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The Emotional Leviathan — How Street-Level Bureaucrats govern Human Trafficking Victims*

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Abstract

Comprehending the term "victim of human trafficking" as a classification in the sense of Ian Hacking (1999), we studied mundane institutional practices aimed at the classification of migrant sex workers as "victims of human trafficking" in German police offices, victim counselling centres, and in trials. Following the tradition of an ethnography of the state (Lipsky 1980, Dubois 2010), we regard the practices of so called street-level bureaucrats not as merely implementing national policies and legislation, but rather as producing governmental action as such in the first place. In doing so, institutional practices have to be understood and analysed within a bureaucratic context with emergent and deployed bodies of hybrid knowledge and discourse, which are the effect of and at the same time producing subjectifications that are deeply emotionally embedded. The bureaucrats' emotions and beliefs actually inform the identification processes and the management of trafficking victims. Thus, instead of constituting a Weberian rational authority who solves problems exclusively in accordance with organisational and legal guidelines, the bureaucrat in our study appears

* The data we draw on in this paper have been collected as part of the DFG/ANR-funded research project "Human Trafficking in the Light of Institutional Practices" (2014–2017) that focuses on the law on trafficking in human beings in administrative practices in France and Germany, and of which Mathilde Darley (CESDIP) and Rebecca Pates (University of Leipzig) are the coordinators. The main ambition of the project is to question how the category of "victim of human trafficking" is applied and translated into local institutional practices.

to act according to modes of knowing that are always already situated within a specific social setting. This, we argue, changes the picture of governance. Thus, we shall theorise practices of governance that draw on emotional logics and affective rationalities within emergent state discourses and the 'politics of pity' (Aradau 2004) and, additionally, offer a new perspective on how to study the role of emotions, values, and affects in legal and bureaucratic classificatory practices.

Keywords

emotions in bureaucracies, emotion management, state ethnography, political theory, politics of emotions, subjectification.

El Leviatan emocional – com els buròcrates de carrer governen les víctimes de la trata de persones

Resum

Entenent el terme "víctima de la trata de personas" com una classificació, en el sentit proposat per Ian Hacking (1999), estudiem les pràctiques institucionals corrents orientades a la classificació dels treballadors sexuals migrants com a "víctimes de la trata de personas" en oficines de policia, centres de conselleria de víctimes i tribunals alemanys. Seguint la tradició de l'etnografia de l'estat (Lipsky 1980, Dubois 2010), considerem que les pràctiques dels anomenats "buròcrates de carrer" no es limiten a implementar polítiques i lleis nacionals, sinó que, d'entrada, generen una acció governamental com a tal. D'aquesta manera, les pràctiques institucionals han de ser compreses i analitzades dins d'un complex burocràtic amb cossos emergents i desplegats de coneixement i discurs híbrids, que són efecte i alhora productores de subjectivacions amb un profund arrelament emocional. Les emocions i creences dels buròcrates donen forma als processos d'identificació i al maneig de les víctimes de la trata de persones. Així, en lloc de constituir una autoritat racional weberiana, que resol els problemes fundant-se exclusivament en aliniaments organitzacionals i jurídics, el buròcrata del nostre estudi sembla actuar de conformitat amb formes de saber que sempre estan adscrites a un entorn social específic. Aquest fet, segons sostenim aquí, canvia la imatge de la governança. Per tant, considerarem pràctiques de governança que es basen en lògiques de l'emoció i racionalitats afectives dins dels discursos estatals emergents i la "política de la compassió" (Aradau 2004) i, a més, ofereixen una nova perspectiva sobre com estudiar el paper de les emocions, valors i afectes en les pràctiques classificatòries jurídiques i burocràtiques.

Paraules clau

emocions en burocràcies, gestió d'emocions, etnografia de l'estat, teoria política, política de les emocions, subjectivació.

El Leviatán emocional — cómo los burócratas de a pie manejan a las víctimas de la trata de personas

Resumen

Entendiendo el término "víctima de la trata de personas" como una clasificación, en el sentido propuesto por Ian Hacking (1999), estudiamos las prácticas institucionales corrientes orientadas a la clasificación de los trabajadores sexuales migrantes como "víctimas de la trata de personas" en oficinas de policía, centros de consejería de víctimas y tribunales alemanes. Siguiendo la tradición de la etnografía del estado (Lipsky 1980, Dubois 2010), consideramos que las prácticas de los llamados "burócratas de a pie" no se limitan a implementar políticas y leyes nacionales, sino que, de entrada, generan una acción gubernamental como tal. De este modo, las prácticas institucionales tienen que ser comprendidas y analizadas dentro de un complejo burocrático con cuerpos emergentes y desplegados, de conocimiento y discurso híbridos, que son efecto de y al mismo tiempo producen subjetivaciones con un profundo arraigo emocional. Las emociones y creencias de los burócratas dan forma, en efecto, a los procesos de identificación y al manejo de las víctimas de la trata de personas. Así, en lugar de constituir una autoridad racional weberiana, que resuelve los problemas fundándose exclusivamente en lineamientos organizacionales y jurídicos, el burócrata de nuestro estudio parece actuar de conformidad con formas de saber que siempre están adscritas a un entorno social específico. Esto, según sostenemos aquí, cambia la imagen de la gobernanza. Por consiguiente, consideraremos prácticas de gobernanza que se basan en lógicas de la emoción y racionalidades afectivas dentro de los discursos estatales emergentes y la "política de la compasión" (Aradau 2004) y, además, ofrecen una nueva perspectiva acerca de cómo estudiar el papel de las emociones, valores y afectos en las prácticas clasificatorias jurídicas y burocráticas.

Palabras clave

emociones en burocracias, manejo de emociones, etnografía del estado, teoría política, política de las emociones, subjetivación.

1. Categorising Trafficking as a mundane bureaucratic practice

Human trafficking is a highly contested concept—not only in public debate and media representations, but also within the social sciences. During the last decade, the concept of human trafficking has been analysed within the social, political and socio-legal sciences, particularly in regards to the constitution, contestation, and circulation of knowledge about victims of human trafficking. While most scientific publications are dedicated to a discourse analysis of national or international anti-trafficking-policies, legislations, and other official programs, we focus on a different level of analysis, namely the governmental institutions that are engaged with the policing, filing, categorising, counselling, and empowering of victims of human trafficking at a micro-level. Comprehending the term “victim of human trafficking” as a classification in the sense of Ian Hacking (1999), we study mundane institutional practices aiming at the classification of migrant sex workers as “victims of human trafficking” in German police offices, by administrative agencies, by victim support service providers, and in trials. Following the tradition of an ethnography of the state (Lipsky 1980, Dubois 2010), we regard the practices of so called *street-level bureaucrats* not as merely implementing national policies and legislation, but as producing governmental action as such in the first place. In doing so, institutional practices have to be understood and analysed within a bureaucratic complex with emergent and deployed bodies of hybrid knowledge and discourse. These are both effects of and at the same time productive of subjectifications that are deeply emotionally charged: The street-level bureaucrats’ emotions and beliefs actually inform the identification processes and the management of trafficking victims. In turn, the bureaucrats’ emotions affect those labelled victims by framing their opportunity structures: to be seen as a deserving victim, they must manage the emotional expectations of those who may affect their claims – to social benefits, victim compensation, or even justice, as prior research has shown. We shall in what follows focus both on the governance of the victims – what emotional displays risk to disqualify them from victim status, that is – and on the emotional self-governance of the street-level bureaucrats who find themselves frequently torn between empathy and annoyance at the often recalcitrant victims.

