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Consequences for Law and Policy

Author(s): Carole S. Vance

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**Innocence and Experience:  
Melodramatic Narratives of Sex Trafficking  
and Their Consequences for Law and Policy**

*Carole S. Vance*

The increasing prominence of trafficking into forced prostitution as a global social problem has resulted in a flood of popular and official representations in journalism, documentary, fictionalized accounts, and findings-of-fact. All attempt to tell the story of sex trafficking, often shortened to “trafficking,” as predominantly involving women from the Global South. These presentations are intended to motivate action, as well as inform, and, I will argue here, to entertain and absolve.

All representations of human rights abuses are complex productions, combining in their best incarnations factual documentation with emotionally arresting ways of gaining the viewers’ attention. Like much of contemporary journalism, human rights representations utilize the presumed veracity of eyewitness experience in the belief that the viewer or reader will be enticed by stories of “real people” with whom they can empathize or identify in some way. Following the “real person” as a guide, the reader is seduced into reading or viewing dry documentation and unpleasant accounts of horrific abuse.<sup>1</sup> Documentation of sexual rights violations, however, confronts problems specific to representing sexuality: what can be shown, without violating taboos about explicitness, good taste, or salaciousness, and, more importantly, what type of person can be presented as a believable and worthy victim of sexual violation?<sup>2</sup> Not anyone, it would seem. The resolution of these questions in the area of sex trafficking has been to focus on blameless, that is, not sexually active, young women to whom great injury has been done, often following the culturally familiar and compelling device of melodrama.<sup>3</sup>

Deconstructing the narrative devices of anti-trafficking videos would seem best done in journals of cultural criticism, except for the fact that these representations have serious consequences for law and policy, as well as for the public that cares about human rights issues. Representations frame the problem, identify causes, and promote interventions and solutions, though often

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the analytic frame is submerged or hidden by the dramatic, colorful details and the seeming authenticity of the real (especially in the form of video).

As a result, these narratives are inadequately scrutinized for the ways in which their underlying analyses seek to explain trafficking. Compellingly crafted, anti-trafficking videos mobilize emotional and urgent support for interventions on the part of nongovernmental organizations (NGOs), states, and international organizations alike. But what interventions? For what purpose? For which people in what situations? This commentary argues that the current, oversimplified representations of trafficking make more complex and useful policies and understandings less possible or likely, as narratives of trafficking, like all vernacular tales, become more familiar, more credible, and ultimately more iconic.

Constructing an adequately complex narrative of trafficking is daunting, even for those committed to nuanced explanations, for three quite different reasons. First, trafficking is a contested and fluid term.<sup>4</sup> Many of the narratives incorporate, in complex and varied ways, accounts of absolute coercion and violence; kidnapping and physical force; deception; elements of sexual and nonsexual labor; abusive conditions of work; migration within and across national boundaries (the latter, often undocumented); global inequality; and gender subordination and sexuality. For a rich understanding of the forces that shape trafficking, it is vital to keep all these elements in play, in spite of the temptation to achieve clarity and dramatic impact by purging the more unruly elements from the story. In the face of this real-life complexity, the term “trafficking” is often used as an equivalent or interchangeable term for sex trafficking (i.e., trafficking of persons into a labor sector involving sexual labor rather than, for example, farming, domestic service, or factory work). Often presented without explicit identification, this sex-trafficked person is understood to be a woman or girl. The frequent use of the term trafficking as shorthand for trafficking into forced prostitution suggests that sex trafficking is the essential and most common form of trafficking and that sex trafficking is radically different from other forms of trafficking. But in fact, similar factors propel trafficking into all labor sectors, namely, harsh immigration exclusions on the part of wealthy countries; ever-larger numbers of people desiring to migrate and escape the limitations of home and to access wages and capital; and conditions of local poverty increasingly produced by global economic policy. In all these adventurous and risky migrations, the trafficker is a protean figure—variously a facili-

tator of desired but undocumented (hence “illegal”) migration, profiteer, village peer or distant relative, exploiter, savior, or abuser—brought into being less by his (or her) evil character and motivation and more by the persistent desire of migrants to find better work. But acknowledging all the shared factors involved in trafficking (into both nonsexual and sexual labor sectors) diminishes the plausibility of “sexuality” or “male desire” as the major explanatory key offered by some analysts of trafficking into forced prostitution. The fact that men and boys are also trafficked undermines the plot line of male villains and female victims.

Secondly, trafficking is a complicated and multilayered phenomenon involving social forces as well as individuals, but it is difficult for such narratives to portray institutions and forms of power that are not so easily depicted, understood, or confronted as causal agents, particularly in visual representations that require individuals as actors. The typical anti-trafficking video replays images of women in the brothel and their sinister clients and traffickers, but how does one insert the World Bank, structural readjustment plans, or enforced free-trade policies as characters in this seemingly realist depiction?

