

**DANGEROUS SEX, INVISIBLE LABOR: SEX WORK AND THE LAW IN INDIA** by Prabha Kotiswaran. Princeton: Princeton University Press, 2011. 298 pp. \$29.95 paperback.

“And yet the idea that human beings can be neatly divided into fixed, impermeable groupings defined by their difference from one another—Adult and Child, free worker and slave, voluntary migrant and trafficked person, agent and victim, subject and object—is just that, an *idea*. In reality, the lines between tyranny and consent, domination and freedom, objectification and moral agency, childhood and adulthood, are not and never have been clear-cut, nor do they map neatly onto one another.” (p. 30)<sup>1</sup>

#### INTRODUCTION

Meeta has never attended school. She was only three years old when her parents arranged her marriage to a man who would later torment her sexually. After fleeing her abuser in her teens, Meeta was trafficked to a red light district in Kolkata by a friend of her parents, who had promised to take her to a safe place. Sold to brothel keepers who were themselves sex workers, Meeta was forced to sell sex and was beaten if she resisted, or if she so much as talked to the other workers. On several occasions, Meeta was raped by customers; her handlers did nothing, and the police were bribed to leave the business alone. The brothel owners kept all of Meeta’s earnings and forced her to subsist on a single meal a day. After enduring months of this treatment, Meeta was able to escape with the help of a sympathetic customer.

Finally free of her captors and presented with the prospect of returning home, Meeta decided to stay in Kolkata and continue doing sex work. Meeta has continued in the industry for seventeen years, and has now managed to attain the relatively high status of an independent sex worker, renting her own space and setting her schedule with regular customers. With no brothel keeper or procurers to pay off, Meeta has saved money, enough to pay for her family to build a new home in her old village. Meeta hopes to marry a long-term lover and retire from sex work soon (pp. 155-156).

Meeta’s story reflects a difficult duality that complicates attempts to reduce sex work in the developing world to a single narrative: she has been a victim of

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1. Quoting JULIA O’CONNELL DAVIDSON, CHILDREN IN THE GLOBAL SEX TRADE 149 (2005).

human trafficking, and yet she currently sees herself as an (at least partially) empowered, willing participant in the sex industry. Meeta's exploitation acutely demonstrates that, in many ways, sex work is still the product of the coercive twin machines of capitalism and patriarchy, in which women's bodies are commodified and subjugated by men and by the market (p. 50). However, she also has a relative position of independence, agency, and economic power compared to the alternative work she could be doing with her skill-set and education level (p. 153). Another sex worker similarly situated to Meeta told Kotiswaran that although she too had been trafficked, she was in sex work "not by force or deception, but because of her economic circumstances." (p. 156) Certainly, the greater remunerative potential of sex work in many parts of India is striking: a female sex worker in Bangalore can charge as much as 350 rupees for a single transaction, whereas some Indian factory workers doing skilled work routinely make as little as 30 rupees per day (p. 95).<sup>2</sup> Moreover, migrant domestic workers are also frequently trafficked or forced into debt bondage, and work for long hours under harsh conditions that may actually be more physically demanding than sex work (p. 219). Yet, stories like Meeta's continue to form a basis for the familiar, "fetishized stereotype of the brothel-based sex slave in a third world metropolitan city." (p. 86)

The tensions inherent in this narrative—victimhood and agency, coercion and consent—inform Prabha Kotiswaran's thesis in *Dangerous Sex, Invisible Labor: Sex Work and the Law in India* that sex work is not an easily reducible, simply understood phenomenon, but rather a highly complex web of commerce and actors (p. 246). Thus, an "overarching theory of exploitation in relation to sex work is not possible." (p. 246) Perhaps as a result of this complexity, however, feminist theories of sex work have splintered into a deep dissensus, with some radical feminists arguing that sex work is a "paradigmatic form of violence against women" that therefore must be abolished, and sex work advocates on the other hand demanding that sex work be decriminalized, unregulated by any authorities other than the sex workers themselves, and recognized as legitimate labor by society at large (pp. 10, 30-32).