This paper will argue that the management of trafficking as a symptom of social and economic problems (O’Connell Davidson 2006) causes an array of emotions in the “managers.” Thus,

instead of constituting the Weberian rational authority who solves problems exclusively in accordance with organisational and legal guidelines, the bureaucrat in our study rather acts according to modes of knowing “victims of human trafficking” molded by emotional and moral conceptualisations that are always already situated within a specific social setting. This, we argue in what follows, changes the picture of governance. Thus, we shall theorise practices of governance that draw on emotional logic and affective rationalities within emergent state discourses and the “politics of pity” (Aradau 2004) and, additionally, offer a new example of how to study the role of emotions, values, and affects in legal and bureaucratic classifications.

2. The Emotions¹ of the State

Emotions have long been long thought of as antithetical to bureaucratic work. And yet, as we have come to understand at least since Lipsky’s (1980) study on *street-level bureaucrats*, state institutions do not operate in sync; the state’s agents have different goals, different values and sometimes even work at cross purposes. Bureaucrats might not even agree with the stated goals of the legislation and can work towards undermining the effectiveness of their own or each others’ activities. The state is best characterised as a performed assemblage (Passoth & Rowland 2010) “constituted in a highly complex matrix of ideas and representations, government and bureaucratic agencies, and land and people” (Passoth & Rowland 2010, 823, quoting Carroll 2000). As such, its micro-physical methods of order (Mitchell 1991, 92), its networks of disciplinary power, and its governmentality (Foucault 1991) are what we are particularly interested in pursuing here. As an assemblage, the state is not a monolithic enterprise with a single will, a Leviathan, but it has become “a fuzzy concept” that has opened up new venues of enquiry, including on the role of emotions in modern bureaucracies (Du Gay 2008, Guy et al. 2010, Larsson & Jacobsson 2013, Mainsant 2010, Maroney 2011, Miller et al. 2006, Sieben & Wettergren 2010, Terpe & Paierl 2010, Wettergreen 2010). In particular, the role of emotions in shaping the law in practice seems significant (Karstedt 2002, Abrams & Keren 2010, Banes & Blumenthal 2012): emotions run through a triadic relationship between state institutions, public policies, and governed people. But although the notions of affects and emotions have become widespread throughout the humanities and social sciences, the “affective turn” does not yet seem to have arrived within state theory with few exceptions (e.g., Sauer 2016, Penz & Sauer 2016 and their analytic tool of “affective

1. In this paper, we understand the concept of emotions as „cultural constructs and conscious processes that emerge from [affects]“ (Cvetkovich 2012, 4), whereas affects are defined as „precognitive sensory experience[s]“ (ibid.). For Penz & Sauer pointed out that „[a]ffects are preconscious and ephemeral, only short-term sensuous impressions, whereas emotions are observed, ‘recognised’ moods, that is, the socially modulated expression of affects that are culturally coded and communicable“ (2014, 41).

governmentalities”). Within political theory, the study of emotions has focussed on the emotions projected and elicited within the political process by politicians or within political campaigns (e.g. Heidenreich & Schaal 2012). We focus in what follows, however, on the emotions displayed by bureaucrats, i.e. by “the state” itself as it is experienced by its citizens and subjects. For as we shall show, emotions play a critical role in the state’s practices of addressing and classifying its subjects in the specific context of handling victims of trafficking.

In general, state institutions address the citizens who apply for funds or other forms of help by classifying them as deserving or undeserving applicants. These classifying processes occur in face-to-face interactions in which unwritten norms concerning the appropriate (emotional) behaviour of a deserving applicant will contribute to shaping the success of the application (Dubois 2010, Penz & Sauer 2016). Victims of trafficking are frequently not themselves applicants of social care services, as that would require that they take on the appellation, which most are reluctant to do: it implies a passivity in their own fate that few identify as appropriate. Research on trials of trafficking for labour exploitation show that victims have frequently willingly taken the decision to migrate, to take on a particular employment (including, sometimes, sex work), but then find themselves exploited and coerced (Renzikowski 2012). Thus, in order for a trafficking case to be established at all, victims have to be identified by the street bureaucrats themselves. The actual persons affected find themselves (according to our empirical research) on the one hand confronted with expectations of behaving like the “ideal type” victim (Christie 1986) of whom a certain emotive repertoire is expected, and on the other, they run the danger of being archetypical “abject subjects” against whom “public anxieties and hostilities are channelled” (Tyler 2013, 9). This paper thus aims at investigating the role of state actors’ emotions on the governance of the state’s subjects. It focuses on how police, counselling centres, and courts relate to and enact narratives of trafficking victims. Since trafficking is a politicised and moralised problem in the public debate, it is embedded in specific emotional contexts. Bureaucrats are supposed to work according to objective and rational modes of governing, but given this particular issue, when the bureaucrats – the social workers and police officers – are confronted with terrible fates and dramatic exploitation, emotions run high. This is exacerbated by narratives of moral panics, the bureaucrats’ often genuinely felt desire to help and sometimes by recalcitrant victims. This paper shows how the bureaucrats apply various emotion-management techniques, which are oriented towards adjusting and regulating both the state agents’ own emotions and the emotions of their clients.

3. Institutional Practices and Emotional Responses

If we want to understand how stateness is practiced, we have to look at the state’s bureaucratic institutions through an ethnographic lens, i.e. “go native” within those multiple parts that the state is made out of. Following the tradition of state ethnographies (Dubois 1999, Weller 1999), this perspective enables us to research the practices and relations through which governmental action is realised (Lipsky 1980, Dubois 1999, 2012). Through this lens, institutional practices do not appear as a mere matter of implementation, but rather as part of the production of governmental action as such. Thus, it is not national legislations and public policies but “the decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures [that] effectively *become* the public policies they carry out” (Lipsky 1980, xii). This area of research tries to capture the state ethnographically from a bottom-up perspective and contributes to an analysis of state bureaucracies beyond the Weberian approach in focusing not only on the bureaucrat, her relationship to top-down directions, and her own career within the institutions, but further on the interactions, strategies, and calculations that she is trapped in and which constitute the manners of interpreting and translating legal categories into local practices and decisions (Lipsky 1980). In illuminating the practical dimension of the state, a state ethnographic perspective is able to question how bureaucrats utilize their discretionary powers in applying a general principle upon a singular case when interacting with an individual client (Dubois 1999, Weller 1999).

In the case of trafficking, a bureaucrat has to apply a general principle, i.e. the national legislation concerning “trafficking in human beings”, upon a singular case. Here, the person of the (putative) victim is inextricably linked with the criminal case. Without the witnessing victim, there is no investigation of a presumable crime that took place. Without the recognition that a crime took place, there is no way to identify somebody as a trafficking victim. With respect to social service providers, this does not mean that for each “case” there is always a criminal investigation, but it does mean this for most other state institutions involved. Additionally, even social service providers have to assume there was an unlawful situation in order to classify somebody as a trafficking victim.

