Human Trafficking

Guest Editorial: Trafficking, Modern Slavery and the Human Security Agenda
Julia O’Connell Davidson

The Harvest: Human Organs and Human Security
Jeff Whitehead

Human Security, Sex Trafficking and Deep Structural Explanations
Karen Dunlop

Itinéraire de Trafiquant: Le Réseau Malais au Sud de Singapour
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"In the final analysis, human security is a child who did not die, a disease that did not spread, a job that was not cut, an ethnic tension that did not explode into violence, a dissident who was not silenced. Human security is not a concern with weapons - it is a concern with human life and dignity."

Human Development Report, 1994
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People for Sale?
Three different approaches to Human Trafficking

Laura Kokko

All the major international organizations are involved in the fight against human trafficking. The present article discusses the three most common approaches to trade in persons; it examines the trafficking as human rights violation, illegal business and culturally patterned practice. The author argues that it is essential to acknowledge the dividing lines between these major currents in the fight against trafficking.

It was supposed to be clear from the beginning.

Human trafficking is not transporting people. It is purchasing them. Contrary to the smuggling of migrants, trafficking is carried out against the victim's will. It involves deception, coercion, abduction, fraud, debt bondage or abuse of power.

So it was said, and so it was addressed—as an issue of organized crime and human rights violation. But as trafficking rose up the political agenda and the knowledge of its operations spread, alternative positions began to emerge in international discourse, contesting the prevailing human rights and law enforcement approach. Besides studying human trafficking as a crime under international law, new approaches started to see it as an illegal business, and as such, subordinate to the economic laws of supply and demand. Furthermore, trade in humans began to be examined in the context of local traditions in the countries of origin. In other words, it was observed that specific cultural practices encouraged and rationalized trafficking.

In the light of recent observations, the initial rather simplistic divide between voluntary and forced migration has turned into appreciation of something more complex. Depending on the standpoint, studies of trafficking produce very different interpretations, even conflicting information, about the nature of the problem. Yet this divergence of views remains unchallenged in the international arena. This is not to say that the disagreement would not have been identified. It has just not been openly discussed.

The aim of this article is therefore to clear the way for an explicit debate regarding what appears to be the main apple of discord in anti-trafficking: the role of the victim. Is his involvement voluntary or coerced? Is the divide between forced and voluntary migration as clear-cut as it appeared in the beginning? Through the presentation of three

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different approaches to trafficking, the article seeks to bring up the controversial binaries and congruencies between trafficking and voluntary migration.

The selected three approaches do not constitute an exhaustive list of all the positions taken in the field, and other authors have categorized the existing schools of thought differently. Nicole Lindstrom for instance, presents four approaches to human trafficking, calling them migration, law-enforcement, human rights and economic approaches.¹ This article’s division of anti-trafficking standpoints in the three separate currents is therefore made only to demonstrate the conflicts, which arise from the disagreement on the role of victim in trafficking. This is to say that there exist also other contradictory elements between the different approaches to anti-trafficking, but the scope of this article does not allow them to be discussed here.

Though provocative in its formulation, this article aims to find common goals rather than to pick a quarrel. As the measures taken against the trade in persons reflect different worldviews and particular interests of the agents in the field, it is important to compare the existing approaches. Chosen measures bear varying assumptions on the nature of the problem and produce differing results. In addition, unsettled disagreements lead to unnecessary conflicts and disguised turf wars, even though the actors combating human trade should play in the same side. To avoid various anti-trafficking efforts proving inconsistent and ineffective, the article recommends open and direct discussion on the presumed factors engendering trafficking.