Thirdly, it is important, but difficult or impossible for some advocates to separate analyses of trafficking into forced prostitution from analyses of prostitution itself. In increasingly frequent and intense debates taking place in international and national settings, opponents of prostitution under any and all conditions have appropriated the term trafficking to include sex trafficking *and* prostitution. Abolitionists argue that no woman can ever consent to prostitution. Therefore, prostitution is always coerced, involuntary, or nonconsensual, and it should be abolished, applying the full force of the state to do so. Many advocates and activists disagree with the abolitionist analysis and its intervention tactics at several points. Most crucially, they acknowledge the difference between sex trafficking and sex work. They strongly oppose sex trafficking, but they question interventions that overemphasize criminal law and policing as unproblematic, effective, and positive in their effects. In regard to sex work, they support interventions that target a wide range of abuses affecting women’s (and men’s) mobility, safety, health, and control over working conditions, and that often includes decriminalization of prostitution.

Recent documentaries and reports about sex trafficking utilize remarkably simple and uniform narrative strategies. Beyond the shared narrative,

many anti-sex trafficking videos and journalistic accounts employ virtually identical titles, with “selling,” “innocence,” “bought,” and “sold” combining and recombining like mutant DNA, and now, escaping the documentary film circuit, they extend their reach to the *New York Times*, *60 Minutes*, *Oprah*, and *Geraldo*.<sup>5</sup>

This commentary attempts to decode and deconstruct the production and consumption of images and narratives of trafficking, which are important for activists in their educational campaigns and as they organize to form national and international coalitions; so too are they vital for governments and agencies who rely on these narratives to articulate their support for one of the few women’s issues which elicits their enthusiasm as well as a commitment of significant resources.<sup>6</sup> These films are a form of propaganda that succeed through an appeal to visceral emotion as well as the use of a particular narrative device that overdetermines the ways facts can be organized. Like anti-abortion slide shows and videos, to which these videos can be profitably and provocatively compared, anti-sex trafficking videos employ myths and sleights of hand.<sup>7</sup> They relentlessly focus on horrifying (and sometimes true) examples of abuse, as if these fully describe the diverse and complicated situations of sex trafficking. Melodrama achieves maximum effect through the equation of parts with the whole, severe de-contextualization, the juxtaposition of tangential or irrelevant examples that aim to shock, and a sustained effort to mobilize horror and excess. On the one hand, they are familiar in that they draw on a one-hundred-year-old tradition of melodrama to structure their narratives, using images of female sexual innocence virtually unchanged from late nineteenth-century European, British, and American social purity campaigns in their crusades against white slavery. On the other hand, these videos are innovative, in the way they appear to address, yet defer, questions of globalization and inequality.

I will take the example of a widely disseminated video about trafficking, *The Selling of Innocents*, to illustrate the narrative conventions of many contemporary accounts. *The Selling of Innocents* examines the trafficking of girls and women from Nepal to Kamathipura, the largest and most well-known red light district of Mumbai, India. Produced in 1996 in association with the Canadian Broadcasting Corporation by Elliott Halpern, Simcha Jacobovici, and William Cobban, and directed by William Cobban, publicity materials for the video often incorrectly name the Indian activist Ruchira Gupta (who

went on to found the anti-trafficking NGO Apne Aap in India) as the film's producer (in fact, she is identified in the video's credits as field producer). The video, which won an Emmy Award for Outstanding Investigative Journalism in 1997, has morphed into the fictional creation of Gupta alone, with no mention of the actual director or producers, which is a curious outcome for a would-be documentary.<sup>8</sup> The award, which confirms the melomentary's success in rendering invisible its many fictions and sleights of hand, even to critics, has been circulated extensively among human and women's rights groups in many countries, as well as among legislators, officials, and representatives of many governments, for example, in the US Senate, Department of State, and Department of Justice. Although perhaps Gupta's claims about the video's impact are overstated, the many melomentaries on sex trafficking have unleashed emotion and urgency, while greatly narrowing the frame of analysis and action.<sup>9</sup>

The fifty-minute video includes interviews with madams and alleged traffickers; commentaries by authoritative experts; extended but intercut interviews with two young women recently rescued from a brothel, who describe horrifying physical violence; reenactment of the sale of a girl by her father (with Gupta portraying the buyer); imitations of brothel sex, represented by a shot of a man kissing a woman, rendered grotesque through slow motion replay; and an extended (and possibly staged) cinema vérité-style rescue of women from a brothel. Background material includes footage of night street scenes shot in Kamathipura, endlessly replayed; exotic depictions of Nepal; simulations of sex trafficking, consisting of frenetic travel by auto and bus; male threat, depicted by menacing feet striding purposefully toward the viewer, and a truck packed with poor Nepali male laborers, which appears as the narrator describes "traffickers coming to Nepal to search for young girls." The video ends with a women's rally in a rural Nepali village, in which a middle-class Nepali woman activist urges village women to struggle for their rights and not allow their daughters to be sold into brothels.