It is those situations that we have been investigating between 2014 and 2016 in various contexts: We collected our data in different cities in Germany² and covered a diverse spectrum of different law enforcement agencies, service providers, counselling

2. Including Berlin, Hamburg, Dortmund, Kassel, and Hanover.

centres, and courts of justice. By engaging with different street-level bureaucrats directly, we hoped to be able to develop an analysis from a bottom-up perspective of the practices and discourses of the state dealing with human trafficking. All in all, the data we used for this paper consists of semi-structured interviews conducted with 45 individuals, field protocols of ethnographic observations within a police station and service providers (over the course of six months), as well as 55 trial records of closed human trafficking cases and field protocols of ethnographic observations of eight current trials (over the course of twelve months).

In sum, agents of the police, counselling centres, and courts all have to classify a person as a “victim of trafficking”, i.e. each of the agents we observed and interviewed has to decide in everyday situations and interactions with other state agents and the client whether a person is a “victim” in the legal sense or not. If we comprehend the term “victim of human trafficking” as a classification in the sense of Ian Hacking (1999), we have to acknowledge that “classifications do not only exist in the empty space of language but in institutions, practices, material interactions with things and other people” (ibid., 31). Thus, a category such as the victim of human trafficking does not exist in a vacuum, but is produced within a complex matrix of institutions, social events, court sentences, case files, media reports, and administrative procedures. All of these are embedded in epistemologies (Valverde 2007, Rose & Valverde 1998) that in turn allow the protagonists to navigate between the different narratives used to explain “what is in fact going on” (Breuil et al. 2011; Pates et al. 2016). According to Carol Bacchi, “practices shape emergent individuals and relations. Through practices, we are constituted as particular kinds of subjects, while the multiplicity of practices ensures the always incomplete nature of these subjectification processes” (2012, 3). Thus the “victim” becomes an emergent category and “an object of knowledge” by examining the practices that classify and regulate, that problematize and constitute” (ibid., 3) the designated “victim of trafficking”.

Here, we follow Ian Hacking in distinguishing five different elements in classification processes: (a) the categories of classification itself, (b) the people who are classified, (c) the knowledge used, (d) the institutions (intentionally organized structures with a distinct institutional identity) within which this takes place, and (e) the experts (scientific and professional) involved in both producing (c) knowledge and using knowledge at their hands to classify (a) the subjects (b) they deal with. We argue that the knowledge accumulated, processed and applied, and the (classifying) interactions with the persons concerned are deeply entrenched with emotions and emotion management on

both sides. We are concentrating here on the emotions the (state) experts (e) related to a certain class of people:³ trafficking victims.

The experts we have interviewed in our research project – the police officers, social service providers, prosecutors and judges – constantly have to assess if a person’s stories of her past can be classified as human trafficking in a legal sense and if that story is both credible and can be proven in front of a court of justice (which means that there has to be, at the minimum, a defendant and some basic confirmed “objective” elements).

Part of this process of establishing what is *really* going on is determined by the appropriate display of emotions by the protagonists, both on the side of the victim-witnesses and on the side of the state actors. Let us first briefly turn the classified subject, the victim-witness. Her credibility seems to increase when displaying sadness, vulnerability, submissiveness, or gratitude (Pates et al. 2015). These emotional expectations correlate with certain social ascriptions: victims are – by definition, so to speak – vulnerable and weak (Christie 1986), and if they are not, they are often considered not *real* victims, for they are assumed to be partly at fault for what happened to them.

From previous research we know of the importance of the so-called “standard narratives” in this context. With regards to “sex trafficking”, this narrative has been shaped more or less by the following elements: An innocent, naïve and powerless woman, preferably from Eastern Europe (in the German case), has fallen into the hands of ruthless and sadistic men operating organized crime networks (Doezema 2000, Berman 2003, O’Connell-Davidson 2006, Agustin 2008, Munro 2008, Hoyle et al. 2011, Pickering & Ham 2014). Now, she needs to be saved because she cannot save herself. This narrative is omnipresent in media, pop culture, and public debate, and it is so powerful because of its appeal to emotion and to images of suffering. Edward Snajdr calls these recurrent, emotional and convincing themes “master narratives” of human trafficking (2013). In administrative practices and knowledge reservoirs, this central narrative is partly varied, partly contested and rearranged, but it is still very present and coexists with other, more complex and partly contradicting narratives on victims. These other narratives may try to de-link the legal status as victim from emotional exigencies towards the victim to fulfil the above mentioned expectations (display of passivity, sadness and so on). One important theme here is what is known about the effects of trauma on people (trauma is correlated with incoherent stories, anger, substance abuse etc.). What makes these narratives so powerful is that the “evocative images they contain, and the judgements they make about the motivations and actions of one’s own group and those of opponents, are readily available and emotionally powerful” (Ross 2009, 143). Indeed, our observations

3. By this, we mean the people classified by those experts as victims or ruled out as victims despite some indications that they might be. A case is a legal one of trafficking if it meets the criteria of the „three-elements chain, namely, the act (or recruitment, transportation), the means to enforce the act (threat, use of force), and the outcome (exploitation) need to be present” (Andrijasevic 2016, 58).

indicate that such narratives, their moral content and the emotions they evoke are linked to “politics of pity” (Aradau 2004), including policy development and implementation. For the purpose of this paper, the “politics of pity” refer to administrative practices in interacting with putative trafficking victims. These interactions are usually deeply saturated by pity and an almost caring attitude on the one hand (combined with a clear identification of the evil villain – the trafficker or panderer) and the frustration of expectations on the other, leading to sometimes rather hostile reactions. In what follows, we shall focus on how the emotional expectations, emotional involvement and emotion management techniques of different street level bureaucrats (police officers, prosecutors, social workers) shape the classificatory work these experts carry out with respect to the identification of trafficking victims and trafficking cases.

In the following, we will exemplify the interrelations of emotions and stateness based on three institutional interactions: 1) the self-management of police officers’ emotions and their coping strategies in emotionally demanding situations, 2) the usage of social workers’ capabilities to affect clients, and 3) the emotional norms and feeling rules for witnesses and judges in criminal courts.

4. The police wants to care, but the victims are recalcitrant

In the course of our participant observation of police raids that aim at finding victims of trafficking for sexual exploitation in a mid-sized city in Germany (December 2014 – June 2015), we witnessed officers come across persons in their everyday work who do not fit the standard victim narrative. Who they do come across are a rather self-confident, professionalized population of sex workers, perhaps the very antithesis of “ideal victims” (Christie 1986). And so the “ideal victim” is, at least in so far as we have been able to observe in the course of our research, physically absent in daily police routine, yet she is still very present in other ways. When the officers talked about trafficking in interviews, they often implicitly referred to the German version of the “standard narrative” of the “ideal victim” (Pates et al, 2016): When they were asked to describe what criteria they used to determine whether someone is a victim of trafficking, they most frequently use the terms “Eastern European”, “Romanian women”, “Bulgarian women”, “violence against women”, “illiterate”, etc. Since they rarely encounter people they identified as trafficking victims, this knowledge cannot be based on real experience; simultaneously, experience would

then seem to suggest that there *are* no trafficking victims in that town (which could either mean that they do not exist, which would falsify the master narrative, or that the local police authorities are unable to find them). Still, either conclusion was not alluded to in conversations with the researchers. The officers’ knowledge can rather be analysed in terms of criminologist Mariana Valverde: as administrative knowledge that is always an “in-between, hybrid epistemological category” (2009: 20) and includes both professional knowledge and common knowledge. Emotional forms of knowledge can be part of both: expert knowledge may include knowledge about adequate “emotion work” (Hochschild 1983) or include trainings that seek to improve the understanding and assessment of a victim’s behaviour and point to possible signs of trauma and concurring conduct or displays of emotions.⁴ But experience-based knowledge seems to be outranked by generalized knowledge on trafficking: Common knowledge, which includes personal experiences and bits of stories they come across while reading the news, watching television, reading books etc., may draw on the emotionally powerful standard narrative of the “ideal victim” as well as other narratives that are intertwined with the issue of human trafficking (i.e. on immigrants, Roma, women, traffickers, people smuggling, sex work etc.).⁵ What we observe is that police officers do not only follow professional and institutional logic, but have feelings, personalities, interests, motivations, and various kinds of common knowledge, all of which may enter their work. So, there is an underlying individual posture that shapes both the knowledge of what constitutes a victim and the actions taken in daily police routine.

