women involved or will it make their situation worse?

(Wijers and Lap-Chew, 1997, p. 189)

Wijers and Lap-Chew's assessment proved to be remarkably accurate. At Vienna, the essential outcome of the battle was not, after all, determined by the efforts of the lobbying groups. Rather, their differences of position contributed to a process in which they were not the main protagonists, and of which its direction, therefore, was primarily determined by forces outside the Vienna process itself.

As Ditmore and Wijers (2003) note, the setting of the negotiation involved the lobbying of a predominantly male body of state representatives by women's groups. The gendered dimension may have created a peculiar circumstance where males were morally on the defensive having to discuss prostitution. Yet in the final instance, since many government delegates came from a law enforcement background lacking training in human rights issues, the decisive circumstance was that 'a great number of them did not even see the connection between combating the crime of trafficking and the need to provide assistance to trafficked persons and protect their rights' (2003, p. 85). The professional provenance of these state representatives did appear, therefore, as an additional factor complicating a negotiation during which states were at any rate predisposed not to commit themselves over a range of issues that lay beyond the law enforcement objectives of the new Convention. In short, not only were delegates not keen to commit their governments to definite arrangements for the protection of foreign nationals, but also they were additionally inclined to regard the trafficked victims as instrumental to the needs of law enforcement and prosecution (Ditmore and Wijers, 2003, p. 85). Thus the battles over the definition provided an opportunity for the development of the repressive aspects of the Protocol as a concretisation of the Convention's main body, rather than lay down a series of measures for the strengthening of the victims' position, a consideration which ultimately proved of secondary importance.

It should be fairly evident that the preceding review of the Vienna process sides with the general positions of the Human Rights Caucus, which does, overall, apply the correct distinctions on the issue of trafficking. This is a characteristic which has been undoubtedly reinforced by the involvement of the sex workers' movement in the formation of

those positions.⁷ It is 'correct', to the extent that they identify the root of the matter as labour exploitation, and thus understand trafficking as a problem of economic exploitation of migrant labour (Agustín, 2007). Nevertheless, a sober assessment of the CATOC and Protocols process must distance itself from both camps. On one hand, the abolitionist position, by reiterating the ideological contradictions of the earlier campaign (see Rosen, 1983, p. 62), fails to acknowledge the very nature of the transformations of sex industry it seeks to combat, since the contemporary expansion of the industry denotes a qualitative change in how sex work can become exploited. On the other hand, the Caucus's positions appeared to be informed by an ideology of human rights, in the sense that it both defends an abstract freedom of individual choice, and rests on a belief that a legal form alone can prevent the excess of power from leading to abuse. Not coincidentally, such an approach returns to the same logic by which abolitionists, who, after all, use the same language of human rights, justify the politics of rescue (Soderlund, 2005). It is therefore inscribed in the same ideological vicious circle which Jacques Rancière has so lucidly outlined:

if those who suffer inhuman repression are unable to enact the human rights that are their last recourse, then somebody else has to inherit their rights in order to enact them in their place. This is what is called the 'right to humanitarian interference' – a right that some nations assume to the supposed benefit of victimised populations, and very often against the humanitarian organisations themselves. The 'right to humanitarian interference' might be described as a sort of 'return to sender': the disused rights that had been sent to the rightless are sent back to the senders.

(Rancière, 2004, quoted in Žižek, 2005, pp. 127–128)

4.2 Contours of the new regime: Sex work and international migration control

Both the trafficking and the smuggling protocols of the UN Convention (2000a, b) should be seen as complementing each other, because in the final instance they systematise from a legal point of view a distinction that applies to the one and the same social phenomenon, 'irregular' migration (Beare, 1999; Salt and Hogarth, 2000, p. 18). Furthermore, both should be taken to be exactly what they declare to be, that is, *supplements* to the main body of the UN Convention against Transnational Organised Crime. CATOC lays down particular criteria for the legislation

against organised crime, as well as particular strategies for the investigation and suppression of organised crime and the perpetrators associated with it, such as measures to combat money laundering and corruption, extradition and mutual legal assistance, joint investigations, controlled deliveries and so on. Concretised by the provisions of the Protocols, the Convention constitutes a systematic attempt of states to *aggressively regulate migration* by the articulation at international level of a wide range of repressive measures. This is the pivotal characteristic that sets the new regime apart from the previous framework of 'white slavery' suppression. A few important observations are due here.

While, as Doezena (2000, p. 39) argues, the 'white slavery' panic could be associated with the increase in international migrations in the second half of the nineteenth century and up to the outbreak of First World War, the original focus of the anti-trafficking regime, as it emerges from the content of the instruments that preceded the 2000 Protocol, primarily resulted from the moral and cultural anxieties – fears of women's growing emancipation, breakdown of the family and so on – condensed in the discourses that sustained the campaigns to erect it. Although modern anti-trafficking campaigns, especially of the neoabolitionist flavour, systematically take recourse to the same binary imagery of the 'innocent victim' and of the 'evil' trafficker, it is nevertheless clear that the process leading up to the 2000 UN Convention has been primarily driven by considerations of the targeted activities as economically motivated, as components of a criminal, 'underground' economy.

It would not be inaccurate to say that the regulatory horizon of the new anti-trafficking regime includes the (unanticipated) consequences of the early campaigns, which as Rosen comments, 'drove the Social Evil underground, where it became more closely yoked to liquor, drugs, theft, and increased violence' (Rosen, 1983, p. 169). Gilfoyle's (1987, 1992) historical investigations of nineteenth-century prostitution in New York revealed a highly visible, commercialised and diversified prostitution sector, which was a definite 'fact of everyday urban life and also a fixture of popular culture' (Gilfoyle, 1992, p. 157). The turn-of-the-century abolitionist campaigns violently interrupted this process, and also led to a new social organisation of prostitution, adapted to the underworld in which it was driven.

Gilfoyle's study is perhaps unique precisely because of the emphasis it lays on examining the degree of integration of the prostitution sector in the economic, social and political structure of the American metropolis. Commerce, exchange and consumption of sexual activities, not only

intercourse, but also pornography, striptease and other forms of erotic entertainment were integrated with the growing leisure and entertainment economy. By doing so, they interacted with the economies of urban space and real estate. In Broadway's entertainment district, the sex district formed part of a wider area of 'large department stores, new theatres, expensive restaurants [and] significant amounts of private capital were invested in the neighbourhood, epitomised by "monster" hotels like the St. Nicholas, New York's first "million dollar" building' (Gilfoyle, 1992, p. 120). Prostitution was nothing short of 'a multimillion-dollar business' (125), upon which an entire edifice of social attitudes, business and regulatory behaviours were built, both as symbiotic and, as the subsequent social purity campaigns show, as oppositional relations.

This point should not be missed. While many studies of contemporary prostitution, regardless of viewpoint and locale, focus on it as economic activity at the margins of society (for example, Hatzi, 1980; Carmen and Moody, 1985; Høigård and Finstad, 1992), a recent wave of studies firmly situate the question of commercial sex in a political economy framework. Truong's study (1990) examined the historical background of prostitution in Thailand and, through an analysis of Vietnam War-era prostitution and the emergence of sex tourism in subsequent years, developed the concept of 'sexual labour' within capitalist conditions of exploitation. Similarly, White's study (1990) of prostitution in a colonial setting, Kenya, situates particular forms of prostitution as forms of waged labour, emerging within the political economy relations of urban environment and rural development. As White asserts,

[p]rostitution is a capitalist social relationship not because capitalism causes prostitution by commoditising sexual relations, but because wage labour is a unique feature of capitalism: capitalism commoditised labour.

(White, 1990, p. 11)

The idea that when the provision of sexual services crosses a certain organisational threshold, it can be regarded as a distinctive business sector integrated with the economic, social and political life of a country, thus contributing significantly to employment, national income and economic growth, informs Lin Lean Lim's collection of studies on prostitution in four Southeast Asian countries (1998). The complex, diversified and highly profitable organisational structures of the sex industry involve strong vested interests that translate into a system of complex relations with institutions and politics, all the more so because

much of the sex industry develops in the shadow economy. The studies make it clear that although forms of independent sex work, such as streetwalking or occasional pickups of clients certainly exist, the growth of the sex industry involves, by and large, *capitalistic forms of labour exploitation*, such as employment of sex workers as 'guest relations officers' in Malaysia on a daily wage plus commission on drinks (Nagaraij and Yahya, 1998, p. 75).

An equally strong case for the idea of a sex industry which is not only capitalistically organised, but also inherently connected with social and ideological processes induced by the levels of the development of capitalism in the West, has been made by the late Ian Taylor and Ruth Jamieson (1999). Their analysis approaches the question of trafficking in the context of a political economy which produces escalating numbers of migrant workers as a function of specific economic conditions in the poorer countries. This corresponds with an expansion of demand for their services as a function of economic and social processes in the developed countries. Using the rise of the porn industry as an example, which they understand as related to a process of liberalisation of sexual representation in mainstream culture, this analysis poses the question of the extent to which 'typical entrepreneurship at the very cutting edge of the culture industry in liberalised, market societies' (1999, p. 274) generates a (legitimate) labour market for women. They also very elegantly raise the issue of what could be described, if my understanding is correct, as 'demand amplification' induced by the forms of representation of sexuality and sexual desire in contemporary culture.

The above analytical lines obviously allow the question of sex work to be placed within the situation of labour and the general dynamics of labour migration under imperialism.

Firstly, the existence of a developed and diversified sex industry suggests that a problematic about the economic nature of prostitution and the class determination of prostitutes found in the classical Marxist works should be reconsidered. This goes beyond the metaphorical use by Marx himself of prostitution as commodification of the body in the early *Economic and Philosophical Manuscripts* of 1844, and Engels's understanding of prostitution as a necessary form of gendered relations of domination and subordination in (any) class society (Engels, 1978, pp. 82, 87).⁸ A reconsideration is necessary even if we suppose that Marx did present a clear thesis that prostitutes were part of the lumpenproletariat. The passages in the 18th Brumaire where lumpenproletariat is mentioned to denote a specifically parasitic underclass of 'paupers, vagabonds, criminals and prostitutes' (Marx, 1978, p. 131), and not as

a cue for a general notion of parasitism, do not in fact settle the matter from the viewpoint of the working prostitutes. A population that comes from the degeneration of the peasant class and lives at the margins of existence either in the countryside or in their mobility between countryside and town are also placed on the same plane (Marx, 1978). Marx and Engels are more definite about the role of a criminal underclass,⁹ organised by and dependent on agents of the state as an agent provocateur for disorder in the service of the interests of the ruling class (see Draper, 1972). Rather, the matter should be considered in the light of Marx's writings that do bear on the economic determination of the working class, as the class from whose labour surplus value is extracted within a capitalistically organised production process. As Marjolein van der Veen (2001) argues, the economic nature of sex work as a service should be considered in the light of the process by which this service is produced, and therefore the economic class determination of sex workers as part of the working class depends on whether their labour-power is exchanged for capital.¹⁰

Contemporary investigations of the social organisation of the sex industry (Chapkis, 1997; O'Connell Davidson, 1998; Sanders, 2005; Bernstein, 2007) have revealed the diversity of forms that the provision of sexual services may take. They may indeed occur in slavery-like conditions, where the appropriator is in forcible control of both the sex worker's body as such, and of the forms of any uses of it in the provision of the service to clients, just as they may occur as independent provision of sexual services, which, understood as independent commodity production, sets the sex worker/entrepreneur quite apart from third party-controlled prostitution (O'Connell Davidson, 1998; van der Veen, 2001). But the expansion of a sex industry beyond a certain threshold does not only correspond to cultural processes that, as Taylor and Jamieson have pointed out, bear upon the representation of sexuality and desire but also goes down to the very root logic of capitalist industry expansion (Marx, 1990, pp. 1035–1036), namely the search for profit extraction through a process of progressive commodification of all social life. The combination would point to a generalisation of the capitalist production process in the provision of sexual services. This is evident especially in light of the contemporary expansion of the tourism and leisure industry as a terrain for capital investment, where prostitution itself becomes a source of capital accumulation (van der Veen, 2000, p. 127).

The process of the emergence of the sex industry as a particular sector of a national economy deserves particular attention, not only because

it subsumes pre-existing forms of sex work under capital, offering in turn a viable outlet for the employment of even more workers, but also because it involves moments of primitive accumulation, as it were, that bear directly on the conditions under which the labour force is attracted and employed in the industry. This immediately poses the question of the state's role in the regulation of these circuits of capital accumulation. On one hand, one must take account of the existing prohibitions on the sex industry that place much of this activity in the so-called informal, or underground economy. Earlier studies of the informal economy describe it as unregulated, income-generating entrepreneurial activities which take place 'in a legal and social environment in which similar activities are regulated' (Castells and Portes, 1989, p. 12). This definition tends to disassociate criminal economic activities, which are illicit as such, from the informal sector, but as R. T. Naylor (2005) explains, both the informal and the criminal sector can be placed under the general label of the underground economy, since they both involve income-generating activities through networks of black markets that trade either in licit goods in illicit ways or in outright illicit goods. The case of prostitution presents certain particularities, because, unlike other illicit markets, where it is regulated, it is not an illicit service as such, but rather involves a range of criminalised activities that enter its social organisation, and, of course, an entire range of sexual services beyond intercourse maybe legitimate. Nevertheless, because the sex industry occupies as a rule a grey area of economic activity, it also shares the underground economy's characteristics with regard to the status of labour and conditions of work, such as a reliance on black (undeclared) labour, a lack of social benefits, payment under the minimum wage, disregard for health and safety by the management and, not least, overexploitation of the workforce.

The essential point of conceptualising the sex sector as a component of the informal sector is that it immediately establishes a connection between this particular industry and the structures and modalities of national economic development, and therefore with the state's role in regulating the economy overall. The emergence of the informal economy is understood as a structural adaptation of the formal economy to a situation of crisis, particularly of the need to increase competitiveness by suppressing labour costs – for example, Castells and Portes situate this structural need in the context of the 1970s crises (1989, p. 27). Furthermore, if the contemporary sex industry is conceptualised as a new emerging capital, evidently the question of its regulation can only be posed as a matter of the national state. It follows that the mode

of regulation effected by the state will be a correlate of the extent to which existing particular capitalist interests are vested in the state, and, since the question involves labour in general, the mode of regulation will reflect the balance of social forces entering the function of the state apparatuses and the interests of the ruling bloc in particular.

While the regulation of the labour market, and with it, the regulation of labour in the sex industry is a matter which appears to be strategically reserved for the management of the national economy, hence of the national state, it is nevertheless evident that the interests of states converge on the question of the regulation of migration, the international mobility of labour, leaving a considerable margin for international regulation.

While cross-border population movements do not involve exclusively working class mobility (Castles and Miller, 2003; IOM, 2005), or economic considerations at all, as is evident in the case of refugees and asylum seekers (Castles, 2002), it is nevertheless clear that they disproportionately involve low-skilled and unskilled labour. From this characteristic, migration can be understood as structurally welded to the interconnection of national economies and the operation of capitalism at world scale. From a structural viewpoint, the historical ebb and flow of national regulatory regimes on migration between permissiveness and restrictiveness correspond to the patterns of the use and control of labour in the different regions of the international economy, or more precisely to the cleavages between social formations in the imperialist chain. We experience today a period of curbing government-organised migration and of raising more legal, and in some cases, some very real barriers to immigration in Western Europe and North America. This starkly contrasts the preceding period of large-scale migration inflows, both regulated under temporary 'guest-worker' schemes and spontaneous/clandestine population movements, which have been instrumental to post-Second World War reconstruction and fast expansion of production (Castles and Miller, 2003; Portes and Rumbaut, 2006). A range of factors has driven change in the regimes for migration in the highly developed countries. The global economic restructuring that has occurred after the crises of the 1970s has brought about significant changes in the mode of development and the labour markets of those countries which, in the light of the permanence of migrant populations, have propelled the emergence of immigration and immigration control as important issues in the political agenda (Albrecht, 2002).

Migratory flows are not a simple question of supply and demand, hence they cannot be conceived simply as the result of an assortment

of 'push' and 'pull' factors. Rather, under capitalism, the logic of population movements is dictated by capital accumulation itself, and the search for higher profits. In the developed countries, the defence of the rate of profit leads either to a drive towards the increase of the productivity of labour, or relies on the supply of low-cost labour. In the second case, immigrants are at all times a solution to a problem, not only because their presence addresses a relative scarcity in the low-skill and less socially valued segments of the labour market, but also because it results in the creation of an employable (and disposable) surplus population (the reserve army: Marx, 1990, p. 784ff.) that regulates the price of labour in all sectors of the economy, including services (see, for example, Ritzer, 1996). In fact, because migrants are a new and foreign group, whose presence is marked by discriminations of a political and ideological nature, they are also more easily controllable as a workforce and 'subject to threats and repression by employers and the state' (Portes, 1978, p. 474).

On the other hand, migratory movements are engendered by the progressive capitalisation of the countries of the periphery, which, as we have seen, is generally reinforced by the export of capital from the capitalist metropolises. With the more intensive induction of capitalist forms of economic organisation also impinging upon the structures of precapitalist sectors such as traditional agriculture in the countryside, the result is more directly the formation of a surplus population, which Marx has understood as the floating or stagnant section of the reserve army (Marx, 1990, pp. 795–796), which cannot be easily or regularly absorbed by the productive structures of the economy. While the existence of this population gives rise to a series of distinctive structural characteristics of the social formations of the periphery, such as the hypertrophy of public employment and of the bureaucracy (Amin, 1976), the floating and stagnant surpluses become available in the international labour market as a replenishment of the labour reservoir of the developed countries (Bukharin, 1972; History Task Force, 1979). Additionally, given the above conditions, emigration from the dependent formation is also understood as functional to the interests of the ruling classes, since on one hand, it defuses the political pressures created by chronic underemployment and unemployment, growing inequalities and deteriorating standards of living for large sections of the population (Portes, 1978, p. 477). For example, in her study of Dominican emigration to the United States, Ramona Hernández (2002) explicitly argues that emigration can also be understood as a political project undertaken by Balaguer's presidency. On the other hand, migrant populations

strengthen the sending country's fiscal position through remittances of hard currency.

While these structural pressures result in unabated migratory flows, the restructuring of the economy along neoliberal lines that stress competitiveness and favour growth through deregulation and increased labour productivity has resulted in a wholesale deterioration of the migrant workforce. As Kwong put it in his examination of Chinese migrant smuggling and trafficking in the United States:

immigrant labour is... better, not only because it is not organised but also because it is less protected. Following this logic, undocumented labour is the best: entirely unregulated and thus the most productive. If we push this logic one more step, then the most productive labour would be the unfree undocumented immigrant labour. Therefore, their unchecked entry into the country in such large numbers is in the spirit of the current American economic philosophy.

(Kwong, 2001)

Hence the existence of an already institutionalised system of migration controls which, from the viewpoint of the migrants presents a difficulty and must be overcome, gives much scope for the development of entrepreneurial activities that specialise in migration itself. In the light of the structural determinants of international labour mobility as discussed above, it is evident that the exact legal regime pertaining to migration as a fact is of secondary importance, and can equally give rise to perfectly legitimate as well as illegal modes of migration facilitation. In an important article that appeared as the debates on illegal migration and trafficking were escalating in the mid-1990s, Salt and Stein explored at length the question by conceptualising the process of migration itself as a potentially entrepreneurial activity emerging from 'institutionalised networks with complex profit and loss accounts, including a set of institutions, agents and individuals, each of which stands to make a commercial gain' (Salt and Stein, 1997, p. 468). The business model is compelling, because as Salt and Stein explain, there are already legitimate enterprises that mediate legitimate cross-border movements (the 'brain transfers'), such as the movement of corporate professional, managerial and technical staff, consultants and project managers, academics, students, military personnel and so on (as well as the family members of such individuals) to locations worldwide (for such categories see also Salt, 1997, p. 7). In these cases, the business of migration involves a

set of legal, relocation, counselling and advice institutions, and it is also hugely profitable – Salt and Stein note that transnational corporations in the UK alone were spending at the time about £4.2 billion a year for moving highly skilled staff (Salt and Stein, 1997, p. 469). Evidently, particular modes of regulation of international movement, which correspond to the different categories of people on the move, become important because they create business niches. Illegal migration is, in fact, one such business niche and its objective, as with the legitimate side, is to settle migrants ‘in place’. In other words, the business of trafficking in Salt and Stein’s model involves planning the movements, information gathering, finance and a set of specific technical and operational tasks, a process in which migrants are at minimum brought from the origin to destination countries, but they can also be inserted into some element of the labour market at the point of arrival (Salt and Stein, 1997, p. 477). At all these stages, the process may involve shifts between legality and illegality, for example, the individual may hold legal documents, including a short-term visa, or transportation itself may be accomplished by legal means and so on. But in the final instance, as the individual’s illegal status in the destination country drives the whole process into illegality, a migrant’s work trajectory is also likely to begin in the unregulated sectors of the labour market – the informal sector (see also Castles and Miller, 2003, pp. 179–182).

To return to CATOC, the Protocols intercept exactly this process under the guise of organised crime control, a notion which is not without important implications. Ditmore and Wijers insist that migration is actually the heart of international traffic in persons, since trafficked persons are usually undocumented migrants seeking work elsewhere who find themselves in untenable working conditions. However, the distinction they make (and which the Protocols formalise in legal terms) between smuggling as related to clandestine cross-border movements, and trafficking as aiming to the exploitation of an individual’s work is, in fact, a distinction that by and large may apply to the different phases of one single social process (Ditmore and Wijers, 2003, p. 80). But their criticism of the dynamics of the negotiation process at Vienna is correct: in so far as both Protocols target exactly the international mobility of labour, the retention of sex work and exploitation of prostitution in their phraseology retains an emotive theme on the basis of which particular campaigns aiming to intercept, control and subordinate migrant labour can be articulated, popularised and implemented.

4.3 State power: Diffusion and enforcement of the regime

The preceding analyses situate the questions of sex work and labour migration within the wider dynamics of contemporary imperialism. In doing so they also allow a more concrete appreciation of the characteristics of the new anti-trafficking regime, on the basis of which it is possible to outline the general – global dynamics entering the emergence of the Mirage Operations as a regional – local event.

Arguably, and as Ditmore and Wijers also suggest (2003), it is possible to discern three particular layers of regulatory arrangements in the trafficking Protocol, and also in the Protocol against the smuggling of migrants, which should be understood to organically complement the trafficking Protocol. The first layer involves prostitution itself, or rather, the sex industry in its entirety, which is left in the regulatory discretion of the individual states. This is because the introduction of the Protocol firstly fails to resolve the question of the 'exploitation of the prostitution of others' (the terms of the 1949 Convention) on the basis of certain criteria defining the general idea that a third person profits from the income earned from acts of prostitution. Secondly, it also adds 'other forms of sexual exploitation', which, while possessing an unambiguous meaning from an abolitionist perspective, essentially adds to the ambiguity of the definition of 'trafficking' as exploitation, unless, of course, one accepts that all sex work is exploitative as such. The *travaux préparatoires* of the Protocol clarify that the definition 'is therefore without prejudice to how States Parties address prostitution in their respective domestic laws' (United Nations, 2000c, p. 12 (64)). Since the different sections of the anti-trafficking campaign stand in complete disagreement (Raymond, 2002; Ditmore and Wijers, 2003) on precisely the question of prostitution, it is evident the critical battles for activist organisations are deferred to the particular national contexts.

The second layer involves migrants, and rests upon a series of distinctions which, overall, compromise the effort to prevent and detect abuses in the migration process, even before one considers the question of their rights *vis-à-vis* states and their investigative authorities. The general distinction between smuggling and trafficking, whereby smuggling involves the clandestine crossing of a border with the 'assistance' of an illegal migration entrepreneur and trafficking is the exploitation of the migrant's labour, appears to establish a much-needed differentiation between the process and the outcome of illegal migration. It would, therefore, have been welcome in principle. The problem is that in the absence of additional criteria, especially a temporal one that

would permit a more thorough assessment of the outcome of the illegal migration process, the distinction itself, as far as the victim of abuse is concerned, becomes a blurred one. An important 2004 report that examined trafficking in Bangladesh observed that the trafficking paradigm adopted by the UN Convention, by focusing more on recruitment, movement and transport of people, is deficient as regards the outcome of illegal migration where the crucial site for abuse lies (Bangladesh Thematic Group on Trafficking, 2004, p. 11). This highlights the point that the CATOC mechanisms are primarily geared towards interception of illegal migration from a political viewpoint. It is interesting to note how the additional distinctions involved in the UN instruments create a space in which the national law enforcement apparatuses can alleviate, through selective enforcement or under-enforcement, the tensions between the structural determinations of illegal migration as an economic phenomenon, and the political threats that migration seems to represent. As Sullivan notes, the two Protocols established a gendered distinction on migration, whereby the smuggling Protocol seemed to address voluntary migration undifferentiated by gender, whereas the trafficking Protocol 'pertains to involuntary (mostly female) subjects as well as "voluntary" female migrants who work in prostitution or are otherwise subject to (an undefined) "exploitation"' (2003, p. 83, emphasis in original). In other words, while voluntary migration is 'masculinised', female migration is constructed as subject to a 'passive and overwhelming victimisation'. The theoretical question of the construction of female agency in this context has been thoroughly discussed elsewhere (Doezema, 2002; Agustín, 2003, 2004, 2006; Sanghera, 2005). From an enforcement perspective, the real issue is whether the explicit construction of particular female migrations as victimisation diverts the focus from the many other, real sites of abuse and exploitation in the full breadth of the economy. But obviously, again, this matter can only be effectively investigated in concrete national contexts.

Finally, the third layer involves the exposure of migration to the repressive mechanisms and techniques laid down by both the Protocols and the main body of the Convention. This is indeed a genuine international legal framework, which pertains, however, only to the organisation and interconnections of the repressive apparatuses. The contrast between repressive and empowering strategies is neatly drawn out by juxtaposing the thorough layout of mechanisms for criminal justice cooperation and the weak provisions for granting rights and providing assistance to victims (Wijers and van Doorninck, 2002; Ditmore and Wijers, 2003). Additionally, the idea of organised crime has weighed

heavily in the layout of these mechanisms, and for this reason a genuine margin for power politics at the international level exists. Because '(transnational) organised crime' is a concept that has very strong Western, particularly US roots (Sheptycki, 2003a; Paoli and Fijnaut, 2004), it has the potential to function as a Trojan horse facilitating the harmonisation of legal apparatuses in a direction of 'Americanisation' (this has been argued by Nadelmann, 1993a). It goes without saying that adaptations of legal frameworks in this direction would necessitate at a practical level the development of techniques and infrastructure within the various national police apparatuses that would be crucially dependent on particular Western power centres.

While the above remarks lay out particular themes for examination at the regional and national levels, they also invite a number of reflections on the question of the processes of internationalisation that bear on states and their national police apparatuses. Put differently, these reflections relate to what the current theory of transnational policing admits at the general level of international relations, namely on the specific effectiveness of the international and the process of regime formation in transnational policing.

It is firstly possible to reach certain conclusions with regard to what Andreas and Nadelmann (2006) see as the international process of agitation that underlies the construction of regimes. Regarding the activity of international non-governmental organisations (NGOs) and specialist organisation, the international 'civil society' in general, it is obvious that these organisations do not negotiate at the international level on a basis of equality with states. Control of the process is retained by the representatives of states who ultimately make the final decisions on the text of the international instruments on the basis of the national interest. A further layer of complexity lies in the course of action a state may take in connection with that instrument, for example, whether it may accede to a convention or not, or whether the process of ratification by the national parliament and thus incorporation in national law is delayed.

While the state defines the rationale, modality and tempo of international action, additional observations can be made about the process by which this definition is achieved. There is little doubt that the organisations participating in campaigns on specific issue areas are at any rate discrete elements in any given conjuncture. This quality is underscored by the fact that, when viewed independently, they are constituted upon, and propagate discourses with particular characteristics, for example, the feminist movement, student movement, ecological/green

movement and so on. They thus engender particular practices and therefore may effect a change in the field of social relations, the real world. Nevertheless, these practices enter the state machine as class power in the final instance (Althusser, 2006, p. 124), and, therefore, it is the position these movements occupy in the class struggle that determines the special effectiveness of their discourse – that is, the degree to which this discourse is transformed to state policy and legitimate rationales for state action. The class position of these movements is a question that requires a prior conceptualisation of the matter in order to attract specific attention as a research issue, and is one about which only indications are available. Rosen, for example, understands the early progressivist campaign on abolition as middle-class political action (1983, p. 62), and a similar view emerges from the account of the British campaign.

