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Book Review: Trafficking Women's Human Rights

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Law, Culture and the Humanities 2013 9: 197

DOI: 10.1177/1743872112463985b

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jurisprudence, the focus on custodial deaths has let the larger problem of torture (as well as cruel, inhuman, and degrading treatment) fade into the background. Thus, like its U.S. counterpart, the Indian Supreme Court has consistently evaded the problem of torture, in part through a somewhat erratic jurisprudence and in part by focusing on the problem of custodial deaths rather than addressing torture comprehensively. A second chapter on torture and interrogation in India revolves around emergency legislation against terrorism from the mid-1980s through the present.

Whereas the four chapters on the Courts' torture jurisprudence and on emergency legislation in the U.S. and India are very persuasive, the chapter on the TV show *24* is less convincing. Not because Lokaneeta's claim about the show's sanitized and routinized depiction of torture is inaccurate, but because the author fails to address the difference between analyzing a TV show and evaluating legal documents. Unlike Supreme Court opinions, which represent the official state discourse about torture in verbal form, a TV show partakes in a fluid cultural field, and it does so through the medium of film, with its own grammar and conventions. These differences in form, medium, and authority call for more careful theorizing. Thus, attentiveness to the visual medium might, for example, have provided an opportunity to discuss the racialization of torture and to include a critical race dimension in the larger argument about torture and the politics of denial.

But these criticisms do not diminish the significant contribution this book makes to the scholarly literature on torture, to contemporary theorizing about law and violence, and to socio-legal studies more generally.

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Trafficking Women's Human Rights

By Julietta Hua, University of Minnesota Press, 2011. 152 pp. \$22.50 (paper), \$67.50 (cloth). ISBN: 978-0816675616

The Girl Store 100% genuine girls Young Innocent And Available Experience the
Sensation of Buying a Girl Her Life Back

The Girl Store The First E-Commerce Site Where Purchasing School Supplies Helps Girls
Avoid Being Sold into Marriage or Sex Slavery

Buy a Girl Before Somebody Else Does

www.the-girl-store.org

Enter *The Girl Store*. You are greeted by young children projecting a "disheveled" forlorn look. You scroll through these young girls, positioned as if on a conveyer belt, with ones at the beginning labeled "NEW," followed by those (whose supplies are) already purchased. By purchasing school supplies, we are reassured, one can help "break the cycle of exploitation through education." *The Girl Store*, which opened in New York

City and was launched online in January 2011, proved to be so popular that it sold out all its supplies and raised over \$10,000 in under 24 hours (www.forbes.com).

This logic of “rescue,” so explicitly articulated in the mission of *The Girl Store*, is at the heart of Julietta Hua’s critique of anti-trafficking measures as outlined in her text *Trafficking Women’s Human Rights*. Identifying the problematics of the emergence of trafficking as a legal/human rights issue, Hua’s text engages the representational and epistemic politics at stake therein, indicting the human rights regime as a site that “threatens to rehearse the troubling operations of power that characterize and enable imperialism, colonialism, orientalism, essentialism, and so on” (11). The text, while focusing primarily on juridical and social interventions into trafficking within the context of the United States, is of global import. Indeed, by calling into question the deployment of the historical and geopolitical narrative of U.S. exceptionalism, Hua reveals how the entrenchment of Enlightenment ideas of morality in human rights discourse produces the latter as a site of modern knowledge production.

Starting from an analysis of the paradox of universalism, the author explicates how racial, gendered and sexual power become elided in the constitution of human rights law as universal, even as the latter is produced through, and reproduces, *human* difference (Chapter 1). Her account begins by unpacking the founding (and ruling) logic of “human” (as an ontological category) and “law” (as an epistemological vector). Bringing together the work of Peter Fitzpatrick (*The Mythology of Modern Law*) and Denise Ferreira da Silva (*Towards a Global Idea of Race*), Hua argues that law’s demand for a rational subject – one who comprehends (law as transcendental) and upholds (law as social) – sustains the transparency thesis as a crucial descriptor of “human-ness.” If the Enlightenment tradition instituted the racial, sexual and gendered subaltern in affectability, and therefore outside of universality, then the advent of modernity merely resolved the difference produced thereof as an effect of the cultural and, therefore, recuperable into universality via intervention. Yet, as Hua notes: “the possibility of the ‘other’s’ inclusion into the (correct) legal systems – into civilization and human rights – ... [does not dismantle the conditions that enable the ‘other’]; rather, the inclusionary moment is simply another chapter in a modern regime of knowledge” (20).