**TRAFFICKING IS HUMAN RIGHTS VIOLATION**

"I was one of the victims of trafficking in Italy. One of my clients decided to help me and get me out of prostitution. After reporting to the police and to the Italian State Attorney’s Office, I co-operated in the criminal proceedings against members of the organized crime group dealing with prostitution. During these proceedings, the police put me in a cheap motel where criminals soon found me. They kidnapped and abused me. They beat my face with a hammer, I became unrecognizable. I turned to the client who first helped me. Talks with the police soon followed, and extradition too, since I am the citizen of Bosnia and Herzegovina."²

Anywhere between 700,000 to four million people worldwide are estimated to have fallen victim to trafficking in recent years.³ Accordingly, trafficking has become an increasing concern of various international organizations and NGOs, and several conventions have been drawn up take up the gauntlet.⁴

Fight against trafficking has very legalistic roots. For long, the issue was seen mostly through the prism of human rights and rule of law, and accordingly, most of the anti-trafficking efforts consisted of crime investigation and victim assistance based on international conventions.

The UN Resolution 49/166 adopted in 1995 is commonly considered to have given the major impulse to international anti-trafficking initiatives, as the General Assembly condemned "illicit and clandestine movement of persons across national and international borders."⁵ Thenceforth, several conventions have been drafted in different international arenas. The most well-known of them is the Palermo Protocol (2000), or *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* supplementing the United Nations Convention against Transnational Organized Crime.⁶

Whereas the UN Resolution somewhat confuses trafficking with "undocumented migration," the Palermo Protocol defines trafficking clearly as "recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion." The clearcut divide between voluntary and forced migration creeps in and the main emphasis of the Palermo Protocol lies in law enforcement action.

Consequently, different agencies have come up with action plans that focus on catching the perpetrators and bringing justice to victims. Whereas Europol, Interpol and national agencies cooperate in border control, crime investigation and prosecution, the UN agencies together with the European Union (EU), *International Organization*
for Migration (IOM), Organization for Security and Co-operation in Europe (OSCE) and NGOs like La Strada have promoted legal reforms and granted assistance to victims in the form of legal protection, shelters and repatriation services.\(^7\)

While important headway has been made with regard to new anti-trafficking legislation, enforcement in most countries is still very weak. Despite some successful investigations, prosecution rates remain low. Similar concerns apply also to the victim assistance. Appropriate framework seems to be in place, yet it will not produce expected results. Weak law enforcement and declining efficiency of victim protection can be attributed to various facts:\(^8\)

- Trafficked victims are not easily identified. They are often treated as irregular migrant workers, which usually provides for the immediate deportation.
- Victim protection mechanisms are insufficient. Majority of court cases rely mainly on the testimony of victims. Under present circumstances however, victims are reluctant to denounce forced labour practices, as they are afraid of deportation or revenge of the trafficker.
- As victims have become increasingly aware that their assistance is conditional on repatriation or testifying against traffickers in prosecution cases, they choose not to seek help. As a result, the numbers of assisted victims are decreasing.\(^9\)
- Recent reports suggest that the traffickers have adjusted their strategy to increased law enforcement by using more subtle forms of coercion that are difficult to identify and prove in court.\(^10\)
- Re-trafficking has been identified as an increasingly prevalent problem. The 2005 IOM Balkans Regional Contact Point report documents that anywhere between 3 to 50% of women repatriated from destination countries to their home from 2003 to 2005 were re-trafficked within a year.\(^11\)
- Especially in the countries of transition, corruption is a major impediment to more effective law enforcement.\(^12\)

These observations call for the serious reconsideration of today's policies used to fight trafficking. Improved law enforcement and victim assistance are still considered integral parts of the counter-trafficking activities. Yet today, many international actors are convinced that damage control measures alone cannot stop the flow of trafficking. Accordingly, they have sought to develop alternative tools to tackle the problem.

Taking notice of the deeply embedded structural causes of human trade—such as the socio-economic context in the countries of origin and destination—some international organizations have insisted on more preventive than curative counter-measures. Convinced that the emphasis on law enforcement and victim protection alone cannot eradicate the "root causes" of trafficking, some agencies have shifted their funding priorities away from law enforcement and border control to economic and political development.\(^13\)

**TRAFFICKING IS DIRTY BUSINESS**

"As all normal school girls, I too had dreamt of going to Kathmandu to find better work and education opportunities. I felt that opportunity came when my close friend Nanu Maya told me that she had an uncle, Babu Krishney, in Kathmandu who was willing to help me get a good job."\(^14\)