Walkowitz goes on to ask:

Why did male and female repealers, who were advocates of personal rights, antistatist in the political ideology, and even knowledgeable of the realities of working-class prostitution permit themselves to be swept up in a movement with such repressive political implications?

(Walkowitz, 1982, p. 248)

The problem with engaging in activism that specifically appeals to the state's repressive capacities is that, once this social action has produced its effects by virtue of its correspondence to the interests of the ruling class and has entered the state power-machine, the operative logic of the state and, in the case of prohibitions, the operative logic of the repressive apparatus, take over the process. The state itself acts as the organiser of the inculcation of this discourse both at national level through legislation, and at international level, by means of foreign policy and intervention. As far as state and society relations are concerned, the examination of this process requires an analysis of a concrete conjuncture. For example, analyses of the current dominance of abolitionism in the issue area of trafficking in the US tend to stress the significance of a practical coalition of the religious Right and 'some radical feminists' (Weitzer, 2007, p. 448),¹¹ the origins of which can be traced back to the early 1980s and the policies against pornography that emerged from the Meese Commission. In the current conjuncture, Weitzer situates the same coalition among the neoconservative political forces that propelled George W. Bush's ascendancy to US Presidency. He provides a detailed analysis of what he understands as a process of institutionalisation of the abolitionist anti-trafficking paradigm in US legislation

and state activity. This analysis illustrates fully the role of the state as organiser: according to Weitzer, the Bush administrations have awarded more than US\$300 million to NGOs involved in fighting trafficking and prostitution in the US and abroad, among them prominent abolitionist and faith-based organisations, and has also funded research by individuals and organisations espousing this particular anti-trafficking paradigm (2007, pp. 459–462; see also Doezeema, 2004; Dottridge, 2007, p. 18).

The national aspect is characteristic, and its importance emerges clearly when one considers the divergent positions that various states held at the Vienna process, reflecting a different political process, and a conceptualisation of the issue within their particular national context. For example, the Netherlands and Germany refused to adopt an abolitionist position on prostitution, on grounds that it would be necessary to change their internal legislation – meaning, that the adoption of this position at the international level would upset an already existing status on the issue (Ditmore and Wijers, 2003). But theirs was a passive position. Conversely, the US has undertaken the role of an active organiser internationally, which correlates with the pursuit of American interests. Equipped with the Trafficking Victims Protection Act of 2000 (TVPA, 2000) even before the conclusion of the Palermo Protocols, the US developed a mechanism for the support of the enforcement of their nationally adopted trafficking paradigm at an international scale. This involved not only funding organisations and projects, but also actively mounting political pressure on other states, by means of the US Department of State Trafficking in Persons Report (US Department of State, 2001, 2002, 2003c, 2004, 2005, 2006, 2007).

The TIP report assesses the anti-trafficking efforts of other states by categorising them into four tiers, from Tier 1 (fully compliant with the US minimum standards) to Tier 3 (not compliant), according to their compliance with US minimum standards (full compliance for Tier 1 to non-compliance for Tier 3 countries). An additional Tier 2 'Watchlist' includes states threatened with demotion to Tier 3. The TIP report has been extensively criticised not only for transparently reflecting wider US foreign policy expediencies in country assessments, but also for its lack of transparency in its data collection methodology. An additional practical implication is that countries or projects that do not comply with US criteria are disqualified from receiving assistance from US Agency for International Development (USAID) or other US agencies for economic assistance (Doezeema, 2004; Kempadoo, 2005; Dottridge, 2007). The TIP report not only clearly promotes the enforcement of the US trafficking paradigm that places emphasis on arrest, prosecution and

conviction counts, but has also served as a tool for wider political pressure; this is an issue on which I will return later in the discussion of particular contexts.

Today, a decade after the conclusion of CATOC, many activist organisations realise that, on the ground, its provisions have resulted in greater discrimination and repression against sex workers, migrant women and migrants in general. As Dottridge remarks sharply, 'the anti-trafficking framework has done little good for the trafficked person and great harm to migrants and women in the sex industry' (Dottridge, 2007, p. 17). In light of the analyses in this chapter, it appears that such an outcome was predictable; the following chapters take up the task of shedding even more light on the mechanisms that made such a result possible.

5

Politics and Policing Sex Trafficking in Southeast Europe

The preceding chapter has approached the emergence of the new anti-trafficking regime from a historical viewpoint and at a global level. These analyses provide the general context of the Mirage Operations as a particular event. This chapter takes a different vantage point to explore how this layer of relations has entered into developments at the regional level of Southeast Europe. Among wider social and political processes, the concrete organisational arrangements of the Southeast European Cooperative Initiative (SECI) Centre are also found at this level.

The acronym SECI applies both to the Bucharest-based Regional Centre for Combating Transborder Crime, and to the wider political initiative from which the former emerged. SECI was launched in 1996 with the aim to enhance stability and facilitate economic and environmental cooperation in the region. The idea of developing a framework for police and customs cooperation among its participating states constitutes only one aspect of its work. But the SECI Centre took a distinct organisational form which arguably makes it the most tangible result of the political initiative. In contrast, the activities of the political initiative overlapped to a considerable extent with the activities of other mechanisms for collective action by the states of the region and other powerful international actors.

The importance of this background should not be underestimated. Although the SECI Centre appears as a police and customs cooperative organisation, and presents itself as such, its regulatory regime, structure and characteristics of its work organisation make full sense only in the light, firstly, of the political strategies and wider balance on forces that intersect in the region, and secondly, on the particular conditions which elevated a number of issues, among them human trafficking and illegal migration, to the status of problems to be dealt by

the police, and not other mechanisms. The following pages will explore these dimensions first.

5.1 Emergence of SECI: International power struggles over Southeast Europe

‘Southeast Europe’ refers to a wider area, which is associated with ‘the Balkans’, a geographical term whose exact meaning is sometimes difficult to establish (see, for example, Crampton, 2002). The political geography of the region – particularly of those countries which undoubtedly fall within any definition of the Balkans – has seen dramatic changes since the early 1990s, so it is more useful to conceptualise Southeast Europe not as a geographical, but as a political term. In this sense, it rather reflects the orientation of the new local post-communist ruling elites towards integration with the wider international system and western Europe in particular, a project whose materialisation, as the recent accession of Bulgaria and Romania to the European Union (EU) indicates, is in full swing.

At the same time, the term reflects the perceptions and strategies of those more powerful international actors who have been actively involved in the recent reshuffle of the map and shaped the conditions that helped stabilise and integrate the region within their spheres of interests. Consequently, and for the purposes of the analysis here, the term ‘Southeast Europe’ will only refer to the SECI participating states: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Moldova, Romania, Slovenia, the Former Yugoslav Republic of Macedonia (FYROM) and Turkey. The (former) Federal Republic of Yugoslavia did join SECI in 2000, but as of June 2006 Montenegro and Serbia are two separate independent states. So this choice of definition involves political considerations, and also takes into account the membership of these countries in other regional initiatives.

5.1.1 Wider origins

SECI was inaugurated at a meeting of the participating states, which took place in Geneva in December 1996. The meeting formally adopted a statement of purpose, based on the earlier ‘final points of common US and EU understanding’ (see Schifter, 1998). SECI was intended to complement other processes in the region with a view towards enhancing economic and environmental cooperation. The guiding principle was that any projects of SECI should not compete with the work of other institutions, including particularly the policies and projects of the EU

in the region involving regional approach and pre-accession strategy. *Vis-à-vis* those other initiatives SECI was envisaged as an external third party: it would be informed of the projects developed by the EU, the US and others, but it would not have any oversight of them. At the same time, as agreed in the 'final points', the project was envisaged as an effort of self-help, which was to be sustained primarily by the initiative of the participating states. No commitments for financial support were made by either the US or the EU, although these countries and other international financial institutions could participate in selected projects of SECI and offer financial or other assistance. With regard to SECI's external representation, the approach taken was that of appointing a 'high-level' personality, preferably coming from the region. Thus the statement of purpose which was adopted on 6 December 1996 by 11 states (the Federal Republic (FR) of Yugoslavia was not invited) defined SECI as a forum, whose purpose was to facilitate regional understanding and planning and to develop concrete projects to foster cooperation among the countries of the region (including their private sectors) and ultimately the access of Southeast Europe to European integration. The high-level personality eventually named as Coordinator for SECI was the former Austrian vice-chancellor and author Dr Erhard Busek.

This particular configuration was deemed necessary in the light of the several other efforts aiming towards the creation of frameworks for regional cooperation. These were already unfolding in the region at the time of SECI's emergence. Firstly, there was an established formal framework that was potentially useful for developing cooperation and channelling international assistance, the Conference on Security and Cooperation in Europe (CSCE). The CSCE was the ancestor of what in 1995 became the Organisation for Security and Cooperation in Europe (OSCE).¹ Among the prolonged crisis and war situations ignited by the dissolution of the old Yugoslavia, which provided an instance for extensive international intervention by the United Nations (UN) and North Atlantic Treaty Organization (NATO), the OSCE's potential role was affirmed, rather than refuted or weakened. It had begun to establish an active presence in the region as early as 1992, and it also appears to have been a preferential tool for the development of mechanisms to monitor the implementation of agreements regarding critical issues and to increase confidence, security and cross-border cooperation in the conflict areas. For example, it assumed such responsibility in Bosnia and Herzegovina in 1995 (Dayton Agreement, 1995; OSCE, 1995), and more generally it fielded in the region a network of mechanisms for the implementation of projects towards capacity building, including legal and

administrative reform and also technical assistance pertaining to policing (OSCE, 2006). The OSCE was also assigned a role in the context of the EU's policies towards the region in the 1990s.

Today, all the former communist countries of the region have agreed or are negotiating some form of association with the EU. Bulgaria, Romania and Slovenia are already member states. The situation was much different in the wake of regime changes in the 1990s. While in 1992 and 1993 the European Council had laid down the general rules regarding the conditions on which countries in central and eastern Europe could be accepted as members of the Union, such as institutional and free market reform (the 'Copenhagen criteria': Council of the European Union, 1993c, p. 13), Southeast Europe was rather an exception. The intra-European rivalries arising from strategies aiming to carve spheres of influence had already given rise to a special situation, namely, the dissolution of Yugoslavia into a site of acute conflicts and extensive Western military intervention (Gowan, 1999b; van der Pijl, 2001). As a result, not only the role of the US and NATO in handling the crisis was strongly affirmed, but, at the time of the Dayton accords, it was also impossible for the EU to apply the general principles it had formulated for enlargement towards central European countries.

Essentially, the EU approach involved three tiers. Bulgaria and Romania, which were not involved in the conflict had entered into association agreements with the EU as early as 1994, and were, therefore, on a pre-accession track in the mid-1990s and after. Secondly, the situation in the former Yugoslav republics, with the exception of Slovenia, was conditioned by the regime imposed by NATO and the UN, practically precluding any direct involvement of the EU. Finally, since Albania and FYROM were viewed, to a certain extent, as risks for destabilisation in the region, and their prospects for EU membership were more distant, different types of cooperation agreements with the EU were deemed necessary in their case (Commission of the European Communities, 1996, 1999).

The fluidity and indeterminacy of western European involvement in the region is underscored by the consecutive EU initiatives aiming to enhance stability and develop cooperation. The first of these was initiated by the French Prime Minister Édouard Balladur and led to the May 1994 conference on Pact on Stability in Europe under the auspices of the EU (Council of the European Union, 1993a). The Pact was envisaged as an instrument for preventive diplomacy, rather than a means for the resolution of existing conflicts, and was targeted particularly at those countries in eastern Europe which had an immediate prospect of

becoming members of the EU (i.e. the central European and Baltic states) (Council of the European Union, 1993b). In practice, the Stability Pact reaffirmed the principles and working methods of the OSCE (Council of the European Union, 1994), and, eventually, the round tables that emerged from this initiative were entirely handed over to the OSCE in 1995.

The Balladur plan was a prelude to the second initiative, generally known as the 'Royaumont process', which was specifically targeted at Southeast Europe. It was initiated by France immediately after the conclusion of the Dayton accords in December 1995, and involved the adoption by the countries of the region, with the addition of the (then) 15 EU member states, Hungary, Turkey, the US and Russia, of a declaration on 'stability and good – neighbourly relations' in Southeast Europe. The Royaumont Declaration provided the basis for a common platform of the EU regarding the development of the process of stability and good neighbourliness in Southeast Europe (Council of Europe, 2006). Just like its predecessor, rather than an effort to deal with the political questions underpinning conflicts in the region, it laid emphasis on the development of projects aiding the progressive restoration of the movement of people and ideas, the organisation of regional meetings, restoration of dialogue between different elements of society (intellectuals, journalists and religious figures), the banning of propaganda promoting aggression and the re-launching of regional cultural, scientific and technical cooperation, specific cross-border projects and cooperation in re-establishing civil society, especially in the areas of justice and administration.

The defining circumstance for the launch of this European initiative was the Dayton Agreement (1995), which, by establishing Bosnia and Herzegovina and by providing a framework for the abatement of armed conflict in former Yugoslavia, affirmed the ascending political and military role of the US in the region. After all, the intercession in the process leading to Dayton was itself a considerable reversal of the approach adopted by the United States in the earlier case of Croatia's and Slovenia's secession from the Socialist Federal Republic of Yugoslavia. It affirmed that, under the Clinton administration, the US intended to play a more active role in the region, and it was a message that a resolution of the Yugoslav crisis would not be feasible without US intervention (Schifter, 1998). The member states of the EU had to accept this new reality, while continuing to pursue a role in the economic and social aspects of the reconstruction of the western Balkans, consistently to the post-Cold War geopolitical shift of interests, which has underpinned the entire drive of EU enlargement to the East.

It should not be forgotten that the scope of the restructuring of eastern European economies, both in terms of their productive base and of their labour forces, inculcated a particular type of economic dependency, by means of which these advanced Western capitalisms could eliminate local competition and gain relative advantages in accessing the markets of those countries (Gowan, 1999b; Carchedi, 2001, pp. 182–190). It is this economic rationale that underpinned the diversity of political strategies and methods by means of which each European country has pushed this project forward.

Critics of the enlargement drive offer different views of the nature of the balance of forces and interests that determined the West's methods and goals for eastern Europe's reintegration in the world market. They all agree that Western power struggles played a predominant role in fuelling the crisis in Yugoslavia, the defining circumstance of developments in Southeast Europe overall. Critical accounts move away from the conventional view that the local wars in Yugoslavia were a product of ethnic animosities and nationalist hostility deeply rooted in history. Such a view was eventually pressed on the events by the combatants, and it was also conveniently used for shaping Western public perceptions of the crisis. Rather, it is argued that socialist Yugoslavia's post–Second World War historical course had already resulted to a considerable degree of integration in the structures of the global economy by means of market relations, international loans and International Monetary Fund (IMF) intervention, which in the economic conjuncture of the 1970s and 1980s became progressively detrimental to the economic and social cohesion of the country (Gowan, 1995; Woodward, 1995; Parenti, 2000; van der Pijl, 2001).

Thus the disintegration of the communist bloc after 1989 fuelled centrifugal forces already present and, importantly, prompted a more active pursuit of Western vested interests, which can be analysed along three general axes: firstly, the German strategy of regional partition aiming to bring particular countries into its sphere of influence; secondly, a concern of other European powers with German sphere-of-influence politics, which in turn evolved into a strategy of containment by recourse to the channels offered by international organisations and instruments (UN, OSCE); and thirdly, the American effort to demarcate a zone of influence in Southeast Europe (Woodward, 1995, pp. 158–159, chapter 6; van der Pijl, 2001).

According to van der Pijl (2001), the matrix of these international power struggles is found in the division of Western capitalist interests between the strategy of a full neoliberal assault on eastern Europe

and the more 'conservative' strategy pursuing spheres of influence (see also Gowan, 1995). This division does not simply demarcate a rivalry between the European and American capitalisms. Van der Pijl rather argues that such rivalry has also been an active source of intra-European divergence over the methods of eastern European reintegration in the world (and European) economy. While the weight placed by the US on the strategy of 'shock therapy' eventually elevated it to the prevailing recipe for the 'reconstruction' of east European economies and societies, the pursuit of divergent interests by Western capitalisms has spun in the process numerous initiatives aiming to reinforce economic and political influence. The relative success or failure of each has depended on the different proportions in which it has drawn particular countries, international institutions, donors, experts and various types of resources and on its differential appeal to the interests of the emerging post-communist elites in the East.

5.1.2 An embarrassment of diplomatic riches

Let me then pursue briefly the course of the initiatives I have mentioned above. To return, firstly, to the Royaumont initiative, it was unsurprisingly met with the reservations of Balkan and other involved countries (for example, the US, Turkey), which either regarded the implementation of the Dayton agreement as a priority or viewed the general aims of this European initiative, including the subject of 'good neighbourliness', as premature, given the unresolved issues in the western Balkan region (Shtanova, 1998). So it is important to note that, even though the initiative was launched eventually with the participation of those countries that had expressed reservations, it did not preclude the unfolding of other efforts which paralleled its aims and methods. Ultimately, the member states of the EU recognised that the initiative lacked impetus and tangible results. Then in 1999, the EU laid out a more comprehensive strategy for the western Balkans, known as the 'Stabilisation and Association Process for the countries of Southeastern Europe'. This allowed for more tailored contractual relations between the Union and each of the targeted countries and also provided for the channelling of financial (Poland and Hungary: Assistance for Restructuring their Economies; PHARE) assistance, humanitarian aid and capacity building in the areas of democratisation, justice and home affairs (Commission of the European Communities, 1999; Council of the European Union, 1999a).

By that time, of course, the jigsaw of initiatives in the region already resembled a labyrinth of Minoan proportions, to which the EU had

itself contributed. In fact, the Stabilisation and Association Process (SAP) could be understood as an EU-housekeeping exercise with regard to western Balkans, since at the time it was launched the member states of the EU were already actively involved in a much wider international initiative, the Stability Pact for Southeastern Europe. This should not be confused with the earlier EU initiative. The European Council thus saw the policies and actions packaged in SAP both as an active pledge to support the Stability Pact, and as a plan of action more pertinent to EU-specific interests in the region in so far as the declared aim was ultimately to integrate the targeted countries into its own structures (Council of the European Union, 1999b). Still, the Stability Pact was to develop its own institutional facilities and methods since it involved a wide range of participants, including, as distinct entities, the initiatives that were launched earlier (Stability Pact, 1999). The activities of the Stability Pact, which was placed under the auspices of the OSCE (on whose support mechanisms it has also relied), span across the issue areas of democratisation and human rights, economic reconstruction and security. The highest decision-making forum of the Stability Pact was the Regional Table, which was chaired by a Special Coordinator. Under the Regional Table operated three Working Tables, which were further divided in sub-tables and to which particular activities in the above issue areas had been assigned respectively. Their aim was to bring together the relevant actors with a view to promoting good neighbourly relations, resolve issues and develop support for eligible, especially cross-border, projects (Stability Pact, 1999).

The important point here is that one should not regard this jigsaw as a highly institutionalised framework of governance, which could unconditionally self-reproduce. It was rather contingent upon the fluidity of interests entangled in the actual operation of the framework, and, to a certain extent, upon the entrepreneurial capabilities of the transnational bureaucracies which emerged in the process to represent their various projects as good value for money for those who decide to support them. This latter aspect is certainly highlighted by the participation of International Financial Institutions (IFIs), such as the IMF, World Bank or the European Investment Bank (EIB). Entrepreneurship and 'value for money' are also relevant for police and judicial cooperation projects, as we shall see soon.

This contingency is naturally underscored by the realised trajectories of both the projects and their overarching frameworks: since 2006, the Stability Pact has undergone a major transformation into what would be called the Regional Cooperation Council. What was essentially

involved in the process is the integration of the Stability Pact with another regional initiative, the Southeastern Europe Cooperation Process (SEECP, 2000). The distinctiveness of the SEECP lies in the fact that it constitutes a 'native' regional initiative in continuation of efforts at regional cooperation which date as far back as the 1970s (see Tsardanidis and Alifantis, 1989). In 1996, these earlier efforts were reinvigorated, leading to the launch of the SEECP. Again, the purpose of this initiative has been to promote good neighbourly relations and the development of cooperation in the areas of economy, environment, security and institution building (Hellenic Ministry of Foreign Affairs, 2007; Romanian Ministry of Foreign Affairs, n.d.). The initiative resulted in the conclusion of a regional chapter on good neighbourly relations (2000), which laid out a range of methods for the development of dialogue and cooperation in the above issue areas, with some more emphasis on security issues, including the fight against illicit activities. Although a closer examination would be necessary in order to reach any conclusions, the integration (in 2006–2007) of the Stability Pact and SEECP structures should be taken more as an indication of the vitality of natively generated dynamics in the international politics of the region, rather than an effort to rationalise the lay out of evidently overlapping mechanisms.

5.1.3 US initiative and the framework of SECI

It is now – finally – possible to situate SECI among the initiatives launched in Southeast Europe, and examine in some more detail its structure and the reasons for which it has been capable of leading to the realisation of a project in the specific area of police and customs cooperation that is the SECI Centre.

It is firstly clear that the necessity of the so-called 'final points of common US and EU understanding' arose from the fact that SECI has been a project of US inspiration. Ambassador Richard Schifter, who in 1995 served as special assistant to the US President for national security affairs and was the initiator of SECI, also known as 'Schifter initiative' (Shtonova, 1998, p. 31), has referred in no uncertain terms to the project as 'our intention', 'our initial idea' (Schifter, 1998, p. 3). It was a direct product of the ascending role of the US in Southeastern Europe, a role affirmed in the course towards Dayton by the realisation that US involvement in the politics of the region weighed heavily on the prospects for the resolution of the crisis in the western Balkans. The idea of SECI was part of that involvement, and is thought to represent an element of the American 'exit strategy' from the region. This is accurate in so far as the US, as Ambassador Schifter explains, was unwilling at the

time to commit more troops in the event that hostilities continued, and was also unwilling to commit significant amounts of funds towards the reconstruction of Southeast Europe – at least not to an extent reminiscent of the post-Second World War Marshall plan (Schifter, 1998). Thus the proposal of SECI, with its particular emphasis on the notion of self-help, that is, the active participation of the involved parties towards the development of cooperative processes and projects, reflected to a certain extent that unwillingness.

Nevertheless, it can be seen that the plan indicated US intentions to play by more concrete means a role in particular aspects of the region's geopolitics in the longer term. Because the plan called for the involvement of a wide range of international institutions, including IFIs, particularly under the auspices of the OSCE's 'second basket' of economic, developmental and environmental cooperation, it would institute a channel for the active presence of both US political and financial interests in the region. As the launch of SECI was developing in parallel with the launch of the Royaumont process, and the US side did not want to go ahead without some understanding from the EU, it was suggested that the two initiatives could be folded into one. But according to Schifter, the EU strongly resisted this option (Schifter, 1998, p. 4).

As a number of EU member states had, nevertheless, already expressed an interest, the negotiations went ahead, leading to the 'Final Points of Understanding'. Additionally, US diplomacy was making an active effort to recruit countries from the region to the initiative, which even included high-level contacts such as a letter of President Clinton to Hungary's Prime Minister. On that occasion, participation to SECI was brought up as an indication of Hungary's commitment to peace and stability in the region, and therefore suitability for NATO membership. As Schifter explains, the governments of some of the targeted countries were worried that participation to SECI could be met with political reactions internally, since, in the light of those countries' aspirations for integration in the EU, a regional initiative seemed much less satisfactory. When the organising meeting of SECI took place on the premises of the US Mission in Geneva, there were still countries, such as Slovenia and Croatia, which participated reluctantly (Schifter, 1998).

What emerged from these negotiations was SECI's Statement of Purpose and an agreement on certain organisational arrangements, including the creation of an Agenda Committee comprising high-ranking officials from participating countries. The Committee was authorised to identify areas of common interest in which common projects could be developed and implemented. Furthermore, the initial meeting resulted

in a request for technical support to the UN Economic Commission for Europe (UNECE), whose infrastructure and contacts were deemed instrumental for the initial steps and further development of the initiative. A Business Advisory Council, headed by prominent businessmen, was also established as an instrument to involve the business communities of the participating countries and also attract wider interest globally, particularly in the trade, transport and banking sectors. SECI's headquarters were hosted by the OSCE in Vienna, even though the former was not formally associated with the latter.

Although the idea of SECI as a self-help initiative did not involve any commitments for financial support from non-participating countries, considerable amounts of funds were made available for its initial steps by means of voluntary financial contributions by the US, Switzerland, Italy and Austria, totalling US\$300,000 for 1997. The US made available an additional US\$325,000 to UNECE for the funding of travel costs of experts and other technical assistance to SECI. Progressively, several IFIs, such as the World Bank, the European Bank for Reconstruction and Development and the EIB were involved as potential lenders for the development and implementation of projects. Further support and publicity for SECI were drawn with the help of private organisations and academic networks, such as the Vienna Institute for the Danube Region and Central Europe, the German Bertelsmann Foundation, the Central European University at Budapest and also the network of George Soros's Open Society Foundation in the region (SECI, n.d.).

During 1997, several projects were developed by SECI in cooperation with UNECE experts. All of them were somehow characteristic of the 'pragmatic' spirit of the initiative, as they pertained to the facilitation of trade between the participant countries and the development of a good business environment in the region. Their general structure involved *ad hoc* project groups or groups of experts, whose work was to elaborate more concrete projects within a wider issue area. Additionally, particular participating states were designated to provide support to the work of these groups. Thus, the Agenda Committee prioritised in January 1997 six projects, involving the simplification of border-crossing procedures, the upgrading of border station infrastructure and training of customs services and border police (hosted by Greece), energy efficiency (Hungary), elaboration of policies for the development of small- and medium-sized enterprises (Romania) and elimination of transport bottlenecks at main international corridors (Bulgaria). A project was also launched to promote investment in international gas networks and pipeline interconnections (Bosnia and Herzegovina), with

the short-term goal to restore and secure the supply of natural gas to Bosnia and Herzegovina for winter 1997–1998 and to develop alternative energy routes over a two- to four-year period. (Hinkova, 2002; SECI, n.d.). In all these cases, the preferred method of work was low-key and informal, which precisely reflected the 'forum-like' structure of the initiative itself, and resulted in equally low-key and informal results, typically in the form of Memoranda of Understanding (MoUs), such as the Memorandum on the Facilitation of International Road Transport of Goods in the SECI Region, signed in Athens in April 1999, or the Memorandum for Cooperation in Trade and Transport Facilitation in Southeast Europe, signed in Skopje in February 2000 (Hinkova, 2002).

The 'added value' of using MoUs in situations where lack of trust exists between the parties is that they offer a quick path to setting up a framework for cooperation without the need for formal ratification. But the one project of SECI that did necessitate ratification from parliaments was not included in the initial list developed in 1997: the founding act of SECI Centre, the Agreement on Cooperation to Prevent and Combat Cross-Border Crime, signed in Bucharest in May 1999, emerged from the works of SECI only during 1998 and was presented as a 'logical consequence of the problem of security' that the development of the other SECI initiatives posed. The significance of the above discussion of SECI's general framework and of its methods as an initiative for international cooperation however should not be underestimated, as they have equally shaped the patterns of organisation and work of the SECI Centre itself.

Let us take stock of the preceding discussion and draw a number of tentative conclusions that facilitate further analysis. When approaching the situation in the Balkan region in the 1990s, one has to proceed from numerous fragmentary accounts, which when they are not aligned with particular national-, issue- or interest-specific viewpoints, they tend to reflect the opinion that native interests in the region were somehow irreconcilable and conditioned by long-existing ethnic or religious conflicts and mutual suspicion. This has been the internationally prevailing (and propagated) perception not only about the crisis in Yugoslavia (Woodward, 1995), but about the overall situation in the region (Schifter, 1998). However, such a view, which tends to depict countries and groups as quarrelling individuals, does not explain the actual high levels of international activity in the region, those numerous cooperation initiatives that involved not only the brokers of international stabilisation and reconciliation, but also, actively, the parties engaging in presumably irreconcilable conflicts.

Once launched, all the initiatives became, in fact, operational, even though their particular life-courses involved reservations, delays and transformations. This suggests that their life-course was conditioned by the active presence and eventual balance of interests that determine the concrete realisation of policy directions and 'projects'. This is true, even though the initial agendas, particularly as regards the restructuring and liberalisation of the economies of the 'recipient' countries, were dictated by the most powerful actors, as a consequence of the latter's preponderance in the wider international balance of forces. After all, where such an agenda was not acceptable to its recipients, the adopted course was international exclusion and military coercion, as in the case of the FR of Yugoslavia.²

Thus, while discourses of nationalist and ethnic irreconcilable differences and inevitable conflict do play an important role in so far as they possess the capacity to mobilise support for and legitimise particular strategies, they cannot offer a basis for explaining actual interstate diplomacy. Beneath this surface lies a real structure of economic and political interests whose balance is conditioned by both the asymmetrical international power relations in which ruling classes are welded, and the actual conditions under which these classes reproduce their rule over the dominated classes within their states. While interstate politics is a field where these interests are mediated by the emissaries of state bureaucracies, and thus possesses a relative autonomy, the actual capacity of international initiatives to produce 'results' is concretely a correlate of this structure.