Unsatisfied with the current feminist theories of sex work, Kotiswaran cautiously suggests as an alternative a modified version of what she terms "the work position," arguing that this is the best path for developing a postcolonial feminist theory of sex work. The work position views "sex workers as agents with some ability to negotiate within the sex industry" and emphasizes "protecting and promoting the rights of sex workers" while acknowledging that major reform and redistribution of economic and political power will be necessary to achieve this goal (p. 10). In doing so, Kotiswaran articulates "a

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2. When Kotiswaran conducted her field research in the summers of 2004 and 2006, the exchange rate was around 46 rupees to the dollar. Historical Exchange Rates Based on India Rupees, XE.COM, <http://www.xe.com> (follow "Historical rates" hyperlink; then select "India Rupees - INR" for base currency, enter date June 1, 2006, and select "Sort by output country name"; then follow "Go!" hyperlink).

complex feminist view of sex work that does not simply reduce sex workers to rational economic actors but is cognizant of the structures of oppression that they are embedded in.” (p. 187)

Kotiswaran chooses materialist feminism as a methodological model for theorizing sex work, which provides a means of creating a new Marxist vocabulary for redefining sex work as reproductive labor (p. 10). Despite many materialist feminists’ objection to the work position, Kotiswaran argues that a materialist feminist analysis of sex work can help build a collaborative relationship between feminist theorists and sex workers that would allow them to work in political tandem for “redistributive reform.” (pp. 11, 77) The benefit of this methodological strategy is that it might allow feminists to meaningfully support on-the-ground reform efforts by avoiding the “dominant feminist impulse to treat sex work as an exceptionally harmful activity,” which Kotiswaran characterizes as bourgeois, imperialistic, and alienating in India’s cultural context of “strong leftist traditions.” (p. 11)

In setting up an argument for a new feminist theory of sex work, *Dangerous Sex* gives an impressive survey of both the current status of the academic discourse and the globalized nature of efforts to generate substantive policy reform in India. Kotiswaran also incorporates significant ethnographic research and economic analysis to underpin her theoretical position, while also expressing some qualms about economics as a methodology (pp. 15-16). The conclusion of her inquiry is that, in order to achieve reform, we must first “recogniz[e] sex work as legitimate work.” (p. 223) Nevertheless, Kotiswaran concedes that even if sex work can be destigmatized and de-exceptionalized, the complexity of sex markets means no one policy model or legalization framework will necessarily achieve the goal of protecting the rights of sex workers in India or the world at large. Moreover, legal reform may be an “unreliable platform” for redistributing power towards sex workers and away from other participants in the sexual economy (p. 248). Instead, Kotiswaran tentatively suggests that a localized, private organization of labor may be a more effective vehicle for change (pp. 248-249). At the same time, she remains concerned with the continued existence of “harms, inequalities, discrimination, and abuse in sex markets” and is unconvinced that self-regulation will be a satisfactory solution (pp. 223, 248). Instead of advocating for a single policy position, Kotiswaran strives to reframe the feminist debate and to challenge both theorists and on-the-ground advocates to reassess their positions in light of her criticisms.

### FEMINIST THEORIES OF SEX WORK

Kotiswaran’s project begins in Part One by outlining the different theories of sex work in the feminist discourse, though she acknowledges those positions may be somewhat caricatured, and by describing the “four major policy options for regulating sex work.” (p. 16) According to Kotiswaran, the four major legal approaches to the regulation of the sex industry are: (1) abolition or complete

criminalization, in which every aspect of the sale and purchase of sex is made illegal; (2) complete decriminalization, in which there are no criminal laws specific to sex work, and the industry is instead regulated only by generally applicable laws; (3) partial decriminalization, where the purchase of sex is proscribed but its sale is not; and (4) legalization, which can be implemented in different forms with various degrees of oversight (p. 16).

Kotiswaran first outlines the international abolitionist position, which is advocated by an unlikely coalition of radical feminists and religious conservatives cooperating in a marriage of convenience that arises out of the “global sex panic.”<sup>3</sup> (p. 6) Kotiswaran argues that the “abolitionist position maps onto the radical feminist analysis of sex work, which views [sex work] as an institution of coercion and discrimination and understands sex workers as victims and sex slaves.” (p. 7) Having abandoned the disdain directed at sex workers in the traditional, moralizing argument against prostitution, abolitionists no longer view the sex worker as morally dubious, but as a helpless victim, either of trafficking or commodified bodily exploitation (p. 41). In the view of radical feminist abolitionists, any form of sex work, even when nonviolent, involves harm to women and perpetuates their inequality and oppression (p. 46). Therefore, they argue, consent to prostitution, which involves “unilateral subjection,” can never be meaningful, and any attempt to legalize it merely hides and legitimates the harm (p. 27).