### **Hiss the Villain: The Primacy of Melodrama**

These narratives typically draw on the structure of melodrama to organize their plots.<sup>10</sup> I have considered the terms docudrama or melodramatic documentary to describe these representations, but I have settled on melomentary. Melomentaries present themselves as documentary reports, but the bits of empirical evidence (interviews, comments of experts, facts) are organized

by a highly predetermined plot line and limited set of characters (or subject positions), all moving toward a triumphant endpoint that is highly overdetermined. In this narrative choice, contemporary representations of sex trafficking show close kinship to late nineteenth-century sensationalistic journalistic exposés about the buying of young virgins and women (“white slavery”) in late Victorian London. In her analysis of “The Maiden Tribute of Modern Babylon,” historian Judith R. Walkowitz compellingly shows the ways in which an ambitious and crusading journalist borrowed underlying plot devices from popular culture, particularly the melodramatic theater of working-class London.<sup>11</sup>

The viewer may associate melodrama with its familiar incarnation in early silent movies: the female victim, dressed in white, tied to the railroad tracks by an evil villain (male), rescued just in time by the hero (male). Historians of the theater would propose a more elegant formulation, describing melodrama as a form in which there can be no half measures, no mitigating circumstances, and no uncertainty.<sup>12</sup> Melodrama provides a characteristically simplified world of value in which all judgments are clear-cut, characters are rendered two-dimensionally good or evil, and “dream justice” prevails at the end.<sup>13</sup> Its appeal is constituted by the pleasure of unconscious identification with a Manichean moral structure and by a “refusal of nuance.”<sup>14</sup> Anti-sex trafficking videos, for the most part, follow these melodramatic conventions. Unfortunately, the rigid limitations of melodrama make it particularly unsuited for telling complex stories, in which those needing help are not all innocent; causal factors are not restricted to male lust or villainy; and the remedy cannot be solely and simply rescue.

In *The Selling of Innocents*, the central characters are teenage girls and young women, putatively devoid of sexuality or knowledge, sold into the brothels of Mumbai. Their rescuers are older, more powerful others, in one case a high-caste Nepali woman who runs rescue homes for at-risk children, the other a former politician from a Hindu fundamentalist party who rescues women from brothels by launching police raids—literally battering down brothel doors. The melodrama moves the plot forward with a great deal of restless suspense: will the victim be rescued? The video tracks the raid from beginning to end, starting with plans, coordinated with the police (who are presumed to be corrupt and so informed only at the last minute), the race to the brothel, and then the search for and rescue of a particular young woman, who can be recognized by her white dress (a feature of many late Victorian

melodramas). The viewer is drawn into rooting for the rescue, amid great suspense and excitement, and experiences the pleasures of uncertainty, chills and thrills, and final resolution—rescue. The video mobilizes the audience to support the more generalized rescue of women from sex trafficking and, more broadly, from prostitution. Rescue, although appropriate and warranted in some situations, is often not the remedy most women in prostitution want.<sup>15</sup>

The crucial issue is that the genre of melomentary, like melodrama, requires female sexual innocence. The young women in *The Selling of Innocents* are depicted as callously sold by family members into debt bondage or tricked by relatives and neighbors, who promise rural girls jobs in the city. Their innocence is emphasized by the interchangeable use of the terms “child,” “girls,” and “women.” The video implies that most women working in the red light district of Mumbai entered as underage minors and entirely through trickery and force, although several studies conducted by NGOs, as well as by the government of India, found this to be untrue.<sup>16</sup> The melodrama as a form has no room for the victims’ complicity, that is, their sexual knowledge or experience, or even their active efforts to leave home or earn more money. By definition, the innocent young woman is a figure of passive capture and ineffectual protest, tied metaphorically to the railroad track. In these anti-trafficking videos, rescuers might be men or women from higher-caste or class groups, but it is rare in these stories for anyone from the victim’s community—be they friends, peers, relatives, or fellow workers—to join to rescue the woman on the tracks. Following this plot line, anti-sex trafficking videos rarely focus on the motives of the powerful rescuers, whose complex and often problematic agendas regarding nationalist, religious, or sexual politics are never interrogated. For example, in *The Selling of Innocents*, the elderly and kindly gentleman, who organizes brothel raids and speaks passionately about the mistreatment of women who should be valued—they are “sisters” and “daughters”—is in fact a member of a political action wing of India’s fundamentalist Bharatiya Janata Party (BJP). His rescue operation cannot easily be separated from the Hindu fundamentalist program of restoring the virtue of Hindu women and, thus, the purity of the Hindu *Rashtra* (religiously imagined nation-state).<sup>17</sup>

Meanwhile, the actual forms of collective action organized by women working in prostitution—protests against police brutality and corruption; peer education; job actions; unionization; and creation of local regulatory panels staffed by sex workers and members of civic groups to stop sex traf-



ficking of women and prostitution by minor girls—remain unrepresented in this video.<sup>18</sup> The narrative engine of the melodramatic has no place for empowered “victims” and offers no intervention other than rescue.