Vincent Dubois has coined this peculiarity as *the two bodies of the bureaucrat* (2010). Drawing on Kantorowicz’ work on the two bodies of the sovereign (1997), Dubois establishes that bureaucrats are similarly expected to be distant and impersonal as they represent an official authority, personifying an institution and the state as such, while on the other hand they are individuals interacting with their clients on a very personal level that includes feelings and the expression of emotions (Dubois 2010). Being a bureaucrat thus implies the necessity of the self-management of this double identity.

Police officers are confronted with painful situations where they have to face human suffering, which might provoke feelings of compassion or disgust. Being confronted with deviant social behaviour on the other hand might result in a feeling of a need to sanction or to interfere in one way or another (Mainsant 2010). In our participant observations, the officers would repeatedly recount the story of the last successful trafficking case they had three years prior (2013). They had been investigating a missing

4. In Germany, local police forces have received special training on “trafficking” by the Federal Criminal Police Office or by specialised counselling centres.

5. When we engaged with police officers in their daily work, they would on many occasions talk about television shows, books, and newspaper articles they had seen and read that touched the issue of trafficking. They had developed a personal interest in the issue that they would pursue even in those times they did not spend at work.

person case – they had received a note of a missing Bulgarian woman whose mother was worried – and within a couple of days a client had written an anonymous note that a prostitute had given him note of coercion. So they knew where to look and finally found the woman in an apartment where she had been forced to prostitute herself. When the officers talked about that case, they described a certain emotional response of this woman: “[When we found her] she sank into our arms, tears flowing, and she was grateful that we had rescued her” (Interview vice squad Kassel, May 11, 2015). In emphasizing this behaviour, the officer shows his own pity and compassion towards this woman and further, he deems her a “suitable victim” because of this particular emotional response. Victims who cry and demonstrate that they want to be saved seem to him to be more “suitable” than others. In our six-month observations of police raids with the same officers, we never came to witness a situation like the one he described. On the contrary, on many occasions the women who were raided by the police were rather rough or blunt towards the officers when asked for their papers. In one instance, a woman was not able to produce any identification and showed no sign of contrition. She demonstrated rather light-heartedly and jokingly to the officers that the situation was not worrisome, but they in turn took her to the station and treated her as an offender to immigration laws. The officers did not dwell on the missing passport as an indicator of trafficking (one that is always listed) but interpreted her behaviour as disrespectful and explained to us that they had to “teach her a lesson”. The assessment of that person’s demeanour was the decisive factor. It illustrates how the situational assessment (which is heavily influenced by both knowledge and gut feelings) importantly weighs into identification and classification practices.

There are some factors that make such an approach a very reasonable choice. When investigating trafficking in human beings, law enforcement relies heavily on witness testimony, i.e. they need a person who will self-identify as a victim in court in order to achieve a conviction of the accused. The officers we interviewed recounted difficulties with finding victims who would testify against their traffickers, or with women who withdrew their testimonies shortly after they had given them. That means that the police officers try to make cases, but fail in most instances to bring them to court. The official crime statistics are low, but when officers talk about the topic of trafficking they always add that the actual crime statistics are estimated to be much higher. The process of problematization here spans from the categorised victim as typically Bulgarian or Romanian, young, and female, to the assumed high numbers in trafficking victims, who cannot be found through traditional police strategies such as raids. The standard narrative is thus present, and yet not applicable in practice: the sex workers who are from Romania or Bulgaria are feisty, self-confident, and do not lend themselves to the standardised categories. The narrative, like the victim herself,

has a ghostly presence. In most of the interviews, the officers complained about hindrances related to this paradox they have to face in being tasked with dealing with trafficking. So they talk about “blurred lines” between migrant workers and forced labourers, between notions of voluntariness and coercion. They report the difficulty of finding “proper” victims. Thus, the issue of trafficking, very thoroughly problematised by the officers, poses an inherent dilemma to their everyday experiences at work. To make matters worse, this dilemma has consequences for the officers on an emotional level. Many of the interviewees signalled a strong personal interest in the topic of trafficking and became emotionally involved in the individual fates of their clients. Understanding it as their personal mission to do something about the horrid crime of trafficking, they show compassion and empathy toward “suitable” victims (as in the case stated above); on the other hand, women who do not wish to be saved strike them as a mystery:

It is difficult when the woman is not willing to see herself as a victim. They have no victim awareness. They think it is completely normal that they are beaten and exploited. That they are told what they ought to do. This is due to the image of women in those countries: women there don’t have anything to say. They have to obey orders. And that is the worst. We have to tell those women that this is not just, you are allowed to defend yourself. Especially with the Southeastern European women. (Interview vice squad Berlin, May 17, 2015)

Here, instead of constituting the Weberian rational authority that solves problems according to organisational and legal guidelines, the police officers rather appear to act according to modes of knowing what a “victim of trafficking” is by affective emotional and moral conceptualisations that are already situated in a specific social setting and their horizon of expectations toward the victim. The women concerned serve as an ideal object of projection for emotional subjectifications: As in the standard narrative, the police staff in our study seem to want to end their cases like the fairy tale ends, that is with the saving of the poor and innocent victim by a brave police officer. The narrative transforms into a script that needs to be enacted. Thus, the practices employed to save the victims are channelled within affective rationalities that pose a dilemma on the officer’s work in regard to their more complex and comprehensive everyday experiences. One important element is scarcity of resources, another the insight that trafficking is embedded in contexts much broader than a crime setting: economic inequalities between (EU) countries, high unemployment rates, gender relations, education, and others. Not least, there is the fact that those identified victims initially willing to testify need to be kept ready to do so, and some officers see that as part of their job that is not sufficiently recognized.

One the one hand, we want to help those women who we have sitting here sometimes in all their misery. On the other hand, we have to secure and support our own proceedings with the case. The judges have no idea of the efforts we have to take on to contain the women, not only humanely, but to contain and prepare them for a trial. We have to treat them like human beings and try to give them support, but on top of that we have to secure their willingness to come to trial and testify. (Interview vice squad Kassel 1, May 11, 2015)

Here, the impulse to help the victim needs to be aligned with the exigencies of criminal investigation rationales. But even for the latter, a good amount of emotion work is necessary: containing and preparing them for trial, whilst treating them in a respectful and friendly way. As we will elaborate in a moment, this task is partly outsourced to institutionally non-governmental, albeit state-funded, counselling centres for trafficking victims.