Contrary to victim protection and criminal prosecution, the economic approach to anti-trafficking places emphasis on the policies addressing the broader socio-economic conditions that lead to the trade in persons.\(^15\)

Firstly, trafficking can be seen as illegal business fuelled by the itch for tremendous profits. It is impossible to come up with exact figures but it is estimated that the profits generated by trafficking are only rivalled by those of trafficking in drugs.\(^16\)

The worldwide trade in persons has been estimated by the UN Office on Drugs and Crime at $7...
billion annually. The International Labour Office (ILO) estimates the total illicit profits produced by trafficked forced labourers in one year to be as high as $32 billion.\(^{17}\)

Secondly, trafficking can be explained in the light of the economic laws of supply and demand (of people):

- **Demand in the countries of destination**
  In the countries of destination, the demand for cheap or forced labour in the sectors that cannot be relocated is high in the context of increasing global competition. Trafficking occurs mainly in the margins of formal economy with seasonal employment. The sectors most frequently mentioned are agriculture, construction, garments and textiles industry, catering and restaurant, domestic work, entertainment and sex industry. The latest research has also found coercive recruitment and employment practices in the mainstream economic sectors, including food processing, health care and contract cleaning.\(^{18}\)

- **Supply in the countries of origin**
  On the supply side, vulnerability in the countries of origin for trafficking ensues from the local poverty, lack of economic opportunities and discrimination in the labour market. As a dual consequence of declining employment opportunities and rising consumer aspirations, there are growing incentives to migrate from the less to the more affluent countries. Poor employment conditions in the countries of origin induce people to confide in the traffickers'false promises of lucrative jobs abroad.\(^{19}\)

Thirdly, human trafficking can be simply defined as migration gone terribly wrong. As the wealthier countries place more and more barriers in the way of lawful and regular migration, criminal elements sense the opportunity to reap large profits. Most human trafficking occurs during the course of voluntary but ill-prepared and uninformed migration. "Successful migrants" rely more often on trustworthy social connections or legal channels, whereas the majority of forced labour victims have fallen prey to unscrupulous intermediaries who exploit the lack of awareness among prospective migrants.\(^{20}\)

In the context of increased global economic ties, the international community has come up with anti-trafficking efforts that build partnerships with private sector and seek to develop projects that tackle the socio-economic factors engendering trafficking. Since the Dutch chairmanship in 2003, the OSCE for instance has paid more attention to the material "root causes" of trafficking by inviting its member countries to look at the financial flows linked to trafficking and to involve private sector in the struggle against trafficking.\(^{21}\)

Today, OSCE supports the Code of Conduct to hospitality and tourism industry in South-Eastern Europe with a view to enhancing the commitment of companies to support counter-trafficking efforts. In addition, the organization has sought to promote the understanding of the role that the private sector can play in cultivating the skills demanded by the labour market. To this end, OSCE has carried out projects that provide vulnerable population groups with marketable job skills and employment opportunities. Local business community has participated in these projects through their corporate social responsibility programmes.

Moreover, the ILO is very active in the economic approach of anti-trafficking. Ever since it launched the *Special Action Programme to Combat Forced Labour* in 2001, it has considered human trade as economic exploitation of uninformed migrants and has addressed the issue as part of its effort to promote international labour standards on the basis of the two core ILO Conventions: the *Forced Labour Convention* (1930) and the *Worst Form of Child Labour Convention* (1999).

As can be seen from the ILO position, an economic approach seeks to find ways to prevent trafficking by integrating counter-trafficking measures into larger programmes that address

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primarily the issues of poverty, migration and labour market discrimination. It follows that the economic approach implicitly contests the rigid binary of trafficking-versus-smuggling set up by the human rights approach. By turning its attention to the material push-and-pull factors fuelling the trade in persons, this approach argues that it is only the traffickers'false promises of legal work that turn voluntary migration into trafficking. Criminals profit from the steady supply of unemployed and displaced people who are forced to take desperate measures to penetrate wealthier countries.