In this light, it is also possible to understand how the concrete direction of the process depended heavily on the particular organisational arrangements that emerged from the intersection of contradictory interests. These mechanisms are ultimately the material manifestations of a balance of power and operate as points where practices, procedures, knowledges and projects reflecting different interests are equilibrated. It follows that, with regard to the US role, there was evidently no unquestioned American superintendence, but rather a process conditioned each time by the ability of US diplomacy to mobilise resources and influence ('soft power') in order to push ahead with the project of SECI. While this process involved the capacity of the US to intervene effectively in diplomatic dead ends, it was still a contingent process, whose nature and outcomes have been conditioned by how other states were situated in the given conjuncture. This explains the bewildering overlap of organisations, initiatives, round tables and assistance programmes.

5.2 The making of 'a place good for business': A note on power struggles within Southeast Europe

The preceding discussion can be usefully complemented by a brief overview of certain themes emerging from the economic, social and political situation of those countries in Southeast Europe that participated in the SECI initiative. The SECI Centre can be understood as a point of convergence for the international processes discussed so far, and a result of the particular conditions prevailing in those societies. To state it differently, the SECI Centre cannot be approached as purely international space: its very nature as a police organisation is inextricably linked with the domestic conditions of its participating states, since these domestic circumstances conditioned the actual implementation of any action plans elaborated at SECI, and have also entered the very process of establishing and operating the Centre itself. At the same time, what follows provides the necessary background for understanding in what way sex trafficking (and illegal migration) could be operationalised as problems for police action in the particular way that they did. The conditions these countries, and particularly their people, faced as a consequence of the dissolution of communist structures, and of their exposure to the violent dynamics of capitalist (re)integration, weighed heavily in this respect.

5.2.1 Economics and politics of the transition period

'Southeast Europe' is a term which clearly obscures the very different historical trajectories each of the SECI countries has taken after the end of the Second World War. One may begin by drawing a thick line between Greece and the countries lying to its north, since the former's course has been firmly associated with the West, characterised by a free market economy and systematic ties with Atlantic and European economic and political institutions such as NATO or the European Economic Community (EEC)/EU.³ But differences have also existed, naturally, among the other countries, which, on the basis of the distinction of East/West, would appear as part of the same bloc. Whereas Albania had been extremely isolationist, Bulgaria and Romania had been more amply integrated into the COMECON system of economic and trade relations, and were founding members of the organisation in 1949. Yugoslavia's policies had deviated significantly from those of the other communist countries, both as regards the organisation of the national economy and polity, and its economic and political relations with the post-First World War coalitions (Crampton, 2002; Kipas, 2004).

The common theme that applies to the former communist Balkan countries⁴ is post-communist transition, even though, following the dissolution of communism, they began the course to free market economy and liberal democracy from quite different starting points. The results of historical diversity, although visible even during the days of communism as differences in the levels of economic and social development or in foreign policy positions, became acutely felt once the question of their integration in a regional, European and the world economic and political system had been posed on precisely capitalist terms. Already existing lack of economic complementarity and low levels of intra-regional trade and wider economic integration (Anastasakis and Bojicic-Dzelilovic, 2002) became increasingly pronounced as problems. The tragedy of war in Yugoslavia and exposure to the dynamics of the world economy, for those countries unaffected by the direct consequences of war, delivered further severe blows to production, trade and the administration of national economy, resulting in a general deterioration of the micro- and macroeconomic indicators (Gligorov et al., 1999). As a result, the countries of the region have been uniformly characterised by a lack of ability to achieve sustained economic growth during the 1990s, as suggested at a very general level by their gross domestic product (GDP) growth. As Stanchev (2005, p. 26) notes with regard to the overall economic performance of the Balkan countries, even when a period of growth was achieved, 'it was insufficient to compensate for previous periods of decline and deconstruction'.

The common background against which the post-communist economic course of the Balkan SECI countries should be considered is the fact that they had previously been planned economies. Their state-controlled productive base involved management by massive bureaucracies that equally formed part of the state alongside the equally sizeable repressive apparatuses of police army and secret services. Thus the problem that was posed across the entire former Eastern bloc simultaneously with the question of transition to democracy was the question of the transition to a liberal market economy with structures of private property. This involved not merely ownership reform of state enterprises, but rather the privatisation of the economy through and through – the notorious combination of the '3 Zatsias', 'privatizatsia', 'marketizatsia' and 'democratizatsia' (Gowan, 1999a).

Essentially, therefore, when the process was set in motion, state bureaucracies not only already possessed substantial power and privileges, as well as vested interests in the retention of control on economic assets, but were also part of the same public mechanism that set for

itself the task of accomplishing the transition to a market economy. This was true even in those cases when the democratically elected officials were avowedly in favour of market and privatisation (Frydman et al., 1996b; Frydman et al., 1998). Questions regarding this complex political process have been examined to a considerable extent in the case of Russia and ex-communist countries of central Europe that were initially more open to the recipe of shock therapy (for example, Pistor and Turkewitz, 1996). In the Balkans, knowledge of this process is less well-studied overall, particularly as the political persistence of the communist parties in Bulgaria and Romania resulted in the adoption, for much of the 1990s, of gradualist policies to privatisation and liberalisation of their economies (Crampton, 2002). Thus the Balkan case presented an additional complication, even as foreign investment and international aid were received to no lesser extent than other, more open, former communist states.

Economists and political scientists who fully espouse the neoliberal doxa in considering relationships between firms and the state and the implications of these relationships in the performance of the economy and the development of a dynamic private sector have understood and typically refer to this process as a form of market distortion. An established path for analysis distinguishes between *state capture*, which is the shaping of the formation of the basic rules of the game (laws, rules, decrees and regulations) through illicit and non-transparent private payments to public officials, *influence*, which refers to the firm's capacity to have an impact on the formation of the rules of the game without necessary recourse to private payments to public officials (as a result of such factors as firm size, ownership ties to the state and repeated interactions with state officials), and, finally, *administrative corruption*, which involves private payments to public officials aiming to distort the prescribed implementation of official rules and policies (see also Frydman et al., 1996a; Hellman et al., 2000a, 2003; Hellman et al., 2000). But it is evident how the problematic of state capture dramatically misses the mark – exactly because it is informed by neoliberal purism and its assumptions of the relations between the state and the economy.

What, in fact, the state capture problematic refers to, is nothing other than a process in which existing elites or surviving fractions of these elites were in a position to negotiate *vis-à-vis* domestic and international forces pressing for reform and the retention of a power they already possessed under the previous regimes. At the same time, one must also recognise that this process took place at the expense of the popular masses that were exposed to the full impact of deindustrialisation,

unemployment, poverty and the wholesale degeneration of any welfare infrastructure.⁵ While the question of the exact character of those regimes goes well beyond the purpose of the present discussion, it should only suffice to say that the above strategy of the old *nomenklatura* has already been approached theoretically by non-Marxists as a process of 'extraction from the state', whereby the elite capitalised on insider access to prey on wealth accumulated in the state domain (Ganev, 2001, p. 16; Anastasakis and Bojicic-Dzelilovic, 2002, p. 11) – a process aptly nicknamed in other similar contexts 'prikhvatzatsia': 'grab more' (Miller et al., 1998, p. 274).

The pervasiveness of this situation has captured the Western attention as widespread corruption across the entire institutional edifice of post-communist societies, including public administration, fiscal services, justice, and, of course, the police (Feige, 1999; Kádár, 2001; Fatić, 2003, pp. 117–118; Kutnjak Ivković and O'Connor Shelley, 2005). An alternative understanding of this situation as an internal power struggle should also provide elements for the explanation of the multitude of international initiatives emerging from within the countries of Southeast Europe. But the following sections focus more usefully on the implications of these social and political developments exactly with regard to questions of organised crime, migration and trafficking as instances of adaptation, involving sections of the population that were found at the margins of the above process.

5.2.2 Making ends meet: The question of the informal economy

The context of post-communist transition makes it difficult to approach the various economic and social processes of adaptation on the basis of ideas formulated on backgrounds of relatively clear and stable 'institutional structure of accumulation', that is, 'all those basic institutions and economic and social regulations which mediate in the relations between work and capital, state and capital and state and citizens ensuring a stable relationship between capital accumulation demands and legitimacy of order' (Franićević, 1999, p. 118). In advanced capitalist countries such structure exists, therefore, it is possible to conceptualise economic behaviour as compliance or non-compliance to established rules, whose enforcement is guaranteed by the various state apparatuses. But in transition countries such structure was more an aspiration than a reality at the beginning of the process, precisely because the rules of the game itself had been extremely volatile. Franićević notes that the transformation of ownership, institutions and regulations filled the market with new actors, demands and organisational solutions, and

created 'explosive dynamics and spontaneity of entrepreneurship' that 'preceded the ability of the state to place them within the desired regulatory framework' (1999, p. 118). But the 'thorough and fundamental redefinition' of relations between state and economy, and also between 'politics and civil society' refers to inherently, not externally related realities, in so far as what is involved is a *redrawing* of the balance of social forces that is condensed in the state and its apparatuses.

It follows that the notion of the 'informal' and 'underground' economy that has been so widely applied in analyses of the economic situation of the transition countries is problematic. It can clearly function as means of ideological warfare towards even more radical 'regulatory rollbacks, privatisation and tax cuts' as prescribed by the neoliberal agenda (Naylor, 2005, p. 132), a possibility that exists especially in the cases of countries that adopted a gradualist approach, yet whose economic performance was assessed by the various IFIs on the basis of the neoliberal conceptual armoury (see, for example, IMF, 2000, 2003). But it is a very weak analytical tool, because it places a whole range of qualitatively different *class practices* under the single undifferentiating canopy of 'noncompliant economic behaviour involving evasion, avoidance, circumvention, abuse, and/or corruption of the rules, as well as accompanying efforts to conceal these illicit behaviours from the view of public authorities' (Feige, 1999, p. 14).

The difference of non-compliance practices from a materialist perspective, without making the distinction between informal or criminal practices, which is not decisive at this level of analysis, reflects the qualitatively different positions of agents within the relations of production and distribution. The different strategies individuals may adopt towards the dictates of the regulatory framework are a consequence of these positions (Sakellaropoulos, 2001, pp. 192–194). From the viewpoint of capital therefore, non-compliance to the rules of the established regulatory framework is tied to the exigencies of market competition, as the violation of rules may make possible a reduction in costs of production or in social costs related to production and business activity overall, and therefore the extraction of additional profit. The obvious example here is the employment of black labour, which makes possible the payment of rates below minimum wage, as well as social security contributions evasion, or cutbacks in health and safety equipment. The extent of non-compliance may of course involve all the factors entering the production process – it is possible after all to run a perfectly legitimate business that produces from or trades in smuggled goods, or even a business whose activity is illegal through and through. In this

latter case, the idea of organised crime simply reflects the plain reality of a capitalistically organised enterprise that defies the dictates of the regulatory framework altogether.

The situation is quite different from the viewpoint of labour. Individuals who bring in the market the single commodity of their own labour power may take recourse to the informal economy, either because they cannot be employed within the formal economy, or because the income they generate from the formal economy may simply be insufficient for subsistence. Additionally, one should also take into account that individuals who fall under the same above category may not be formally or legally employable, such as pensioners, minors or illegal migrants (Sakellaropoulos, 2001, p. 194), even though they are subject, of course, to the same exigencies as the individuals belonging to the former category.

The degree of mystification achieved with the application of the idea of informal economy is thus evident in analyses that understand it as an attempt of 'individuals' to escape the paying of social costs and gain advantage at the expense of another (for example, Munteanu, 2004). What, however, such an application of the idea of the informal economy misses is that for the working classes, such practices have an essentially *defensive* character: they are *survival strategies* against poverty and the wholesale deterioration of their living conditions. Now, in post-communist Southeast Europe, the question of poverty has not at all been theoretical:

[under communism] minimum salaries were close to average, and they guaranteed sustenance needs. There were no unemployment and no 'homelessness'. The state provided free health care, education, maternity leave, and childcare. During socialist times 'the poor' were those who could afford only a panel flat and could not afford a car. Today, the poor are those who cannot afford to heat their flat during the winter or who must sell the flat itself... the new poverty is becoming a biological issue.

(Mitev et al., 2001, pp. 40–41, inverted commas in original)

The emergence of generalised unemployment (see Table 5.1 for a regional overview), the fall in real wages and the increasing income differentials, despite adverse conditions in the national economy, as well as the devastating reforms in the provision of social welfare (Rotariu and Popescu, 1999, for Romania; Todorova, 1999, for Bulgaria) leave little

Table 5.1 Unemployment rate in selected SECI countries, 1991-2002

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Albania	9.2	27	22	18	13.1	12.4	14.9	17.7	18.4	16.8	16.4	15.8
BiH	—	—	—	—	—	—	39	38.7	39	39.4	39.9	42.7
Bulgaria	—	—	21.4	20.2	16.5	14.1	14.4	14.1	15.7	16.4	19.5	18.1
Croatia	—	—	—	—	—	10	9.9	11.4	13.6	16.1	15.8	14.8
FYROM	—	—	—	—	—	—	—	—	32.4	32.2	30.5	31.9
Moldova	—	—	—	—	—	—	—	—	—	8.5	7.3	6.8
Romania	—	—	—	—	8.9*	6.1*	5.3	5.4	6.6	7.2	6.6	8.4

*Mitev et al. (2001, p. 61), Table at endnote 16.

Source: UNFCE Statistical Division Database, <http://www.unfce.org/stats/Welcome.html>.

doubt that the new poverty in the transition economies has been class concentrated, and it has been poverty of the working class.

The upshot of the restructuring of the economy under the dictates of reintegration to world capitalism has been the large migratory outflow, a characteristic aspect of the social development of these countries across the region in the 1990s and after. Table 5.2 provides an overview of migratory flows for selected countries of the SECI region. Data for Bosnia and Herzegovina and for Croatia, which reflect the impact of internal conflicts, have been included for the early 1990s, and they are also useful to highlight the spectacular increase of migration flows into Greece, which became an important destination country for migrants from Albania, and to a lesser extent, Bulgaria and Romania during this period (Lianos, 2005). Having already provided a discussion of emigration in the context of imperialism, which from a theoretical viewpoint applies to the Balkan situation too, I proceed to consider the specific question of the nexus of poverty, migration and trafficking of women in the following section.

5.2.3 Feminisation of poverty and migration

The impact the post-communist transition had on women deserves special attention, because female migrations have tended to be 'invisible' in the literature (Anthias and Lazaridis, 2000). Despite the relative reversal of the situation recently, the question of post-communist female pauperisation and migration remains a grey area in the literature (Weiner, 1998). While much of the writing on this question has been firmly placed within a trafficking framework, it is clear that in so far as trafficking is migration-related victimisation, its discussion should be preceded by a careful consideration of the context of the position of women as potential or actual migrants.

Although the transition to post-communism was accompanied by the establishment of a formidable, West-fuelled intellectual apparatus studying the economy, the labour market, the relation of state and market and so on to support the capitalist resurrection, much of the knowledge gap in women's issues has been filled by the efforts of east European academics. Most of them are women, who were probably able to draw immediate comparisons and note how the transition brought about a dramatic deterioration in the economic and social position of women through the creation of gendered cleavages in the labour market, gendered income differentials, and the reduction of the welfare apparatus that protected that position to a minimalist welfare state aiming towards the creation of a flexible labour force (see Standing, 1999).

Table 5.2 Net migration flows (rate and absolute) of selected SECI countries, 1990-2005

	1990-1995		1995-2000		2000-2005	
	Net migration rate (per 1000 population)	Net migration (thousands per year)	Net migration rate (per 1000 population)	Net migration (thousands per year)	Net migration rate (per 1000 population)	Net migration (thousands per year)
Albania	-25.4	-82	-17.9	-56	-7.0	-22
BiH	-51.8	-200	16.3	59	6.0	23
Bulgaria	-8.1	-70	-2.5	-21	-1.1	-9
Croatia	6.6	31	-6.5	-30	4.4	20
Greece	9.0	94	5.6	60	2.8	31
FYROM	-2.8	-5	-0.5	-1	-1.0	-2
Moldova	-5.5	-24	-11.7	-50	-12.5	-50
Romania	-4.6	-106	-3.1	-70	-2.5	-54

Source: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, World Population Prospects: the 2006 revision and World Urbanisation Prospects: the 2005 revision, <http://esa.un.org/unpp>.

Arguably, the policies of the previous regimes, which tended to approach gender equality as equality in the labour market (Brunnbauer, 2000, p. 152), may have placed an additional burden on women, since, with their position in the labour market given and secure, they still had to cope with the difficulties arising from their traditional roles in the household. This was a task which, as Grapard (1997) remarks, was not made easier by the scarcity of consumer goods and household durables that planned production chronically imposed on these societies. In addition, even in the communist days, women's participation in the labour market had been clustered around poorer paid and less prestigious sectors, and had been even weaker in managerial and high-level positions. Such differences accounted for average wage differentials, which, according to Fong and Paull's data, ranged in various eastern European countries between 64 and 91 per cent of male average earnings at the very early stage of the transition (1990–1991). As the restructuring of state-owned enterprises and privatisation were implemented, women were more likely to be laid off, and less likely to be re-employed in the private sector, because of the rampant deindustrialisation or because of the social costs associated with female employment in the services sector that now had to operate in a free market environment. Overall, women in employment in transition eastern Europe could be described as a secondary workforce, 'occupying less desirable positions of administrative support and more prone to unemployment during downturns in the demand for labour' (1993, p. 229).⁶

It is thus clear that the transition did not merely exacerbate whatever inequalities existed previously (Fong and Paull, 1993, p. 231), but rather created qualitatively new ones. Examples, fragmentary as they may be, are nevertheless abundant. Rhein's (1998) discussion of a Russian study, according to which women's average earnings descended from 75 to 40 per cent of men's averages between 1991 and 1998, illustrates how much more likely women were to experience poverty in transition as a 'biological' issue, in the sense of Mitev and colleagues above. In Bulgaria, the structural characteristics of unemployment have made it by far the most serious socio-economic problem with which the native women were confronted. Not only quantitatively, as unemployed women clearly outnumbered unemployed men to a proportion that reached 1.2:1 in the early days of transition, but also qualitatively, because female unemployment tends to be long-term (longer than a year) and has typically resulted in the disqualification of women for unemployment benefit collection, or in professional disqualification

'because they are not working in the fields for which they were trained' (Russinova, 2000, p. 92).

There is still another important aspect, which is very relevant in this context and should not be missed, particularly since it relates to policies directed to the East, but approached through discourses engendered by women's movements in the West. Grapard raises it acutely, when she writes about the relative incommensurability of the backgrounds of women from the East and the West:

Only when we understand more about the interplay between the three dimensions of gender relations, political theory, and social practices in the West and in the East can we hope to get a better grasp of the tensions and conflicts inherent in the way we talk about the transition and how it affects men and women.

(Grapard, 1997, p. 667)

In other words, it is *impossible* to assume that the material conditions women experienced for almost half a century (or more) under regimes that retained communism's original egalitarian discourse did *not* result in distinctively communist-gendered dimensions of ideology (see also Weiner, 1998), and also equally distinctive 'sexual correlates' of the development of those social formations. The fact that there is an important knowledge gap in this respect that has only just begun to be filled in the literature and only with regard to post-communism (see, for example, Štulhofer and Sandfort, 2005) is, of course, a whole different matter. But it is certainly not a reason to assume that these ideological structures and the categories they secrete are commensurate between West and East – *in the same sense that they are not commensurate from a 'North' and 'South' perspective* (Doezema, 1998, 2001).

The effects likely to be engendered by these ideological structures are also likely to underpin a woman's decision to migrate and, consequently, they should weigh on how female migratory practices must be conceptualised. An increasing number of studies has captured the experience of eastern European migrant women in destination countries, particularly their arrival in spaces of stark social exclusion (e.g. in Greece: Lazaridis and Romaniszyn, 1998; Lazaridis and Poyago-Theotoky, 1999; Lazaridis, 2000, 2001; Psimmenos, 2000; Vaiou, 2006). Unfortunately, experiences at the point of departure, which is the point of an original exclusion and provides the context for the decision to migrate, are rather less well-documented.

If it is generally true that migration is 'a solution to a problem now for the generation that was deprived of work' (Nicholson, 2002, p. 436), it is also clear that the image of migration as a solution, while primarily a correlate of sheer economic necessity, is ultimately an effect of the above ideological structures too. Data showing the predominance of female over male migration from former communist countries, as opposed to the gender characteristics of migration from other countries, may provide useful clues in this respect. In Greece, for example, eastern European migrant women clearly outnumber men, whereas this has not been the case for women originating from other sending countries (Table 5.3). The Mediterranean Migration Observatory has noted that this difference could be explained by the fact that Greece attaches the prospect of legal stay in the country with actual employment (MMO, 2004, p. 12), and this, in turn, should be understood in the light of the Greek economy's capacity to *actually employ* migrants.

Table 5.3 Male and female migrant populations by country of origin in Greece, 2001

Origin	Male, n	Male (%)	Female, n	Male (%)
Albania	261,502	59.0	182,048	41.0
Bulgaria	15,058	40.5	22,172	59.5
Georgia	9,980	43.1	13,179	56.9
Romania	13,176	57.2	9,890	42.8
Russia	6,901	37.9	11,318	62.1
Ukraine	3,633	25.7	10,516	74.3
Poland	6,140	45.9	7,238	54.1
Pakistan	10,703	95.7	489	4.3
Turkey	4,338	52.3	3,959	47.7
Egypt	6,087	77.6	1,759	22.4
Armenia	3,648	46.2	4,160	53.2
India	6,876	92.8	533	7.2
Iraq	5,062	70.5	2,126	29.5
Philippines	1,942	28.3	4,919	71.7
Moldova	1,799	30.5	4,099	69.5
Syria	4,464	79.1	1,174	20.9
Bangladesh	4,758	96.6	169	3.4
Former Yugoslavia	1,947	48.1	2,104	51.9
Others	20,762	48.1	23,209	52.8
Total	388,776	56.0	305,061	44.0

Source: National Statistical Service of Greece (ESYE), Census 2002, <http://www.statistics.gr>.

Attitudes towards the importance of work are among the range of factors likely to shape not only the decision 'to stay' or 'to go', but also the imaginary project involved in the decision to go. Equally, such decisions are influenced by the complex patterns involved in migratory practices themselves, such as the number of trips to the immigration countries, return migration and so on (Nicholson, 2001; Arrehag et al., 2006; Boshnakov and Mintchev, 2006; Labrianidis and Kazazi, 2006), and, of course, the means by which actual movement across borders is achieved. Ultimately, female migrations can be flexible, and may involve an acceptance of less than ideal conditions as intermediate stages to a desired goal, as well as an acceptance of illegal and clandestine means to actually reach the migratory destination.

5.3 Inside the SECI Centre: Operation Mirage and its organisation

The idea leading to the establishment of the SECI Regional Centre emerged in the works of the SECI Agenda Committee in the beginning of April 1998 as a proposal of the Romanian delegation regarding the prevention and combating of transborder crime. It was taken up very quickly and by the end of May a working group produced an 'Agreement on Cooperation to Prevent and Combat Trans – Border Crime'. This document laid out a general framework for police and customs cooperation between the SECI participating countries in the areas of information exchange and assistance in the investigation of cross-border crime (SECI Agreement, 1999). Signed, finally, on 26 May, the Agreement also included a 'Charter of Organisation and Operation of the Southeast European Cooperative Initiative – SECI – Centre (SECI Centre) for the Combating of Transborder Crime'.

The initial signatories were Albania, Bosnia and Herzegovina, Bulgaria, Greece, Hungary, the Former Yugoslav Republic of Macedonia, Moldova, Romania and Turkey, while Croatia and Slovenia joined in November 1999 and August 2000, respectively. The Agreement entered into force in February 2000 and, after the initial meetings of the SECI governing body called Joint Cooperation Committee (JCC), the SECI Centre was staffed in Autumn 2000 and became operational in January 2001. Additionally, a headquarters agreement (SECI Headquarters Agreement, 2000) formalising certain privileges of SECI and its personnel was concluded between SECI and Romania in October 2000 and entered into force in April 2001.

5.3.1 Mission, governance and support

It is useful to start by drawing a distinction between the SECI Agreement itself and the Charter regarding the SECI Centre. While the operation of the Centre formally depends on the mechanisms laid down by the Agreement, the signatory states undertook commitments which could conceivably be fulfilled without the particular need of a special intermediary organisation. Article 2 of the Agreement commits the member countries to 'preventing, detecting, investigating, prosecuting and repressing' transborder crime, and a series of subsequent articles lay down a range of procedures with regard to the exchange of information, mutual assistance in police matters and harmonisation of practices between the member police and customs forces. Fulfilment of the obligations undertaken with the Agreement would simply entail the designation of an authority to handle international requests related to these obligations, particularly the exchange of information and documents relevant to investigation of transborder crimes, or the organisation of training. Additionally, the Agreement was cautious not to interfere with established instruments to which member states were parties, particularly the Treaty of European Union or the Schengen Agreement, on the basis of which a division could be effectively drawn between Greece and all the other SECI states. Such caution is affirmed by the fact that special mention was made to the use of already existing communication channels for police cooperation, namely Interpol Both Interpol and the World Customs Organisation (WCO) feature in the Agreement as indispensable partners in the implementation of the Agreement (see art. 2.4).

The SECI Regional Centre was therefore envisaged as an accessory to the Agreement, albeit, given the spirit of practical cooperation between the immediately involved parties that the US wanted to instil in all initiatives emerging from SECI, it was meant as a genuinely important one. Just as SECI spawned a number of procedural committees to develop close working relations between different national public agencies or business interests in areas such as trade, transportation or finance, the call for the creation of good working relations involved in this case police and customs agencies and officials of the different countries. That the intentions for the development of a flexible framework for 'good working relations' (where US presence and application of 'soft power' could work best) were clearly moderated by the very nature of the object of cooperation is nevertheless made clear by the frugal institutional infrastructure laid down by the Charter. This is a characteristic which should be understood as the result of reservation, rather than desire for flexible cooperation.

Thus the Centre was mostly designed as a hub for the facilitation of relations and exchanges stemming from the Agreement with the use of police and customs liaison officers and provisions for the creation of *ad hoc* work groups. No hard and fast organisational arrangements for operational cooperation were involved. In fact, the concept of operational police cooperation emerging from the Agreement and the Charter is one that would typically involve independent action by national police forces supported by police intelligence that the other parties could supply. But even in the cases where (police) information pertaining to investigations was to be compiled from different parties and analysed as a whole, previous agreement on procedure was required, and no provisions were made for a database facility maintained by the Centre itself. Finally, there was no effort to establish communication channels other than the existing one of Interpol's communications system for the exchange of information. All this suggests that police business at the SECI Centre could not be 'business as usual': all the parties were acutely aware that the sort of interests involved in it were primarily inscribed into a non-negotiable core of national security concerns. They could be nevertheless served better within a regional horizon.

The first characteristic that highlights this cautious approach is the member states' reluctance to grant SECI any more privileges than necessary. This emerged subsequently as an issue, when developments posed the question of the Centre's relation with the EU, particularly with Europol and Eurojust. According to article 42 of the Europol Convention (Council of the European Union, 1995), Europol is allowed to enter into relationships with 'third bodies', defined as 'international organisations' by article 10.4 of the same Convention, but both the Agreement and the Charter left ample doubt as to whether SECI was a body possessing international legal personality. Despite SECI's legal department arguing positively on the matter, the Commission's mission that performed an assessment of the Centre in 2004, backed with an opinion from the Council's legal service, could not conclude that the Centre indeed had international legal personality. It therefore recommended extensive amendments to SECI's legal framework, even though it did not recommend that Europol or other EU institutions should be prevented from entering into forms of cooperation other than those regulated by formal agreements (SECI Assessment Mission, 2004).

