

responding to human trafficking: sex, gender, and culture in the law

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Alicia W. Peters, University of Pennsylvania Press, Philadelphia, 2015, 256pp., ISBN: 978-0-812-22421-4, £22.99 (Pbk)

In *Responding to Human Trafficking: Sex, Gender, and Culture in the Law*, Alicia W. Peters explores the gap between how social service providers, on the one hand, and law enforcement and prosecutors, on the other hand, imagine 'human trafficking'. She argues that differences in their notions of trafficking lead them to implement the 2000 *US Trafficking Victims Protection Act* (TVPA) unevenly. Peters conducted participant-observation at a large NGO providing support services to survivors of trafficking between 2006 and 2008. She combined this ethnographic work with interviews with survivors, government administrators, investigators, attorneys, social workers and case managers across several agencies and organisations in New York City and Washington, DC. Peters found that law enforcement and prosecutors imagine human trafficking largely in terms of commercial sexual exploitation. They exceptionalise the harms experienced by cisgender women and children who sell sex (while ignoring cisgender men and transgender people), believing that nothing is more detrimental or debilitating to women than sex work. As a result, they focus their energies and resources on sting operations against prostitution. They justify their narrow emphasis by claiming that severe labour exploitation is not only rarer and less harmful than exploitation in commercial sex but also functionally undetectable. Yet they often actively ignore cases of labour trafficking outside the sex trade that service providers or others bring to their attention. Additionally, across trafficking cases (into sexual or non-sexual labour), law enforcement agents routinely become unwilling to complete paperwork that would enable victims to obtain services and visas. Social service providers, for their part, insist that the majority of human trafficking cases they encounter involve labour exploitation unrelated to sex work. They tend to see no difference between the harms that victims of sex trafficking experience and the harms experienced by victims of other forms of trafficking. The TVPA itself, they and Peters both argue, should be rewritten to disallow the bifurcation and unequal treatment of trafficking victims. In concert with the service providers she interviewed, Peters advocates 'additional training of [federal] agents and local officers' (p. 203) with an eye to diminishing their fetishisation of sex trafficking.

For scholars of human trafficking, the greatest value in the book lies in its detailed and insightful history of the passage of the TVPA. This is the most thorough treatment of the law's formation that I have ever encountered. It challenges the emphasis that critics of the anti-trafficking apparatus usually place on

the George W. Bush administration. Instead, Peters demonstrates that the different interpretations and implementations of the law are rooted in wording that the Clinton administration worked out as a compromise with Republicans. The TVPA distinguishes what Peters calls 'operational' and 'non-operational' definitions of trafficking. This double definition—what counts and what can be prosecuted—creates a back door through which all prostitution can be defined but not serviced as trafficking. This provides the legal mechanics for ongoing misunderstandings between the federal agents and social service providers tasked with addressing human trafficking.

In Peters' preface, she sets herself the task of providing insight into 'how various actors involved conceptualize and talk about the issues, the factors that contribute to their understandings, and the effects on implementation' (p. xii). However, the book misses the opportunity to lay bare those 'contributing factors' in ways that illuminate the moral perspectives of the implementers about whom she writes. She points to 'assumptions about sex' (p. 98) leading to a 'sense of moral outrage' (p. 99) on the part of anti-prostitution lawmakers and federal agents at ICE (US Immigration and Customs Enforcement), the FBI and similar agencies. But as readers, we are never taken inside this 'moral outrage' and permitted to view it from what anthropologists term an emic perspective. Peters' account offers neither the detailed cultural contextualisation nor the nuanced personal histories needed to understand how it comes to feel natural and right to certain people to treat prostitution as a crime more egregious than severe labour exploitation (even if the latter also involves sexual violence). Peters' generalised explanation that some people believe 'things that involve sex are just different' needs deeper dissection if readers are to understand it as the 'cultural ideology' she casts it as. Similarly, law enforcement's love of raids and their stubborn resistance to filing paperwork that would otherwise enable services and visas for victims are left unexplained, despite being central to Peters' arguments about the unintended consequences of the TVPA. The book thus misses the question of what kinds of moral universes certain laws and policies enable people to inhabit—that is, what they accomplish for those that advocate them. It therefore furnishes little understanding of why implementers fixated on sex trafficking might resist the very changes that Peters advocates.

Ultimately, *Responding to Human Trafficking* operates very well as ethnographically informed feminist policy analysis; however, it stops short of close cultural analysis. Peters furnishes convincing evidence that agents of the law discount severe labour trafficking and habitually fail such victims. By demonstrating in what ways differing imaginations of human trafficking lead to uneven uses of the TVPA's directives, Peters indicates a clear path for improving the US criminal code and retraining those who implement it.

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