The video gives slight and passing recognition to what might be termed female complicity, that is, young women’s active interest in beauty and dress (though never sexuality itself), which stimulates their appetites for money, jobs, and urban migration. Girls’ interest in fashionable outfits is described by a social worker and nun as “fascination,” induced by “media images” and likely to lure them astray. At another moment, the video juxtaposes a television ad, featuring an elegantly dressed and coiffed middle-class woman promoting beauty products, with a close-up shot of two young, bedraggled, prepubescent girls in a dusty village, awkwardly applying bright nail polish to their dirty fingers, wielding a broken nail polish applicator as flies buzz around. The cruel contrast between sophisticated urban beauties and disheveled poor children telegraphs the impossibility and preposterousness of the girls’ interests and desires. The young girls evoke pathos for their hopelessly incompetent attempts and they are more easily dismissed (and forgiven) than more brazen, truculent young adult women would be. Anti-sex trafficking videos typically defer, rather than engage, the specter of willful female desire (for money, escape from the confines of gender, or sexuality), since intractable women have no place in melodrama (unless they are evil females, the “villainesses”).

The deep connection between melodrama and the requirement of women’s sexual innocence poses a range of problems. These accounts attempt to frame sex trafficking as a human rights issue and rightly so, but nowhere else in human rights doctrine and activism are protections and remedies reserved only for the innocent. This is the first sign that the melodramatic’s reference to human rights is strictly rhetorical.<sup>19</sup> To give an extreme example, the oldest conventions that prohibit the torture of prisoners, or human rights groups that adopt political prisoners of conscience, never require that the individual be innocent.<sup>20</sup> These instruments protect the detainee charged with murder, mass violence, or terrorism, as well as the opponent of the ruling party, jailed and tortured for expressing his political views, or the religious dissident. In these videos, however, sexuality is made a special case in which only those who are sexually inexperienced, or those who frame their stories that way, are recognized as victims of human rights abuses. In this way, women who seek help are all forced to tell essentially the same story, strategically providing

their interrogators with innocent accounts of how they were smuggled over borders or kidnapped into prostitution. They have good reason to think that in police custody and rescue homes such stories elicit less harsh treatment.

Moreover, women's sexual experience, curiosity, interest, or motivation are not crimes or delinquencies and should never remove them from protections against abuse. These videos do just that, however, by their inability or refusal to describe the predicament of a much larger number of women, those who enter prostitution with some degree of intent and knowledge, and then suffer abuse and violence, or those who were indeed trafficked into forced prostitution but now wish, for complex reasons, to remain in prostitution. The melodramatic and the outrage it evokes on behalf of the innocent victim reaffirm a single intervention and "dream justice": rescue and return to home, which is not the justice most women want.

### **Globalization**

Melodramas about sex trafficking occupy a contradictory position in regard to poverty and globalization. All attempt to insert themselves into a critique of global inequality, depicting at great length the economic circumstances of poor women in the Global South. In *The Selling of Innocents*, the horror of sex is amplified by the horror of poverty, but in a very selective way, particularly for the Western and middle-class viewers for whom the video is made. The video visually attributes residential crowding, lack of clean water, TB, poor hygiene, disease, and living on the street specifically to brothels, prostitution, and sex trafficking, rather than to the more general and widespread living conditions of impoverished people. The endlessly repeated nighttime street scenes and interiors of brothels—crowded, dimly lit, with one naked light bulb, peeling paint, dirt floors, minimal furnishings, and squatting women making chapati—are firmly and cinematically attached to sex work and the brothel, as if these were not ubiquitous features of most poor people's housing conditions in Mumbai. The use of poverty is strategic and partial, however, and no comparison with the conditions in women's natal homes or the dwellings of their respectably married sisters is ever offered.

Despite the relentless depiction of poverty and women's desperation, the larger structure of an increasingly globalized world economy is missing from these accounts, except as a vaguely threatening presence. In India as well as Nepal, the increasing number of rural, displaced, and landless

migrants (including girls and young women) seeking work is caused by—to mention only some factors—inadequate government attention to rural infrastructure, including water and irrigation for small farmers; development policies that favor large owners and corporations; dam construction, which displaces thousands, without adequate compensation or resettlement; and international economic policies promoting free trade, debt repayment, and privatization.<sup>21</sup> Melomentaries typically give short shrift to these dimensions, for several reasons. It is difficult to represent complex state policies through individual, speaking subjects who embody the motives of the state. Similarly, the impact of state action or policy (inattention to rural irrigation and the resulting withered crops, for example) might be described by an eyewitness account of a destitute farmer, but the tangled interaction of multiple national and international factors requires analytic tools other than the melodramatic apparatus of speaking villains, victims, and heroes. Moreover, global forces, which are not locally visible as actors, but instead merely as causes and consequences, are difficult to represent. Most importantly, however, the melomentary's appeal to and reliance on state power, especially in the form of criminal law enforcement and police intervention, limits its interrogation of the state and its motives. Once the state is included as a beneficent rescuer, the state's role in border control, restricted migration, exclusionary labor policies, and harsh treatment of undocumented migrants and sex workers—significant causes of sex trafficking—cannot be named. Thus, the value of melodramatic, personalized villains and figures of evil: they occupy and fill up the spaces of culpability.