As we know from literature, police officers have developed certain strategies to cope with emotionally challenging situations (Berking et al. 2010, Loyens 2015, Mainsant 2010, Plumauzille 2014). Human trafficking as a highly politicized, even scandalised issue on the one hand and a resource-limited working context on the other hand, is a particularly potent breeding ground for the adoption of such coping mechanisms. According to Lipsky (1980, 78), street-level bureaucrats see themselves and are expected to be problem-solvers. However, most problems do not end with successful police work, nor are the social and economic problems the bureaucrats find to be at the grounds of human trafficking resolvable by them. Thus, frustration is inevitable. This is exacerbated by the low rate of successful criminal investigations in the field.

In combating human trafficking, police officers find themselves in the situation of working with very few successful cases (in their terms “successful” means cases that prosecutors accept to submit to a court for trial, and that leads to the conviction of the accused), but at the same time faced with very high public expectations. In this emotionally demanding situation, “they develop coping mechanisms to shield them from the implications of the gap between expectations and accomplishment” (ibid., 78). The coping mechanism prevalent in our observations was the shifting of responsibility. One example:

The cases we have are really a lot of work. And we come across a lot of difficulties: We have to work with interpreters, with women with restricted intelligence, especially if they are from Bulgaria or Romania. Partially the pimps choose these women on purpose to make sure they don't fight back. That makes it a great deal more difficult for us. (Interview vice squad Kassel 1, May 11, 2015)

In order to cope with his emotional dilemma, this police officer draws on structural explanatory frameworks: Those women

cannot really be policed, but it is the fault of a) the victim, her insufficient intelligence and inability to speak German, and b) the offender and his ruthlessness in exploiting those poor victims. This framework, again, works as a reference to the standard narrative. The burden of finding the “proper” victims and thus, engage in good and successful police work is shifted from the police officer to the vagaries of the field. It also produces a particular kind of “deviant subjects” or “abject subjects” (Tyler 2013): those subjects who are not disciplined enough to be policed successfully; the ones who got their hands dirty, the hard-to-understand, the difficult-to-handle. Still, they have caught the attention of the State and have to be dealt with (somehow).

All in all, the display of the victims' emotions play a big part in determining whether a person is viewed as a suitable victim or a deviant subject. A victim worth the state's compassion has to be “ideal” and show adequate emotions to display its suffering. If, during the police raids, a sex worker shows inadequate emotions like anger, bluntness or excessive self-confidence, police officers rather perceive her (or him) as a suspect of, for example, illegal immigration, “subverting the emotional promise of the politics of pity and turning it into an abstract suspicion of risk” (Aradau 2004: 275), or, as Ticktin puts it,

Those who are not worthy of compassion are not simply ignored, but rather they are often criminalized and condemned: they are perceived as having failed in some important moral way. (Ticktin 2011, 184)

5. The counselling centres stabilise and mediate

Whereas police officers are expected to be unemotional, but still have to face emotionally demanding situations and cope with them as part of their professional posture, the relationship of emotions and emotional distance for social workers seems to be inverted. Social workers by profession reflect permanently on their own emotions as well as on those of their clients. They also work with emotions; they are professionally trained in maintaining empathy toward their clients and their needs and feelings, while simultaneously establishing, maintaining and re-establishing a professional distance and “mental hygiene” in an imperative of self-care. They do not only monitor clients' emotions but partly also deliberately and professionally act on them.

In the context of human (sex) trafficking, social workers in specialized counselling centres play an important part in identifying possible victims and support them in their needs and actions. From the perspective of the counselling centres, their task is to provide socio-psychological support to the client so that they are stabilized and helped in the best way available. This may or may not include cooperation with the police. Some counselling centres have a

comparatively close working relationship with police departments, while others are more distanced. But all our interview partners stressed that there were clear (although differently defined) limits in collaboration and exchange of information. Simultaneously, all counselling centre staff we talked to thought that (limited) cooperation could provide advantages to some clients: probable trafficking victims may receive social benefits and (in the case of Non EU nationals) a visa on the grounds of being considered probable trafficking victims by the police. Additionally, police may be able to bring a perpetrator to court, and some clients do want their debasers to be held accountable. Still, our interviewees from these service providers always stressed their independence from police and their partiality with their clients.

From the perspective of the police, counselling centres are mostly useful partners with whom they have a clear division of labour. One police officer describes the cooperation with the counselling centres as follows:

Well, the NGOs have all that experience: what applications to make to which institutions, what needs to be considered, stuff not even an indigenous person would know, so why should somebody coming from another country know all that; and this is very helpful, especially the psychological support, building them up, stabilizing them, and keeping them ready to testify (.) This again sounds like using them as means to an end, but all those measures, among other things, serve not only to stabilize them so that they can manage their entire lives from then on, but also that they can weather the trial, that they give sound testimony, so that the perpetrator can be incapacitated for a while and unable to produce further victims. That is for *us* always very helpful, we have a very good cooperation. (Interview State Office of Criminal Investigation Berlin, June 19, 2015)

From the police officer's point of view, the social worker can help stabilize the presumed victim in order to prepare her to make a statement against her trafficker and become a reliable witness-as-evidence in court later on. The social worker becomes an embedded factor in policing trafficking in human beings. The psychosocial work of stabilizing a victim, in the view of the counselling centre a goal in itself to help the victim herself, thus becomes a strategic tool that involves the management of the client's emotions in order to "get to the truth" and to successfully close criminal cases. In this sense, it can be regarded as a technique of *governing through emotions*. This is not a straightforward procedure, nor is there one single, clear-cut rationale behind it. Rather, governance through emotions is a messy field, where several rationales and interests cross, and several classification grids meet and overlap. We will try to disentangle some of these rationales and classification grids. We start with the general setup of counselling centres, their self-defined mission and then turn

to the relationship between client and counsellor and the role of trust.

In their everyday work, counselling centres' social workers attend to a diverse clientele. The composition varies according to the mission of the respective centre. Some serve women or men working in the sex industry, including cases that count as human trafficking; others provide counsel to (female) migrants and identify trafficking cases among some clients; a few specialise exclusively on victims of sex trafficking. Most centres attend only to women. Regardless of their broader mission or their take on prostitution, one of the leading principles of all counselling centres organized in the "German NGO Network against Trafficking in Human Beings" (*Koordinierungskreis gegen Menschenhandel, KOK*) is partisanship with the client, meaning that counsellors should act "solely in the interest and according to the needs of those affected [*der Betroffenen*]" (KOK Handbook 2012, II–3). This partisanship is both the reference point for any counselling and the grounds on which a trust relationship is built. This relationship of trust is emphasized in turn in explaining the basis of the interaction between client and counsellor.

Many service providers stress that they only get to really know the clients' stories after establishing this relationship of trust, and that only then do women "open up". Some also mention that sharing a language or coming from the same country of origin or having the same cultural affinity helps towards trust-building.