Abolitionists strongly assert that criminal law can eradicate the sex industry, and have successfully pushed for significant international legislation, including the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Victims of Trafficking and Violence Prevention Act (VTVPA), both passed in 2000 (p. 7). Kotiswaran notes that countries that perform poorly by the standards of VTVPA risk losing foreign aid from the United States, a threat that “has had a chilling effect” on the national discourse on sex work in India (p. 7). As Kotiswaran observes, Western abolitionist arguments and laws like the VTVPA are open to a charge of neocolonialism, in the sense that sex workers in the developing world are infantilized and their claims of agency thoroughly undermined (p. 32). Thus, radical feminists can be criticized for speaking from a place of privilege and prejudice and for promoting a “discourse about the sex trade that is solely informed by western, non-sex working women’s definitions of sexual relations and prostitution.”<sup>4</sup> (p. 29)

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3. By “global sex panic,” Kotiswaran means the apparent contemporary obsession (particularly in Europe and North America) with human trafficking and sex tourism, evidenced by the plethora of documentaries, news reports, and speeches decrying the “problem” of sex work and insisting on greater criminal penalties for traffickers and “Johns” to combat the harm (p. 6). Kotiswaran notes that, “in this context, the temptation to rescue third world sex workers has been especially hard to resist.” (p. 6) Indeed, journalists like Nicholas Kristoff have recently attempted to live out “the ultimate liberal fantasy” of purchasing sex workers’ freedom—though to the would-be saviors’ chagrin, sometimes the workers do not wish to be freed (p. 6).
  4. Quoting KAMALA KEMPADOO, *Introduction: Globalizing Sex Workers’ Rights*, GLOBAL SEX

On the international level, Kotiswaran first briefly contrasts the abolitionist framework with the pandemic control approach, advocated by institutions such as the World Health Organization and UNAIDS, both of which “call for a rights-based approach” and therefore partly overlap with the positions of sex worker advocates (p. 8). Kotiswaran notes, “the projects of international abolitionism and pandemic control coexist in deep tension with each other with vastly differing normative views of the institution of sex work, the role of sex workers within it, and what constitutes an appropriate regulatory framework.” (p. 9) However, international pandemic control does not dovetail perfectly with advocacy for sex workers’ rights (p. 8). Though their interests are partly aligned, “the public health complex has no legal agenda as such” (though it is open to limited decriminalization), while advocates are more likely to unequivocally support decriminalization as a means of empowerment (pp. 8, 47).

Sex work advocates, moreover, reject the radical feminist characterization of sex work as exceptional and insist instead that sex work be viewed as a normative form of labor, because “all of us, except the independently wealthy and unemployed, take money for the use of our body.” (p. 30) Thus, they “seek both [the] recognition and socioeconomic redistribution” of sex work (p. 239). Advocates of sex workers’ rights also offer a pointed critique of some of the normative assumptions underlying the radical feminist position. By insisting that “sex is not special or sacred and can be used as a source of power and income to undermine structures of power,” advocates expose a major problem with the radical feminist narrative that one cannot consent to sex work (p. 213). This narrative may actually serve an antifeminist purpose, by denying women’s agency and sexuality, and ignoring the potential to undermine structures of power from within (p. 213).

Having surveyed the two poles of the debate, Kotiswaran next charts a similarly unsatisfactory middle position, the paradoxical blend of abolition and rights advocacy known as “the Swedish model.” (p. 16) Proponents of this middle ground “support[] the rights of sex workers but not the right to sex work,” and argue that we should attempt to dismantle the institution of prostitution while also insisting on greater rights and protections for its practitioners (p. 33). The Swedish model is currently the most popular of the various approaches worldwide, and has gained significant traction in Indian legal circles (p. 35). As Kotiswaran notes, however, it is a nonsensical position on the ground: “if customers . . . are criminalized, how are sex workers to make a living, and how is it even possible then to protect their interests?” (p. 34)