Furthermore, the Agreement did not lay down any robust mechanism for the implementation of its provisions. As mentioned already, SECI's governing body is the JCC, consisting of representatives of the

member states, who convene at least once a year to deal with a mutually agreed agenda, each having one vote in the Committee. As article 12 of the Agreement states, the JCC's role is to 'ensure the proper functioning' of the Agreement, but the exercise of this role appears to involve 'problem-solving' rather than enforcement. An indication of this had been the persistently lukewarm (or selective) response of the member police forces to exchange requests. The problem-solving nature of the JCC is perhaps also suggested by the fact that it is complemented by a representative of Interpol and of the WCO, respectively, as 'permanent advisors'.

One possible reason for caution not only on the part of its European assessors, but also on the part of the SECI members themselves, was that the initial framework, which was pressed to a final form, it should be remembered, in about two months' time, involved a regular presence of third parties in the guise of 'Permanent Observers'.⁷ Their status was unclear to an extent that the EU Mission's report explicitly made a point about the urgency of clarifying their rights and obligations in a future amendment of the legal framework of the Centre. It found that Observer Countries in fact enjoyed a status identical to that of Member Countries (SECI Assessment Mission, 2004). The special complication that this regular presence involved was related directly with the management and security of data at the SECI Centre, both as it was originally set up, but particularly in the light of plans regarding the introduction of a database at SECI. In this sense, the involvement of the Permanent Observers in the works of SECI was a rather contentious issue for both outsiders and the member states.

The Permanent Observers issue offers additional support to the idea that most of the restrictions in the Centre's operation were due to the Parties' cautious approach, rather than to technical or financial constraints. In fact, not only did all member states undertake the obligation to support the Centre financially, but, additionally, a wider mechanism for financial support was set up, involving the Permanent Observers and other donors and sponsors. The incomes of the SECI Centre totalled an approximate US\$1.44 million in 2003, almost double the total US\$757,000 of 2002. Of these, about 32 per cent was contributed from the member countries, with Greece and Turkey contributing proportionately larger amounts (18 per cent, or about \$80,000 each). It should also be noted that each member country was expected to finance its own SECI-related expenses, and therefore the regular annual budget covered the operational expenses of the Centre alone. Thus, the remaining 68 per cent of the Centre's income in 2003 originated

from extra-budgetary sources, that is, from donations of the Permanent Observers, donors and sponsors (SECI Assessment Mission, 2004). Among these contributions, it is the sponsorship of the US government that stands out: the US contribution, which was a fraction of the funds the US channel to Southeast (and more widely Eastern) Europe within the assistance framework established by the Support for East European Democracy (SEED) Act of 1989, was approximately US\$700,000 in 2003 (US\$542,000 in 2002). These funds were made available to the Centre either directly or via the agencies of the US Department of Justice (Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Immigration and Naturalization Service (INS)), which had deployed personnel to the Centre and were supporting the development of the latter's task forces and infrastructure (US Department of State, 2003a).

5.3.2 Police work at the SECI Centre

The above characteristics mark in many ways the organisation of police work at the SECI Centre. From this particular viewpoint, as it may be evident already, the Parties' reluctance to invest substantively to an initiative that, after all, did not capitalise on previous experience or a process of maturation, but was rather invented from scratch, resulted in a minimal organisational structure, in which the representatives of the national police forces, the liaison officers, featured heavily. The basic features of the Centre's organisation appear in Figure 5.1: under the JCC-appointed Director of the Centre, who need not necessarily be an individual with a law enforcement background, the Centre's services are divided in three departments, Operational Support, which is headed by the Deputy Director and also included in 2005 an information technology (IT) officer and a crime analyst, Legal and Internal, and the Secretariat. The Permanent Observers have been included in the graph, due to their important role and regular presence of personnel deployed at the Centre. On the other hand, SECI's correspondent national authorities, called National Focal Points cannot be strictly considered to be part of the Centre's organisation, but rather components of the national police and customs structures of the respective member countries.

The graph also highlights the special position of the liaison officers, as it is evident that the Centre's operational support is structured around them in ways that an organisational chart cannot convey. Stated in a different way, many of the details in the Centre's operations highlight the fact that the liaison officers should be considered not just formally,

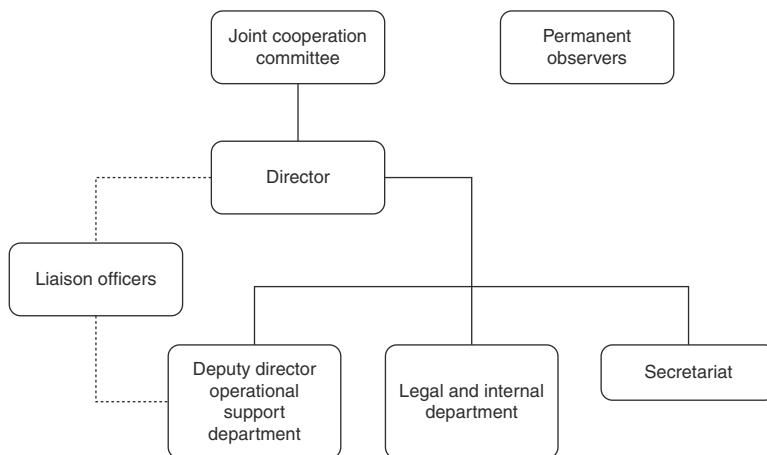


Figure 5.1 Organisational structure of the SECI Regional Centre.

but also substantively, as an extension of their home, national police organisation.⁸

Although the Centre occupies several large rooms on the floor of the Palatul Parlamentului that houses it, its heart is found in the operations hall where the liaison officers and the Legal–Internal Department are found. Each member country and the US agencies have been allocated their own cubicle (see Figure 5.2), which is the workspace of the fielded liaison officers, both police and Customs, and is aptly decorated with the flags and coats of arms of the respective national bodies. Although

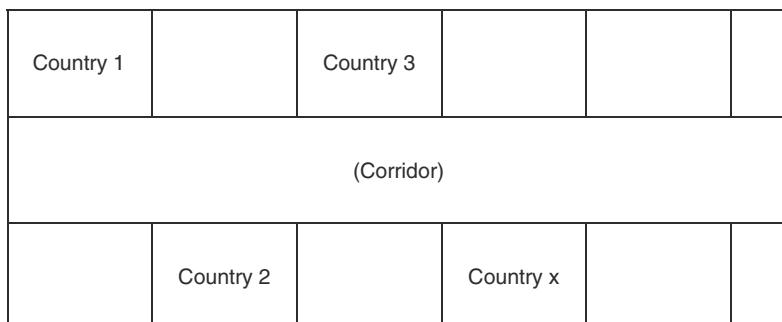


Figure 5.2 Arrangement of (police and customs) liaison officer's hall at SECI, Bucharest.

this general arrangement is not, of course, uniquely a feature of SECI, and it serves an obvious practicality, the cubicles do somehow replicate the impression of the border: one enters and exits the cubicles to enter a space of cooperation. Interestingly, this physical division can also be linguistic as liaisons revert to the comfort of using their native language once inside the cubicle, while different languages can be heard from the adjacent cubicles. However, the *lingua franca* of SECI in the space of cooperation is English.

Certain practical arrangements stressing national divisions also entered the informational space where the work routine of the liaison often unfolds, such as the use of Interpol's communication system. As noted already, SECI did not establish a connection for direct exchange of information with Interpol. Although negotiations for the conclusion of an Agreement to that end were under way, the arrangement that was in place in the early years of SECI's operation involved indirect access, or more accurately, authorised access to Interpol's systems by each police liaison as operative of their respective National Communication Bureaus (NCBs).

SECI's initial interim agreement with Interpol provided for the facilitation of this process by means of the technical equipment of the Romanian NCB, without the latter being allowed to review or access the information thus exchanged.⁹ Additionally, SECI Centre officials were not allowed to interfere with the processing of information by the liaison officers, or to process information exchanged via Interpol for their own use (Interpol, 2005a). So, for all practical purposes, the liaison's cubicle was also an extension of their 'parent' NCB.

I arrived at the SECI Centre equipped with James Sheptycki's role typologies involved in 'the police occupation within the transnational knowledge society' (Sheptycki, 2002, p. 103) and Didier Bigo's analyses on the role of the liaison officers (Bigo, 2000) as sensitising tools for the conduct of my interviews. Although the methodology and scope of my research with those projects are not commensurable, these tools proved relevant at least in the sense of guiding those unstructured parts of the interviews at which the liaison officers talked about the aspects of the job they found most enjoyable and professionally meaningful. All the liaison officers I interviewed came from a detective background in their home organisations, but work at SECI opened up other dimensions of the professional role:

[at the home organisation] are very satisfied with SECI... it's a good tool... as different channels exist, the people at home choose the

liaison who is personally known to them and trusted... I'm proud to work here.

(interview with police official, May 2005)

Professionally, SECI is great... the biggest benefit is that you get to know the region from a different angle... you get to know how the others work, if they work, the pros and cons... my professional future depends on knowing the region and when I'll go back I'll know much more.

(interview with police official, June 2005)

I am very independent... my role is to organise and control to some degree the national units to cooperate... I have to know and I do know every bit of [my home police organisation].

(interview with police official, June 2005)

Nevertheless, if 'a more profitable way to construct an understanding of police occupational subculture is to build up the concept from basic, and observable, features of police work' (Sheptycki, 1998b, p. 58), then the very basic and observable feature of police work at the Centre, beyond its physical, linguistic or technical aspects (which possess at any rate a symbolic aspect) was exactly the persistence of the idea of the service of the national interest. This idea, prescribed by the parent organisation, was perceived as the single most important factor legitimising the officer's presence and activity.

The theme constantly and repeatedly arising during the interviews was exactly that of unity and trust, or the effort to build trust, to an extent that the constant invocation of the word served as a reminder of the omnipresence of a factor, or of a rationale actively undermining the actual existence of such a condition. In fact, the decision to mobilise the vocabulary of 'SECI family' – a notion which surfaced within hours of my arrival at Bucharest – at appropriate points during my interviews did yield certain enlightening results:

liaisons play a role as country representatives in SECI... [gives an example of a case where security interests of his country could be affected by the sharing of information]... what would be the point in helping in this case?... I'm sure you've come across the words SECI family, police family. We're good professionals, but family is too much... trust building in the region is problematic because of the history.

(interview with police official, June 2005)

Thus it is evident that, when this particular dimension is taken into account, the pursuit of the theme of the subculture of transnational policing runs the risk of yielding imprecise results. According to James Sheptycki, 'the technological and legal infrastructures and the political and managerial regimes, all...are forms of knowledge production. The intersection of these vectors creates a space of tension requiring collective response. It is that collective response which counts as an occupational subculture' (1998b, p. 60). The tacit assumption here appears to be that the response to the tension created by the various types of regimes applying to the professional exigencies of the police occupation must be at all times functional to the performance of the occupational role itself. But this characteristic of continuity in functional terms, which is, in the final instance, the quintessence of the logic of subculture, is rather disaffirmed by glaring gaps and discontinuities engendered by the filter of national interest, which in the space of transnational policing primarily assume the form of silence: the *omission* (*not failure*) to respond to the other party's request for cooperation.

There is little doubt that the member states saw fit to initiate a platform for cooperation, and SECI did constitute a mechanism dealing with a significant number of requests for information and assistance. But the gaps and silences must be taken into account: not all member states fielded liaisons, and not all states proceeded to adapt the organisational structure of their police organisations in accordance with the Agreements provisions regarding National Focal Points. More significantly, SECI's overall performance in clearing up requests for information (which include negative responses, too) remained at the modest level of 46 per cent (SECI Assessment Mission, 2004).

5.3.3 Implementing Mirage: Structure, problems and results

We may now turn to the examination of the Mirage Operations from the more particular aspects of their organisation and results. In 2005, the original structure of the Mirage Operations had already been abandoned and plans for subsequent activities only reflected an intention to 'transform it on a permanent basis' and make it 'more concrete, more focused'. As a result, my interviews effectively captured a reflective mood that effectively moderated the initial impression of the presentation, in the evaluation reports or other publicly available SECI documents, of the Operation as an unambiguous success (SECI Centre, 2003, 2004, 2006b).

Mirage involved a fairly straightforward plan, but its background reflects the complex balance of forces, influences, intentions and

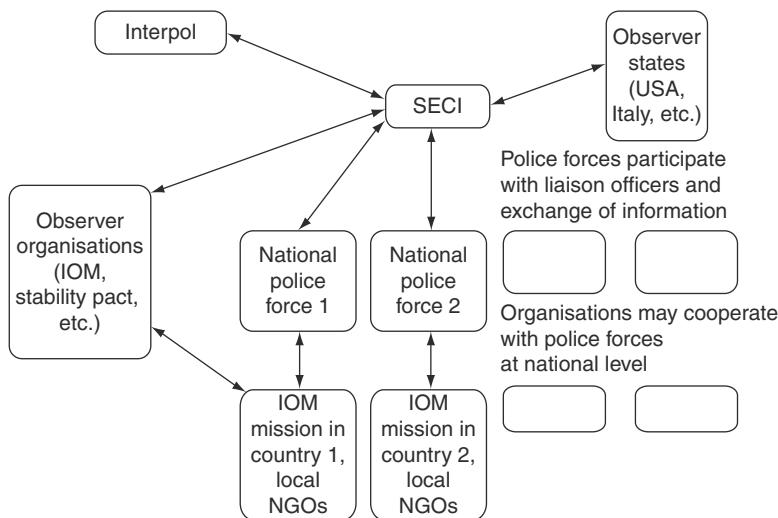


Figure 5.3 The Mirage Operations network.

constraints that entered into the very existence of SECI as a police cooperation centre. Figure 5.3 offers a visual form of the structure of Mirage, in order to assist the following discussion of its different aspects.

Beginning from work at SECI, the preparation of Mirage reflected the nature of the Centre as a point of convergence of different national police forces that sought to preserve their difference while participating in the process of working with each other. As noted above, SECI's work on particular issue areas involves 'task forces' (TFs), which are specialised, operation-oriented joint groups comprising police or customs officers (National Coordinators) accordingly, as well as representatives of the Observer countries and international organisations associated with SECI. General guidelines have been laid down by the JCC and regulate the procedure for the creation and coordination of the TFs as a responsibility of particular member states, which must thus assign personnel (the Task Force Coordinator) to the task. Practically, the Coordinator is responsible for the procedural aspects, whereas in substantive terms, the work of a TF involves meetings, where its members exchange information and review the regional situation in the issue area. Nevertheless, the emergence of particular regional operations out of the works of TFs has been seen to constitute an extension of the original idea of SECI,

since the TF does not merely facilitate information exchange, but rather plays a coordinating role in the conduct of these operations (SECI Assessment Mission, 2004, p. 34). Yet the nature of this function needs to be qualified.

The Task Force on Trafficking in Human Beings and Illegal Migration, which developed the idea of Mirage, was a Romanian initiative (and therefore convened by a Romanian Coordinator), and it was among the first of the several TFs operating at SECI (SECI Centre, 2003). The idea of Mirage, as noted already, involved the elaboration by the members of the TF of a regional action plan that laid down the general objectives of the operation and delegated the responsibility for the elaboration of particular national action plans to the particular national police forces. Evidently, substantive command of the process could not lie, and was not placed with SECI, but rather remained at all times within the operational realm of the national police forces. As Mirage was planned as a 'one-time' ('one-off') action, the most prominent aspect (but already an achievement) of the regional plan was exactly the agreement on the timeframe for the conduct of the national operations which would unfold simultaneously. It appears, therefore, that TF coordination reverted by and large to the original concept of the facilitation of the exchange of information from a central point. It should also be added that the liaisons officers' margin of involvement in the preparations are defined in this respect by the National Coordinators, as supervisors of the former, and as the main decision-makers in the process. Returning to Figure 5.3, the arrows connecting different components of the Mirage structure should be properly understood as information flows, rather than relations of command and control.

The question of the role and participation of the Observer States and third parties emerges here. Firstly, the point of interest obviously gravitates around the US role in the development of Mirage. This role is naturally underscored by the fact that, in 2002 for example, US\$200,000 of the assistance to SECI were directly injected into the organisation of Operation Mirage (US Department of State, 2003a). At the same time, US personnel deployed at SECI were already helping with the development of both the TF and the action plan. The question of the US involvement is generally quite an obscure point, as I had not scheduled any interviews with US agents, nor was I able to arrange interviews while at SECI. If the Commission's report provides a measure, there is no reason to assume that any efforts to investigate the US role by means of interviews would have been successful. At any rate, the preceding analyses already provide a platform for the understanding of the US role, in

which the question of involvement as such occupies a secondary place. Let me explain.

Mirage emerged at a time when the international American effort to enforce the new international anti-trafficking regime was already escalating: firstly, both the United Nations' CATOC and the US Victims of Trafficking and Violence Protection Act of 2000 were already in place and provided a basis for the articulation of monitoring and implementation mechanisms by the American diplomacy and law enforcement agencies. SECI therefore, provided an immediate point from which these efforts could unfold effectively in the region of Southeast Europe. This aspect of the conjuncture is highlighted by the fact that in the first TIP Report *all* SECI states failed to meet the assessment criteria (US Department of State, 2001), and therefore additional pressure was applied on them (see Table 5.4, for an overview of those countries' TIP Report 'career'). Active American support for the anti-trafficking TF has been, therefore, a step towards the direction that US foreign policy on this issue area had already taken.

Furthermore, in light of the American interest, and since the member states of SECI had already taken the step to involve themselves in a cooperative initiative of this nature, the idea of Mirage, conditioned as

Table 5.4 US Department of State TIP Report Tier placement of SECI countries, 2001–2006

	2001	2002	2003	2004	2005	2006
Albania	3	2	2	2	2	2
BiH	3	3	3	2	2	2
Bulgaria	2	2	2	2	2	2
Croatia	n/a	n/a	2	2w*	2	2
FR Yugoslavia	3	2	2	2w	2	2
FYROM	2	1	1	1	2	2
Greece	3	3	3	2w	2w	2
Hungary	2	2	2	2	2	2
Moldova	2	2	2	2	2	2
Romania	3	2	2	2	2	2
Slovenia	2	2	2	2	2	2
Turkey	3	3	3	2w	2	2

*Tier 2 Watchlist.

Source: US Department of State (2001, 2002, 2003c, 2004, 2005, 2006).

it was by the given structural constraints of SECI as a strictly intergovernmental police organisation, presented 'good value'. The objectives of Mirage could be embraced and thus supported by the US and also various third parties involved in the global anti-trafficking campaign. If this understanding of 'good value' is accepted, then evidently the question of the exact balance of forces that shaped SECI's actions can be resolved only by means of an investigation of developments that shaped the strategies of the national police forces, at their respective national level. This includes the explanation of the strictly organisational aspects of Mirage, even though US involvement in the inception and implementation of SECI as a project meant that fundamental assumptions and paths for action more directly attributable to the US agencies' 'way of doing things' were already effectively inscribed in SECI's procedures.

The above view is corroborated by the consideration of third parties, namely the International Organization for Migration (IOM's) involvement in the organisation of Mirage, which was based on the MoU that had been concluded with SECI. Both centrally at SECI, and in the individual member countries, the services of the IOM were only peripherally involved in the actual conduct of the operations. The Organisation, which also provides a focal point for a number of NGOs, maintains a role in assisting victims, by providing support after their recovery and during the process of investigation, trial, repatriation and so on. But this position at the periphery of police action as such, corresponds, in the case of the IOM, to a much more central position in the conduct of the campaign towards the induction of the global anti-trafficking regime to national institutional frameworks. It is from this position that the strategies of transnational actors, including the IOM, enter the determinations of police activity:

in 2001 the police believed that it was all about prostitution, gullible immoral women, so they were indifferent to the moral issues. IOM revealed the extent of the phenomenon...there were changes in the national law towards the prevention of trafficking, the American model and Palermo.

(interview with IOM representative, June 2005)

In other words, the Romanian initiative for the creation of an anti-trafficking TF relayed in the domain of SECI the results of successful conduct of a national campaign for the implementation of the dictates of a new global anti-trafficking regime. This once again suggests that

the investigation of the forces that shaped the particular characteristics of Mirage should take into account developments within the particular national contexts of the respective countries.

But what about sex trafficking itself? SECI's reports presented Mirage as a success against the organised crime trafficking networks operating in the region. It is true that in some cases the Operations did result in the effective suppression of active traffickers in particular countries, and to a lesser extent of their accomplices in other countries of the region. But in the aftermath of the Operation, not everyone was prepared to entertain a monolithic imagery of sex trafficking as an organised professional enterprise:

...the activity is more entrepreneurial rather than organised...the recruiter might not know anything about the destination or the nature of the work to be done there...there is little money involved in the initial investment, what you need is some expenses for the travel documents, maybe support for the family that is left behind.

(interview with police official, June 2005)

The above image is quite clearly reflected in what is known about the results of the Mirage Operations. SECI has publicised successful cases against traffickers, but did not ever give detailed analyses of the results of the Mirage Operations. Nevertheless, both the summaries, and the EU Mission's more detailed assessment of the Albanian Mirage 2003 show that there had been significant differences between the results of the police operations. The yield of identified suspects and potential or actual victims of trafficking, and the final outcomes achieved, when the judicial procedures (prosecutions and convictions) had been taken into account, were deemed less than satisfactory. On the other hand, the reported results were significant, as far as illegal migration and associated offences are concerned. Overall, Mirage, despite its declared aim, mainly tackled the offences of forgery of documents and illegal border crossing, whilst the impact on the targeted objective of trafficking in human beings was rather limited (SECI Assessment Mission, 2004).

What these results suggest is that the issue of trafficking served as a platform for the implementation, on the part of the police apparatuses of the region, of class strategies whose substantive content and strategic horizon involved migration, the regulation of the population flows related to the outlook of the regional labour market and the respective needs of the ruling classes of the member states. As one police official at SECI put it:

the people need to work and there is no work... The critical issue is work and the exploitation of labour. Trafficking of women is a category of this... It is not prostitution that is critical, it could be any kind of work... work is important, prostitution is not.

(interview with police official, June 2005)

6

Policing Sex Trafficking in Greece

The results of preceding chapter suggested that the explanation of a range of issues underpinning the asynchronies and contradictions of transnational policing at the international level, and more specifically at the level of the international police organisation, should be sought at the level of national police structures. In this chapter, therefore, the entry point to the history of the Mirage Operations is an account of their gestation and implementation within a site of national policing, Greece. The theoretical argument this work offers is thus fully developed with this case study.

As scarcity of information on Greek policing exists in the international literature, a few initial observations are necessary. Recent research on the history and organisation of the main state police force since 1984, the Hellenic Police, and Greek policing in general has successfully shown firstly that, the development of Greek policing has been linked with the wider international developments in security policies and systems of organisation and cooperation. Secondly, the general characteristics of and trends in policing witnessed in other Western countries also apply to Greek policing, albeit in ways that reflect the particularities of the Greek national reality and relations between state and society (Stergioulis, 2001; Lambropoulou, 2003, 2005; Papakonstantis, 2003; Rigakos and Papanicolaou, 2003; Papanicolaou, 2006; Vidali, 2007). Thus the general characteristics of Greek policing do not deviate from those of other capitalist social formations.¹

The analyses of this chapter consider more closely the conditions under which Greece articulated a particular national response to the question of sex trafficking, and the sex industry in general. This development bore directly on Greece's involvement in the Mirage Operations, and other international anti-trafficking action. Between 1995 and 2006,

an agitation campaign for the new global prohibition regime on sex and human trafficking advocated in Greece sensibilities, concepts and policies that did not spring readily from domestic conditions. This is underscored by the fact that criminological inquiry in Greece takes place under a noticeable lack of structures conducive and supportive to the sociological research of crime, and is severely impeded by both a blatantly inadequate system for the collection and reporting of criminal justice data, and by the meagre availability of meaningful information and discussion regarding public policy and strategy in criminal justice (Spinellis and Kranidioti, 1995; Lambropoulou, 2005; Spinellis, 2008). So, the anti-trafficking agitation process that took place after 1995 has contributed a national response to the issue *in the absence* of an existing repository of knowledge about commercial sex, illegal migration or organised crime. Awareness towards the change of conditions in Greece's sex markets arose from virtual non-existence (see Lazaris and Laliotou, 2001) and has resulted in a regularisation of the association of trafficking, organised crime and prostitution in legislation and criminal policy discourse (for example, Hellenic Police, 2006), including criminological research and discussions (Lazos, 2002a; Sykiotou, 2003; Sykiotou, 2009).

As the advocacy of the regime imported and applied the necessary conceptual tools gestated in the context of the global campaign, as discussed in Chapter 4, it has contributed to important distortions in the production of meaningful and significant knowledge of and policies towards sex trafficking. Importantly, however, the examination of developments in the Hellenic Police apparatus indicates that the state response to the pressures thus generated was not underpinned by a concern towards the phenomenon as such, but by wider strategies of control at national and regional level. Overall, the naturalisation of the new anti-trafficking regime has acted not as a solution to the problem it targeted, but rather as a lubricant towards the reconfiguration of Greek state policies towards migrant labour in the interests of Greek capitalism within a given national and international conjuncture.

6.1 The anti-trafficking regime in Greece: Advent

It is possible to distinguish three general phases in the process of the naturalisation of the new regime in Greece, which generally correspond to the phases of the international development of the new trafficking discourse. The years after 2004 were those during which the exact significance of what had been accomplished in the preceding decade began to emerge, whereas the period between 2001 and 2003 was one

of exceptional 'institutional velocity', leading to a new legislative framework and police measures. The years between 1995 and 2000 have been a period of gestation, during which one encounters the first official, but, more significantly, non-governmental and feminist organisation reactions to perceived changes in the ethnic composition of prostitution in Greece. The importance of this particular period lies not so much with the real changes in the numbers and origins of those working in the sex industry, but rather in the gradual establishment of the conceptual lenses through which these changes were understood. What follows focuses particularly on the agitation process, conducted by a transnational coalition of forces up to the introduction of the new anti-trafficking legislation, Law 3064/2002, and afterwards.

6.1.1 Prostitution and its regulatory framework

It is useful to begin with a brief overview of the regulatory framework that applied to commercial sex in Greece up to the last decade of the twentieth century. In partial divergence from international trends, Greece's trajectory in the regulation of prostitution was one from a system sharing the characteristics of continental regulationism (Harsin, 1985; Corbin, 1990) to a more 'relaxed' version of regulationism after 1955. Following the general guise of regulating prostitution under considerations of public health, the rule in Greece is that prostitution is not illegal in principle, but associated activities, such as pimping and procurement, are. 'In principle' means that the legislation regarding prostitution has always criminalised violations of the specified conditions under which an adult individual could engage in prostitution. The result has been a very thick net of controls of prostitution.

Public brothels of every form were abolished between 1955 and 1960 (L.3310/1955 and L.4095/1960), and were replaced by a system involving licensed private premises in which prostitution could be exercised, subject to registration with and medical controls by the police and public health authorities, respectively (Lazos, 2002a, pp. 65–69). This system remains in place under the current L.2734/1999. However, the stigma associated with prostitution has led many women to practise prostitution without undergoing the obligatory registration process and also to violate licensing conditions at the risk of being arrested and prosecuted (Emke-Poulopoulos, 2001, p. 64). Hence, the police have enjoyed an extremely wide discretionary margin in implementing controls, since an individual encountered in suspect places can always be interrogated or harassed. This has been even more the case with the eventual diversification of commercial sex outlets, such as bars, hotels,

parlours, all of which catered for particular segments of clientele, and yet their operation was illegal.

Hatzi's study (1980) confirmed the wide range of police controls imposed on prostitutes with the pretext of enforcing prohibitions related to prostitution. Obviously, any prostitute would be better able to provide information about pimps and procurers, and this logic has constantly underpinned police harassment, besides prejudice, sexism and outright violence. Overall, knowledge on the social organisation of prostitution is clearly limited to a very small number of studies (Koutsoumaris, 1963; Petropoulos, 1991) while official statistics or other data are scarce. The folklorist Elias Petropoulos (1991) produced a special study on the relations, customs and parlance of the world of prostitution from the old regulationist brothels up to the late 1970s. He revealed an underworld paralleling Rosen's (1983) account of the subculture of American late nineteenth-century prostitution. Aristides Koutsoumaris, a former police official, produced a booklet (1963), which included a series of numerical data compiled during his service with the Athens police in the interwar. He reported numbers of prostitutes as recorded by the Athens police (1,242 in 1922), and also discussed data collected in the 1920s and 1930s. These confirmed that the majority of prostitutes in Athens were women of working class origin.

Thus the image of Greek prostitution before the 1990s has remained very obscure. Importantly, social science in Greece never developed an intellectual programme capable of revealing the reality of this marginal social space.