We do not charge in like a bull in the ring. First of all, they have to develop trust towards us. They do not trust anyone anymore, and the least a white woman – the Africans, [they trust] no white woman. And a lot goes through counselling in the mother tongue, so collectively we speak many languages. As we know ourselves, one always has the feeling, when somebody speaks one's language, that person understands us better. Not only with regard to words, but also to who I am. That does open doors and builds trust. And when they then see, yes, I can really lean back and it is not only that I am always exploited, but they also give me something. (I: mhm) Yes, that builds up trust. And with some it takes longer than with others. [...] And eventually, we speak about legal matters. And what it could mean to give testimony in a court case. But it does have to be done with great sensitivity. (Interview service provider, January 13, 2015).

The social worker goes on to emphasize that they simply inform a client of their options and never try to actively convince somebody to testify, "because it is her who has to bear the consequences, not me". But the passage also illustrates how fine the line is and how difficult it can be to find the balance between informing a client about legal rules and framings, in order to give her the opportunity to see that what happened to her was unjust, illegal and indictable on the one hand, and to push her

towards accusations she otherwise would not have made (which can become a problem later on) on the other hand. Others seem to be even more direct in their attempts to make it easier for clients to speak about what happened to them:

Certain questions we cannot avoid, but often, one can make it a bit easier for the women, in that one tells them that one has worked with many women and counselled them and that she is not the only person to whom this has happened, but there are also many other women who have been in a similar situation and when one then describes what the possibilities are, that actually helps. (Interview service provider, December 10, 2014).

If a client does decide to testify or if she comes to the counselling centre through the police (and thus as a “suspected” or “identified” trafficking victim and potential trial witness), it is the counselling centres’ task to support that person in all respects including in her role as victim-witness if she should appear in front of the police or the courts. The assessment of the emotional state of the client is an integral part in the counselling process, also with regards to the decision whether to act as witness or not. Most interviewees at counselling centres stressed that testifying involves considerable psychological stress and that it is not always clear that there is much to be gained for the victim. They also stressed that many clients do not have the emotional and psychological constitution to testify or are not interested in criminal prosecution, while for others, testifying before court and telling the accused to the face that they mistreated her may provide a certain degree of relief and thus be part of the healing process. Assessing to which group the client belongs is thus always part of the counselling work.

While police and courts need stable witnesses – i.e., witnesses showing a certain comportment – not too much anger, not too incoherent – these are not criteria the social workers themselves use to measure the worthiness of a person to get their support. Rather, their support depends on what they appraise as the need of that client. They need but scant evidence to assess a situation as a possible trafficking case, but they also need to be convinced that the client is “deserving” in the sense that she actually has significant issues to deal with and is “affected” in that sense. She may in their assessment rather be a victim of migration regimes or bad family relations rather than of trafficking as such. She is not even expected to always be truthful in her utterances. In fact, letting a client lie is a technique to engender some emotional relief:

I always say [the client] can lie to me. She can come here and tell me she had golden corners in her room. Some of them do that. Because, you sometimes come from particularly hard situations, and then you only feel dirty. And when you talk to the police, you have to tell them so much, you really

do not want to do that again at the women’s shelter or here. She doesn’t have to tell us those things. She can talk about her beautiful grandmother, if she wants to. Go ahead, lie to me, if that helps you. Not all of them lie in this way, but some of them do. You’ll notice that. I play along. They sometimes don’t have anything else left. They only have that. (Interview social worker, December 16, 2014)

For the purposes of getting help, then, narratives of abuse are not relevant; yet, for the purpose of testifying, the same client must have her story straight, and appear credible and stable enough. Being credible not only refers to the performance during testimony itself, but also her behaviour after escaping the trafficking situation and during the time of the trial. Managing the victim witness in a way that she “comports herself” according to the (sometimes explicit, sometimes unwritten) rules is also part of the service providers’ job. This may include to warn a client not to engage in prostitution while awaiting trial (not because it is forbidden but because it looks bad), or to keep her from getting in touch with the defendant during that time, as some women do (Interview service provider Hamburg, June 2014).

While testifying may be experienced as relieving and empowering by some, others deeply suffer. A service provider described situations in which a client who was initially willing to testify encountered severe emotional difficulties on the way, either because of emotional involvement with the defendant, Voodoo or post-traumatic stress (Interview counselling centre Berlin, December 16, 2014). These are situations where the counselling centres must stabilize the client for her own mental health but also to ensure her value as a stable and suitable witness, sometimes at a high personal cost for the witness herself. In these cases, part of the work is to ensure that conditions at court are as good as possible for the witness-victim (Interview Berlin social worker, December 16, 2014). As one of the professionals we interviewed put it, the danger with these stabilising activities is that the victim is turned into a “piece of evidence” and used as a means to the end of proving a criminal charge, irrespective of the effects on her well-being and her emotional health.

The recognition of their testimony as true often depends on the victim-witness showing the right emotional behaviour towards the police and when testifying in court. Thus the victim-witness has to engage in emotional labour in order to persuade the police and the court of her credibility and her authenticity. She also is in constant risk of failure: if her story is not believed, she both loses the (very modest but still often important) benefits she receives on grounds of being a putative trafficking survivor, and her credibility. If the court dismisses a testimony, this is, according to counsellors, experienced as a deep humiliation.

But it is not only the *victims’* emotions the counselling centres try to navigate, it is also the emotional landscape built through the interactions between the victim-witness, the police, and the courts.

This includes the management of their own emotional responses both towards the clients and towards several state administrative actors including the police. Too much anger displayed during police investigations or while testifying at a trial may contribute to making a victim-witness unsuitable according to judicial criteria (as will be argued below). As one former service provider describes it:

Many of the women have lived through terrible things during the period in which trafficking took place, but often also before that, so that it is only understandable that they are not nice, friendly young women, but sometimes aggressive, sometimes difficult to get on with, and I found [the police officers' reactions] difficult at times: If the woman was an obvious victim, that is, one who cried a lot and was helpless, the police was very anxious to help her. But if she was among those who occasionally freaked, and once in a while would use swear words, the response [towards her] would be different immediately. And it really shouldn't be like that. (Interview former service provider, December 3, 2014).

In order to prevent anticipated problems with "unsuitable" victim behaviour, staff at counselling centres try to manage their clients in ways that make them good witnesses, but they also try to 'educate' police, public prosecutors and courts on the effects of trauma (that is said to involve inconsistencies in testimonies, angry behaviour, difficulties in getting the temporal order right and so on) in order to make the testimonies of angry women count. They also try to convey information on the "realities" of sex trafficking that include persons initially working voluntarily in prostitution but then getting trapped in dependencies, force and exploitation (Interview former counselling centre staff member, Berlin, December 3, 2014).

Counselling centre staff also have to come to terms with their own emotions related to their professional life. Working with trafficking victims may be emotionally strenuous, both because of the (traumatized or otherwise challenging) clients and because of occasionally difficult interactions with state institutions and undesired outcomes of court proceedings, or generally unsatisfactory and often tragic courses of events.

Several interviewees describe the many difficulties in interacting with angry, violent and inebriated women, with clients who do not abide by the rules, who disappear and then reappear or do not follow security advice and end up in the same arrangements from which they just tried to escape. However, they often stress that a professional social worker has to distinguish between a client's behaviour and the actual meaning of what she says:

Of course, counselling a woman who insults me and acts aggressively, and who perhaps at some point comes inebriated, is not as easy as with one who weeps and is always nice and friendly. And still, I hope that we keep in mind that this doesn't mean

anything about the seriousness of what she is telling us. (former counselling centre staff member, Berlin, December 3, 2014).