Kotiswaran closes Part One by emphasizing the need to be vigilant of unintended consequences, which the radical feminist insistence on criminalization and abolition arguably neglects (p. 81). The abolitionist call to criminalize sex work is worrisome, Kotiswaran notes, because its proposed

method of criminalization may be ineffective and also because these laws may “render sex workers [more] vulnerable” (p. 81). Moreover, Kotiswaran’s field research exposes a serious “structural bias” in the legal system against sex workers’ interests (p. 117). Instead, she suggests, “materialist feminism has much to offer to a theory of sex work that is keen to questions of power while not treating it as an exceptionalist form of women’s labor.” (p. 81)

### ECONOMIC ANALYSIS OF SEX MARKETS

In Part Two, Kotiswaran examines the “political economy of sex markets” via the examples of Tirupati, a pilgrimage destination in southern India (Chapter Four, pp. 85-136), and Sonagachi, a red-light district of Kolkata (pp. 137-184). Kotiswaran argues that the two most important aspects that determine the relative independence of a sex worker are the “institutional setting” in which such work is performed and the “mode of organization.” (p. 90) The “institutional setting” signifies both the geographic spaces and the concomitant, site-specific web of third-party actors or “stakeholders” associated with such spaces (p. 90). The geographic settings include brothels, streets or railway stations, private homes, and hotels, and stakeholders may be traffickers, owners, brokers, customers, or policemen, or individuals assuming a combination of these roles (pp. 90, 113). “Mode of organization” describes the “relational dynamics” of the work itself, of which there are three major models, ranging in degrees of empowerment and agency: indentured sex laborer, hired contractor, and independence/self-employment, though there are many variations within these broad categories (p. 90).

Kotiswaran extensively documents the multiplicity of forms of sex work in Tirupati and the ways in which the combination of settings, modes, and stakeholders determine the different workers’ relative advantages and difficulties (pp. 91-107). In Tirupati, whose thriving tourist industry stems from its proximity to the famous Tirumala Temple, there is no single, concentrated red light district; rather, the sex market is diffuse (p. 89). In her survey of the forms of sex work in Tirupati, Kotiswaran also notes that the level of independence does not predictably map onto either the economic returns, investment barriers to entry, or “level of legal risk.” (p. 113) Thus, a sex worker who solicits at the train station has minimal barrier to entry, high independence, and low legal risk, but also low income potential (p. 113). Meanwhile, a sex worker selling in a private home has high independence and high income potential, but also has high barrier to entry and moderate to high legal risk (p. 113). The level of independence or economic potential are also not predictably related to sex workers’ reported level of satisfaction with their work; many of the self-employed workers Kotiswaran interviewed working out of a bus station, for example, said they would prefer to do other work if they could (p. 95). This is true even though the level of sex workers who were deceived into sex work in Tirupati is fairly low, and most of the workers entered sex work “under force of

circumstance.” (p. 112)

Though many different “external stakeholders” affect the practice of sex work in Tirupati, the economy of sex work there is particularly complicated by local authorities. Kotiswaran describes how, in Tirupati, some street-based sex workers have successfully negotiated a partial enforcement regime with the police (pp. 130-131). Nevertheless, harassment, abuse, and demands for “monetary and sexual favors” are common (p. 130). The result is a “de facto decriminalization” that nevertheless leaves these sex workers vulnerable (p. 137). Indeed, though rarely enforced, the background power of the national proscriptive prostitution ordinance, the Immoral Trafficking Prevention Act (ITPA), is frequently used as a legal cudgel against these sex workers, to keep them from “mobiliz[ing] the state machinery against abuse” by customers and local policemen (p. 124). This combination of under-protection, the ever-present possibility of ITPA enforcement, and the ongoing threat of coercion/violence from state actors forms what Kotiswaran terms the legal system’s “structural bias” against sex workers generally.

