1. Record Nr. UNINA9910792019003321 Autore Keren-Paz Tsachi Titolo Sex trafficking: a private law response / / Tsachi Keren-Paz Oxon [England]:,: Routledge,, 2013 Pubbl/distr/stampa **ISBN** 1-135-05121-6 1-135-05122-4 0-203-50430-5 Descrizione fisica 1 online resource (283 p.) Disciplina 346.033 Soggetti **Torts** Human trafficking Prostitution Human trafficking (International law) Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Includes index. Note generali Cover; Half Title; Title Page; Copyright Page; Dedication; Table of Nota di contenuto Contents; Acknowledgements; 1. Introduction; 1.1 Definitional issues; 1.2 Locating private law in the regulatory framework; 1.3 Diversity of experiences, gaps in knowledge and the prostitution debate; 1.4 The book's organisation; 2. Potential responses, and the experience thus far; 2.1 The menu: potential defendants and claims; 2.1.1 Inadequate private law responses: contract and labour law; 2.1.2 Traffickers; 2.1.3 The state; 2.1.4 Clients; 2.1.5 Publishers of sex advertisements; 2.2 The litigation thus far 2.3 Brief evaluation of tort claims against traffickers2.3.1 Proof of general and special damages; 2.3.2 False imprisonment; 2.3.3 Punitive damages; 2.3.4 Joint and several liability?; 3. Restitution from traffickers; 3.1 Vindication of property; 3.1.1 Money paid by clients directly to the victim and taken by the trafficker; 3.1.1.1 Title passing from client to victim; 3.1.1.2 Title remains with the victim; 3.1.1.3 No

of the claimant's body

victim's illegality defence; 3.1.2 Money paid directly from the client to the trafficker; 3.1.2.1 Substitute for services; 3.1.2.2 Unauthorised use

3.1.3 Proceeds from selling the victim from one trafficker to another3.2

Unjust enrichment; 3.3 Restitution for wrongs; 3.3.1 Trafficking, interference with property and acquisitive wrongs; 3.3.2 Cynical violation of an important interest; 3.3.3 The measure of recovery; 3.3.3.1 Objective and subjective value; 3.3.3.2 Rejecting the licence fee/quantum meruit measures; 3.3.3.3 Attributed gain: value of nonforced sexual services; 3.3.3.4 Attributed gain: number of clients; 3.3.3.5 No allowance and deductions; 3.3.3.6 Courts' practice; 3.4 Accumulation of restitution and compensation 3.5 Conclusion4. Restitution from the state: 4.1 Claimant's legal title and wrongdoer's unconscionability; 4.2 Traffickers as fiduciaries; 4.3 No bona fide purchaser for value defence for the state; 4.3.1 The trafficker's obligation to the state; 4.3.2 Wrongful calculation and wrongful satisfaction; 4.3.3 No value provided by the state; 4.3.4 Notice of the victim's right to the money; 4.4 Costs of collection should not be reimbursed: 4.4.1 Enrichment: 4.4.2 Self-interest conferral of benefits: 4.5 Income from forced labour should not be taxed: 4.6 Conclusion

5. Clients' liability for direct contact: battery and conversion5.1 Policy; 5.1.1 Fairness; 5.1.2 Equality; 5.1.3 The protected interest and trespass torts; 5.1.4 Instrumental considerations; 5.2 Battery and apparent consent; 5.2.1 Void transactions under extreme duress; 5.2.2 Clients' constructive notice; 5.2.3 Unconscionability; 5.2.4 Reliance in torts, restitution and contracts; 5.2.5 Conclusion and caveat; 5.3 Conversion; 5.3.1 Conceptualising victims as subjects and property; 5.3.2 Doctrinal translation; 5.3.3 Doctrinal and conceptual objections; 5.3.4 Symbolic message and poetic justice 5.4 Conclusion

Sommario/riassunto

Sex Trafficking: A Private Law Response examines existing and potential causes of action against sex traffickers, clients and the state and argues for fair and effective private law remedies. Combining a theoretical inquiry about the borders of liability in torts and restitution with a political commitment to protecting the interests of victims of sex trafficking, this book offers a comparative doctrinal and socio-legal analysis of private law remedies, their justification, and their effectiveness. Tsachi Keren-Paz innovatively and convincingly makes the argument that all those dir