This passage shows some tension between professional knowledge and personal reactions to unfriendly behaviour or exhausting interactions with clients. It is part of the professional training to maintain emotional distance.

The second, much more frequently described source of anger, disappointment or exhaustion concerns the outcomes of the efforts to support a client. Possibilities to help are limited, compensations or reparation for victims are theoretically entitled to frequently fail to materialize, or asylum applications on grounds of the trafficking situation and ensuing hazards are rejected. Equally, many trials do not end with a conviction or with a conviction far below the clients' and the social workers' expectations.

One social worker describes her frustration in cases when a client testifies in court under great distress and without this resulting in a conviction. This would put her testifying clients into worse shape, causing her great anger as the testimony is turned into "nothing less than a bodily injury" (Interview Berlin counselling centre staff person, December 17, 2014). Other counselling centres spoke about how much they felt the women who testified were re-exploited, without receiving any rewards for their troubles, and how they had lost trust in the system (interview February 24, 2015). All this hints at the tensions and doubts counsellors regularly deal with in their work and the ambiguities within which they are compelled to act.

As has become clear, the positioning of counselling centres in relation to the production of a person as a state-recognized victim-witness of trafficking is structurally ambivalent: The objective of the counselling centre is to serve the best interests of their clients, not optimizing criminal prosecution. However, for various reasons, the (perceived) best interest of the client or sometimes just the only viable option may be preparing even a psychologically unstable client for testifying in court. Psychological stabilization for the purpose of improving coping capabilities is a general objective of social work. Simultaneously, it helps preparing this person as a witness, which is why police and prosecution officers often welcome the involvement of these centres. But testifying is a strenuous procedure and might result in a renewed re-traumatization or endanger the witness in case of retaliation.

The police officer's side remark in the citation at the beginning of this section that the victims may be used as means to an end points to a dilemma: the victim-witness comes from being exploited as a victim of human trafficking into a setting where she again has to meet expectations in order to have her human rights recognised (e.g. recognition that she was a victim of crime, recognition as a trafficking survivor, recognition of her legal right to stay in Germany and to social benefits). Here, she again has to engage in emotion work in order to be recognized as a "true" and "truthful" trafficking victim.

The instrumentalization of the social workers' emotion work and their power to affect their clients within law enforcement procedures has to be singled out as a significant feature of the state and its emotional modes of governing. At the point where the police are overwhelmed with the complex emotional realities of presumed trafficking victims who do not wish to self-identify as such, they seek the help of professionally trained emotion workers to cope with this dilemma. What becomes apparent here is that the whole spectrum of bureaucratic emotions not only have certain functions and follow certain motives, but also have co-productive effects on the governed and governing institutions. On the one hand, "suitable" victims are produced by modes of knowing through emotions, meaning the ones who cry and do not show signs of anger, demarcating the "unsuitable" victims by the same means of knowing through emotion. On the other hand, the state enacts as a certain caring protector of the deserving, thus producing a specific power relation that Ticktin breaks down into the following observation:

[P]rivileging the victim gives a primary role to those who support and protect them—in other words, it creates and maintains a hierarchy between protector and victim. In this regime of care, modern slaves are governed, therefore, as always lesser, not quite fully formed, political subjects. (Ticktin 2011, 189)

It shows how the state manages its emotions and how it affects its subjects—how, in this case, the state (in the guise of the police) instrumentalizes (social) emotion work in order to perform its task of maintaining a particular social order. If the police and counselling centres succeed in producing a "suitable victim" who is capable of "bringing the case to court", she will be "tested" once again if she deserves to be emotionally known as a "real" victim. Whereas the modes of knowing in court differ tremendously from the ones we looked at thus far, we will focus on the emotional norms and "feeling rules" that apply for the bureaucrats in courtrooms in the last section.

6. The courts depend on micro-managing emotions to find the truth

Previous research has established that the state manages emotions, both of the governed and the street-level bureaucrats, as a means of instituting organisational and (thus a form of) social order (Dubois 2010, 4; Penz et al. 2015, 22). For the bureaucrats, as part of their everyday case-building, must classify the requests for help as justified or unjustified, and thus the applicants as deserving or undeserving of their bureaucratic help, before they turn the applicants' requests into cases. Mostly, newcomers to a particular bureaucratic institution are socialised to understand the unwritten

rules, institutional specificities and the range of decisions they may take, but for some roles, self-help books are available, fruitful to the researcher of a particular institutional framework, as these articulate the affective norms at hand.

The emotional norms at court thus relate to all the participants in individual cases, with self-help books available for judges whose court rooms run the risk of losing the aura of unflappability (Artkämper 2013). But in what follows we shall focus on the display of emotions of judges and witnesses. Whereas in the German version of the inquisitorial trial system, witnesses tend not to be prepared by the trial parties ahead of a trial, so no one assumes *prima facie* that witnesses' utterances are skewed to one side of the trial or the other. As a rule, in all the trials we witnessed, most witnesses (with the exception of professional witnesses who are asked more pointed questions, such as police officers, see Bender et al. 2007, 322) are requested to give an account of "what happened", starting where they think is pertinent, and they are initially not interrupted, corrected, contradicted or hurried in this first recounting of events. The first questioning after the witness statement will tend to be by the (presiding) judge, and here, the witness might be confronted with and asked to explain away inconsistencies with their statements as taken by the police or the prosecution in the context of investigations prior to the trial.

In the course of a trial, then, a situation often named "heteroglossia" (Bakhtin) emerges: many narratives are heard and stand side by side, and it is the judge's role to sort out the most probable course of events based on his "free conviction" (Bender et al. 2007, 139), as well as his assessment of the character or truthfulness of the witnesses. It is plausibility rather than truth that the judge aims for (Stegmaier 2009, 392).

The aim of the trial is not to impose a *particular* narrative on the court, but to engage, rather, in reconstructing "the truth" (or an approximation thereof within a process that is both economical and transparent) in a common endeavour of reconstruction, where the two main protagonists are ideally the (presiding) judge and the accused (Bender et al, 241). Interestingly, both sides' emotions must be managed for this process to function as it is meant to, according to the book on truth-finding for presiding judges. The moral economy of the court thus reproduces the dichotomies of "matters of the heart" and "matters of the mind" that we have known from scientific endeavours and that are basically exercises in self-discipline (Daston 1995, 3–4, 6). They also help us see how judges (have to) function: the evidence is not mechanically produced, nor is it in principle reproducible. In fact, "narratives of everyday life are institutionally indigestible" (*own translation*, Scheffer 2014, 226). So what judges must rely on, then, are gut instincts, basic logic, the search for contradictions and establishing whether a witness is in principle reliable, for instance by deciding whether they might have a motive that might skew their narrative for or against the defendant.