6.1.2 Prostitution, migration and the 'modern slavery' discourse

The 1994 European Network for HIV/STD Prevention in Prostitution (EUROPAP) report of Greece, in the absence of solid statistical data about prostitution, used data from venereal disease clinics and information from the police and prostitutes to provide a description of the situation at that point. According to the report, there were 190 licensed brothels and 400 registered prostitutes in Athens, whereas the numbers for other cities and rural areas were significantly lower. Additionally, according to police information, there were 70 (illegal) massage parlours in the area of Athens. The overall number of unregistered prostitutes in Athens was estimated at around 5,000, whereas a 'large number' of male sex workers also operated in various part of the city, but they had 'never been an issue for the Vice Squad' (Roumeliotou and Kornarou, 1994). Furthermore, the report included the results of a local study of registered prostitutes in Athens, revealing an image of prostitutes' life

as one marred more by the lack of social insurance, exorbitant medical fees for treatment by private doctors and trouble with the Vice Squad, rather than pimps, violence and disease. However, the report also noted changes in the social organisation of prostitution, particularly associated with an influx of foreign prostitutes, namely Albanians, who were involved in 'protection networks' exploiting the prostitutes' work (Roumeliotou and Kornarou, 1994).

The changes in the sex industry, and the influx of foreign women in the 1990s and afterwards should not be understood as an isolated phenomenon. They were an integral part of a wider trend in migratory movements towards Greece after the socio-political changes in Eastern Europe. It is precisely this trend that deserves special attention.

Levels of migration to Greece had been low historically (Linardos-Rylmon, 1993; Petriniotis, 1993), but the situation changed dramatically after 1989, as Greece was transformed suddenly from a sending to a receiving country, and a long historical pattern was thus brought to an abrupt end. The vast majority of migrants were eastern Europeans, who entered the country and its labour market illegally as a rule. The Greek economy was, in fact, in a position to occupy the migrants primarily in low-status, low-paid jobs in the primary and secondary sectors of the economy, or, especially in the case of women, domestic services, and could increasingly do so throughout the 1990s, as it was set on a course of convergence with the European average. However, the country's legislative framework was inadequate. It was hastily reformed in 1991, but there was a marked absence of infrastructure to monitor, even to a degree of approximation, this sudden influx, and to regulate it.

Estimates about the numbers of illegal migrants have varied wildly. The Greek Ministry of Public Order circulated estimates in 1990 that exceeded the 100,000 mark, whereas the Ministry of Employment had produced an estimate of 30,000. Using various sources, two studies in 1993 produced estimates varying from 180–260,000 (Petriniotis, 1993, p. 37) to 280–350,000 (Linardos-Rylmon, 1993, p. 19). At the same time, the Greek state's early strategy towards the situation hardly appeared to go beyond fire-brigade style management, and more particularly it involved purely police responses that were as much repressive as they were ineffective. The favourite measure implemented by the Hellenic Police was the so-called 'sweep operations', involving mass stop and search operations in public places, whereby any numbers of undocumented migrants arrested would be then forwarded to the border for expulsion (see, for example, Petriniotis, 1993, p. 16). Linardos-Rylmon's study, referring to a Ministry of Public Order source,

reported 167,204 deportations of Albanian nationals between 1991 and June 1992 (1993, p. 16), whereas Karydis (1996), quoting a press source, reported that a total of 948,956 Albanian nationals were thus repatriated ('re-forwarded') between 1991 and 1995. Lambropoulou (2000) has reported that between 1990 and 1996 about 1.1 million Albanians were deported by the Greek authorities. The desperate nature of the measure is somehow underscored by the levels and patterns of cross-border mobility of those deported. Albanian nationals, in particular, would simply walk across the border and return to Greece.

Certain qualitative characteristics of the migrants' participation in the Greek labour market stand out. Firstly, illegal migrants have been a reserve of cheap labour, which could be employed profitably *and* be held at ransom. A simple report to the authorities by the employers themselves could lead to an individual's arrest and expulsion. This situation was noted in an early report published by the General Confederation of Greek Workers (*ΓΣΕΕ/GSEE*). According to the report, the exploitation of illegal migrant labour opened up new possibilities in certain branches of the economy, including a gain from the evasion of social security contributions that was estimated at about 100 billion drachmas per year (Linardos-Rylmon, 1993, p. 62).

Secondly, the entry of these populations has been associated with the formation of new relatively isolated social spaces, particularly in central areas of Greece's urban centres, where migrants congregated in search of housing, relative security from the persecution of the authorities and easier access to employment. Psimmenos (2000, 2004), in a study of the living conditions of migrant workers in Athens under a general problematic of social exclusion, has understood these areas of congregation as *peripheractic spaces* (fenced-off spaces): hidden from the public eye and organised around the places where downgraded mass accommodation could be found, such collective spaces were 'an amorphous environment full of physical and moral humiliation and unable to care for the physical, spiritual and emotional needs of the population' (Psimmenos, 2000, p. 92). Several studies of the situation of migrants (for example, Lazaridis and Romaniszyn, 1998; Labrianidis and Lyberaki, 2001) subsequently confirmed, complemented and substantially enriched the bird's eye view of *brutal* economic exploitation of migrant labour reported early enough by the Greek labour movement (Linardos-Rylmon, 1993).

But these wider dimensions of change in Greece's workforce and the reconfiguration of relations in the labour market *were not registered in discussions about the sex industry*, even though ethnographic research supported the idea that adult migrant women in the sex

industry followed the above trajectory of migrant life within Greece's new peripheractic spaces (Lazaridis and Romaniszyn, 1998; Psimmenos, 2000; Lazaridis, 2001). Rather, questions about the participation of foreigners – migrant women – in commercial sex services were framed around the existence of organised criminal networks, which reportedly exercised total control over the movement and conditions of workers in the sex industry. It appears, therefore, that the displacement of the question of migrant labour towards the issue of prostitution and sex trafficking has, in fact, led to a concentration of human rights concerns around a severely marginalised but elusive category of migrants, whereas the real issue has been the general conditions under which migrant labour as a whole experienced in Greece.

At the time, intriguingly, the particular problematic of organised crime was virtually unknown in Greece. No criminological literature existed and also no empirical instances were known, other than domestic terrorism, a phenomenon whose local understanding diverged significantly from internationally established conceptions of the former (Xenakis, 2004). Yet the notion of an uncontrollable organised criminal underworld made a sudden appearance in the press, including the columns of respectable broadsheets, such as *Eleftherotypia*, *Kathimerini* and *To Vima* in the mid-1990s and after (Mandrou, 1999; Antoniou, 2001, 2002; Damoulianou, 2001; Kathimerini, 2001). The equation of organised crime, trafficking and prostitution gradually became unequivocal, through regular expositions of the operation of a vast contemporary 'meat machine' (Marnellos, 2000) consuming 'bodies, conscience and reason' (Tsarouchas, 2002):

Young women, raised in the heart of advanced post-industrial age are sold, kidnapped, imprisoned, raped, forced to prostitution, after they have first suffered indescribable psychological and physical torture, after any trace of human dignity and essence has been annihilated.

(Karaiskaki, 2001)

Interestingly, not all the parties involved in anti-trafficking agitation were initially prepared to entertain such a perspective. The EUROPAP report had passingly noted the changes in the social organisation of the sex industry and the conditions under which migrant women (and men) were involved in them. The ethnographic studies discussed above did uncover conditions of marked isolation and violence as conditions that exacerbated the plight of migrant women working in the sex industry, but no 'organised crime'. Individual organisations in the Greek women's

movement did apply the distinction between voluntary and forced prostitution (see Lazaridis, 2001), but eschewed, overall, the abolitionist discourse that certain well-established human rights organisations (see, particularly Giotopoulou-Marangopoulou, 2001) injected in the campaign. Yet the combined action of all the organisations engaging in anti-trafficking agitation produced over a period of six years approximately a markedly different result: an *unequivocal* equation of the sex industry with trafficking and organised crime. This uneven combination and its final product, a body of knowledge that legitimised that equation, deserves now special attention.

6.1.3 Actors in the anti-trafficking campaign

The discussion of the exact content of the body of knowledge on which the new anti-trafficking regime was erected in Greece must be preceded by an examination of the Greek agitation campaign and the shaping of the characteristics of the 'new slavery' discourse up to the introduction of national anti-trafficking legislation in 2002. Lazaridis (2001) had documented relatively low levels of interconnections between the organisational components of the anti-trafficking campaign in the late 1990s. These organisations included a number of NGOs the General Secretariat for Equality and its research centre, the Centre of Research for Equality Issues (*KEΘI/KETHI*), public health agencies and also few academic groups involved in research (2001, p. 90). Lazaridis's research found them to be purely national entities, but in retrospect, it is possible to evaluate the impact of their transnational interconnections and also the role of international actors that intervened as the process unfolded, particularly of US pressure.

The main vehicle for anti-trafficking agitation in Greece has been an initiative known as the Galatsi Group, which emerged in late 2001–early 2002. It comprised a range of organisations, particularly NGOs from different cities and different activist fields (public health, human rights, women's movement and religious groups), whose common interests intersected somehow in the question of the sex industry. Its fundamental objectives were the prevention of trafficking and advocacy for assistance to victims of trafficking to facilitate reintegration into society. Exactly because of the diversity of these organisations, the initiative did not develop an official face and was loosely organised on the basis of monthly meetings to discuss developments, exchange feedback on activities and establish action plans.

The formation of the Galatsi Group was itself the result of developments involving the activities of NGOs on one hand, and financial

support from sources such as the General Secretariat for International Relations and Development Cooperation (YDAS) of the Hellenic Ministry of Foreign Affairs. A core component of the Group was involved in the StopNow project, launched by the Centre of Research and Action on Peace (KEDE) in December 2001. The project has been associated with an awareness campaign and the lobbying of public organisations that shared competence on the issue of trafficking at the time. It supported not only the works of the Galatsi Group, but also academic research on the issue of prostitution and trafficking (see Lazos, n.d.).

StopNow's position on trafficking has been a fine specimen of the new slavery discourse in Greece, in so far as it was human-rights based, it stressed the connection with organised crime, and it also highlighted the client's role as 'the motivating force and the financier of the business in human misery' (STOPNOW, n.d.). Nevertheless, what must be stressed are the divergent philosophies of the groups participating in the anti-trafficking campaign. For example, the Centre for the Support of the Family (KESO), established by the Archdiocese of Athens and the Church of Greece, campaigned from an unambiguously conservative position on issues such as the 'crisis of the Greek family, the foundation of the conservation and growth of the Nation' and the 'biological annihilation of the Greek nation' (K.E.S.O., n.d.). Quite in contrast, the Greek Helsinki Monitor (GHM) is known for its anti-conformist discourse in defending the rights of minorities in Greece, including ethnic, religious and sexual minorities, and for its aggressive critique of discriminatory practices of the Greek authorities against these groups. Being part of a wider transnational human rights advocacy network, the International Helsinki Federation/Human Rights Watch, it has been the source that fed a series of interventions of transnational NGOs on the Greek situation with trafficking, criticising from a human/migrant rights viewpoint the 'narrow crime control approach' to trafficking (Human Rights Watch, 2000, 2001, 2002). Important differences thus existed underneath what appeared as the homogeneous 'new slavery' discourse that emerged from the Greek anti-trafficking campaign, a characteristic which should be taken into account when assessing Greek civil society's political influence and effectiveness.

The most significant intervening force in the question of trafficking in Greece has arguably been the political pressure exerted by the US, particularly in the form of the US State Department initial trafficking reports for 2001, 2002 and 2003 (US Department of State, 2001, 2002, 2003c). All three reports between 2001 and 2003 neatly classified Greece as a Tier 3 country, whose government did 'not fully comply with the

minimum standards and [was] not making a significant effort to do so' (US Department of State, 2003c, p. 16). The 2004 and 2005 reports placed Greece at Tier 2 Watchlist (US Department of State, 2004, 2005), and then finally the country reached a Tier 2 placement in the 2006 report (US Department of State, 2006).

Table 6.1 codifies the content of the US Trafficking Reports of Greece between 2001 and 2006 across a range of recurring topics, and thus provides a snapshot of Greece's career in the various tier classifications. These topics generally correspond to the criteria laid out by the US Victims of Trafficking and Violence Protection Act of 2000 (see US Department of State, 2001, pp. 5–6). The requirements for prohibition and (commensurate) punishment of trafficking are present here as recurrent comments on the need for *special* legislation addressing trafficking, without regard for the possible adequacy of existing provisions in the Greek Penal Code. In addition, these requirements have been complemented by the demand for numbers of arrests, prosecutions and convictions, tangible proofs of the government's 'vigorous' effort to suppress and eliminate trafficking. Arguably, the inability to provide the US with accurate statistics to a satisfactory extent has rather been a self-inflicted wound, responsible for which is none other than the chronically lamentable state of official statistical data collection on crime and criminal justice (see Spinellis and Kranidioti, 1995). At any rate, the reliance of the Report on such data allows it to maintain a *façade* of objectivity, while the actual substantive content of the country narratives typically makes clear the nature of the exercise as a tool for international political pressure.

When one considers the recurring themes of the report, it becomes evident that the assessment of the additional criteria qualifying the Greek government's responses as 'serious and sustained efforts to eliminate trafficking' relies on a concern about the extent of *NGO involvement* in the implementation of *official* anti-trafficking policies. It is not an exaggeration to say that the TIP Report has been a factor of organisation in the Greek anti-trafficking campaign, firstly by paving, year after year, the way for the anti-trafficking campaign's subsequent steps regarding demands for policy reform and, secondly, by securing the campaign's prior achievements to an extent that it directly included the levels of public funding and support for infrastructure creation as criteria for the assessment of Greek government's anti-trafficking policies. The Report's framework has been compatible with the abolitionist, client-hostile overtones of the Greek campaign, which normally inspire increasingly energetic activist strategies *vis-à-vis*

Table 6.1 US Department of State trafficking in persons report of Greece, 2001-2006

Year	2001	2002	2003	2004	2005	2006
Tier	T3	T3	T3	T2W	T2W	T2
Country type	Transit and destination (sexual)	Primarily destination (sexual)	Destination and transit (sexual)	Destination and transit (sexual + labour)	Destination (sexual + labour)	Destination and transit (sexual + labour)
Overall	No significant efforts	No significant efforts	No significant efforts	Significant efforts	Significant efforts	Significant efforts
Policy developments	Interministerial committee but no public acknowledgement of the problem	High priority Instructions to police	A shift with legislation but no effective enforcement	Anti-trafficking legislation but no provisions for labour trafficking	New policy coordinator, action plan allocation of significant resources	Government must ensure NGOs have an operational capacity in victim identification
Legislation and enforcement	No special anti-trafficking legislation Penal Code cases rarely brought to trial	No special anti-trafficking legislation Organised crime legislation Few arrests and prosecutions	Some numerical data for arrests No conviction data Prosecution slow and inefficient	Numerical reports of arrests convictions, rescues No convictions reported	Numerical reports of results of anti-trafficking raids Special prosecutors appointed Conviction rates disproportionately low'	Numerical data reported, increased convictions secured, but government 'could not confirm whether any traffickers were actually serving time'

Corruption	Corruption a major problem	—	Corruption acknowledged	No actions against (corrupt) government officials	Some punitive action against police complicity	Complicity of Greek diplomats abroad Numerous reports of local police complicity
Border controls	Border police corrupt	Border controls weak Border guards received training by US agencies	—	—	—	—
Trafficking prevention	None significant	Awareness campaign	No widespread awareness campaign	Police 'know your rights' leaflet No demand-oriented prevention activities	Funding of NGO campaigns 'some aspects of which targeted clients'	National awareness campaign encourages the public to report incidents
Victim protection	Hotline for battered women	Victims deported with foreign prostitutes	Trafficked children are deported as criminals or aliens	NGO ability to fulfil victim services 'hampered'	Limited access to NGOs to provide assistance Inadequate referral mechanism	'Reflection period' for victims Lack of victim witness protection

Table 6.1 (Continued)

Year	2001	2002	2003	2004	2005	2006
IO/NGO cooperation	Limited funding to IOM	Limited access	Cooperation remains weak \$125,000 to NGO	\$1.4 million to Greek and foreign NGOs No MOU with NGOs on victim	€3 million to NGOs for assistance 3 government, 4 NGO shelters	MOU signed Government must ensure that NGOs have an operational role in victim identification Significant funding
International cooperation	Discussions for regional centre	Regional cooperation improving	No sponsored activities in source countries	–	Government sponsored an international conference to share best practices	Greek government demonstrated leadership in promoting regional law enforcement cooperation

Source: US Department of State (2001, 2002, 2003, 2004, 2005, 2006).

either the sex industry, or the state or the general public and 'the clients' (see Soderlund, 2005). Once the target for the introduction of a special legislative framework on trafficking had been accomplished in 2002, the NGOs pressed for increased participation, both in the operational aspects of anti-trafficking as well as the provision of victim welfare. The TIP Report has consistently supported this pattern of target-setting, and the 2006 report even commented that 'the Government of Greece should now...ensure that NGOs have an operational role in victim identification' (US Department of State, 2006, p. 127).

Since the Report is not a policy recommendation document, but a monitoring tool, it is reasonable to ask why, given the assortment of Ministries involved in anti-trafficking action plans, the Greek government was deemed by definition incapable of developing expertise, good practices and welfare infrastructure to address the issue of trafficking, and needed therefore to take recourse to measures such as agreeing a Memorandum of Understanding for cooperation with the NGOs (itself a goal of the campaign after the enactment of L.3064/2002). Secondly, the level of (Greek) public funding channelled towards NGOs was made explicitly a criterion for the assessment of Greece's record. It is equally evident that the country moved up from Tier 3 in 2001 to Tier 2 in 2006 only as these funds increased, from limited funding to the International Organization for Migration (IOM) (which is not an NGO) in 2001 to 'significant funding' to NGOs and international organisations in 2006 – evidently similar to the €3 million mentioned in the 2005 report (US Department of State, 2005, p. 114; 2006, p. 128).

This close connection between the Greek 'civil society' campaign and the TIP Report becomes less obscure when one considers the levels of local US involvement through various initiatives of the US Embassy in Greece. In 2001, for example, the embassy organised a conference that was deemed a significant breakthrough for the public dissemination of the evolving knowledge basis of trafficking in Greece (Howden, 2001; Kalliri, 2001). Additionally, some of the resources the US have made available for the conduct of the global anti-trafficking campaign have also been used for educational exchanges. In fiscal year 2002, for example, the Bureau of Educational and Cultural Affairs of the US State Department funded the participation of three individuals from Greece to an exchange programme whose aim is to bring 'current or potential leaders in government, politics, the media, education, and other fields to the United States to meet and confer with their professional counterparts' (US Department of State, 2003b). In the light of such ties and given the procedures for the collection of the information that the

TIP Report uses, involving 'meetings with a wide variety of government officials, local and international NGO representatives, international organisations, officials journalists, academics and victims' (US Department of State, 2004, p. 29), the alignment of positions of the Report and of the Greek anti-trafficking organisations is, in fact, less surprising.

6.2 Prostitution and trafficking: What do we really know?

The preceding discussion has outlined the process that shaped perceptions of prostitution and trafficking in the course leading to the introduction of national anti-trafficking legislation in Greece. Anti-trafficking advocacy engendered a particular knowledge base that legitimised a specific form of response to the problem, by equating prostitution, trafficking and organised crime and therefore by sanctioning an intensification of police actions, controls and prohibitions. Let us concretely examine how this happened.

6.2.1 The knowledge base of anti-trafficking advocacy

The cornerstone of the Greek discussion on sex trafficking and forced prostitution has been the result of Grigoris Lazos's longitudinal research, which was delivered in several instalments after the mid-1990s, but reached its final form in a two-volume publication titled *Prostitution and trafficking in modern Greece* (Lazos, 2002a, 2002b). An additional report compiled for KEDE/StopNow was a direct continuation of the work presented in those two volumes and extended the results and estimates up to the year 2002 (Lazos, n.d.). It is difficult to fully convey the degree of influence that Lazos's presentation of the organisation of forced prostitution and of the role of criminal networks, his estimates of the numbers of trafficked and prostituted persons as well as his estimates of the financial size of the prostitution sector have exercised on analyses of and references to the question of trafficking in Greece (Emke-Poulopoulos, 2001; Lazaridis, 2001; Telloglou, 2001; Tsarouchas, 2002; Hötzeldt, 2003; Malarek, 2004; Antonopoulos and Winterdyk, 2005).

Lazos reported staggering findings. Because numbers have been important, and anti-trafficking agitation has made thorough use of these numbers for policy advocacy, the reader is referred immediately to Table 6.2, which summarises the numerical *estimates* produced by that research. The table effectively maps Lazos's argument and thus communicates in broad terms its political significance. He estimates, for example, that over 80 per cent of the 23,000 women working in prostitution in 2000 were *victims of trafficking*, that over 24 million commercial

Table 6.2 Prostituted persons, transactions and income generated 1990–2002 (Lazos)

Year	Persons (forced prostitution)	Persons (voluntary prostitution)	Total Prostituted	Transactions (millions)	Income (million €)
1990	2,100	3,400	5,500	7.8	135
1991	3,000	3,250	6,250	9	175
1992	4,500	3,150	7,650	10.5	245
1993	8,400	3,200	11,600	12.7	341
1994	11,550	3,200	14,750	15.6	483
1995	16,500	3,250	19,750	19.8	663
1996	20,150	3,300	23,450	24	860
1997	21,750	3,300	25,050	26.6	1,080
1998	19,700	3,400	23,100	25.4	1,070
1999	20,300	3,550	23,850	25.8	1,140
2000	19,400	3,800	23,200	24.4	1,100
2001	n/a	n/a	n/a	n/a	n/a
2002	17,200	n/a	n/a	18.5*	921*

* Estimate refers to forced prostitution.

Sources: Lazos (2002a, b, n.d.).

sex transactions had taken place in a country of approximately 11 million population, and that the turnover of the sex industry had been over €1 billion, approximately 0.8 per cent of the country's gross domestic product (GDP) that year (ESYE, n.d.).

The argument was that the sex industry in Greece underwent in the 1990s a thorough reorganisation under the tutelage of trafficking networks. Trafficking supplied the sex market with women who differed from the hitherto stereotypical image of the prostitute in Greece, thus creating entirely new dynamics for demand. According to Lazos, the roots of the change, to which traffickers gradually began responding during the 1980s by deploying Southeast Asian, Polish and, to a lesser extent, Caribbean women, are to be primarily found on the side of demand, namely the changing preferences and desires of the clientele (2002a, pp. 114–115, 126). These trafficking networks adapted successfully to these dynamics by exploring new forms of reaching clients, through a move away from the traditional brothel and towards new outlets such as bars, night clubs and massage parlours as well as 'personals' in newspapers and magazines and appointments via telephone (173–174). He thus sees the 1980s as a transitional period that set the stage for the more radical changes towards the mass consumption of sexual services and the prevalence of forced prostitution subsequently.

What then was gradually accomplished in the 1990s was a complete takeover of the sex sector by transnational trafficking networks that kept supplying the market with trafficked women particularly from the former Soviet countries. According to Lazos, the vast majority of foreign prostitutes in Greece were forwarded by trafficking networks between 1990 and 2000 under conditions of force and exploitation (Lazos, 2002a, pp. 205–206). The study identifies five transnational trafficking networks that were active in Greece during the 1990s, among which the Russian and the Ukrainian were branches of global trafficking networks, and the Balkan, Albanian and, to a lesser extent, the Polish networks were regional ones. The significance of this classification is firstly connected with the national origin of the trafficked women, as each network would primarily import persons from locations to which it had access; therefore, the larger the network, the broader the geographical base of origin of trafficked women. Secondly, the classification conveys the degree of organisation, and therefore the ability of these networks to access the market at a wider geographical scale. Finally, these networks supplied women to different outlets for sex consumption and thus occupied different market positions (Lazos, 2002a, pp. 231–254). In addition, as Lazos is adamant on his position about the role of client demand as primary drive of the phenomenon, he also presents estimates about the share of each network in the turnover of the industry in the second volume of his study (Lazos, 2002b).

There is little doubt that the study is a record of the *real* change that the Greek sex industry underwent since the beginning of the 1990s. However, the *politically significant* part of his research, which has been the single most important – if not the single – source of scientific legitimisation of the anti-trafficking campaign in Greece, does not arise from the ethnographic part of the research, but rather from the *estimates* of trafficked people, sexual transactions and turnover of the industry. Unfortunately, this part has involved a purely quantitative exercise, which is not detailed anywhere in the entire two-volume work. Rather, by means of a passing reference to Bloor et al. (1991), the reader is to understand that the modelling procedure somehow involved a variation of the capture–recapture method (see, for example, Pollock, 1976; Pollock et al., 1990; Nichols, 1992), which Bloor and colleagues had developed for estimating the numbers of street female prostitutes in Glasgow and the extent of drug injecting among these women (Lazos, 2002a, p. 27).

The essential fact remains that the statistical procedure by which the estimates were produced remained unreported. By virtue of this

omission, any confidence in these estimates is justifiably unwarranted. That no particular criticisms about the study's methodology have been voiced is perhaps a curiosity, but it is not a mystery. Firstly, research into prostitution lies outside the main interests of Greek criminology, which focuses more on the technicalities of criminal justice (Lambropoulou, 2005). Secondly, one has to take into account the fury of the anti-trafficking campaign and the fact that its core claims have been and remain to date unopposed by alternative discourses in Greece. Methodological disputes can only emerge and are meaningful only when the substance of what is being demonstrated is also disputed. In addition, these numbers have been extremely congruent with the (proportionately) similar estimates incessantly recycled in the global anti-trafficking campaign. These numbers, as Kempadoo (2005) points out, are always used by various bodies as definite facts, but their origins and methods of production are typically obscured. Finally, the core theoretical assumptions of the study itself have to be taken seriously into account: trafficking is understood on the basis of the definitions provided by international instruments, but what is forgotten is that the meaning of these definitions is itself a contested issue (Raymond, 2002; Ditmore and Wijers, 2003). Equally, albeit more tacitly, the study is informed by a particular understanding of organised crime, one that sees specialised, structured, rational, control-hungry and violence-prone criminal organisations: but this is also a viewpoint that has been even more fiercely contested theoretically (Naylor, 2004, pp. 14–16).

The problem lies not with the objective significance of Lazos's work, which is indisputable, but rather with its organic role in anti-trafficking agitation. The exact point of dispute is whether a conception of prostitution as 'modern slavery' and of the sex industry as an appendix of organised crime business in Greece is capable of uncovering the real forces at work in this social field. The question is whether a particular section of society can be isolated and seen as exceptional, or whether it is much more meaningful to apply theoretical distinctions and concepts that reveal the substantive homologies between the social organisation of one particular field and the system of relations that governs a social formation as a whole.

6.2.2 Exploring the official image

The above questions are accentuated when one considers the officially available information regarding the organisation of the sex industry in Greece, particularly the information made available by the police. Historically, the police have been and remain the single most important

regulatory agency of the sex industry. This information is valuable, even though it is as truncated as the information disclosed about any other area of crime and criminal justice in Greece. It is also marred by methodological choices in its collection and reporting.

Firstly, the official statistical series of the Hellenic police aggregates data under general categories of crimes, following the classification of crimes under chapters of the Penal Code, and therefore data for particular crimes are reported only exceptionally (for example, homicide or rape). Secondly, the tabulations of these aggregates (for example, by age, gender or nationality of the offender) follow a logic whose utility is difficult to understand even from the viewpoint of the organisation itself, and they are of limited use for substantive analyses (Spinellis and Kranidioti, 1995). Thirdly, it has become rather common that more detailed information – of the kind that one would reasonably expect the police to hold – about crimes is leaked and presented in the press rather than made available via official avenues.

As far as the sex industry-related criminality is concerned, the advent of the anti-trafficking regime in Greece, in combination with the notion of organised crime embedded in recent legislation, has complicated the situation. This is because additional legal classifications have been superimposed on the previously existing system of public reporting and dissemination of the information the police hold. The fact is that until the inception of organised crime in Greek legislation, the knowledge base for the justification and use of the idea in Greece, apart from the journalistic references to the Italian or Albanian or other national 'Mafias', including a Greek one, was rather limited and primarily fed by foreign accounts of the phenomenon (Nikolopoulos, 1997; Mandrou, 1999). Even today, whatever overview of facts can be connected to the concept in the strict sense comes primarily from the (now discontinued) Hellenic Police's annual reports on Organised Crime (Hellenic Police, 2000, 2004, 2005, 2006). These were reaching the public domain only in a curtailed ('open') version, due to dictates of 'national security', but they do make available a certain amount of useful information in a meaningful format.