Now and again, Western men appear as monstrous figures, but much in keeping with the melodramatic form, always as agents of individual evil. Indeed, *The Selling of Innocents* opens with a shot of white fingers typing on a computer keyboard, as ominous music plays in the background. The female voice-over, in an elegant Anglo-Indian accent, announces that even as the viewer is watching this video, men are cruising the Internet looking for children to exploit in India. The invocation of sex tourism and North-South inequality is strong and powerful, but irrelevant and bogus, as the film goes on to reveal that Kamathipura's sex trade is a strictly local affair, with no sign of Western men or sex tourism at all. The seemingly gratuitous invocation of Western men betrays an impulse toward a critique of North-South power relations that soon becomes stifled before it reaches a critique of the global economy in which the viewer in the Global North and her government are

participant and beneficiary.<sup>22</sup> A full elaboration of the economic situation of poor young women and girls and the parents who “sell” them for that matter, would situate them all in the economic policies of the governments of India, the United States, and Nepal, as well as the World Bank and the International Monetary Fund—the same countries and institutions so happily disseminating this video.<sup>23</sup> The spectatorship of suffering that these accounts offer exempts the Western viewer, as well as her government and her investments, while providing the pleasure of condemning evil in the form of individual traffickers and sex-seeking men. Further evidence of the displacement of real issues of globalization lies in the rescue fantasy, which pursued to the logical endpoint, returns women either to the poverty of the rural village and the strictures of segregated women’s work or retrains them for “modern” work in multinational sweatshops.

The video ends with heartening and seemingly uplifting songs of self-respect, sung during a daytime women’s rally in rural Nepal, in contrast to the ominous final nighttime shots of working women on the urban streets and their sleeping children in a Kamathipura nursery. The narrator asks, “Will these women and girls ever hear the songs of self-respect being sung in Nepal?” Self-respect is a multivalent term, however, echoing modern ideas of bodily integrity and autonomy common in human rights frameworks, but also older and more powerful ideas of morality and purity embedded in traditional discourses of religion and bourgeois respectability. The ambiguous term “self-respect” illustrates how the melodrama speaks to and arouses seemingly dissimilar constituencies—feminists from North as well as South; fundamentalists of diverse religions along with human rights organizations; progressive NGOs as well as police forces, all of whom would not normally share an agenda or agree on interventions. The dramatic pull of the melodrama, with its mix of excitement, horror, excess, and self-justified voyeurism, obscures the people, situations, and complexities that it claims to represent.

### **Dream Justice, or Doing Harm while Doing Good**

Contemporary practitioners in law, policy, health, and human rights are coping with the impact of melodramatic representations as well as the narrow and often misdirected funding streams these images have unleashed with great urgency (rarely seen in other struggles against poverty and mistreatment of migrants). In fact, many governments enthusiastically embrace

programs that close or police borders in the name of morality or women's rights. On the one hand, videos like *The Selling of Innocents* have made viewers aware of abuses related to trafficking into forced prostitution. On the other hand, the analytic frame implicit in this and other accounts distorts and obscures our understanding of the issue, as well as the interventions most likely to be genuinely helpful and empowering. In focusing exclusively on rescue, the melodramatic narrative ignores a range of proven strategies, including peer organizing, decriminalization, and health education. Indeed, the melodramatic plot renders all health interventions unnecessary, pointless, and unimaginable, as Sealing Cheng's ethnographic work on NGOs in South Korea illustrates.<sup>24</sup> If all women in prostitution are sex-trafficked, and if rescue is the only remedy, then what need is there for ongoing health services and education to meet the needs of women in sex work?<sup>25</sup> Unfortunately, the most dramatically effective and stirring videos on sex trafficking promote the worst policies and interventions.

In addition, the almost exclusive focus on protection and the application of criminal law ignores vital developments in modern human rights work: a full range of imaginative interventions aimed at enhancing and expanding rights, not merely protecting an individual from abuse. Moreover, the analysis of rights violations requires a wide frame, capturing the actions of governments and the effects of structural conditions, not just the behavior of individual villains. The triumphant moment of rescue (if one is needed and desired) is not the end of the story, but merely the beginning. Rights-enhancing interventions require the participation of affected people in program planning, delivery, and evaluation.<sup>26</sup> Interventions must be multiple, not one-size-fits-all. By definition, protectionist interventions that aim to rescue the victim, with no consultation about the remedies desired by differently situated people, are patronizing, as well as ineffective, since the remedy is generated solely by the sensibility of the rescuer. Despite brandishing terms like rights, the melodramatic is devoid of rights analysis or tools, as well as empowering strategies.

The metaphor of good and evil that underlies all melodrama, along with the assumption that human beings and their motives can be neatly divided into these two groups, makes a carefully observed, detailed analysis of sex trafficking impossible. The parents who sell a daughter into debt bondage are also impoverished themselves; the people who assist women and girls in illegal migration into sexual labor (who sometimes meet the legal definition

of sex traffickers) are sometimes neighbors, relatives, and friends responding to a young woman's wish to migrate, not members of international mafias. Are criminal law and police action the best remedy for these and other situations?