As a general rule, advocates of the economic approach assent to the human rights approach, maintaining that gullible victims are lured to live their home. In other words, what begins as voluntary migration may end up in trafficking. Yet some authors have begun to suggest that the "trafficking victims" migrate in fact more or less voluntarily even if they have realistic idea on their destination. This conclusion results from the ongoing cycle of re-trafficking that has been observed to take place among the victims repatriated by international aid organizations. People can be cheated once, but what makes them to fall victim to trafficking repeatedly?

**Trafficking is Culturally Patterned Practice**

"When I came home I did not feel really welcome. [The parents] already knew that I had escaped from the exploiter. [The trafficker] called them and threatened them, asking them to give back the money he had spent on my trip to Greece if I did not go back. My father was angry because he could not see a way to pay him back."23

Families are sometimes found complicit in the trafficking of minors. According to the *Second Annual Report on Victims of Trafficking in South-Eastern Europe* (2005), trafficking occurs frequently with family awareness, if not consent.24 Similarly, findings of the 1998 La Strada Programme shows that for many Central and Eastern European women, sex work abroad is viewed as one of the few available means to escape poverty in their home countries.25 This data implies that besides economic and legal conditions, central to the understanding of trafficking is how this practice is accepted as a temporary solution to an economic crisis.26

In the light of recent findings, some authors have begun to question the involvement of deception and coercion in trafficking. Instead, they have claimed that specific cultural practices embedded in family and kinships systems encourage and rationalize trafficking, especially in the periods of dislocation and social stress. The following examples illustrate the importance of underlying cultural factors that fuel trafficking:

- "Pai tai auo dap na" is a Thai proverb that means literally "go prepared to die in front of the sword." Anders Lisborg (1998) uses it to describe the permissive Thai attitude towards bonded labour. He refutes the image of trafficked victims as being weak and passive. On the contrary, Lisborg portrays them as enterprising, courageous and willing to take initiatives to improve their living conditions. Working in the slavery-like conditions is viewed among the Thai as a logical and rational means to become a successful breadwinner for the family. Individual emotions are neglected in order to fulfil collective family obligations.27

- In the north of Albania, there is a link between trafficking and *blood feuds*. In some circumstances, *blood feuds* occur when a family takes revenge for the trafficking of one of its family members. In other cases, trafficking may be the end result of a *blood feud* in that the female family member must find work because it is not safe for male family members to leave the house. Women, whose family is engaged in *blood feud*, may also be contacted by traffickers for "marriage."28

- In Western Europe, the "American dream" is often scorned, but to many East Europeans emerging from Communist rule, aspiration to ever higher standard of living remains strong. Further encouraged by the naive ideas of easy earnings abroad, they are willing to work hard now and have the opportunity to be well-off and independent in the future. La Strada Programme
gives the example of an East European gynaecologist who wanted to set up her own clinic and sold herself into prostitution to earn quick money in the short term. These types of "victims" are not interested in social benefits or labour conditions: they want cash, much of it, and they want it now! Amongst Vietnamese Khmer, bride wealth and exchange of gifts at the time of marriage has been a common practice for long. While traditional society may see no moral problem with the marital exchange of women, once the bride wealth enters the modern capitalist market, its whole meaning changes. Faced with increasing rural poverty, many young men have begun to migrate to cities. Due to the shortage of eligible men, many Khmer parents are enticed by the payments offered by traffickers, who promise to find a good husband for their daughters but instead transport young women to brothels in Saigon or across the border. Bride wealth has transformed itself from the traditional exchange into market transaction and turned into trafficking in women.

As can be seen from the examples above, certain cultural practices precursor or create the preconditions for contemporary forms of trafficking. Therefore, better understanding of the cultural context, in which trade in humans occurs and by which the normalcy of certain behaviours is justified, is central to the counter-trafficking efforts. What is common in one country may be unacceptable or even illegal in another.

In addition, Louise Shelley suggests that there are significant cultural differences in trafficking organizations reflecting the centuries old trade patterns of the regions, where trafficking operations are based. In her study, she identifies different models of business operating in trafficking, dividing the groups in geographical business types or criminal enterprises: Post-Soviet organized crime, Chinese traffickers, Mexican trade, Balkan crime groups, trafficking out of Nigeria and West Africa and legalized brothel keeping in Netherlands.

