

Book Notes

To Plead Our Own Cause: Personal Stories by Today's Slaves. Edited by Kevin Bales and Zoe Trodd. Ithaca, New York: Cornell University Press, 2008. Pp. 260. \$18.95, paperback.

Telling one's story is a powerful form of self-expression for any human being, but for those who have escaped slavery, storytelling can be especially cathartic. In *To Plead Our Own Cause*, editors Kevin Bales and Zoe Trodd compile a series of personal stories from modern-day slaves from all over the world. The purpose of the book is two-fold: to raise awareness of the current global problem of human bondage, and to give voice to people who had been silenced through slavery. The end result is a highly informative and moving contemplation of individual human suffering, which also manages to offer a glimmer of hope for those who are concerned about the scourge of modern human bondage.

Before diving into the narrative portion, Bales and Trodd offer the reader some rich context on modern day slavery. Bales and Trodd both provide an overview of slavery hot spots around the globe (which include Albania, India, Thailand, and Mauritania) and explain some of the main causes for human trafficking. First, human trafficking offers criminal groups a low-risk route to high profits because human trafficking “does not require a large capital investment” and, unlike other smuggled goods, such as drugs, people can be used repeatedly. Second, many victims are tricked into being trafficked by “false promises of good jobs and higher wages.” Traffickers often prey on unsophisticated and impoverished people who are desperate for better opportunities by promising to arrange jobs for them in the city. When the victims accompany the traffickers to the city or place of promised employment, however, they are shunted quickly into a situation of bondage. Third, trafficking is fueled by larger societal unrest and instability: when populations are destabilized and displaced, they are more vulnerable to exploitation. Fourth, the editors point to certain cultural factors that may make some people or cultures more vulnerable to the practice of slavery than others. In a society that values women and girls very little, for instance, females will be more vulnerable to enslavement.

Trafficking not only occurs from region to region (i.e., from the poorer nations in the global South to the richer ones in the North), but also occurs within countries and within regions (that is, from poorer countries within a region to the richer ones within that same region). The complexity of this multi-level global slave trade usually manifests itself in three prevalent forms of slavery: chattel slavery (a permanent condition of bondage into which a person is born, sold, or captured), debt bondage slavery (in which a

person must work off a debt for an indefinite period of time), and contract slavery, “the most rapidly growing form of slavery,” in which a person is guaranteed employment but is enslaved once arriving at the place of work. Apart from the three main forms, there are several other types of slavery existing today, such as war slavery, prison camp slavery, and child soldier slavery. *To Plead Our Own Cause* contains narratives detailing at least eight different types of modern slavery, including some lesser-known types of religiously justified bondage.

The narrative portion of the book is divided into five sections, which attempt to trace several salient themes throughout the diverse tapestry of individual stories that make up the bulk of the book. Highlighting commonalities in narratives from people who share little in common other than their oppression at the hands of others, the book ties together disparate strands in the complex web of human trafficking while also allowing each narrator’s story to stand alone as a record of an individual experience. The first section, “Sights and Scenes: Modern Slave Experiences,” is perhaps the most wide-ranging. It provides a sampling of personal stories from many different types of modern slavery all over the globe, including stories of prison camp slavery in China, war slavery in the Sudan, international sex trafficking from both Asia and Eastern Europe, contract slavery from Vietnam to American Samoa, debt-bondage slavery in India, *trokosi* slavery (a fetishist religious practice) in rural Ghana, and child slavery in India. Recognizing that the experience of a Chinese graduate student enslaved in a labor camp varies greatly from, say, an Albanian woman forced to work as a prostitute in Belgium, the editors provide a basic explanation of each type of slavery before each set of narratives to help orient the reader.

The next section discusses the unique experiences of female slaves, who account for eighty percent of the people trafficked across international borders each year. This section not only examines the experiences of women who were trafficked, but also of women enslaved by other women. Although the chapter looks at the rising involvement of women in trafficking (e.g., women who act as pimps to sex trafficking victims), it also focuses on the common sense of identity shared by women who have been trafficked. These narratives are not devoid of hope; indeed, some of the narrators shared their stories for the book so that other women would not fall into the same trap of slavery.

The third section, “The Turning Point: Liberation from Bondage,” refers to both the psychological and concrete turning points experienced by the narrators in their journeys of slavery and liberation. For some, the turning point was a realization or shift in thinking that propelled them to escape or seek help. For others, the turning point was the actual moment before liberation. For a select group, no turning point occurred until after being freed from slavery. The fourth section addresses the confusing and often alienating experience of being a freed slave. The stories from this section

“reveal the self in flux, still shifting and reshifting across the turning point, and the self in stasis, trapped on the side of slavery even after liberation.” Finally, in section five, the book turns to modern abolitionist movements, and the involvement of freed slaves in ending slavery around the globe. In this section, former slaves share their own conceptions of freedom and slavery. One narrator, a woman born into slavery in Mauritania who later escaped to Senegal and then to the United States, explained that for her, “liberty was a thing that was necessary, that all the slaves must dream of.”