Although human rights advocates might regard a human rights abuse as a moral violation, the language of good and evil, moral and immoral, is dangerous terminology when applied to any sphere involving sexuality without careful reflection. Modern and central concepts of human rights applied to sexuality—consent, bodily integrity, freedom of association and expression, social and economic conditions that support the enjoyment of these rights—are easily, sometimes invisibly, overtaken by traditional, religiously generated standards that prioritize chastity, purity, and virginity, especially for women. A dramatic form of the late nineteenth century, the melodrama is wedded to and enabled by ideas of good and bad women, and a commitment to saving only the innocent and pure, and an imagined positive outcome consisting only of rescue, not empowerment. As such, the melodrama is eminently unsuitable for expressing and attaining rights-based objectives. Committed as it is to framing all nonmarital sex as degradation, it is a poor vehicle to express rights-based aspirations regarding sex trafficking, prostitution, and women.

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Carole S. Vance teaches anthropology and public health at Columbia University in New York City. Her work focuses on sexuality, human rights, science, and policy. She works at the intersections of theory and practice in the US and internationally. She is the editor of *Pleasure and Danger: Exploring Female Sexuality* (1984).

## Notes

1. Recent work has explored the narrative conventions and techniques used to make human rights claims to diverse audiences. See, for example, Richard Ashby Wilson and Richard D. Brown, eds., *Humanitarianism and Suffering* (2008); Joseph R. Slaughter, *Human Rights, Inc.: The World Novel, Narrative Form, and International Law* (2007); Sharon Sliwinski, *Human Rights in Camera* (2011); Elizabeth Swanson Goldberg and Alexandra Schultheis Moore, eds., *Theoretical Perspectives on Human Rights and Literature* (2012); Wendy S. Hesford and Wendy Kozol, eds., *Just Advocacy?: Women's Hu-*

man Rights, *Transnational Feminisms, and the Politics of Representation* (2005); and Wendy S. Hesford, *Spectacular Rhetorics: Human Rights Visions, Recognitions, Feminisms* (2011).

2. Alice M. Miller and Carole S. Vance, "Sexuality, Human Rights, and Health," *Health and Human Rights* 7, no. 2 (2004): 5–15; Arthur Kleinman and Joan Kleinman, "The Appeal of Experience; the Dismay of Images: Cultural Appropriations of Suffering in Our Times," *Daedalus* 125, no. 1 (1996): 1–23.

3. This article expands the analysis of melodrama that first appeared in "Thinking Trafficking, Thinking Sex," *GLQ: A Journal of Lesbian and Gay Studies* 17, no. 1 (2011): 135–43 and "States of Contradiction: Twelve Ways to Do Nothing about Trafficking While Pretending To," *Social Research* 78, no. 3 (2011): 933–48.

4. The degrees of contestation and fluidity are greatest in vernacular speech and popular understanding. Recent laws and conventions about trafficking, however, offer definitions that are more precise; for example, the US Trafficking Victims Protection Act (2000) and its subsequent reauthorizations and the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children* (2000) offer definitions of trafficking that include movement into all labor sectors (nonsexual and sexual labor) and all types of persons (men, women, and children). For US laws, see United States, Trafficking Victims Protection Act of 2000, Pub. L. No. 106–386 §2A, 114 Stat. 1464 (2000), as supplemented by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108–193, 117 Stat. 2875, the Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109–164, 119 Stat. 3558 (2006) (codified at 22 U.S.C. §7101), and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110–457, 122 Stat. 5044 (2008) (codified at 22 U.S.C. §7101); links to all statutes can be found at <http://www.state.gov/tip/laws/>. For international law, see the UN General Assembly, "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime," accessed July 14, 2012, <http://www2.ohchr.org/english/law/protocoltraffic.htm>. Arguments and misunderstandings, however, still surround even these definitions; for useful clarifications, see Ann Jordan, *The Annotated Guide to the Complete UN Trafficking Protocol* (2002), [http://www.globalrights.org/site/DocServer/Annotated\\_Protocol.pdf?docID=2723](http://www.globalrights.org/site/DocServer/Annotated_Protocol.pdf?docID=2723).

5. For example, *Bought & Sold: An Investigative Documentary About the International Trade in Women* (1997); *Sacrifice: The Story of Child Prostitutes from Burma* (1998); *Sisters and Daughters Betrayed* (1996); *The Day My God Died* (2004). The conventions are repeated in print journalism, for example, "Diary of a Sex Slave," a four-part special report, including Meredith May, "Bought and Sold," *San Francisco Chronicle*, Oct. 9, 2006, and "Freed, but Trapped," Oct. 10, 2006; and Peter Landesman, "The Girls Next Door," *New York Times Magazine*, January 25, 2004. All make frequent use of the term "sex slaves" and "sexual slavery."