Hua’s argument is based on the conviction that the possibility of justice lies not in debates over juridical delineations and circumscriptions but, more significantly, in confronting how objects (be)come before the law. Thus, in Chapter 2, she outlines the production of “trafficking scripts” that are produced to make legible and legitimate trafficked persons as juridico-ethically recuperable. Yet this recuperability is dependent upon an imposed/appropriated narrative of victimhood that is deployed to distinguish between “worthy victims from unworthy prostitutes” (39). And it is precisely this requirement for a victim subject/subjectivity that enables the restaging of a colonial/imperial logic of rescue. Tracing trafficking narratives promoted within the U.S. media, the text underscores the numerous racial, sexual and gendered tropes that are made to perform in the production of trafficking as a site of human rights intervention (Chapter 3). Engendered through these narratives is a distinction between “culpable cultures” – i.e. cultures that produce women who can be coerced or duped into the market, and men who prey on them without check – and ethical cultures – i.e. those that promote “rational capitalist

organization” (61). In the idiom of trafficking, these roles are often occupied by East/Southeast Asia and the United States, respectively.

Indeed, as Hua notes, such discourses merely signify the transmutation of race into culture as they become used in negotiating the issue of national belonging (Chapter 4). Herein we notice the continued unfolding of a racial logic that ties together discourses on trafficking and immigration. Historically, the specter of Asian sexual deviance (men as predators, women as seductresses) has found instantiation in various laws attempting to restrict Asian, specifically Chinese and Japanese, immigration to the U.S. Here deviance was tied to notions of an unresolvable racial difference. However, the rise of assimilation theories (as articulated by the Chicago School sociologists) that are yet prevalent, transferred the burden of deviance from race onto culture, so that, exposed to the correct social and economic structures, Asians, women especially, are socio-culturally redeemable. Hua compares the representations of East/Southeast Asian women to Eastern European women to argue that this narrative of redemption reinforces the racialized perception of the Asian as “perpetual immigrant.” That is, the imprinting of racial markers on the Asian body always already anchors it to a presumed cultural difference; whereas the whiteness of – or more precisely, the (apparent) absence of visual markers on – the Eastern European body grants it a (potentially) seamless access into the U.S. national body. The prevalence of Eastern European trafficking, Hua notes, becomes explained as a lapse in white (capitalist) rationality – i.e. as an aberration attributed to communist histories. Yet, this possibility of “lapse” can never be granted to Asian women since “Asianness” is described unambiguously through culture.

This juxtaposition of whiteness and culture, tacit in the production and application of human rights law, is at the core of Hua’s critique. It marks the legacy of notions of “unresolvable racial difference” that continues to haunt juridical structures, now, under liberal multiculturalism, as “recuperable cultural difference.” This is especially evident in the impossibility of recognizing the political subjectivity of those marked as subjects of culture. To wit, law maintains the incompatibility of the political and the cultural, creating space for (or granting legibility to) the latter only in so far as it can reaffirm itself as rational.

This reconfigured (inclusive) rationality that emerges in modernity enables a retelling of the story of whiteness itself. In the final chapter of the text, Hua demonstrates how the casting of trafficking as neo-slavery enables the United States to reassert its position as/ at a teleological culmination. Thus, juridico-political discourses on trafficking invoke the history of slavery so as to situate the United States as best positioned to remediate the ills of the practice (trafficking), precisely because it (i.e. the U.S.) has been successful in overcoming this momentary deviation from the ideals of morality in its own history. The logic of rescue that is thus sustained operates not merely at the institutional level but is enabled at the level of the individual as well – reinforcing the racial, sexual and gendered image of a proper “American citizen.”

Throughout the text, Hua undertakes a comparative racial analysis of the various subjects/subjectivities that produce, and are produced by, “trafficking” as a juridico-political formation. Yet, in terms of those trafficked, she appears to be invested primarily in East and Southeast Asian women. This, I would suggest, does not denote a shortcoming of the book. Indeed Hua’s selected focus is perhaps an effect of the over-representation of

Asian women in trafficking discourse (and the corollary over-determination of trafficked women as Asian) within the U.S. context. On the other hand, one might argue that the inclusion in the text of, say, black/African women as trafficked persons would provide a more complex insight into U.S. racial formation – through an engagement with the differential historical-material production of black female sexuality that affects both, the trajectories of trafficking as well as the invisibility/illegibility of black female sex work within U.S. and human rights law. Even so, the relative absence of black women already marks the place for/of such an analysis. Similarly, the production of Eastern European whiteness might need to be differently addressed if the issue of trafficking is studied in various other historical-political contexts. And yet, even while the text itself does not offer this analysis, it points to the possibility – indeed the necessity – to be attentive to such analyses in order to establish a global critique of the human rights regime.

In sum, *Trafficking Women's Human Rights* is emphatically not a paean to human rights law or a handbook on how to negotiate the regime in an effort to achieve redress. But neither is it a superfluous theoretical endeavor removed from the material reality of trafficking. Indeed, as Hua repeatedly avers, the issue of social justice, in general, is decidedly complex. To approach it merely through debates over definition, description and directive, constitutes further injury to differently, and differentially, instituted subjugated existences. Instead, the book insists, it is the imperative to heed the very conditions of possibility for subjugation so as to render meaningful a justice to come.

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