At the same time, Kotiswaran is clear to note that sex workers are not universally victims of this structural bias, but also stakeholders who can, to a limited extent, manipulate this dynamic in their favor (p. 137). In Chapter Five, Kotiswaran turns to an examination of a single institutional setting, the brothel, in Sonagachi, a famous red-light district in Kolkata (pp. 137-182). Though Kotiswaran uncovers a significant amount of forced labor and unwilling victims of trafficking, she also finds many examples of women like Meeta: formerly trafficked and currently (more) empowered sex workers, who are more or less satisfied with their occupation and unperturbed by its continuation (pp. 145-158). Indeed, compared to the alternative work available to these women, sex work may not actually be the horrific choice it seems to Western minds: one independent sex worker in Sonagachi, Trishna, claimed she was making more than five times the monthly maximum salary of a Kolkata factory worker (p. 153). Radical feminists might argue that this is precisely the problem, that Western capitalism has so thoroughly kept developing nations under its thumb that women like Trishna are faced with the unpalatable choice between the grinding poverty and physical danger of manufacturing work and the relative financial comfort of sex work, which (they argue) is really no choice at all. And without overly victimizing sex workers, this is still a problematic tension that Kotiswaran avoids completely resolving.

After examining the different modes of organization of sex work in Sonagachi’s brothels, Kotiswaran concludes that, like in Tirupati, there is still significant structural bias working against the interests of sex workers (admitting that, given the diversity of sex workers, their interests do not always align) (p. 177). Still, Kotiswaran astutely observes that “the monolithic, stereotypical image of the enslaved third world sex worker” is belied by the reality in Sonagachi (p. 182). Instead of a “single monochromatic thread of violence and exploitation,” there exists a complex and interdependent web of power dynamics

in which the various stakeholders negotiate within the criminal law framework for mutually beneficial de facto positions (p. 182). Kotiswaran gives the reader reason to hope for change, in the form of the Durbar Mahila Samanwaya Committee (DMSC), a sex-workers' organization that lobbies and organizes rallies against violence and exploitation, provides peer education, encourages HIV-prevention and the increased use of condoms, and attempts to reform the institution of sex work by creating "self-regulatory boards that regulate the entry of new sex workers and their conditions of work . . . efforts [which] have substantially altered the bargaining endowments of sex workers." (pp. 5, 144-145, 175)

### LEGAL PARADOXES AND METHODOLOGICAL SOLUTIONS

In Part Three, Kotiswaran examines in greater detail the effects of different policy options for altering the stance of the law toward the sex industry. She runs counterfactuals based on her economic analysis of sex markets as they exist today and how they might exist under the proposed change. For example, she compares the effects of complete decriminalization to partial legalization/regulation, which would, among other things, institute a minimum wage requirement (pp. 200-201, 209).

Although Kotiswaran concludes that, properly employed, legalization and total decriminalization are two models that would increase the empowerment of sex workers overall, this result is highly contingent on actual enforcement (p. 211). With that in mind, she asks how positive redistribution can be achieved through legal reform, when "the criminal justice system is known to have a relatively minor effect on prostitution" and may actually generate violence rather than combat it (p. 211).

Thus, though Kotiswaran expresses the reservation that feminists have not fully defined "the structures that configure sex markets and the attendant patterns of exploitation and inequality," she does not support nationwide attempts at legal reform given the fraught position of the state relative to sex work at present (p. 223). She also does not support a wholly self-regulated model, which presents its own potential pitfalls and can be "as capable of routinely reproducing conservative stereotypes of 'good' and 'bad' women as state law is." (p. 248) Still, Kotiswaran concludes that, if the successes of the DMSC can be expanded to other areas, and continued in Sonagachi, this might be the most promising way forward (p. 249).

### CRITIQUES OF *DANGEROUS SEX*

Kotiswaran's analysis is, by and large, convincing and very well supported. However, the readability of the work is significantly undercut by her tendency to resort to an opaque, jargon-laden style that is unfortunately common in contemporary feminist academia. Though Kotiswaran's subject matter is compelling and her insights sharp, the book is impenetrably dense, repetitious,

and teeming with intellectualisms that render the book inaccessible to anyone but the most sophisticated (or dedicated, time-rich, and dictionary-equipped) scholar.<sup>5</sup> With an argument as complex and particularized as Kotiswaran's, this is somewhat unavoidable. But for readers interested in gleaning actual policy recommendations and practical approaches to overcoming the many issues Kotiswaran astutely identifies in the legal treatment of sex work, cutting through the meaty theory may prove too daunting. This obfuscating style is particularly ironic, given that it may render the book essentially useless as a guide for some of the very groups of sex workers and their on-the-ground, non-scholar advocates whose interests she aims to support. If one of Kotiswaran's goals is to encourage collaboration between feminists and advocates, as she asserts it is, this is a major drawback (p. 11). Theorizing in a vacuum may be intellectually rigorous and interesting to other academics, but if the book's insights and arguments cannot reach organizers, its efficacy is significantly undercut. And though she herself expresses discomfort with her privileged position as an academic working in the West, I found myself wishing she could have produced a thesis that functioned not merely as a highly sophisticated critique of existing policies and theories but also produced a real, and readable, suggestion for action (p. 20).