With the above qualifications one may draw a line between what can be inferred about the situation in the 1990s and what we began to learn after 2000 approximately. As regards the first period, it cannot be stressed enough that the available information is fragmentary and generally of low quality, and that, even when presented in the context of academic research, its source has been primarily the media. According to Nikolopoulos (1996), 3,948 women were deported in 1995 on grounds

of illegal entry or illegal stay (that is, after their visa expired). These women were reportedly 'engaging in the exercise of the older profession'; in addition, 1,277 women were arrested for prostitution (and also 196 procurers) during the same year. Between 1990 and the first semester of 1995, 6,420 crimes against sexual freedom were reportedly committed in total, of which 1,094 were felonies and 4,297 misdemeanours. Among the offenders, 7,015 were Greek nationals and 466 were aliens. The above classification leaves no doubt that the data had been drawn from the official recorded crime series of the Hellenic Police, and are therefore not entirely relevant (for example, rape and indecent assault are also included in these numbers). Also reported on that occasion was the number of women who were allowed entry and work permit as performing artists. Their numbers declined from 3,411 in 1991 to 2,021 in 1995, totalling 13,677 in the period between 1990 and 1995 (Nikolopoulos, 1996). The information is interesting because artistic visas are known to have been widely used in the nearby Cypriot sex industry too (Lenz, 2006).

For 1996, Psimmenos (2000, p. 82) refers to media reports according to which 200 under age and about 1,000 adult female migrants were repatriated. And for 1999, Emke-Poulopoulos (2001, p. 5) reports the numbers of foreign women working in brothels without permit and arrested in 1999, who total 88 and have been included by country of origin in Table 6.3 (under 1999). Emke-Poulopoulos also reported the number of 'foreign women in Greece working illegally in bars and other establishments subject to health control in 1999' (i.e. cafeterias, bars, cafe-bars, etc.), a total of 1,341 (2001, p. 5). However, Poulopoulos's equation of these forms of employment with 'hidden prostitution' is quite unwarranted, in so far as it equates the employment of *all* female illegal migrants in these establishments with sex trafficking. As a result, the only numbers that are relatively comparable with the statistics on victims of human trafficking that the Hellenic Police began to publish after the introduction of L.3064/2002 are Emke-Poulopoulos's arrest data.

Some sense of the overall picture is communicated by the data presented in Table 6.3, which includes the information by year for 1999 and 2003–2007, and also two aggregates, with or without the data for 1999.² It can be seen that the vast majority of the victims came from eastern European countries, particularly Romania, Russia, Ukraine, Bulgaria, Albania and Moldova, totalling 414 out of 525 victims identified between 2003 and 2007 (or 490 of 612 when 1999 is included). A smaller number were African women from Nigeria.

Table 6.3 Trafficking victims 1999, 2003–2007

	1999*	2003	2004	2005**	2006	2007**	SUM 2003–2007 (incl. 1999)
Albania	38	1	9	2	4	1	17(55)
Armenia	0	0	1	2	0	0	3(3)
Austria	0	0	1	0	0	0	1(1)
Belarus	0	7	8	3	1	0	19(19)
Bulgaria	2	1	10	8	10	15	44(46)
Czech Republic	0	3	3	0	0	0	6(6)
Denmark	0	0	0	1	0	0	1(1)
San Domingo	0	0	1	0	0	0	1(1)
Eritrea	0	1	1	2	0	0	4(4)
Estonia	0	0	0	1	0	0	1(1)
Georgia	3	0	2	0	1	0	3(6)
Germany	4	0	0	1	0	0	1(5)
Ghana	0	0	1	0	0	0	1(1)
Greece	0	0	2	0	0	0	2(2)
Kazakhstan	2	1	0	1	1	0	3(5)
Kirgistan	0	0	0	1	1	0	2(2)
Latvia	0	0	0	0	2	0	2(2)
Lithuania	0	4	4	3	2	0	13(13)
Moldova	1	10	10	7	5	2	34(35)
Morocco	0	0	1	0	0	0	1(1)
Netherlands	0	0	2	1	0	0	3(3)
Nigeria	0	2	3	8	3	4	20(20)
Poland	0	0	1	0	1	0	2(2)
Portugal	1	1	0	0	0	0	1(2)
Romania	22	10	41	21	20	20	112(134)
Russia	9	31	50	28	25	18	152(161)
Serbia	0	0	0	0	1	0	1(1)
Singapore	1	0	0	0	0	0	0(1)
Sudan	0	0	0	0	0	1	1(1)
Syria	0	0	0	0	1	0	1(1)
Thailand	0	0	1	0	0	0	1(1)
UK	0	2	3	1	0	0	6(6)
Ukraine	4	14	21	12	5	3	55(59)
Uzbekistan	0	4	5	1	0	0	10(10)
Yugoslavia	0	1	0	0	0	0	1(1)
SUM	87	93	181	104	83	64	525(612)

*Arrested foreign women working in brothels without permit.

**Adult women.

Source: 1999: Emke-Poulopoulos (2001); 2003–2007: Hellenic Police (n.d.c.).

The data presented in Table 6.3 call for additional cautionary notes. Firstly, these numbers are obviously records of police activity, whose levels and targets may vary from year to year. For example, the 2005 Organised Crime report of the Hellenic Police makes this point clear by referring exactly to the prioritisation of targeting particular criminal organisations (Hellenic Police, 2005, p. 10). It can be also observed that the number of identified victims follow closely that pattern. When the Hellenic Police report 'victims' in general, they essentially report in the first instance the total number of the women who were identified in connection with the cases that are recorded as trafficking cases. Whether victimisation may have indeed taken place is established in the course of the preliminary investigation, during which the police are authorised to carry out a screening process, alongside the interrogation (Hellenic Police, 2003). Once this procedure has resulted in formal prosecution, the provisions of article 12.1 of L.3064/2002 and of its executive Presidential Decree 233/2003 are activated, and the victim can be placed under arrangements of assistance and protection. After the enactment of L.3386/2005 on 'third country nationals', depending on the results of police screening, a special order of the public prosecutor may grant the individual a month's reflection period before formal prosecution 'so that they recover and escape the influence of the offenders in order to make an unbiased decision regarding their cooperation with the authorities' (art. 48.1).

The significance of the preceding observations emerges clearly in the official information presented in Table 6.4, which shows that one-third of the victims identified in connection with recorded trafficking cases were actually placed between 2003 and 2007 under the regime

Table 6.4 Victims identified and victims assisted 2003–2007

Victims	2003	2004	2005	2006	2007	SUM
Identified	93	181	137	83	100	594
Assistance and protection (by type of action)	28	46	57	39	35	205
Prosecutor's Order	–	25	20	34	17	–
Cooperation with GOs and NGOs	–	31	19	37	29	–
Cooperation with diplomatic authorities	–	12	33	22	28	–
Cooperation with IOM	–	17	12	20	15	–

Source: Hellenic Police (n.d.a).

of assistance and protection laid down by the Greek law. Again, caution is necessary because the official series does not differentiate by gender or by type of trafficking. Furthermore, to consider the proportion for the five-year period is preferable, because the variation for each year could be due exactly to the targeting of particular networks by the police, according to their investigative approach and criteria of efficiency discussed above. Nevertheless, the particulars for each year have been included as an indication that the familiarisation, presumably, of the police with the screening procedures, or the establishment of the anti-trafficking mechanisms with the creation of special anti-trafficking units alongside regular vice squads, and the involvement of an array of public and private players in its implementation has not led, overall, to an increase of the assisted and protected victims as a proportion of the total number of victims identified. The official note accompanying the publication of these data each year clarifies that the majority of victims (in the first sense of 'identified victims') have stated upon contact with the police that 'they do not wish to be placed under the protection of the State', and, additionally, most of them reside legally in Greece (Hellenic Police, n.d.a.).

As regards (foreign) victims, therefore, the examination of the officially available information causes reasonable doubt about whether all of them can be considered as being trapped in forced prostitution – or forced labour, as the series do not distinguish. To be sure, the annual OC reports of the Hellenic Police, which include a dedicated section on trafficking, emphasise the regimes of force and fraud that these individuals are subject to. Nevertheless, none of the reports is firmly or fully committed to the idea that these individuals are always victims of trafficking in the substantive sense. They note, for example, that the women suspect or even know that they will become victims of trafficking and sexual exploitation, but as they are under economic and social hardship and have no other choice, they accept to take the risk in order to earn money (Hellenic Police, 2004, p. 8).

It must be stressed that the official reports and Lazos's data are not commensurable. His research covers a different period, and potentially, different conditions of the migrants' involvement in the social organisation of the sex industry. His research claims to have captured a moment in the workings of the sex industry as a whole, and therefore lays a reasonable claim on the extent of hidden areas lying beyond the reach of law enforcement, whose operational capacities are always, of course, restricted. The comparison, however, has an important sensitising effect, which becomes stronger, when one considers in addition the official accounts regarding the traffickers.

6.2.3 Who are the traffickers?

The Hellenic Police provide information about the perpetrators of human trafficking offences in two forms, which in the current context should be taken to complement each other.

Firstly, data about the number of identified offenders (the number of individuals being investigated), tabulated by country of origin, are published each year alongside the rest of the information about victims and forms of cooperation with other agencies (see, for example, Hellenic Police, n.d.b). The available data for 2003–2007 are presented in Table 6.5, and include offenders of all forms of human trafficking the Hellenic Police happened to detect, including labour trafficking or baby trafficking. It can be observed that while the data for the five-year period reveal an involvement of Romanian, Albanian Bulgarian, Russian and, to a smaller extent, Ukrainian nationals, the majority

Table 6.5 Human trafficking offenders 2003–2007

	2003	2004	2005	2006	2007	SUM
Albania	22	22	13	28	4	89
Armenia	3	0	1	0	0	4
Belarus	0	2	0	0	0	2
Belgium	0	1	0	0	0	1
Bulgaria	1	15	12	12	26	66
Egypt	0	7	0	0	0	7
Georgia	2	0	0	0	0	2
Greece	166	207	133	142	48	696
India	0	0	1	0	0	1
Iraq	0	0	0	3	0	3
Kazakhstan	3	1	0	1	2	7
Lebanon	0	0	0	2	0	2
Lithuania	5	0	0	0	2	7
Moldova	8	4	3	0	2	17
Nigeria	0	0	5	4	0	9
Pakistan	0	0	1	0	0	1
Poland	2	0	0	0	0	2
Romania	20	5	28	9	18	80
Russia	30	10	3	4	12	59
Slovakia	3	0	0	0	0	3
Syria	0	1	0	0	0	1
Turkey	4	4	1	0	0	9
Ukraine	12	5	1	1	7	26
Unknown	0	64	0	0	0	64
Uzbekistan	3	4	0	0	0	7
SUM	284	352	202	206	121	1,165

Source: Hellenic Police (n.d.b).

of trafficking offenders, almost 60 per cent of the total number of investigated individuals, were Greek.

More should be made of this fact than common sense dictates, that is, it is not simply a case of the majority of offenders being Greek because they lie within the Hellenic Police's reach, whereas their foreign accomplices remain undetected exactly because they are outside Greek soil. It is at this point that the combined examination of all available information, which is, admittedly, scarce, provides some interesting insights about the social organisation of trafficking.

We come here to the second, and far more important source, the annual OC reports that offer an overview of the national situation and compile the yearly activity reports by the various divisions of the Hellenic Police. The OC reports offer some information about the social organisation of organised crime, such as the size and structure of 'criminal organisations', as well as their *modus operandi*.

Lazos's analyses note, but do not delve extensively on the fact that the reorganisation of the sex industry in the 1990s involved a new range of services and outlets, characterised by new, flexible and 'user-friendly' ways of approaching the client which contrasted starkly the organisation of (brothel-based) 'old prostitution'. Rather, the 'new' prostitution relied extensively on forms such as prostitution in bars, night clubs, via telephone appointments, by means of which sexual services became accessible to a large and diverse clientele while being flexible, adaptable and low-cost.

Lazos's analysis focuses primarily on *the clientele*, making the point that the new prostitution served the sexual consumption of middle-class men and farmers in the periphery (Lazos, 2002b, pp. 191, 194, 196). But he takes *for granted*, consistently with his general thesis, that the keys to these establishments were held by the transnational organised crime groups who, at the same time, held the women under conditions of violent exploitation and absolute destitution. An absolutely critical point is thus entirely excluded by his research. This regards *the organisation of the exploitation of sexual labour*: the exact conditions of control over the individual's work, the ownership of the establishment and the relation of this business with legitimate business. This is a critical point concerning the wider social and political conditions under which the reorganisation of the sex industry was possible, including the class relations as relations of ownership of means, control of labour and access to the state that enter the shaping of these conditions.

Now, the OC reports of the Hellenic Police provide limited but nevertheless useful information in this respect. They offer an overview of the 'criminal organisations' targeted by the investigative authorities. As regards the definition of 'criminal organisation', they apply the definition found in article 187 of the Greek Penal Code which was introduced by Law 2928/2001 and which speaks of a 'structured and continuously active group (organisation)' of three or more members that purports to commit specifically named felonies (see the report, p. 37 and also Hellenic Parliament, 2001). Relatedly, the reports offer information on the number of members of the criminal organisations that were targeted each year by the services of the Hellenic Police. The relevant information is presented in Table 6.6 and shows that the majority of investigated criminal organisations barely exceed the legislative threshold of three members. More than two-thirds of these groups involve six members (or less), which is the average membership of human trafficking groups according to the OC reports (as ratio of *suspects* to investigated groups) (Hellenic Police, 2004, 2005, 2006).

In connection to sex trafficking, the report for 2005 included the standard review of the *modus operandi* of those criminal organisations, noting that the victims are recruited in the countries of origin by travel or 'work-abroad' agencies that advertise waitressing, care-taking or housekeeping jobs in Greece. The transport of the victim to Greece is the job of foreign members of the groups, while the place of detention, the mode of transport and contacts with clients are the job of the Greek

Table 6.6 Number of members of criminal organisations under investigation, 2003–2005

No. of members	2003	2004	2005	SUM
(2)*/3	35	38	26	99
4	36	40	32	108
5	32	25	20	77
6	20	17	20	57
7–10	21	37	30	88
11–15	8	12	8	28
16–20	4	2	3	9
>20	1	7	0	8
SUM	157	178	139	474

*The 2006 report includes a separate category for two-member criminal organisations.
Source: Hellenic Police (2004, 2005, 2006).

members of the criminal organisations. The women are exchanged or sold and are moved frequently by the traffickers in various places in Greece. Furthermore,

night clubs that offer strips shows continue to play an important role. There the victims are forced to be prostituted to clients by means of cover-labour as waitresses or dancers. Non indigenous and indigenous criminal organisations cooperate with the owners of these clubs where the victims are prostituted, offering sexual services to the clients of these establishments, after secret arrangements of the clients with them [the criminal organisations] or the persons responsible for the establishment.

(Hellenic Police, 2006, p. 11)

The report continues by making an explicit distinction between types of criminal organisations, and notes explicitly the existence of recruiting criminal organisations that in turn sell to 'indigenous' ones; recruiting and exploiting organisations who either exploit their victims in Greece or sell on to 'other indigenous criminal organisations'; 'indigenous organisations that sexually exploit the victims and traffic them within Greece'; at the same time, the structure of these organisations is found to be hierarchical in most cases, and there has been 'in recent years' a trend towards ethnic heterogeneity and increased participation of women in the recruiting process (Hellenic Police, 2006, p. 11).

6.3 Understanding the anti-trafficking regime in Greece

The preceding analysis has demonstrated a marked discrepancy between the conceptualisation of trafficking in the discourse that motored the advocacy of anti-trafficking in Greece, and the results of law enforcement activity on the issue. The former unequivocally equates prostitution, trafficking and transnational organised crime. From the latter emerges a different image of victims unwilling to take the assistance offered and of a strong national element in the organisation of the exploitation of sexual labour. To be sure, official reports only partially shed light to the complex relations involved in the exploitation of sexual labour in today's Greece. This has been undoubtedly a factor for the ascendancy of the discourse constructed by anti-trafficking advocacy. Just as it is important to approach critically the understanding of the situation advanced by the anti-trafficking advocacy camp, it is important *not* to use the official data as means to dismiss the extent

and degree of exploitation involved in the clandestine Greek sex industry. The police themselves are the first to acknowledge the problematic nature of their enterprise, since they accept explicitly that many of the individuals involved elude not only arrest, but even investigation. It is possible in this respect to speak, overall, of an under-enforcement of the new anti-trafficking regime, but not in a technical-organisational sense.

The question is, where a more pertinent analytical line towards the understanding of this discrepancy can be drawn. If the focus is on the social organisation of the exploitation of sexual labour, then what is of interest is not individuals, either victims or traffickers, but rather the overall social profile of the business. In this respect, the indisputable analytical point of departure is none other than the strong Greek ('indigenous') presence exactly at the points where migrant sexual labour is exploited. Whereas standard accounts conjure up an image of all-powerful, control-hungry, mafia-type transnational organisations, the consideration of the available information so far points to rather small groups, which are perhaps interconnected and heterogeneous overall, but which *possess significant ties with legitimate end-points*, such as bars, night clubs, or strip clubs, where a strong indigenous presence is indispensable to the whole process. In other words, not only the exploiters are primarily indigenous, but also the entire circuit of exploitation is embedded in their conditions of economic and social existence.

These must, therefore, be brought to the forefront of the analysis on these terms exactly. The above reading of the available information and data is quite congruent with the small but emerging stream of empirical research we begin to possess with regard to the exact question of the social organisation of trafficking itself, as well as of other illicit services in Greece that depend on trafficked goods such as cigarettes, stolen cars and car parts. This research has been successful in revealing the significance of indigenous elements at the end-points of the process, and of the overlap of these end-points with activities and establishments associated with legitimate businesses and entrepreneurship (Antonopoulos and Winterdyk, 2005, 2006; Antonopoulos and Papanicolaou, 2009).

The implications of the above reading of the question of trafficking in Greece are significant, as far as they allow the mobilisation of the series of analytical tools, which reframe the examination of the matter in terms of control and exploitation of labour, in short, in terms of class relations of domination and subordination. Because this approach ultimately understands the state as the field where contradictory class relations gain a specifically political material existence (institutions,

polices), it also makes possible an understanding of the question of trafficking within the wider contours of economic, social and political developments in contemporary Greece. This approach offers an additional explanatory layer to the account of the Mirage Operations, one that sees their emergence and demise as a temporary yet instrumental part of a concretely national response to challenges in the international environment within a given conjuncture at the turn of the century. To facilitate this reading, I begin by codifying and discussing a series of interrelated changes in the state, involving more specifically the legal regime that emerged as a result of the anti-trafficking campaign, and the Hellenic Police apparatus itself.

6.3.1 The new legal apparatus

The anti-trafficking campaign accomplished an important objective in 2002 with the introduction of special anti-trafficking legislation, Law 3064/2002. The Law did not make any changes in the regulatory framework of prostitution itself, which remains legal in Greece. Rather, it amended extensively those provisions of the Greek Penal Code (articles 336–353) dealing with crimes associated with prostitution and it also introduced general provisions pertaining to the protection and assistance of victims, leaving the details to be laid out by delegated legislation, subsequently issued in August 2003 (Presidential Decree 233/2003).

The wording of the new article 351 punishing trafficking for sexual exploitation follows generally the template offered by article 3(a) of the United Nations (2000b). This approach was not entirely welcome by Greek legal circles due to potential problems for interpretation (Dimitrainas, 2003) and because most commentators seem to have concurred with the view that the special anti-trafficking legislation did not add anything that the previously existing provisions of the Code did not address systematically (see Symeonidou-Kastanidou, 2003). The substantive changes that L.3064/2002 brought about involved a more explicitly austere sentencing framework, but this has been accomplished with a simultaneous amendment of the substantive content of the relevant articles. The result has been deemed likely to create confusion in the application of the law by the courts, and thus perpetuate the lack of effective enforcement of the legislation, to which commentators pointed as the real problem surrounding most crimes of sexual exploitation. In other words, the desired changes could have been accomplished with minor amendments rather than a radical rewording of the law, and with added political emphasis on enforcement

(Symeonidou-Kastanidou, 2003, p. 32). Critics have unambiguously understood the Greek legislator's assimilation of the wording of international instruments as the result of political expediency (Dimitrainas, 2003, p. 156).

The wider theme that emerges here involves exactly the institutionalisation of the equation of prostitution, trafficking (and illegal migration) and organised crime. It should be noted, firstly, that L.3064/2002 is not a stand-alone instrument, because it is linked to article 187 of the Penal Code, by means of which, as noted above, the special legislation on organised crime kicks in. The latter had also been refurbished a little earlier by L.2928/2001, whose reception by the academic community of criminal lawyers had been similar or worse on grounds of similar misgivings as the above. That legislation introduced a more severe sentencing framework for those found guilty under the organised crime law, and it also brought about changes in various aspects of the investigation process and the judicial procedure for organised crime suspects. While some of these investigative powers were not previously unknown in Greece, they were generalised for a wide range of named crimes. They include DNA analysis, undercover policing, controlled deliveries, wiretapping, personal data processing and the monitoring of financial transactions. Furthermore, the law removed jurisdiction for the trial of these crimes from jury courts and reallocated it to higher courts composed exclusively by professional judges, and introduced leniency policies for whistle-blowers and witness protection measures (see Hellenic Parliament, 2001).

For all practical purposes, therefore, the direct connection of the anti-trafficking legislation with legislation dealing with organised crime is bound to affect the position of the prostitute-victim in anti-trafficking investigations, as she represents a particular use-value for the conduct and results of the investigation as a witness. In other words, her position, in so far as she is entangled in an enterprise that is inherently 'police business', is overdetermined by that particular use-value and considerations of victim rights and support weigh much less. This is evident in the police circular guiding the process of interrogation of identified victims, whose logical structure is that of a bargain: the authorities will offer support and help *in exchange* for the victim's assistance to the investigation (Hellenic Police, 2003, p. 7).

Additionally, given the real changes in the ethnic composition of the sex industry, it is very clear that the anti-trafficking legislation cannot be considered in separation from the legislation regulating the position of migrants, both women and men, as it applies to all forms of trafficking.

The link is manifested by the fact that important components of the anti-trafficking framework are found in the body of legislation relevant to migration, namely L.3385/2005 on the 'entry, stay and social integration of third country nationals in the Hellenic territory'. Even though victims of trafficking formally constitute a special category of third country nationals for the purposes of that legislation, the procedure remains at all times conditioned by the victim's use value to the investigative procedure. This applies, for example, to the issuing of the special stay permit, which depends on whether extended stay is deemed expedient by the authorities in order to facilitate the ongoing investigation. Additional criteria take into account whether the individual has demonstrated clear will to cooperate, or whether he or she 'has broken all relations with the alleged traffickers'. Conversely, according to art. 51, the stay permit is not extended or is recalled, when the authorities (the prosecution service) consider that the cooperation or report of the victim is malevolent or abusive, or when the victim stops cooperating. Thus to speak of a 'use-value' of the victim is not a metaphor, but a very accurate description.

Yet in the symbolic hierarchy of illegal migrant identities constructed by the new legal apparatus, 'witness' is not followed by 'victim', but by 'alien'. The practical relevance of embedding the regime of protection and support within the regulatory framework of the position of migrants is that when the expected use-value of the individual does not materialise, the repressive state apparatuses may always regress to the original treatment of the migrant as an alien body. Such an approach is perfectly consonant with the role of the police apparatus at the level of street policing and in the obscure spaces of migrant detention centres, and the consistent and persistent ill-treatment of migrants. Such a role of the police has been amply documented by the recurrent reports of human rights activists (see, for example, Amnesty International, 2005) and of agencies operating beyond the strictly repressive core of the state, such as the Greek Ombudsman (Greek Ombudsman, 2001, 2006).

6.3.2 Policy and organisational changes in Greek policing

Within the police apparatus itself, the introduction of the anti-trafficking regime on the basis of the equation of prostitution, migration and organised crime reinforced existing trends towards the strengthening of the operational core of the Hellenic Police (see Rigakos and Papanicolaou, 2003; Papanicolaou, 2006). The agitation campaign caused a hyperactivity at the level of the political management of the apparatus, and prompted the formulation, by the core of the

bureaucracy, of a response to the trafficking 'crisis' based on enhanced centralisation of functions, development of tighter controls on the body of the apparatus and further refinement of its repressive capacities. The changes involved in this pattern, albeit interrelated, can be usefully categorised across three themes: firstly, it is already evident that the inception of the trafficking regime has entailed changes in the interfacing of the police with other public bodies, and more importantly, with private actors ('civil society'), especially as the latter have increasingly claimed a role in operational policing (screening procedures, etc.); secondly, the process has been also complemented by internal changes, that is, strictly organisational changes; and thirdly, there have been changes that involve the interfacing of the Hellenic Police with foreign police apparatuses and bureaucracies: transnational policing in the strict sense.

As the question of migratory movements to Greece was defined from a very early point as a problem of public security and order, the Ministry of Public Order was assigned a preponderant role in all subsequent developments. This was not merely made evident in operational terms by everyday street policing and the notorious 'sweep operations', but also at the level of policy formation and steering. Developments with regard to the question of trafficking followed the same pattern, since it was the Ministry of Public Order that undertook the initiative to establish a special task force on trafficking (OKEA – Group for Combating Human Trafficking) in April 2001. OKEA was an interministerial work group presided by the Chief of the Hellenic Police and was comprised by officers of the Hellenic Police, representatives of ministries that shared competence with the Ministry of Public Order, such as the Ministries of Health, Employment, Interior, as well as a representative of the IOM, and social scientists (Hellenic Police, n.d.e). As the police took the leading role, it is important *not* to understand OKEA as the embodiment of a strategy for partnership with other public bodies or 'civil society', or even as a strategy of cooptation.

In fact, there is a lack of evidence that any public bodies other than the Ministry of Public Order – the Hellenic Police – had a significant role in the works of the Group. It may be noted that neither OKEA, nor any subsequently instituted committees³ included the NGOs that had been the main actors in anti-trafficking agitation, a fact that has been a continuing source of frustration for the latter (see Galatsi Group, 2005). The significance of this detail becomes even more pronounced when one considers that OKEA's stated primary purpose was the introduction of a legislative framework on trafficking, which was accomplished with

the introduction of L.3064/2002 and of its executive Presidential Decree 233/2003. As a result, there had been continuing complaints about the lack of cooperation with NGOs, underscored by their mostly unsuccessful effort to become operationally involved in the screening of victims (Galatsi Group, 2005, point 22). Thus OKEA embodies in the concrete issue area of trafficking a strategy that aims to preserve the ascendancy of the (state) police apparatus in any area of public policy underpinned primarily by considerations of public security.⁴ Having occupied the dominant position in the process that led to the introduction of the anti-trafficking legislative framework, the Hellenic Police was able to declare *post festum* that as regards cooperation with other competent authorities and NGOs that they 'operate and act in accordance with the existing institutional framework and not in contrast [to it] or beyond it' (Ministry of Public Order, 2003, point 2.6).

Beneath the shell that OKEA constituted at the level of the political superstructure of the Ministry of Public Order, some longer term organisational processes in the Hellenic Police were also manifested in the context of anti-trafficking. As in other areas, these have involved a move of the mechanisms of organisational control away from the political heights of the Ministry and towards the uniformed core of the Hellenic Police Headquarters. The last is the central service of the force which, with the amalgamation of the Greek police forces in 1984, had been subjugated under the political structure of the Ministry of Public Order. New legislation in 2000 drew a clear line between the political component of the Ministry of Public Order and the central police service, which was given much larger margins of autonomy. This relative reconfiguration of the power balance between the political leadership and the uniformed core has been underscored by other changes that occurred in the mid- to late 1990s, such as reforms in recruitment procedures, the establishment of a highly militarised Border Guard Service, and not least the introduction of an Internal Affairs Directorate with a mission to fight corruption (Papakonstantis, 2003; Rigakos and Papanicolaou, 2003; Papanicolaou, 2006; Vidali, 2007).

If OKEA did constitute, therefore, a mechanism that sealed off the Hellenic Police from the political struggles waged around it in the context of the anti-trafficking campaign, it was also a power centre from which emanated strategies of both centralisation and specialisation leading to a further tightening of control of the force as a whole by the commanding heights of the police bureaucracy. By declaring anti-trafficking a priority for all services of the Hellenic Police, the Headquarters were able, firstly, to set in motion a process by which action

could be directed and coordinated from a central point found within the Public Security Directorate – the same organisational point which planned and coordinated the implementation of the Mirage Operations on Greek soil. Since OKEA was formally established in September 2002 (Ministry of Public Order, 2003), it constituted not only the interface of the Hellenic Police with external agencies (public bodies, NGOs), but, progressively, a node in intra-organisational networks involved in the management of information and activities at both strategic and tactical levels. The drive to augment and refine the capacity of the Hellenic Police as a police organisation – a repressive apparatus in the final instance – has not only underpinned the logic of these internal developments, but also operated constantly as a filtering mechanism against the victim-centred discourse that other actors in the anti-trafficking campaign attempted to instil in the police:

the protection of the victims is important...but we firstly need to think what can and what cannot be possibly done taking into account the lack of means and the wider abilities and needs in the operation of our services...we are not a welfare agency.