A judge assesses the consistency over time, level of detail, and real-life plausibility of narratives and statements. The fourth heuristic device for assessing the plausibility of a statement in relation to others is by assessing the witness' trustworthiness, which in turn depends on their conduct in court, their professional standing and their (assumed) interest in a particular outcome. A witness whose tone conveys too much conviction is supposed to be regarded as untrustworthy: the witness might be on a personal crusade (Bender et al. 2007, 107). Too little detail means that the witness might have memorised what they are saying, again a sign of being unreliable. So the witness is regarded as particularly reliable if she is not "too emotional", in particular, if she fails to show the emotions relating to vindictiveness, i.e., anger, resentment, animosity or belligerence towards the defendant or, for that matter, towards the judge. In one case we observed, one of the putative victims audibly chewed her gum and loudly sucked on her soft drink bottle while giving evidence, told the judge not to rush her and yelled at the prosecutor (court notes Moabit Criminal Court, May 5, 2015). She was not only not deemed a truthful witness (to the detriment of the defendant, as she vehemently resisted being categorised as a victim of trafficking, even though she had demonstrably been made to prostitute herself from the age of 16 and given all her proceeds to the defendant); she was also accused of lying to the court and thus faced charges of perjury. The victim whose accounts were deemed most clearly credible spoke clearly, was able to name dates and causal sequences, so that even though it became apparent in the course of the trial that she in fact managed the other victims on behalf of the defendants, this was ignored in the further proceedings. So the demeanour of the witness is crucial in finding the truth.

The witness is gauged as credible in accordance with their conduct. The self-help book for judges recommends assessing the emotive content of witness testimonies: sentiments that arose during the recounted event, in particular, ambivalent or conflicted emotions, connotations, changing assessments or misunderstandings concerning what was going on, are all said to be part of a truthful account. "Bland, abstract, penurious, lifeless, smooth and strangely precise accounts" (Bender et al. 69) are more likely to be based on lies, or at least: signs of an economic approach to the truth. For, the authors argue, what we see and hear is never devoid of emotive content, and the witness should be asked what she made of the events, how she assessed them at the time and later, what feelings emerged in the course of the events (ibid. 228f).

Thus, as in the emerging early modern scientific endeavours, when "trust, rather than replicability, made the collaborative empiricism of particulars possible among natural philosophers. Belief in natural regularities wavered before belief in the testimony of trusted witnesses" (Daston 1995, 15), judges also have to find criteria that allow them to trust a witness' account, and many of these include affective measures. For trials are public events whose aim is to transform non-judicial knowledge into

juridical knowledge (Valverde 2003, 6) but in such a way that it remains in principle comprehensible to the lay person (including the defendant). The judges thus have to get the witnesses to act in a manner that is conducive to "truth effects" (Scheffer et al. 2010, 138), and include the prosecutor, the defence and victim attorneys and the attendant public in the process. If the main parties are not convinced in the effectiveness or impartiality of the truth production process, the trial might be revised by a higher-order court. Thus, the management of affects in court plays a role in the production of truths, but also in establishing the legitimacy of the judgment. So also the judge needs to be calm, poised and unflappable – here's the recommended poise from the advice book for judges:

Don't let yourself be provoked... You might from time to time come across interested parties who aim at causing the judge to lose his poise through impertinent and offensive comportment, making him get carried away into making careless statements or actions in order to recuse you or to delay the trial. Lack of restraint is a sign that you are not a master of your court The first measure at hand is a gentle reprimand, the second is to sternly catch the person's eye.... The more agitated the respondent, the more even-tempered you have to become... Your voice during the entire examination should be imperturbable and matter of fact, your tone sober. (own translation, Bender et al., 196–7)

Interestingly, this advice book is not primarily about deportment in court or the dramaturgy of trials, but about finding the truth (*Establishing the Truth of the Matter in Court. Gauging Credibility, Evaluating Evidence and Conducting the Hearing of Witnesses* is the English version of the title): the process of *Finding the Truth* is inimically connected to the judges demonstrated affective state, and the judge's emotional conduct can be used as a sign of his partiality, thus effectively barring him from reacting to provocations or showing signs of concern for the respondent.

So the entire court situation is one in which the display of emotions is highly regulated. The social workers working with trafficking victims thus cannot prepare them for trial in the sense of talking their testimonies through with them, but they do try to "stabilise" them, that is to say, they try to affect the witness' display of emotions in court, in order to come to a "good" trial outcome. Similarly, judges manage both their own emotions as well as observe the emotions of those coming to testify. These epistemic functions of emotions in court are also reflected in the case files and written judgments in human trafficking cases. Here, compassion is scripted in a way that puts, again, "ideal victims" in the deserving roles. For example:

She [the victim] gave an account of her emotions that were caused by the crimes. She did not spare herself in her

statement. [...] Again and again she stated that the accused had his good sides too and was in fact nice to her from time to time. [...] There appeared at no point in her statement a noteworthy eagerness of prosecution ["Verfolgungseifer"]. [...] Thus, the court did not find that the witness [...] had made false accusations due to possible craving for vengeance. (Judgement LG Bayreuth 1 Kls Js 3771/11, Dec 30, 2011)

In her body language, the very frightened and intimidated witness was entirely authentic. During nearly the whole time of the hearing, she literally held onto the interpreter's hand. (Judgement AG Tiergarten [251a] 261 Js 3864/11 Ls [2/12])

The institutional scripting of compassion is dependent on inhabiting a suitable legal narrative. This narrative seems to be adjusted to the standardised victim narrative we mentioned above. For while cases are only brought to court when all the formal criteria of the law on trafficking for sexual exploitation (StGB §232) are met (in brief, recruitment under false pretences into prostitution, exploitation and coercion), the merits of a case then are decided on the credibility of the witnesses, and these in turn are categorised in terms of the appropriateness of their displays of emotion. In trafficking cases, the victims' statements tend to be discounted if their emotions are violent, but positively assessed when they are weepy or timid. Thus, evidence *on paper* may suggest criteria of victimhood are met but evidence in court – that depends on the victim's participation in the case – might show that the victim is not really the right candidate for getting official victim status.

7. Conclusion

In the course of this paper, we have given an account of different institutional interactions and the conditions under which emotions appear in bureaucratic work. It has become clear that emotions are crucial to understanding how contemporary state bureaucracies operate, how they are managed and how they manage their target populations. Emotions are an important part of the two bodies of the bureaucrat (Dubois 2010), that is their official body personifying the institution that involves showing concern as a necessity, and their personal selves with emotional interactions with their clients. The self-management of this doubled identity takes on different modes and involves strategies of coping with emotionally demanding situations, emotion work and emotional labour (Hochschild 1983), and even prescribed emotional norms and rules. Emotions in bureaucratic work are, as we argued, highly regulated and embedded in specific social settings and situations.

In analysing the classifying practices of state agents who have to determine whether a person is a "victim" or not, and showing the epistemic embeddedness of these practices, we pointed to the enactment of standard narratives that are deeply intertwined with the use and display of certain emotions in interactions

between state agents and clients. Who is found to be a "victim" is constantly negotiated using various emotion management techniques, inherent to different administrative practices that are oriented towards adjusting and regulating both state agents' own emotions and the emotions of their clients.

The case we studied empirically using a state ethnographic approach exemplifies how practices of local governance draw on emotional strategies in order to govern and produce particular subjects. This, we have argued, questions the standard imaginary of how the state works and functions. The state needs these subjects in order to reproduce itself and to establish and maintain a normative order. While governance through emotions has arguably become one of the integral modes of operation in contemporary bureaucracies, we need to further our understanding of the composition of this *Emotional Leviathan* and its interferences in the social fabric.

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The Emotional Leviathan — How Street-Level Bureaucrats govern Human Trafficking Victims

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