Bales and Trodd clearly believe in the redemptive power of narration for those who have been enslaved, as well as the power to effect change through storytelling. They self-consciously chose to follow the tradition of early abolitionist newspapers in the United States, which placed the slave’s own voice at the center of the abolitionist movement. By similarly giving voice to those who have been oppressed, this book offers a message of hope for those who have experienced slavery firsthand, and a powerful reminder of the value of liberty for those who never will.

—Stephanie Early

The Strict Liability Principle and the Human Rights of Athletes in Doping Cases. By Janwillem Soek. The Hauge, The Netherlands: T.M.C. Asser Press, 2006. Pp. 478. \$128.00, hardcover.

Advances in technology fuel the seemingly never-ending race regarding doping between athletes and sports organizations. Just as quickly as testing methods to detect existing prohibited substances improve, new substances are invented to enhance performance. Several high-profile doping scandals have eroded over the years the integrity of sport, for as *The Strict Liability Principle and the Human Rights of Athletes in Doping Cases* argues, “doping is the antithesis of everything that sports stands for.” The critical question *The Strict Liability Principle* seeks to answer is: what are the permissible boundaries of regulation, testing, and punishment for doping? Author Dr. Janwillem Soek expertly and meticulously describes the assorted rules organizations have adopted to combat doping in sport, evaluates the commonly proffered reasons for combating doping, and tries to answer a question that is starkly missing from most debates regarding doping rules, which is “whether the [strict liability] rule which presumes the athlete’s irredeemable guilt after the finding of doping might not go against one of the most fundamental principles of law, expressed in the adage ‘no punishment without guilt.’”

The Strict Liability Principle begins with a discussion of the most commonly offered reasons for why “substances which [alter] the normal functioning of the body” are objectionable. The International Olympic Committee (“IOC”) states that its anti-doping rules are aimed at protection of the athlete’s health, defense of medical and sports ethics, and an equal chance for all in competition. Through a number of quotes from various international organizations, Dr. Soek reveals that these organizations are worried about not only the health of the user, but also about other athletes being coerced into doping in an attempt to prevent the user from gaining an unfair advantage. Athletes are free to accept or reject a variety of training programs that may lead to enhanced performance, such as high altitude training. What makes doping different, however, is that “the advantage is the result of practices which are considered as going against the guiding principles of sport.” Thus, the more philosophically sound arguments against doping rest on the principle that doping violates fairness, ethics, or rules of sport. If doping is a violation of a moral imperative, and “sporting heroes are society’s heroes,” then “by heralding the success of a drugs-assisted athlete we are in danger of undermining society itself.”

Doping definitions are material rules that describe both banned substances and banned practices, i.e., using banned substances. While earlier doping rules penalized an athlete if a substance was intended to enhance performance, under the majority of current doping rules, a prima facie case of guilt is made “whenever a prohibited substance has been shown to be or have been present in his body.” Sports organizations found it too difficult to satisfy the evidentiary burden required to show that athletes who tested positive intended to enhance their performance. The evidentiary difficulties with proving intent propelled the shift towards strict liability: so long as the banned substance was found in the athlete’s body, the athlete was guilty. Now, the paramount evidentiary hurdle faced by sports organizations is not intent, but causation: “that the presence of the substance was the result of use by the athlete.” This led to a need to find the athlete so the athlete could be subject to testing, especially because some enhancing drugs could be used in the off-season and then disappear by the time the season commenced once again. Now, several ancillary offenses, such as failure to provide an address or to appear for a scheduled test, or to be found possessing a banned substance are also potentially punishable.

Within this regime of strict liability based upon the presence of a stipulated banned substance, justice to the individual—according to Dr. Soek—was placed below the interests of the collective. Professional athletes are “involuntarily caught up in a web of doping rules” just as citizens are caught under the umbrella of criminal law. This analogy is meaningful in the way it informs the purpose of *The Strict Liability Principle*, which argues that “disciplinary doping law has to be considered as being closely related to criminal law.” Though the Court of Arbitration for Sport (“CAS”) is-

sued a ruling stating that an athlete cannot be banned without evidence of intent or negligence, the decision remains an outlier and instead strict liability remains the standard.

There is still debate over whether doping law should be placed “within the field of private law due to its origin in the law of associations.” Dr. Soek argues that professional athletes lack the crucial element of voluntariness: athletes cannot decline to join an association if they would like to participate in a sport. Therefore, disciplinary doping law is more akin to criminal law and “criminal law proceedings should still have a perceptible effect on [it].” This is the only way to properly respect athletes, and a greater respect for due process renders the doping laws more transparent and increases legal certainty. The strict liability principle now in place does not properly respect the fundamental rights of athletes, and contravenes Article 6 of the European Convention on Human Rights, which describes the minimum rights of those charged with a criminal offense. Though Dr. Soek recognizes the difficulty with adopting a negligence standard, he concludes that the rights of athletes cannot be compromised due to the collective interest in regulating sport. Rather, he calls for more uniform regulatory oversight and methods of testing, and for greater involvement by the CAS as a quasi-judicial body, to ensure that both athletes and sports organizations can preserve the integrity of sport without violating human rights. *The Strict Liability Principle* is an invaluable tool for anyone seeking to understand this theoretically underdeveloped area of the law.

—Megha Parekh