6. For the National Security Presidential Directive 22 (2002), issued under President George W. Bush, see "Trafficking in Persons National Security Presidential Directive," February 25, 2003, archived by the Federation of Concerned Scientists,

accessed July 3, 2012, <http://www.fas.org/irp/offdocs/nspd/trafppers.html>; US Department of Justice, *Assessment of US Government Activities to Combat Trafficking in Persons* (June 2004), accessed July 3, 2012, [www.justice.gov/archive/ag/annualreports/.../us\\_assessment\\_2004.pdf](http://www.justice.gov/archive/ag/annualreports/.../us_assessment_2004.pdf); US Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report* (June 2004), accessed July 3, 2012, <http://www.state.gov/j/tip/rls/tiprpt/2004/>. The issue of trafficking into forced prostitution represented the most high-profile (or as some critics would say, the only) women's issue during the Bush administration.

7. Rosalind Petchesky, "Fetal Images: The Power of Visual Culture in the Politics of Reproduction," *Feminist Studies* 13, no. 2 (Summer 1987): 263–92.

8. National Academy of Television Arts and Sciences. Personal communication, July 16, 2012. The video qualified for the award because it was aired on Cinemax.

Publicity materials for the video and biographical material for Ruchira Gupta consistently identify her as the film's "producer" (not "field producer") and do not mention the video's producers (Halpern, Jacobivici, and Cobban) or director (Cobban). In the most glaring example, Gupta herself writes, "I made a documentary, *The Selling of Innocents* on sex-trafficking from the villages of Nepal to the brothels of Mumbai," see "Profile: Ruchira Gupta," *Changemakers.com*, accessed July 17, 2012, <http://www.changemakers.com/users/ruchira-gupta>. Many other examples are easily found: the Asia Society organized a major showing of the video in New York City, April 9, 2002, introduced by Ambassador Nancy Ely-Raphel, Office to Monitor and Combat Trafficking in Persons, US Department of State. In the publicity materials (in print and on the Society's web site), Gupta was described as the "filmmaker," who would be present for a question-and-answer session after the screening, and the filmography noted "Ruchira Gupta, 1996," as the film's sole producer, "'The Selling of Innocents,'" Asia Society, accessed July 17, 2012, <http://asiasociety.org/policy/social-issues/human-rights/selling-innocents>. For another example, the group Women in International Security (WIS) organized a US national tour of the video during 1999. Invitations for screenings in Washington, D. C. and at the United Nations in New York, sponsored by WIS, the Global Fund for Women, and the President's Interagency Council on Women, exhorted recipients to see "'The Selling of Innocents,' Gupta's Emmy Award-winning film documenting the trafficking of girls from Nepal to India," see <http://www.friends-partners.org/lists/stop-traffic/1999/0061.html>, accessed August 16, 2012. On December 4, 2010, the Carr Center for Human Rights Policy, John F. Kennedy School of Government, Harvard University screened "The Selling of Innocents; an Emmy Award-winning documentary by Ruchira Gupta," [http://www.hks.harvard.edu/cchrp/isht/events/2010/month12/FilmPanel\\_04.php](http://www.hks.harvard.edu/cchrp/isht/events/2010/month12/FilmPanel_04.php).

Most recently, Gupta's biography on the Apne Aap Women Worldwide website lists as one of her achievements "an Emmy Award (1996) for 'Outstanding investigative journalism' for her documentary, 'The Selling of Innocents' on the trafficking of women and children from the villages of Nepal to the brothels of Mumbai," (despite the fact that the date of the award is 1997), "Awards and Honors," Apne Aap, accessed July 14, 2012, <http://apneaap.org/>



founder/founder-awards/awards-and-honors. Until recently, the Apne Aap Women Worldwide website hosted the video in segments; while they no longer appear, the remaining title still credits Gupta alone, "Selling of Innocents—Film by Ruchira Gupta," accessed July 14, 2012, <http://www.apneap.org/policy-work/our-resources/videos/selling-innocents-film-ruchira-gupta>. The video appears on YouTube in six segments as "Selling of Innocents," Part I—VI—Film by Ruchira Gupta." While the credits appear at the end of segment five, compared to the original video, the names of the three producers are missing (only William Cobban is named as director, and Ruchira Gupta as fieldproducer), "Selling of Innocents\_Part V—Film by Ruchira Gupta," YouTube, accessed July 1, 2012, <http://www.youtube.com/watch?v=V3fo—MwhIk&feature=relmfu>.

9. For example, Gupta makes this claim: "this documentary was used in the passage of the US Trafficking Victim Protection Act and the UN Protocol on Trafficking," "Profile: Ruchira Gupta," Changemakers.com, accessed July 17, 2012, <http://www.changemakers.com/users/ruchira-gupta>.

10. Michael R. Booth, *English Melodrama* (1965); Peter Brooks, *The Melodramatic Imagination: Balzac, Henry James, Melodrama and the Mode of Excess* (1985); and James Redmond, ed., *Melodrama* (1992).