Cultural differences are however a sensitive and largely neglected topic in the international arena, most probably because the cultural relativism contradicts so clearly with the prevailing paradigm of universal human rights. It is also feared that the cultural justification of human trafficking would pave the way for uncritical and biased preference of policies limiting immigration.

It follows that the cultural approach has initiated very few policy responses. Usually, cultural conceptions are attacked by awareness raising campaigns that aim to make trafficking in human beings socially unacceptable. In Thailand for instance, the National Commission on Women's Affairs (NCWA) has tried to change male sexual norms through a national poster campaign with messages showing a child with a text: "my father does not visit prostitutes." The Lao government has initiated an array of prevention efforts through print, radio, and television campaigns. Funded by NGOs, the Ministry of Labor and Social Welfare has produced a drama programme and billboards on trafficking in Lao, Hmong, and Khu languages.

Conclusions

One question, various answers—this article has reviewed three different approaches to human trafficking. After the review, it goes without saying that there is no easy or one-dimensional solution to human trafficking, since it is influenced by a complex set of factors. An effective strategy must combine and balance punitive measures with protection of human rights and the removal of the economic and cultural root causes.

In fact, several international organizations involved in anti-trafficking are already holding regular meetings to exchange experiences, learn from each other, avoid duplication and dovetail their activities. The Alliance Against Trafficking in Persons for instance is a close partnership with relevant international actors developing effective joint strategies to fight against trafficking. Furthermore, UN agencies, OSCE and IOM launched a year ago the UN Global Initiative to Fight Human Trafficking (UN.GIFT) aimed at proposing innovative approaches for the study of human trafficking.
These meetings bring up gaps and conflicting approaches in the field of anti-trafficking, showing how the measures chosen by organizations reflect the taste and ideological convictions of the agency in question. During the last UN.GIFT meeting, for instance, the IOM presented a survey, according to which sex trafficking in women has often been over-emphasized at the expense of labour exploitation of boys and men.\textsuperscript{38}

While all critical observations on the current counter-trafficking efforts are welcome, it is disquieting to notice that what appears to be the biggest bone of contention among the anti-trafficking actors today is passed over in silence. Whereas the human rights approach clearly distinguishes the trafficking from migrant smuggling, the divide between trafficking and voluntary migration is much more indistinct in economic and cultural approaches. According to the human rights approach, victims are always recruited against their own will. The economic approach admits the victims' initial will to emigrate but stresses the importance of untrustworthy middlemen that turn migration into trafficking. Eventually, the cultural approach suggests that some victims actually consent to trafficking even when they are fully aware of the exploitative nature of their work.

Unfortunately, the underlying disagreement on the role of the victim in trafficking is largely ignored in policy formulations and never explicitly debated. Usually in lieu of open debates, conflicting views manifest themselves in the disguised form of turf wars and unnecessary rivalry between different actors.

To mention one example, it is commonplace to observe turf wars between the actors that advocate law enforcement measures and those that call for preventive action. If the trafficking is considered a crime against human rights, it is more relevant to prosecute perpetrators and bring justice to victims than to tackle the lack of employment opportunities and dissatisfaction with local labour and wage conditions in the country of origin. From the perspective of the human rights approach, addressing the economic root causes of trafficking falls within the scope of basic economic development activities and should therefore not be treated as a counter-trafficking effort.

Secondly, it goes without saying that the cultural approach is unacceptable to the supporters of human rights position. The doctrine of cultural relativism simply contradicts the idea of universal human rights and the studies on the cultural precursors of trafficking remain largely in the margins of anti-trafficking community. Counter-trafficking agencies are strongly dominated by human rights actors, and with good reason, they work hard to convince state leaders to support their cause. To admit cultural factors behind trafficking would be detrimental to their strivings for the better recognition of victims' rights, especially today, when many governments opt for severe immigration policies and immediate deportations.