(interview with police official, March 2004)

The process of centralisation of control, beyond activities for raising awareness or the issuing of circulars and guidelines for interrogation and screening, has also been expressed as concrete organisational adjustments, with the gradual spawning of special anti-trafficking units as discrete entities (under centralised direction) within the existing organisational structure of the force. The operation of these teams was piloted in Athens and Thessaloniki as early as the autumn of 2003, with the creation of anti-trafficking teams within the existing Vice Squads. Whether this development was accompanied by a significant reallocation of resources is a mute point, especially in the light of known chronic deficiencies of these services (Aiferoma, 2001). At any rate, this particular approach was extended in the end of 2005 to 12 more prefectoral Directorates of the Hellenic Police, and with an organisational reshuffle in Spring 2006, the special teams in Athens and Thessaloniki were incorporated as anti-trafficking Sections of the local Organised Crime Squads.

Finally, the implementation of the anti-trafficking regime as a special region of the Hellenic Police's response to organised crime (and illegal migration) as a new security threat has involved an intensive process of consolidation of existing relations and of creation of new ones

with foreign police bureaucracies. Greece's position in the field of international police cooperation has matched quite well its overall record of involvement in international organisation as historically the country has participated in most major international and regional European organisations, such as the United Nations, the Council of Europe, the Organisation for Economic Cooperation and Development (OECD) or North Atlantic Treaty Organization (NATO). Its full membership in the European Union (EU) (still European Economic Community (EEC) in 1981) had been preceded by a long course of political convergence that started immediately after the establishment of the European Communities and had also involved the conclusion of an Association Agreement as early as 1961 (Tsoukalis, 1989). Similarly, the Greek police have participated actively in Interpol since 1946. Greece's National Communication Bureau (NCB) is reported to have handled about 130,000 messages (100,000 incoming and 30,000 outgoing) in 2000, and the country's geographical position has meant that Interpol channels have been regularly used in international investigations related to drugs, stolen cars, and stolen works of art, as well as stolen or lost travel documents (Tassiopoulos, 2000). In Europe, before the 1981 accession to the EEC, Greece had been an observer state in TREVI, and with the end of the Cold War and the increasing pace of European integration, the Hellenic Police have also been involved in Schengen (acceded in 1992), as well as in the works of the European Drug Office (EDU), and, subsequently, of Europol. Within the same trajectory, the country also established a Border Guards Service in 1998 with the mission to prevent the unlawful entry of aliens and to deal with cases of illegal immigrants once they are arrested on Greek soil. At the level of institutional framework, therefore, the country is fully and actively integrated in the structures of European police Cooperation.

Greece's integration in the international economic and political structures of the West during the Cold War period can conversely be understood as a factor for the relative absence of relevant structures with the former communist countries in the Balkans (Tsardanidis and Alifantis, 1989). At the time of the implosion of those regimes, Greece was ill-prepared to address police problems such as cross-border crime and, of course, the clandestine migratory movements towards it, not only practically, but also in terms of existing institutional infrastructure (police cooperation agreements, bilateral contacts). The 1990s can be understood, therefore, as a period of adaptation to new conditions, certainly to those in Greece's immediate neighbourhood. While Greece's European course followed a 'natural' path of progression that coincided

with the consecutive steps in the development of third pillar policies after Maastricht, its Balkan course can be thought as rather nervous and experimental to a certain extent.

Hence, it can be firstly observed that Greece has developed an infrastructure of cooperation with several (but not all) Balkan countries by means of a series of *bilateral* agreements within the same issue area of police cooperation, involving border controls, and deportation of undocumented migrants, evidently as 'fire-brigade'-style response to the migratory influx.⁵ In addition, the country was also involved in multilateral forms of cooperation, which had undisputed symbolic value, such as the Adriatic-Ionian Initiative, the Black Sea Economic Cooperation Initiative and, of course, SECI. These moves should not be considered in isolation, because it is possible to discern a pattern whereby the Hellenic Police's involvement in the creation of police infrastructure and networks in the Balkans had been underpinned by an effort to capitalise on its involvement in European structures and thus claim a dominant position in the region. This logic was very clearly expressed by the political leadership of the Ministry of Public Order, at a time when several Balkan countries were firmly on the path of creating stronger ties with the EU (Bulgaria and Romania were already on the track of accession). According to this logic, involvement in cooperation was the material expression of a 'natural and moral authorisation from Europe to export democratic legality and police know how in the Balkan and to secure the wider area in the interests of democracy, market economy and human rights' (Polydoras, 2006).

Within the operational core of the Hellenic Police there was an awareness that the development of police cooperation structures was to some extent instrumental to wider foreign policy objectives, especially in light of the fact that initiatives for police cooperation often emerged within the framework of wider political cooperation initiatives. This is not to say that all of these were deemed to be of the same value for police work:

there has been a deluge of initiatives, as each of these countries tries to promote itself in international fora... Greece aims to be a partner in all these initiatives... Greece has not pursued their creation, but aims to be a partner in all these initiatives and cooperates, so that we don't fall behind... On the other hand, our presence works to raise the standards, and in this way it may be possible to undertake substantive initiatives.

(interview with police official, March 2006)

Thus at the level of national police structures, the meanings of 'value' and 'substance' in police cooperation are constantly defined by the interests of the particular police organisation, provided that one understands 'interests' to emerge not merely from strictly organisational exigencies, a bureaucratic – organisational rationality, as it were, but from the wider range of structural determinations of the police as an apparatus of the national state. This is to say that 'interests' are actively underpinned by a particular notion of the national interest residing in the ideology of the police apparatus.

To be sure, Greek involvement in a multiplicity of initiatives in the 1990s and after engendered certain strains at the organisational level. The Hellenic Police's international interface is the International Police Cooperation Directorate of the Headquarters of the Hellenic Police (ΔΔΑΣ-DDAS), whose circle of activities increased geometrically as Greece became party to various structures of police cooperation. All these new structures have entailed the creation of national units, such as the Interpol NCB, Europol National Unit or SIRENE National Bureau under Schengen, and the allocation of personnel and resources to operate the particular channels of cooperation. To begin with, not all of these services are located in the same space physically, but are found in different locations in Athens. More importantly, these channels of cooperation are often perceived as mutually competitive by the various services that can be thought of as the 'end users'. DDAS is formally the mechanism that regulates the choice of channel for cooperation. Nevertheless, concerns regarding the effective management of information usually revolve around the lack – in physical terms, too – of a joint operational centre to act as a 'gatekeeper', especially in the light of the informal networks of information exchanges which naturally exist within the organisation.

This situation explains the tendency of the Hellenic Police to rely, beyond the mainstream structures of cooperation that are established and 'well-known to hold good information', on the deployment of liaison officers on the basis of bilateral relations, on condition that this preference is not understood as merely the result of technical constraints and rationales. Technically, the deployment of liaison officers is justified by the fact that the latter can be more flexible and therefore gain 'direct access to the information'. Politically speaking, bilateral relations, especially in the blossoming landscape of post-communist Southeast European police cooperation, have been also deemed as 'more manageable', especially in light of data protection concerns, that is, the terms and procedures for the exchange of information that can be laid down

according to the standards that Greece deems acceptable. In this sense, the Hellenic Police's strategy can also be understood to be informed by considerations of national security.

That both technical and political rationales coexist in the preference for bilateral relations is of course more straightforward in the case of border controls. In this area the Hellenic Police have also been active in creating bilateral structures for cooperation at the border with its neighbouring countries (Albania, Bulgaria and Former Yugoslav Republic of Macedonia (FYROM)) by enabling their peripheral services to interact regularly or as needed with the respective police authorities of these countries (Ministry of Public Order, 2003) in order to implement controls of crossing points, deportations and so on, thus articulating a concrete response to the politically critical issue of the permeability of the Greek border. Finally, just as the Hellenic Police have been the receiving party in training and technical cooperation with both US and European agencies, they have been increasingly involved in the organisation of seminars and training programmes for other countries in Southeast Europe by using European funds for that purpose. The underpinning logic is that the eventual modernisation of those countries on the basis of this 'know-how' transfer could provide a more effective response to the problem their nationals, criminal or illegal migrants, present for the Hellenic Police on Greek soil.

6.3.3 Logics of the new security apparatus

The preceding review of the concrete direction of the implementation of anti-trafficking measures and of the particular organisational processes that supported it within the apparatus of the Hellenic Police has revealed that the advent of the anti-trafficking regime in Greece, in combination with the entire nexus of policies aiming to address organised crime and illegal migration, has led to a significant upgrading of the capacities of the police apparatus in Greece. The first characteristic of this process is the consolidation of the uniformed core's grasp over the functioning of the apparatus, a possibility which was previously foreclosed by the course of political struggles after the 1974 political changeover (Rigakos and Papanicolaou, 2003; Papanicolaou, 2006; Vidali, 2007, particularly in vol. 2). The second characteristic is the gradual reconfiguration of the position of the Hellenic Police in the system of transnational policing not as merely a dependent and receiving party, but rather as an active contributor in the implementation of strategies of control.

These developments may appear to contradict the result of the analysis of the police response towards the exploitation of sexual labour of

migrants in Greece. The contradiction rests exactly in the fact that while the above reconfiguration of the police apparatus was possible by means of the criminalisation of sex trafficking, by means of new prohibitions and additional police powers, the actual results of police activities point clearly to a problem of underenforcement, of piecemeal and, by and large, opportunistic action dictated by situational exigencies, including direct political pressure by anti-trafficking agitation. This contradiction cannot be solved unless we return to the distinction between state apparatus and state power, and return to a problematic that understands the field that concerns us here in terms of class relations of domination and subordination, and, therefore, in terms of class struggle. In this sense, the crucial question regards how the objective results of the implementation of the anti-trafficking regime in Greece reflect the state's role in constituting the 'unifying factor of the power bloc' (Poulantzas, 1978b, p. 300), of the politically ruling class coalition under the dominance of the capitalist class, to whose interests the direction of the exercise of state power corresponds.

Analyses of contemporary developments in the performance of Greek capitalism have shown how Greece's economic recovery in the 1990s involved very high rates of capital accumulation and economic development, measured by increased capital and labour productivity, investment in constant capital, technological innovation and profitability at rates directly comparable with those of the early post-Second World War period (Milios and Ioakimoglou, 1990; Ioakimoglou and Milios, 2005). This is the background against which not merely the question of sex trafficking and of the exploitation of sexual labour, but the entire question of the contribution of migrant labour in Greece's rapid economic recovery in the 1990s and after, should be situated. As Linardos-Rylmon (2003, p. 10) notes, 'it is clear that [as regards the relation between migration and economic development] the economic developments of the past 10–15 years would have followed a rather different course, had the migrants that were so quickly integrated in economic activity not been available'.

Indeed, the eruption of the conditions that engendered the migratory exodus of populations for the former communist countries in the Balkans and eastern Europe coincided with a late stage (after 1988) in the restructuring of the productive base of the Greek economy (Ioakimoglou and Milios, 2005). On one hand, the influx of migrant labour provided a unique opportunity for the satisfaction of demand for cheap labour in a series of productive sectors of the Greek economy. These included agriculture, with migrant workers being involved in the

formation of a waged-labour population 'for the first time after several decades', and also manufacture, construction and services, where low wages played a role in the ability of these enterprises to sustain competitiveness. In addition, the redistribution of income in favour of certain social strata during the late 1980s made possible the employment of migrants in domestic services (Linardos-Rylmon, 2003, p. 9).

The above remarks do not, of course, directly address the question of the exploitation of migrants in the sex industry, given that we are dealing with a clandestine sector of the economy. But there is little doubt that it is inscribed as a phenomenon in the generalised employment and exploitation of (primarily undocumented) migrant labour by means of the violation of labour and social security legislation *and* the thorough social marginalisation of this population. This situation has been directly connected to the prohibitions instituted by the state, as it involved a certain reliance on illegal networks in order to satisfy the demand for labour (Linardos-Rylmon, 1993, pp. 21, 25).

What, therefore, needs to be explicitly problematised is exactly the economic structures, more specifically, the regions of the Greek economy that accommodated the sexual labour of migrants and whose economic organisation involves particular forms of control and exploitation of labour. The most dramatic knowledge gaps in our knowledge of the sex industry in Greece are found exactly in this area – certainly because the public police are not expected nor are willing to carry out activities that would fall under the remit of the Revenue Service and its enforcement mechanisms. But in so far as there are sufficient indications that the main outlets for illegal prostitution have been businesses such as bars, *café*-bars, night-clubs or strip-bars that have at least a *façade* of legality and therefore stand with at least one foot in the domain of the formal economy (Lazos, 2002a, p. 260; Hellenic Police, 2006), and since we know that the majority of suspects are Greek nationals, it is possible to recognise in the sex industry the organisational lines of the small commercial enterprise, the characteristic form of the economic existence of Greece's traditional middle class (Sakellaropoulos, 2001, p. 176).

The question of the underground – informal and black – economy in Greece emerges here instantly. The issue is extremely relevant not just for economic and fiscal policies, since estimates of the extent of the hidden economy have ranged between 25 and 30 per cent of the country's gross national product (GNP) (see, for example, Pavlopoulos, 1987), but also because it has been associated primarily with the economic activities of the traditional middle-class entrepreneurs in Greece, and their

tendency to violate legislated standards regarding terms of employment, minimum wages and social security contributions (Sakellaropoulos, 2001, p. 193). It is clear that exploring *the social structures* of the underground economy is of paramount importance for situating the entrapment of illegal migrants in the economic activities of small businesses, not only in services, but also in other sectors of the economy, and therefore the modalities of their relation with the owners of those enterprises.

In this respect, it is possible to understand in what sense the brutal exploitation of sexual labour can be inscribed in the wider hostage-like conditions of exploitation of migrant labour in the light of the above practices in the 1990s, without necessarily invoking the spectre of transnational mafias. Although the real instances of forced prostitution under conditions of systematic violence and terrorisation of the involved individuals *are* undeniable, the generalisation of sexual exploitation in the scale and with the characteristics suggested by all the available evidence discussed here cannot be explained by treating the prevailing conditions in this particular market as exceptional and isolated, but rather as homologous with other sectors of the labour market.

The practical underenforcement, for the largest part of the 1990s, of the prohibitions regarding illegal migration by means of police operations that were occasional and unsystematic, yet symbolically exclusionary of the migrant populations ('sweep' operations), more than a consequence of the organisational unpreparedness of deficits in the operational capacity, or of the racial prejudice of the police, constituted an instance of the exercise of state power in a direction corresponding to the interests of the politically ruling bloc. To recall Poulantzas's analyses (Poulantzas, 1978b, pp. 287, 300), the state functioned firstly as a factor of organisation of the capitalist class, around whose interests *vis-à-vis* migrant labour the interests of the other classes of the power bloc were polarised. The contribution of migrant labour to the general recovery also involved gains for the traditional middle class. Secondly, the state functioned as a factor of disorganisation of the Greek working class that was already experiencing both the impact of the preceding period of economic crisis in its share of the social product (stagnation of the average real wage), as well as the political attack on labour rights and welfare as a consequence of the gradual ascendancy of neoliberal discourses across the range of political forces with access to governmental power (Sakellaropoulos and Sotiris, 2004; Ioakimoglou and Milios, 2005).

The developments associated with the implementation of the anti-trafficking regime correspond with the interests of the power bloc

also in the sense that it is possible to periodise the development of strategies towards police cooperation and assistance (and perhaps Greek foreign policy as a whole) towards the Balkan countries in the light of the relations of the Greek economy with the economies of those countries. For example, during the 1990s, Greek labour-intensive manufacturing capital did not so much seek cheap labour in those countries, but rather benefited from employing the labour of (mostly undocumented) migrants on Greek soil. For the Greek bourgeoisie as a whole, the early 1990s were a period of unsystematic actions towards the penetration of the Balkan markets (Kipas, 2004), but were followed by the progressive articulation of an aggressive strategy aiming towards the establishment of a regional economically hegemonic role for Greek capital across a wide range of productive, commercial and financial activities (Tarpangos, 1995). Greek investment in areas such as mining, food manufacturing, telecommunications and banking in former Yugoslavia, Albania, Bulgaria, Romania and FYROM totalled US\$2.4 billion in 1999, a time when according to Labrianidis et al. (2004, p. 1199) Greek expansion in the Balkan markets had reached a period of normalisation, characterised by long-term, large investments by Greek companies, including public sector firms such as the Greek Telecommunications Organisation or the National Bank of Greece.

With Greek capitalism coming to occupy the position of a regional, or 'satellite', imperialism, the levels and patterns of the Hellenic Police's involvement in international police cooperation adapted accordingly. Channels for regional police cooperation were established and the proposals for Operation Mirage – and operations like Mirage – emerged at a time when the police apparatus took up more actively the task of articulating a strategy towards the formation of a *public order hinterland*, as it were, in the Balkan region. The opportunity was not missed.

7

Conclusion: The Mirage of Transnational Policing

This book has argued for a radical rethinking of transnational policing that builds on what is essentially a very simple idea: the study of policing cannot be separated from an understanding of the key institution that secures capitalist rule in society, the state, and the study of transnational policing cannot be separated from a study of the processes that involve states in the reproduction of capitalist power at worldwide level. The case on which this idea has been put to work, the story of the Mirage Operations that emerged from the last three chapters, is markedly different from any account that explanations advanced so far in the study of transnational policing would be able to offer. The first three chapters of this book have explained why such a difference should exist. But it is now possible to take stock and ask: what sort of story is it? What do we learn from it?

Transnational policing is now a prominent feature of today's uneasy global landscape. There is intensified cross-border police activity and mobility. There is a reorganisation of policing that repositions this apparatus towards a transnational horizon of action. There are complex processes by which this repositioning is hardwired onto the circuits through which power is exercised in capitalist societies. Most students of transnational policing, at least those who resist the immediate dictates of a knowledge production system that is increasingly becoming instrumentally tied to policy demands, understand well that these developments may signify a radical distancing of policing from effective institutional controls and involve significant detriments to democracy and freedom. While the positions this book advances share the same fundamental concerns about the nature of policing and about the implications of its transnationalisation, they argue for the need to take a much more radical stance within the process of accounting for this reality.

Firstly, one must become much more aware of the circumstances of the material organisation of the production of knowledge of transnational policing as production organised by the stakeholders of this process, in this case, the police and their institutional sponsors. This applies equally to one's stance towards the process of intellectual labour within established knowledge production apparatuses and modes of thinking. Chapter 2 has shown the concrete results of such awareness in the case of the existing theoretical work on transnational policing: it has been able to achieve considerable advance towards the knowledge of the phenomenon, exactly by challenging established modes of thinking, and by questioning the political order such modes of thinking are welded on. But, secondly, this stance does not merely mean that it is enough for certain concerns and sensibilities to be distantly present in the background of intellectual labour. The study of transnational policing, just like the study of policing in general, is not an abstract intellectual exercise, because its object bears upon how social order is established and reproduced. The object of study itself is traversed by political dilemmas: to speak of order and control effected by the police is to acknowledge that they exist as order for someone and involve control of somebody, in other words, to acknowledge that it is the result of economic, political and ideological struggles in society. The capacity to exercise epistemological reflexivity and craft tools capable of unravelling the deep structure of order and control presupposes a clear and unambiguous stance towards this fundamental social division. In this sense, historical materialism, the collective intellectual achievement of Marx and of his many successors that explained why the perpetuation of this rule obstructs the building of a fair and equitable human society, remains the most valuable starting point for such a task.

From this starting point, the core line of critique that can be mounted against the current theorising of transnational policing is that it suffers from an undertheorisation of the nodes that strategically organise its object of enquiry. The problem of prior work is that it tends to interrogate the field of transnational policing as an assemblage of instances of international regulation, international organisation and national police activity, respectively, without positing a hierarchy between these instances and without elaborating a principle of organisation for the processes that connect these instances. The fundamental node of social organisation that situates the object of enquiry is the state, as regards both the international aspects of the phenomenon, and the institutional position of the police as a special apparatus of the capitalist state. The capitalist state has been and remains the primary site of the

reproduction of capitalism as a social system, and both the national and international activities of the police are fully situated within the global political role of the state as guarantor of the coherence of the complex unity of instances that a social formation comprises, and as a regulator of its equilibrium as a system. The contemporary high levels of integration between social formations involved in the reproduction of capitalism at a world-wide scale in its imperialist phase, make more complex, but do not annul this essential function. The internationalisation of policing has gone hand in hand with processes of internationalisation that are characteristic of the extended reproduction of capitalism and its being guaranteed by the state. But the intensification of the international activities of the police is associated with the particular form of state emerging from the restructuring of global capitalism in the last quarter of the twentieth century, which has transposed the structure of the state towards the predominance of administration and attunes state functions more closely to the cycle of capital accumulation. Transnational policing is the developing form of policing within this state structure: it is policing in the present stage of imperialism.

This view firstly entails a new vocabulary. The framework for analysis moves away from the notion of a global unified social structure suggested by current analyses of globalisation and transnational policing and utilises instead the concept of the imperialist chain, an integrated structure that links national social formations by relations of dominance and dependency where each link 'reflects the chain as a whole in the specificity of its own social formation' (Poulantzas, 1978a, p. 42). The analytical distinction between civil society and state gives way to the distinction between state power, which is the power of the ruling class and its allies that emerges from the field of class struggle, and state apparatus, which is the organisational expression of that class power and functions in the field of class struggle as the organiser of the political rule of the dominant class. The police organisation is not conceived as possessing a power of its own exercised in autonomy and under conditions of rationality, but is a specialised state apparatus, whose effects in the field of class struggle are overdetermined by the global political role of the state. Under imperialism, state power exists and state apparatuses function in the context of world class contradictions, which are reflected in the field of international relations and in international organisation. While the internationalisation of police activities, and the emergence of police organisations as nodal points of these activities are generally inscribed in and boosted by systemic dynamics, they are nevertheless

punctuated by asynchronies which correlate to the divergence of state interests.

The above stance has certain profound implications. To approach transnational policing by enquiring how the police are controlled within a wider assemblage of institutions, or how the police 'control crime' obscures the fact that this is mostly an interrogation of 'struggles within'. Ultimately, a 'crime control' perspective obscures the fact that 'organised crime' assimilates and reproduces the lines of social organisation that the police themselves are busy to uphold by 'combating organised crime'. It is evident therefore how a story of *Mirage* produced with the help of established lines of enquiry would have obscured the pivotal question of migration and the perpetuation of control and exploitation of migrant labour by the machinery of capitalist order. This machinery includes the police apparatus, and it includes the apparatuses of economic exploitation, whether they exist in the 'upperworld', the 'underworld' or the grey space between them. This aspect, involving a struggle between fundamentally contradictory social forces, has precisely been brought into the centre stage in this book as an organising theme in the account of anti-trafficking measures.

In principle, therefore, the study of transnational policing is incomplete without an attempt to consider the dialectic of the processes that unfold in the deep, complex space of the imperialist chain. What the analysis of the emergence and demise of the *Mirage* Operations as a concrete police project against human trafficking and illegal migration has shown is that, as an event of transnational policing, the series has been the product of a unique conjuncture propelled by the dynamics of imperialism in the region of post-communist Southeast Europe. The dynamics of this conjuncture have involved the combination of the unfolding, firstly, of US hegemonic projects in the region under the guise of an advocacy of the emergent international prohibition regime on human trafficking; secondly, the reconfiguration of state power under conditions shaped by the reintegration of post-communist societies in the circuits of global capitalism; and, finally, the implementation of divergent national power bloc strategies over the position of labour, native and migrant. In the case of Greece, particularly, the displacement of the question of migrant labour exploitation towards the ambiguous issue of sex trafficking and organised crime ultimately served as an ideological smokescreen for the implementation of strategies of intensive exploitation, social marginalisation and vilification of wider categories of economic migrants.

The occurrence of the Mirage Operations was not dictated by any iron necessities in the development of transnational policing as certain approaches seeing police cooperation as an inevitable, quasi-automatic response to the threat of organised crime would have it. They happened, because within the given conjecture they served as an equilibrium point for state-sanctioned national and international class strategies involving a role for the police apparatuses. As these strategies confronted each other at the international level, they also gave rise to a concrete material-organisational infrastructure, the SECI Centre for Combating Transborder Crime. The particular nature of international organisations as apparatuses dependent on state power has been visible in SECI's framework of governance, pattern of work and relations of agents populating it. Ultimately, the dissolution of this complex equilibrium also meant that its material expression in Mirage was also dissolved, even though the organisational infrastructure thus created at the international level has remained in place and possesses its own special effectivity in the institutional landscape of transnational policing. As far as the respective police apparatuses are concerned, there is little doubt that the process improved their capacity to intervene in the field of class struggle and to intensify divisions and the disorganisation of subordinate classes. They can do so, armoured with new powers, new operational capabilities and less external scrutiny from institutional centres ensuring accountability.

The final point must return to the political dilemmas the object of study involves. The dependence, ultimately, of transnational policing on its national components means that its concrete future development as a phenomenon depends on the course and outcomes of struggles over the form and content of policing within national contexts. There is no doubt that communication about, denunciation of and protest against strategies fuelling police secrecy and intrusiveness secreted by the international power centres that oversee the organisation and conduct of transnational policing must develop an international dimension. It is nevertheless clear that the institution of an effective system of democratic control of policing depends heavily on national struggles for police reform. Currently, it is true, prospects for radical social change, for 'fundamental social surgery' instead of 'temporary palliatives' (Reiner, 2000, p. 220) appear to be quite distant. The plain fact remains that the police are a pivotal mechanism for the reproduction of social relations of domination and subordination, thus of exclusion from an equitable and democratic society. Political strategies for change must strive to expose and oppose the fundamental logic that upholds this role of

the police as well as those particular mechanisms and the ideologemes through which an increasing degree of insularity of policing from the people is achieved, and a neutralisation of established mechanisms of substantive democratic control is accomplished. The concrete direction of transnational policing, and of policing in general, remains contingent upon the outcomes of political class struggles conducted within the particular social formations across the global imperialist chain.

Notes

1 Introduction

1. Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslavian Republic of Macedonia, Greece, Hungary, Moldova, Romania and Turkey. Ukraine, the (then) Federal Republic of Yugoslavia and the UN Mission in Kosovo were also invited to participate as equal partners in the operation (SECI Centre, 2003).

2 The Study of Transnational Policing

1. I am using the term 'epistemic' in Haas's (1992) sense, according to which an 'epistemic community is a network of professionals with recognised expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue area' (3). Although its conceptual origins can be evidently traced in the circle that upholds and labours within a 'paradigm' in the Kuhnian sense, Haas explains that his definition of this circle is wider than a 'scientific community'.
2. I do regard Malcolm Anderson's book on Interpol (1989) as the opening salvo of the contemporary investigation of international police cooperation – in the sense that it seems to be the first systematic work in mainstream English-speaking political science to pose the problem of the implications of the growth of international police cooperation for political theory. The link with bolder approaches in *transnational policing* is quite appropriate, even though this particular work steers well clear from any dramatic assertions of globalisation. It is the book's explicit roots in a 'liberal tradition', albeit a 'sceptical' one (17) that place it in the same theoretical camp, as I will show very shortly.
3. For a full exposition of *transgovernmentalism*, see Raustiala (2002).
4. The particular focus on European integration is insignificant for theoretical classification. While in this case it would be more appropriate to speak of a (neo-)functionalist approach (meaning here a particular theoretical explanation of European integration – see Rosamond, 2000), as Robert Gilpin notes, the latter, transnationalism and transgovernmentalism stand very close together at the level of fundamental assumptions (Gilpin, 2001, p. 399).
5. It equally builds on a conceptual shift in thinking about the police, manifested in the stream of writings on the privatisation or pluralisation of policing (see, for example, Jones and Newburn, 2006). In the present discussion this is of secondary importance, because the sociology of the police has rarely used the concept of the state as a basis for explanations of police work; unlike IR, where there the entire realist tradition rests explicitly on the assumption of the centrality of the state.

6. I am concerned here with the reification of the state by both the classical realist orthodoxy and neo-realist *institutionalism*. For a thorough critique of the realist orthodoxy in IR see Justin Rosenberg's incisive discussion (1994, chapter 1).