Beyond the readability barrier, another weakness of Kotiswaran's thesis is that she tends to treat sex workers monolithically as heterosexual ciswomen, and purchasers of sex as heterosexual cismen.<sup>6</sup> Kotiswaran nearly completely elides the existence of sex workers of other genders and sexualities, making only one or two token mentions of "marginal sexualities." (p. 8) She does so despite recognizing the plurality of different types of (cis)female sex workers and her insistence that "the Indian sex workers' movement should not be viewed as monolithic." (p. 240) Even where Kotiswaran acknowledges that not all sex workers are necessarily (cis)women, she implies that the only other model worth mentioning in any depth is (cis)women buying sex from (cis)men (p. 28).<sup>7</sup> In

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5. For example, "problematize," an arguably more precise but nevertheless esoteric word intended to mean, I believe, "critically question." This particular word in its various forms appears frequently throughout the book. Kotiswaran at pp. 30, 32, 48, 49, 177, 187, 213, 216, 220, among other places.

6. Cisgender "is a term used mostly in the trans community . . . [which] was developed to avoid using words like 'normal' and 'non-transgender,' which define people by reference to a stigmatized other"; it denotes persons who are neither transgendered nor intersex and whose gender identity conforms to the gender they were assigned at birth. Demoya R. Gordon, *Transgender Legal Advocacy: What Do Feminist Legal Theories Have To Offer?* 97 CAL. L. REV. 1719, 1744 n. 186 (2009).

7. Kotiswaran does briefly allude to other models with alternate identities of purchaser/sex worker (e.g., p. 48) and the influence of queer theory on postindustrial sex work activists (pp. 69-73). However, the majority of the work considers only (presumably) heterosexual ciswomen sex workers and (presumably) heterosexual cismen clients. Indeed, Kotiswaran approvingly writes about the "sex radicalism" amongst sex workers groups, noting that these "groups have for long been inclusive and supported the rights of [other] sexual minorities, including gays, lesbians, transvestites, transgendered men and women, and transsexuals," thus tacitly asserting that sex workers themselves are solely (or at least primarily) straight

doing so, she also appears to agree with the radical feminist position that, in this model, because “any race or class privileges that [cisfemale purchasers] have [over cismale sex workers] are erased by gender privilege . . . men are not harmed as much by sex work as women.” (p. 28) This is a highly problematic characterization, both because it rather too quickly suggests men cannot ever be harmed by sex work, and also because it erases the possibility that people with identities other than straight (cis)man and straight (cis)woman participate in sex work. If Kotiswaran does not agree with this position, she does not distinguish or delineate her own views on this issue.

Kotiswaran’s silence on trans issues becomes deafening when she repeatedly employs cis-normative phraseology such as “female reproductive labor” to describe the economic continuum between sex work and marriage, or “female sexual labor” to describe the sex industry (pp. 17, 213). Kotiswaran’s de facto denial of the existence of transgender sex workers is particularly disturbing because the current scholarship on this issue attests that transgendered persons are routinely subjected to staggering rates of violence and exploitation, even in comparison to the generally high risk of violence faced by many other categories of sex workers.<sup>8</sup> Given the book’s otherwise pointed efforts to critically address the troubling incidences of violence against sex workers, it was disappointing that this angle was invisible in the discussion. At the very least Kotiswaran might have explicitly stated at the outset that her scholarship would be confined to ciswomen sex workers. I also would have liked to see Kotiswaran, as an author who is clearly quite critically aware of the potential pitfalls of exclusionary attitudes, actively tackle minority sexualities and gender identities in Indian sex markets (p. 29). Though Kotiswaran’s project is explicitly intended to propose a materialist feminist methodology for a modified work position approach to decriminalization, and every scholar must have limits to her work, feminist scholarship need not confine itself to the study of issues affecting straight ciswomen. *Dangerous Sex* would have been more illuminating as a whole if it had included other sexual minorities in its analysis.