Indeed, cultural approach comes in useful for the states that are willing to gain support for their policies of tighter borders and stricter visa regimes. Supported by the data proving the victims' consent to trafficking, they are tempted to frame trade in persons as a simple problem of illegal immigration. This is a horrifying scenario not only to human rights actors but also to the agencies advocating an economic approach, because according to them, it is actually the recent global tightening of asylum admissions that has increased trafficking by forcing many desperate people to turn to illegal means to migrate. What is a root cause for one is a remedy for the other.\textsuperscript{39}

It is unfortunately in this context of conflicting approaches that anti-trafficking activities take place, and it comes to as no surprise to the reader that incoherent strategies and turf wars have resulted in weak results. This is a sad observation, given that the common enemy would call for the concerted counter-actions and effective cooperation.

This is why it would be high time to develop a comprehensive anti-trafficking strategy that

\begin{quote}
"[States] are tempted to frame trade in persons as a simple problem of illegal immigration. This is a horrifying scenario."
\end{quote}
would take into consideration the complex divide between trafficking and voluntary migration. Multisectoral working structures have already been established. They seek sustainable solutions through coordination between different agencies as well as origin, transit and receiving countries. Yet the policy formulations prepared by these structures keep on ignoring the actors’ differing views on the victims’ role in trafficking. As long as there is no agreed consensus on the relation between the two positions, efficient cooperation remains a distant dream.

It is by no means an easy task, for the search for common ground requires the opening of debates on very sensitive issues. Yet it is wiser to deal with the conflict than to pretend that it does not exist, for it is only through the recognition of incoherence in the frontline that will enable the formulation of more united and convincing positions in the future.
Notes


4. Sexual exploitation of women is probably the most well-known, but not the only form of trafficking. Other forms include forced labour, begging, delinquency, organ removal and adoption. Rebecca Surtees, Second Annual Report on Victims of Trafficking in South-Eastern Europe (IOM International Organization for Migration, 2005).

5. In fact, the concern over human trafficking dates back to 19th century, when it was often called "white slave traffic." Lynellyn D. Long identifies various United States authorities who were worried about "rural white innocent girls being taken advantage of by notorious Parisians and dark-skinned Mediterranean men." The International Agreement for the Suppression of the White Slave Trade was passed at a meeting in Paris, 1904. Convention was refined and expanded gradually until the Second World War, but there seems to be little counter-trafficking activities during the Cold War period. It does not appear on the international agenda again until the 1980s. Lynellyn D. Long, "Anthropological Perspectives on the Trafficking of Women for Sexual Exploitation," International Migration 42 (2004), 20.


10. A Global Alliance Against Forced Labour, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report to the Director-general (Geneva: International Labour Office, 2005), 51-60.


24. Ibid., 20.

Some authors have gone as far as to emphasize subjective deprivation instead of absolute poverty as a push factor for trafficking. The spread of new forms of consumerism and increasing materialism is considered to be more dangerous for potential victims than their objective economic situation. According to Anders Lisborg, increasing competitive consumerism uncritically preached by the media, has led to a rising number of Thai university and college students entering prostitution. Lisborg writes that "[t]ypically these girls are not hard up as the parents sponsor their tuition fees, but they become sex-workers in order to acquire fashionable mobile phones and brand name handbags." Anders Lisborg, "Bodies across Borders: Prostitution Related Migration from Thailand to Denmark" (Working Paper 139, Department of Geography, Roskilde University Denmark, 1998), 26.

Blood feud is a long-running fight between two groups of people, usually extended families. Feuds begin when a member of one group attacks or insults a member of the other. Usually, blood feuds turn gradually into long-running cycles of retaliation. Laura Manninen Aro et al., eds., Jargon: Kulttuuriantropologian englanti-suomi-oppisanasto, (Jyväskylä: Kopi-Jyvä, 1995), 25, 62.


Bride price or bride wealth is a customary payment to formalize a marriage between two families. It is paid by the groom's family to the bride's family, thus giving the husband a right to his wife's children and work. Note the difference with dowry, which is paid to the parents of the groom, cf. endnote 28: Jargon (1995), 26.


David A. Feingold, "Think Again: Human Trafficking," Foreign Policy 87 (2005), 27.