

Intersectionality and Trafficking Risk: Why Perspective Matters

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Intersectionality: An Introduction

Moore v. National Association of Securities Dealers (1981)

▶ Allegations:

- ▶ Sharon Moore, a Black female, files employment discrimination charges against NASD alleging sex AND race discrimination in recruitment, selection, training, evaluation, promotion and work assignments

▶ Could Moore act as a representative of both groups?

- ▶ NO. She could not serve as a class representative in both the race AND sex discrimination cases!
- ▶ Sex discrimination claims were eventually dropped

▶ The Court's Rationale:

- ▶ Certifying a separate "class" of women (black women) created a conflict of interest within the larger class of "women"

Intersectionality: An Introduction

What does *Moore* teach us?

- ▶ Anti-discrimination law looks at race and gender as two separate and distinct issues
- ▶ Black women experiencing discrimination as a result of the intersection between their race and gender are forced into the collective experiences of “all Black people” or “all women” despite the distinct differences within each group

Whose experiences are prioritized in the *Moore* case?

- ▶ White females (they have to be affected to show discrimination against “all women”)
- ▶ Men (they have to be affected to show discrimination against “all black people”)

Whose unique experiences are ignored?

- ▶ Black women

Intersectionality: An Introduction

- ▶ Intersectionality helps explain the challenges this presents:
 - ▶ Acknowledges the interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage
- ▶ Recognizing these intersections provides us with improved:
 - ▶ Perspective: Our ability to examine how things look from the perspective of individual actors
 - ▶ Consciousness: Our ability to recognize that most of us experience the world in different ways on different occasions, because of who we are.

Intersectionality: An Introduction

► Professor Kimberle Crenshaw:

“Intersectionality is an analytic sensibility, a way of thinking about identity and its relationship to power. Originally articulated on behalf of black women, the term brought to light the invisibility of many constituents within groups that claim them as members, but often fail to represent them. Intersectional erasures are not exclusive to black women. People of color within LGBTQ movements; girls of color in the fight against the school-to-prison pipeline; women within immigration movements; trans women within feminist movements; and people with disabilities fighting police abuse — all face vulnerabilities that reflect the intersections of racism, sexism, class oppression, transphobia, able-ism and more. Intersectionality has given many advocates a way to frame their circumstances and to fight for their visibility and inclusion.”

In Focus: Race & Human Trafficking

- ▶ Characteristics of Suspected Human Trafficking Incidents (2008-2010)*:
 - ▶ 77% of confirmed victims were people of color
 - ▶ 91% of confirmed victims were female (Sex trafficking: 94%)
 - ▶ No federal data on gender identity and/or sexual orientation
- ▶ Federal Prosecution of Human Trafficking Cases (2015)*:
 - ▶ 57% white
 - ▶ 24% black
 - ▶ 17% Hispanic

* U.S. Dep't of Justice

Perspective Matters

The messages we send:



Perspective Matters

The messages we send:



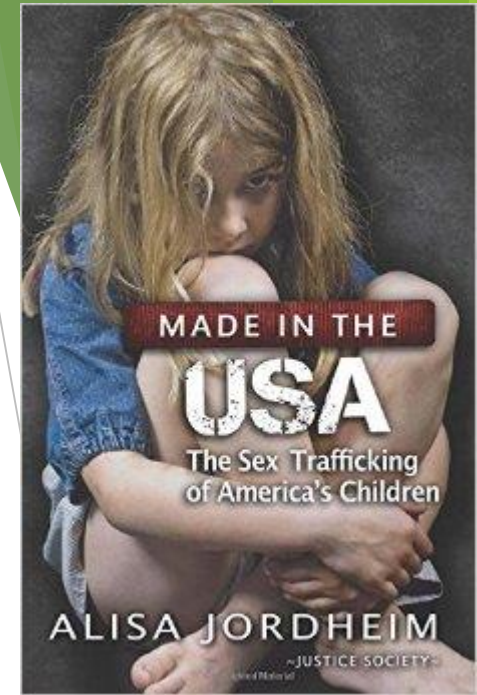
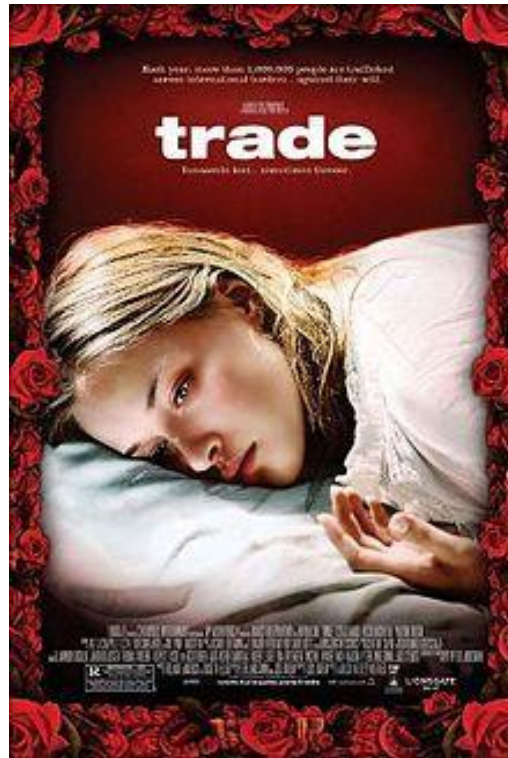
Perspective Matters

The messages we send:



Perspective Matters

The messages we send:



Perspective Matters:

- ▶ What messages do these images send about:
 - ▶ Race of the victim?
 - ▶ Race of the perpetrator?
 - ▶ Gender of the victim?
 - ▶ Type of trafficking?
 - ▶ Sexual orientation and/or gender identity?