A more minor criticism of Kotiswaran’s field research was that, as she readily acknowledges, it was limited to two geographic areas and consisted of interviews with a relatively small number of sex workers and other “stakeholders” in the sex industry (brothel keepers, policemen, procurers, etc.). To be fair, Kotiswaran was very careful to set out, up front, that her access was limited and that her interactions were unfortunately, but perhaps necessarily, hampered by disparities in privilege between herself and her interview subjects,

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ciswomen (p. 214).

8. See, e.g., Amisha R. Patel, *India’s Hijiras: The Case For Transgender Rights*, 42 GEO. WASH. INT’L L. REV. 835, 837 (2010); Peoples’ Union for Civil Liberties-Karnataka, *Human Rights Violations Against the Transgender Community: A Study of Kothi and Hijra Sex Workers in Bangalore, India* 11 (2003), available at <http://ai.eecs.umich.edu/people/conway/TS/PUCL/PUCL%20Report.pdf>; see also Carol Leigh, *A First Hand Look At The San Francisco Task Force Report on Prostitution*, 10 HASTINGS WOMEN’S L.J. 59, 81 (1999).

despite her attempts to combat the effects of this disparity (pp. 20-21). Perhaps it would be unfair to demand a more thorough or wide-reaching survey of the field, given the constraints of social interactions and time and the limited availability of statistical source matter and willing research participants. All the same, I would have appreciated a more diverse view of the field.

One last substantive criticism of Kotiswaran's work is that, despite her carefully neutral tone in Part Two, her tentative advocacy of the work position does not fully address the concern that sex work may always be highly exploitative and coerced, not by its nature but by its continued social construction. The many stories Kotiswaran recounts of sex workers' entry into the field are rife with instances of physical abuse and deception, among other astonishing treatment. Though Kotiswaran does acknowledge that sex work would need to be seriously transformed in order to truly improve the lives of women, the successes she points to in Sonagachi seem slim comfort in the face of such institutionalized subjugation.

Thus, while I agree with Kotiswaran that the social stigmatization of sex work is a major factor in its continued benighted state, I worry that Kotiswaran's approach might risk falling into a collaborationist trap. In her attempts to unwind the stigma of sex work, she may end up apparently agnostic about the ways in which many of the women she interviewed got into the field. Kotiswaran's criticism is at its sharpest when she notes that the particular fetishization of the sex worker has more to do with moralizing (and titillating) impulses than any actual distinction between the dignitary and physical harms of sex work and any other dangerous work. Still, some readers will likely be unswayed by her argument that "the fluidity of the sex industry" renders it highly resistant to eradication attempts, and that therefore abolitionism is futile (p. 48). Kotiswaran may be right that even the most well-meaning efforts to combat trafficking and exploitation may perversely achieve the opposite; for example, buying sex workers' freedom from a brothel owner just finances the purchase of other trafficked persons (p. 48). However, it seems a bit unsatisfactory to simply accept slow reform by local actors, during which time people will continue to be forced by circumstance or third parties into doing work that is, by almost all accounts, physically dangerous and economically exploitative. While it is true that sex work may not be uniquely or even particularly harmful, as it stands it continues to mean the gendered subjugation and exploitation of disempowered persons. Nevertheless, Kotiswaran's pragmatic stance may be warranted, given the failure of abolition efforts to achieve meaningful change.

### CONCLUSION

Despite these pitfalls, Kotiswaran's work will undoubtedly contribute to the lively debate around the legal and theoretical treatment of sex work internationally. For those less familiar with the various feminist and legal approaches to the issue, it gives the reader a very thorough introduction to the

polarized debates that make up the current discourse. For those already engaged in this scholarship, Kotiswaran's proposed new methodology will, at the very least, be thought provoking, and might even sway some minds due to her careful analysis and insightful proposals for re-envisioning the terrain. Though Kotiswaran is hesitant to advance particular recommendations, her tentative suggestion of a patchwork, localized, labor-based model of redistributive reform that is sensitive to the particularities of the contexts in which sex work is practiced is striking. While necessarily more fractured and difficult to implement, it may be more likely to succeed in protecting both the rights of sex workers and the interests of the local communities in which they exist.

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