3 Imperialism, the State and the Police

1. The idea of imperialism was not a creation of Marxists, but was drawn from elsewhere. The study of John Atkins Hobson, which was published in 1902 (recent edition: Hobson, 2005), was particularly influential, not only for Bukharin and Lenin, but also for subsequent Marxist analyses (Brewer, 1990).
2. Whether the state monopolises policing or not is a question of form, and state policing as a form is not related to the essential characteristic of the pluralist state. What is important is that the state as the embodiment of public good and neutral in itself must cater for the principled distribution of collective goods. Commenting on the growing significance of private security, which in current debates is understood as a process of pluralisation of policing, Bayley and Shearing comment, 'three public interests must continue to be served as the governance of security is transformed: justice, equality of protection, and quality of service' (Bayley and Shearing, 2001, p. 29). Although this is a debate I cannot enter here, this formulation is more a vehicle for the legitimisation of commercialised use of private force, which has nothing to do with the function of the police in a democratic society.
3. Grimshaw and Jefferson make explicitly the point that much of the sociology of the police has resulted in the depiction of the police as an embattled profession and organisation (1987, p. 8).
4. To treat individuals as simple bearers of economic functions has consequences for the individuals. It is not Marx the theoretician who treats them as such, but the capitalist production relation (Althusser, 1976b, p. 202).
5. The idea reflects the *Communist Manifesto*'s formulation that 'the executive of the modern state is but a committee for managing the affairs of the whole bourgeoisie' (Marx and Engels, 1976a, p. 486), or the idea of the state as 'a public force organised for social enslavement, of an *engine* of class despotism' found in the *Civil War in France* (Marx, 1977, p. 67), and the similar formulations found in other writings of Engels (Engels, 1978).
6. Under this conception, there is no question of retaining the separation between 'civil society' and state. This conception refers exactly to the organisational reality that expresses the political modalities of class power. As Perry Anderson has shown, it is the retention of the idea of that separation that lies at the root of Gramsci's contradictory and often confusing repeated attempts at drawing the boundaries between the state, or 'political society', that wields coercion, and 'civil society', whose institutions instil hegemony, the ideological dominance of the bourgeoisie (Anderson, 1976). But for the theorists who subsequently built on Gramsci's legacy by treating critically the idea of civil society, there appears to be little doubt regarding the adoption of a 'wide' definition of the state as the ensemble of repressive and ideological apparatuses that exist beyond and separately from the immediate realm of production (Althusser, 1971, 2006; Poulantzas, 1976, 2000; Balibar, 1977).

7. A machine in the full, precise sense of that term established in the nineteenth century...a man-made device comprising a motor driven by an energy 1, plus a transmission system the purpose of the whole being to transform a specific kind of energy (A) into another specific kind of energy (B) (Althusser, 2006, p. 105).
8. 'The working class, once come to power, could not go on managing with the old state machine; that in order not to lose again its only just conquered supremacy, this working class must, on the one hand, do away with all the old repressive machinery previously used against itself, and, on the other, safeguard itself against its own deputies and officials, by declaring them all, without exception, subject to recall at any moment' (Marx, 1977, p. 15). 'The centralised State power, with its ubiquitous organs of standing army, police, bureaucracy, clergy, and judicature – organs wrought after the plan of a systematic and hierarchic division of labour – originates from the days of absolute monarchy, serving nascent middle-class society as a mighty weapon in its struggles against feudalism. Still, its development remained clogged by all manner of medieval rubbish, seigniorial rights, local privileges, municipal and guild monopolies and provincial constitutions' (Marx, 1977, p. 66).
9. It should be noted that neoliberal economics and privatisation became state policy and, equally, neoliberalism became state ideology. The contemporary changes in both the state and the society were not effected by vague forces exterior to the state.
10. Although this topic cannot be taken up here, I do suggest that once one has taken a critical distance from the schematic divisions of the state debate and the question of Eurocommunism in the 1970s, there are more themes that unite rather than divide Althusser's theses with Poulantzas's later work. The contradiction between the open pronouncement of a Eurocommunist line and the retention of a 'far-left choice' in Poulantzas's work, which seems to have been lost by subsequent analyses, had been pointed out with clarity as early as 1978 (see Weber, 1978a, p. 9).
11. Note that, interestingly, Weber actually speaks of the *usurpation*, by the 'fully matured political community', 'of the monopoly of the power to compel by physical coercion respect' for the legal order (Weber, 1978b, p. 904).
12. Manning entirely deflates any concept of politics. He does this by either limiting the attempt to define 'policing' by considering only 'Anglo-American democratic policing' (2003), or by limiting his view of the politics of the police in the context of local government (2001). Marenin ultimately appears to suggest that the political content of police activities should be decided on an empirical case-by-case basis (Marenin, 1982, p. 257).
13. Interestingly, one may notice that Colquhoun's famous treatise of the police that appeared at the turn of the eighteenth century often reads as an enthusiastic appraisal of continental police (Colquhoun, 1969). Greek policing offers another characteristic example. While the establishment of the Greek Gendarmerie appears as a historical rupture, somehow underscored by the opening phrase 'there will be a Gendarmerie' of the Royal Decree of 1833, the detailed examination of its establishment suggests that it was by and large the state's attempt at coopting the idle armed fighters of the independence struggle (Rigakos and Papanicolaou, 2003, pp. 277–278).

14. Obviously, I do agree with their view that the 'agitation process' is an essential ideological process from which regime formation emerges.

4 The Global Prohibition Regime on Human Trafficking

1. In this chapter, I use 'trafficking in women', 'trafficking in women for sexual exploitation' and 'sex trafficking' interchangeably to mean the forms of activity described in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (United Nations, 2000b). My analyses will demonstrate that current choices of terms ultimately bear little on the substance of the matter. As far as the term 'sexual exploitation' is concerned, it appears in article 3(a) of the Protocol as an additional form of 'the exploitation of the prostitution of others'; while the latter term is drawn from the 1949 UN Convention on the suppression of traffic and refers to cases where any (third) person 'exploits the prostitution of another person even with the consent of that person' (United Nations, 1949), 'sexual exploitation' is rather ambiguous. There is no international definition of the term (Dottridge, 2007), and, as Lazos (2002a, p. 127n) remarks, the exploitation in this context can only be strictly meaningful as economic exploitation.
2. The intermediate points of this series were: (a) the *International Convention for the Suppression of the White Slave Traffic*, signed at Paris on 4 May 1910; (b) the *International Convention for the Suppression of the Traffic in Women and Children*, concluded at Geneva on 30 September 1921; and (c) the *International Convention for the Suppression of the Traffic in Women of Full Age*, concluded at Geneva on 11 October 1933. These instruments were amended by additional protocols, and were ultimately superseded by the 1949 UN Convention.
3. For a discussion of nineteenth-century regulationism, its implementation in France, which served as model elsewhere, and its standard work of reference, A. Parent-Duchâtelet's *De la prostitution dans la ville de Paris* (1836), see Corbin (1990) and also Harsin (1985).
4. I do not consider here the 1979 UN *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW). Even though its Article 6 calls for all signatories to 'take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women', it does not provide any definitions, nor does it elaborate on the nature of the 'appropriate' measures. It is unclear whether this provision has been informed by abolitionist positions; however, given the scope of CEDAW, it is doubtful whether the 'appropriate' measures would include the criminalisation of prostitution itself. The ambiguity of the matter is noted sharply by Toepfer and Wells (1994, p. 101). Nevertheless, CEDAW established a monitoring Committee which subsequently played a significant role in revitalising interest in the issue of trafficking.
5. This programme bore fruits in Sweden, where the feminist campaign achieved the criminalisation of the purchase of sexual services by Sweden's 1999 Violence against Women Act. The Swedish experience serves already as a precedent for feminist campaigns elsewhere, including, as we shall see,

Greece. However, the measure should not be regarded as an instance of piecemeal legislation, but rather as part of a different model which enjoys support by the public and the wider social conditions in this Scandinavian country (Bindel and Kelly, 2003).

6. See Doezena (2001) for a list of the membership of this transnational coalition.
7. It should be noted, however, that activists from within the sex workers movement do differentiate their position from those of the Caucus in general, by expressing a profound scepticism, not so much with regard to the substance, but rather with the practical implications of the distinction between 'voluntary' and 'forced' prostitution (Bindman and Doezena, 1997; Doezena, 1998).
8. Again, supposing that Engels considers prostitution from the viewpoint of the economic class determination of prostitutes – a problematic which does not seem to me as present in the analyses of family in the *Origins*.
9. Decayed *roués* with dubious means of subsistence and of dubious origin, ruined and adventurous offshoots of the bourgeoisie, rubbed shoulders with vagabonds, discharged soldiers, discharged jailbirds, escaped galley slaves, swindlers, mounte-banks, *lazzaroni*, pickpockets, tricksters, gamblers, *maqueriaux* [procurers], brothel keepers, portes, literati, organ-grinders, ragpickers, knife grinders, tinkers, beggars – in short, the whole of the nebulous, disintegrated mass, scattered hither and thither, which the French call *la bohème* (Marx, 1978, p. 73).
10. An entrepreneur of theatres, concerts, brothels, etc., buys the temporary disposal over the labour-power of the actors, musicians, prostitutes, etc. . . . the sale of these to the public provides him with wages and profit. And these services which he has thus bought enable him to buy them again; that is to say, they themselves renew the fund from which they are paid for . . . In short, the production of these services can be in part subsumed under capital, just as part of the labour which embodies itself in useful things is bought directly by revenue and is not subsumed under capitalist production (Marx, 2000, pp. 166–167).
11. For a powerful investigation of this coalition from a philosophical viewpoint, see Soble (2002).

5 Politics and Policing Sex Trafficking in Southeast Europe

1. For the economy of the text, and where differentiating will not have particular practical significance in the context of the following analyses, I will refer to both the CSCE and OSCE as OSCE.
2. This is particularly argued by Parenti (2000).
3. The same observation applies by and large to Turkey, too. Greece's geographical position to the immediate south of the other Balkan countries and its socio-economic conditions turned it into a prime destination for migration in the 1990s.
4. Greece and Turkey are omitted in the present discussion since, due to their existing ties with the West, the 1990s posed an entirely different range of issues. Greece, for which the 1990s have been a decade of further and more

decisive development of its capitalism and integration into the structures of the EU, is at any rate the specific object of the next chapter.

5. For a concise account of the human and other cost of shock therapy, see Gowan (1999a, pp. 199–204).
6. A more detailed analysis would have to differentiate clearly between the situations in different countries of the former Eastern bloc, as there was a difference between Central and Southern Eastern Europe and the USSR in this respect. But there are themes that have a general application.
7. Both particular countries and international organisations enjoyed Permanent Observer status, among them many EU countries, Canada and the US, the International Organization for Migration, the European Institute for Law Enforcement Cooperation (EULEC), the International Centre for Migration Policy Development (ICMPD) and the United Nations Mission to Kosovo (UNMIK).
8. In what follows, I focus on the police aspect of the Centre's operations. During fieldwork, I did have the opportunity to become acquainted with the Customs side of SECI, but I had not scheduled any interviews with Customs liaison officers. At any rate, it should be noted that the Customs side of the Centre was less well-developed, as not all member states had fielded Customs liaisons, even by 2005, five years after SECI became operational. This also translated in a much less well-developed framework of joint activities in Customs-related investigations.
9. This technical mediation was removed after Interpol's transition to the I-24/7 system in 2004 (Interpol, 2005b).

6 Policing Sex Trafficking in Greece

1. For an overview of Greek policing, the English-speaking reader may refer to Rigakos and Papanicolaou (2003).
2. The series published by the Ministry of Public Order for 2003–2007 reports both sex trafficking and human trafficking for labour without differentiation, and, additionally, information about the gender of victims is only provided for 2005 and 2007. For these two years, only the number of adult women victims of trafficking is included, in order to provide some basis for comparison with the number of arrestees reported by Emke-Poulopoulos.
3. For example, the Working Group for Crime Prevention Policy, established in January 2002 (Hellenic Police, n.d.d).
4. Papanicolaou (2006) detects a similar pattern in connection with the regulation of private policing in Greece.
5. For example: a bilateral police cooperation agreement was concluded with Albania in July 1992 (L.2147/1993), and was followed by a Friendship, Cooperation and Security Pact in 1996 (L.2568/1998); the bilateral police cooperation agreement of 1991 with Bulgaria was followed by a Repatriation Agreement in 1995; the 1992 bilateral police cooperation agreement with Romania (L.2138/1993) was followed by a Repatriation Agreement in 1994 (L.2301/1995).

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Index

agency
and female migration, 111
in international relations, 32–4,
36, 38–9, 55, 74, 81

Agustín, Laura, 100, 111

Althusser, Louis, 6–8, 16–18, 43, 63,
67–8

Amin, Samir, 75

Anderson, Malcolm, 4, 19, 21, 23–4,
26, 28–9, 38

Andreas, Peter, 4, 13–14, 21,
27, 49

Anthias, Floya, 136

Antonopoulos, Georgios, 170,
183

Arnson, Cynthia, 45

authoritarian statism, 82–5
and transnational policing, 84

Bachelard, Gaston, 16

Balkans, *see* Southeast Europe

Balladur, Edward, 119
Royaumont process, 120

Barry, Kathleen, 94

Bayley, David, 57

Benyon, John, 19

Bettelheim, Charles, 64, 78

Bigo, Didier, 21, 28

Bindman, Jo, 95

Bittner, Egon, 8, 57, 65, 70

Bordua, David, 38, 53, 57, 69

Bukharin, Nikolai, 77, 107

Bunyan, Tony, 70

Busek, Erhard, 118

Bush, George W., 50, 113–14

Butler, Josephine, 91

Callinicos, Alex, 75

Castells, Manuel, 48, 105

CATOC, *see* United Nations
Convention against Transnational
Organised Crime (2000)

CATW, *see* Coalition Against
Trafficking in Women

CEDAW, 93, 94

class struggle, 8, 62, 64–8, 70, 71, 78,
81, 84, 86, 113, 194, 200, 202
and informal economy, 133

Coalition Against Trafficking in
Women, 94, 95, 96, 97, 98

Complex interdependence, *see*
transnational relations

corruption, 131–3

Council of Europe, 50

Cullen, Peter, 29

Dayton Agreement, 118, 120

Deflem, 5

Deflem, Mathieu, 5, 13, 21–3, 26, 28,
32, 44, 84, 87

den Boer, Monica, 29

disaggregated state, 26
see also governance

Ditmore, Melissa, 97, 99, 110–11, 114

Doezema, Jo, 90, 95, 97, 101, 111

Emke-Poulopoulos, Ira, 158, 170,
175

Engels, Friedrich, 17, 60–1, 103

epistemic communities, 19

EU, *see* European Union

EU Justice and Home Affairs, 19,
29, 50
Europeanisation of criminal justice
systems, 29

European Union, 14, 26, 29, 80, 117,
118, 120, 143, 144, 154, 190
enlargement, 119
police cooperation, 4, 38
relations with SECI, 125
Stabilisation and Association
Process, 122, 123
and US foreign policy, 120, 124
see also EU Justice and Home Affairs

Frydman, Roman, 131

GAATW, *see* Global Alliance Against Trafficking in Women

Galatsi Group (Greece), 163–4, 187–8

Giddens, Anthony, 25, 73, 75

Gilfoyle, Timothy, 101–2

Gilmore, William, 29

Global Alliance Against Trafficking in Women, 96
see also sex workers movement

globalisation, 6, 13, 24–5, 31, 36, 48, 72, 73, 75, 83
 critique of, 39
 governance, 25, 74
 imperialism, 8, 76
 theory, 73, 74, 75
 transnational policing, 37
 transnationalisation, 25

governance, 23, 33, 37, 40, 50–1, 123, 142

Gowan, Peter, 80, 83, 119–22, 130

Greece
 informal economy, 195
 L.3064/2002, 169, 184–5, 188
 prosecutions of trafficking in persons, 177
see also Hellenic Police

Harring, Sidney, 59, 70

Harvey, David, 39, 75, 82

Held, David, 25, 73

Hellenic Ministry of Public Order, 160, 188–9, 191, 193

OKEA, 187
see also Hellenic Police

Hellenic Police, 156–7, 160, 179, 186–93, 195
 anti-trafficking measures, 189
 bilateral police cooperation agreements, 193
 Hellenic foreign policy, 191, 197

International Police Cooperation Directorate, 192
 measures against corruption, 188

Organised Crime Report, 174, 180, 181–2
 recorded crime, 175

trafficking in persons recorded crimes, 179

trafficking victims protection, 178

victims of trafficking protection, 185

Hellman, Joel, 131

Hilferding, Rudolf, 76–7, 79

Hirst, Paul, 25

historical materialism, 43, 52

Hoffmann, Stanley, 35

Huggins, Martha, 46

human rights, 100

Huntington, Samuel, 36, 37

ideology, 17, 71
 and class struggle, 18
 and science, 16–18, 21
 subjectivism, 36, 39

imperialism, 6, 46, 56, 80, 82, 84, 103, 121, 128, 136, 197
 and class struggle, 81–3
 definition of, 77
 and globalisation, 76, 78
 and structural causality, 78
 and transnational policing, 7, 8, 56, 81

imperialist chain, 7–8, 79–33, 85, 106, 128
 conservation and dissolution effects, 79

institutionalism, 41, 43, 53, 69

International Organisation for Migration, 3, 93, 153, 169, 187

international police cooperation, 13, 28, 190, 192
 assistance programmes, 45–7

international prohibition regimes, 27, 49, 86, 152–3, 183, 186, 194
 trafficking in persons, 88
 transnational policing, 112

international regimes, 27, 40
 critique of, 41

Interpol, 23, 28, 31, 50, 144, 147, 190, 192
 accountability of, 51
 and sovereignty, 31
 NCBs, 51, 147, 190, 192

Ioakimoglou, Elias, 194, 196

IOM, *see* International Organisation for Migration

IR, 20, 23–4, 27, 30–1, 33–5, 40–1, 53, 76

Jamieson, Ruth, 103

Kempadoo, Kamala, 173

Keohane, Robert, 24–7, 37, 40–1

Klare, Michael, 45

Klockars, Carl, 58, 65

Krasner, Stephen, 27, 31, 33, 84

labour market, 103, 106–7, 109, 138, 160, 161, 194, 196
and migration, 107
and neoliberalism, 82

Labrianidis, Lois, 141, 161

Lap-Chew, Lin, 96, 98, 99

Larraín, Jorge, 17

Lazaridis, Gabriella, 136, 139, 161, 163, 170

Lazos, Grigoris, 157–8, 170–2, 178, 180, 195

Lecourt, Dominique, 16

Lenin, Vladimir, 7, 63–4, 67, 70, 77

liaison officers, 28, 143, 145–8, 192
SECI Centre, 145–8

Liang, Hsi-Huey, 13, 32

Limoncelli, Stephanie, 89, 91

Linardos-Rylmon, Petros, 160–1, 194–5

lumpenproletariat, 103

Mandel, Ernest, 62, 64

Manning, Peter, 15, 53, 58, 69

Marenin, Otwin, 45–6, 53, 66

Marx, Karl, 7, 8, 17, 43, 52, 57, 64, 103–4, 107

marxism, 9, 56

McGrew, Anthony, 25, 73

Memorandum of Understanding, 169

migration, 2, 103, 106, 108, 116, 129, 136, 141, 157, 159–60, 189, 194
anti-trafficking in Greece, 186
and imperialism, 106
informal economy, 109

and labour market, 154

legislation in Greece, 186

process, 109, 111

regulation of, 101, 108, 110–11

social exclusion, 139

and trafficking in persons, 109

and women, 140

undocumented, 1, 88, 100, 154, 185, 193, 196

Milos, John, 6–7, 76, 194, 196

Nadelmann, Ethan, 4, 13, 14, 21–4, 27, 28, 49, 85–6
Americanisation of criminal justice systems, 29, 112

national interest, 27, 34, 45, 149
international relations, 112
in transnational policing, 84, 148, 192
transnational relations, 37

NATO, 118–19, 125, 190

Naylor, R. T., 48–9, 85, 105, 133

neoliberalism, 75, 83, 108, 196
in Eastern Europe, 121, 131, 133

NGOs, 3, 24, 41, 86, 112, 114, 153, 163, 164, 169, 187–9

Nye, Joseph, 24–5, 37

Office of Public Safety (United States), 45

OKEA, 187, 188, 189

Operation Mirage, 1–3, 116, 149, 150–6, 184, 189, 197

National Coordinators, 150, 151

observer states, 151

origins, 151

results, 154

Task Force on Trafficking, 150, 151

third parties, 153

and trafficking in persons, 154
and transnational policing, 202

United States support, 151

see also SECI Regional Centre for Combating Transborder Crime

Organisation for Security and Cooperation in Europe, 118–23, 125–6

organised crime, 48, 85, 101, 111, 134, 154, 157, 162, 164, 181, 185–6, 189, 193

corruption, 48

and ideology, 86

legislation in Greece, 185

nature of, 49

trafficking in persons, 173

transnational policing, 85

OSCE, *see* Organisation for Security and Cooperation in Europe

Palermo Protocol, *see* United Nations Convention Against Transnational Organised Crime

Panitch, Leo, 80

Petriniotis, Xanthi 160

police, 38

- agency of, 58
- bureaucracy, 38, 44, 49, 53, 59, 68, 69, 71, 84, 187, 188
- definition of, 58, 65, 70
- professionalism, 44, 45, 47, 49, 68
- sociology for, 15, 21
- sociology of, 15, 21, 57, 58
- subculture, 28, 53
- technology, 46, 86

policing

- definition of, 42

Portes, Alejandro, 105, 107

post-communism, 117, 130, 192

- informal economy, 132
- labour market, 136
- migration, 136
- poverty, 134
- transition to market economy, 130

Poulantzas, Nicos, 6–8, 36, 39, 43, 52, 61–7, 71, 78–9, 82–3, 194, 196

poverty

- feminisation of, 138

prostitution, 90, 92, 93, 95–6, 101–4, 111, 113–14, 155, 157–62, 164, 170, 173, 182, 195–6

abolitionism, 89–95, 98, 100–1, 110, 113–14, 163, 165

consent, 98

in Greece, 158–9, 170, 175, 180

and informal economy in Greece, 183

and migrants, 162

and organised crime in Greece, 181

regulation in Greece, 184, 185, 186

regulation of, 97, 105, 110

regulationism, 89, 90, 114, 158

and trafficking, 98, 153, 163, 171, 175, 178

Psimmenos, Iordanis, 139, 162, 175

periphaptic spaces, 161

Quinney, Richard, 59

Raab, Charles, 29

radical criminology, 60

Raymond, Janice, 97

realism

- in IR, 32, 35

Reiss, Albert J., Jr., 38, 53, 57, 69

rendition, *see* United States

Resch, Robert, 6–7, 17–18, 61

reserve army of labour, 107

Rosen, Ruth, 89–90, 92, 100–1, 159

Rosenberg, Justin, 6, 35–6, 73, 75

Sakellaropoulos, Spyros, 133–4, 195–6

Salt, John, 100, 108

Sanghera, Jyoti, 111

Schifter, Richard, 117, 120, 124–5, 127

SECI, *see* Southeast European Cooperation Initiative

Southeast European Cooperation Initiative 1–2, 116–88, 124–7, 143–5, 147–8, 152, 154, 191

final points of common understanding, 117, 124

financial support, 126

framework, 125

Memoranda of Understanding, 127

projects, 126

relation with other cooperation initiatives, 118

Schifter Initiative, 125

SECI Centre, *see* SECI Regional Centre for Combating Transborder Crime

SECI Regional Centre for Combating Transborder Crime, 1–3, 116, 124, 127, 141–2, 145, 147, 149–151, 153–4
 financial support, 144
 framework, 142–4
 and Interpol, 142, 143, 147
 member states, 141
 National Focal Points, 149
 organisation of work, 145, 147
 Permanent Observers, 144–5
 sponsors, 145
 US financial support, 144
 and US role, 142
 SEECP, *see* Southeastern Europe Cooperation Process
 sex industry, 94–5, 100, 103, 105–6, 110, 156, 158, 160–3, 169, 183, 195
 anti-trafficking, 115
 crime, 174
 in Cyprus, 175
 in Greece, 171, 172, 173, 178, 180
 informal economy, 103, 105
 migrants, 162
 organised crime, 173, 174, 180
 in Southeast Asia, 102
 social organisation, 104
 victims of trafficking, 97
 sex trafficking, *see* trafficking in persons
 sex work, 95, 100, 103–5, 110
 sex workers movement, 95
 Sheptycki, James, 4, 21–4, 26, 28, 48, 51, 147–9
 Skolnick, Jerome, 58
 Slaughter, Anne-Marie, 26, 37
 smuggling of migrants, 14
 social exclusion, 161
 social formation, 43, 46, 61–4, 78–80, 173
 role of the state, 8, 81, 84, 200
 Sotiris, Panagiotis, 196
 Southeast Europe, 1, 2, 116–27, 134, 152, 191, 193
 economic and social conditions, 129, 130, 132
 Greek investments, 197
 and police cooperation, 5
 Southeast European Cooperative Initiative, 2
 Southeastern Europe Cooperation Process, 124
 sovereignty, 27, 31–2, 51
 and international relations, 31
 Stability Pact, 120, 123–4
 state, 8, 52, 60
 apparatus, 8, 18, 44, 61, 63–7, 68, 71, 83, 86, 113, 186, 194, 200
 class power, 61
 form of, 67, 82
 power, 61–2, 67
 state capture, 131
 state power, 113
 structural causality, 6–7, 43
 and imperialism, 79
 subculture of transnational policing, 149
 subjectivism, 35, 38–40, 53
 Suchting, Wallis, 16
 Sullivan, Barbara, 93, 111
 Taylor, Ian, 103
 theoretical production, 15–16
 mode of, 16
 third pillar, *see* EU Justice and Home Affairs
 TIP report, 114, 152, 156–7, 162, 165, 169, 170, 194
 trafficking in persons, 1, 14, 96–7
 in Greece, 170
 for sexual exploitation, 88, 98, 129
 victims in Greece, 175
 transnational organised crime, 15, 47–8, 85, 88, 182
 concept of, 48
 harmonisation of international criminal law, 112
 transnational policing, 3, 6, 18–19, 22, 32, 34, 37, 43, 56, 81, 84, 149, 156, 187, 193, 202
 accountability of, 50, 51, 84, 202
 architecture of, 27
 concept of, 22, 26–7, 31, 38
 critique of, 33–4, 42, 44
 domestic politics, 29, 50–1, 81
 existing research, 4, 5, 18–19, 21
 foreign policy, 46

- imperialism, 7, 8, 197, 199–201
- international police cooperation, 30
- interorganisational relations, 44
- national interest, 84
- organisation of work, 28
- relation with international police
 - cooperation, 22
 - and the state, 8, 23
 - subculture of, 28
 - theoretical production, 18, 20
- transgovernmental networks, 26
- transnational relations, 24
- transnationalisation, 33
 - theoretical production, 55, 199
- transnational relations, 24, 30, 33–9,
 - 40, 74
 - interorganisational relations, 37–8
 - transnational policing, 24
- UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), 92–3
- United Nations Convention against Transnational Organised Crime (2000), 14, 47, 85, 89, 95–7, 100, 109, 111, 115, 152
 - negotiations, 99
- United States, 15, 36, 74, 80, 113–14, 117–18, 120, 146, 151–3, 163, 197
 - Agency for International Development, 114
 - Chinese undocumented migrants, 108
 - Department of State Trafficking in Persons Report, *see* TIP report
 - federal law enforcement agencies, 4
 - foreign policy, 46–7, 114, 119, 165
- hegemony, 82
- Progressive era, 92
- prostitution, 101
- rendition, 50
- role in Southeast Europe, 120–1, 124–8
- Support for East European Democracy (SEED) Act 1989, 145
- Trafficking Victims Protection Act 2000, 114
- war on drugs, 45
- war on terror, 50
- White Slave Traffick (Mann) Act 1910, 92
- USAID, *see* United States:Agency for International Development
- van der Pijl, Kees, 119, 121
- van der Veen, Marjolein, 104
- von Lampe, Klaus, 49
- Walker, Neil, 29
- Walkowitz, Judith, 89, 113
- Weber, Max, 31, 44, 65
- Weitzer, Ronald, 113–14
- white slavery, 91, 101
- Wight, Colin, 34
- Wijers, Marjan, 96, 97, 98, 99, 110–11, 114
- Wilson, James, 53, 57
- Wilson, James Q., 38
- Woodward, Susan, 121, 127
- working class, 64, 70, 81, 104–6, 159, 196
 - poverty, 136
- Yugoslavia, 118–21, 129, 130