11. Judith R Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (1992), 81–120; 121–34.

12. J. Paul Marcoux, "Gilbert de Pixerecourt: The People's Conscience," in *Melodrama*, ed. James Redmond (1992), 53.

13. Booth, *English Melodrama*, 14.

14. William R. Morse, "Desire and the Limits of Melodrama," in *Melodrama*, ed. James Redmond (1992), 25.

15. Nor do women and girls trafficked into forced prostitution necessarily welcome rescue as an unmitigated good. They are often detained in low quality and poorly funded rescue and remand homes against their will, where they experience physical and sexual abuse, as well as inadequate food and medical care.

16. Avni Amin, Center for Health and Gender Equity, *Risk, Morality, and Blame: An Analysis of Government and US Donor Responses to HIV Infections among Sex Workers in India* (2004), <http://www.hivpolicy.org/bib/HPP000864.htm>, accessed August 16, 2012; Human Rights Watch, *Epidemic of Abuse: Police Harassment of HIV/AIDS Outreach Workers in India*, 9 July 2002, C1405, accessed July 3, 2012, <http://www.unhcr.org/refworld/docid/3d4fc51f4.html>.

17. Tanika Sarkar, "The Gender Predicament of the Hindu Right," in *The Concerned Indian's Guide to Communalism*, ed. K. N. Panikkar (1999), 131–59; Tanika Sarkar, "Semiotics of Terror: Muslim Children and Women in Hindu Rashtra," *Economic and Political Weekly* no. 28 (July 13, 2002), accessed July 1, 2012, <http://www.epw.in/commentary/semiotics-terror.html>; and Thomas Blom Hansen, *The Saffron Wave: Democracy and Hindu Nationalism in Modern India* (1999).

18. Empowerment projects for women in sex work had been underway for several years in India before *The Selling of Innocents* was filmed. The best known, the Sonagachi

HIV/AIDS Intervention (SHIP), began as an STD and HIV prevention program for sex workers in Sonagachi, a redlight area of Kolkata (Calcutta) in 1991. Initiated by the All India Institute of Hygiene & Public Health and Dr. Smarajit Jana, the highly successful project employed participatory and peer education models that drew on and enhanced the networks, capabilities, and solidarity of sex workers. In 1995, participants in the SHIP project formed Durbar Mahila Samanwaya Committee (DMSC), a collective organization of sex workers and their children. The organization expanded its activities to include antiviolence and antidiscrimination campaigns, credit banks, education and cultural activities for children and adults, and public outreach and education. In 1999, DMSC assumed responsibility for managing and implementing the SHIP program. See for example, N. Bandyopadhyay and B. Banjee, "Sex Workers in Calcutta Organize Themselves to Become Agents for Change," *Sexual Health Exchange* 1 (1999): 6–8; Sanjay Kumar, "Model for Sexual Health Found in India's West Bengal," *Lancet* 351, no. 9095 (1998): 46; Smarajit Jana, Ishika Basu, Mary Jane Rotheram-Borus, and Peter A. Newman, "The Sonagachi Project: A Sustainable Community Intervention Program," *AIDS Education and Prevention* 16, no. 5 (2004): 405–14; Ambar Basu and Mohan J. Dutta, "Participatory Change in a Campaign Led by Sex Workers: Connecting Resistance to Action-Oriented Agency," *Qualitative Health Research* 18, no. 1 (2008): 106–19; Samarjit Jana, Ishika Basu, Mary Jane Rotheram-Borus, and Peter A. Newman, "The Sonagachi Project: A Sustainable Community Intervention Program," *AIDS Education and Prevention* 16, no. 5 (2004): 405–14; "History of Durbar," Durbar Mahila Samanwaya Committee, <http://www.durbar.org/html/history.asp>. Similar projects were underway in other cities and regions: for example, Sampada Gramin Mahila Sanstha (Sangram) started HIV, peer-education, and empowerment work in South Maharashtra and North Karnataka, India in 1992, Sangram, accessed July 21, 2012, <http://www.sangram.org/>.

19. The second sign is the on-screen revelation of a young child's sexual assault and a young woman's HIV-positive status, with no effort to conceal their faces and identities, or to protect their right to confidentiality and privacy regarding health status or prior sexual abuse.

20. Thanks to Alice M. Miller for this insight.

21. Svati Shah, "Sex and Work: An Overview of the Debate on the Selling of Sexual Services in a Globalized Economy," *New Labor Forum* 12, no. 1 (Spring 2003): 76–83; Svati Shah, "Open Secrets: Women Soliciting Construction and Sex Work in Bombay," in *Poverty, Gender and Migration* vol. 2, ed. Sadhna Arya and Anupama Roy (2006), 1–11.

22. The racial dynamics of the genre are extremely complex, given that melomentaries (visual and textual) are produced for diverse audiences whose referencing schemes for racial distinctions and meaning are not uniform. I can only address them schematically here: the racial characterization of villain and victim can be—to elaborate on Gayatri Chakravorty Spivak's terms—"white/white," "white/brown," "brown/brown," or "brown/white." The dramatic usefulness, intelligibility, and power

of a particular racial pairing depend on the local or national setting and the audience. Across locations, however, racial inequality is often used and read as a condensed symbol of other inequalities (caste, class, gender, for example) in ways that obscure as well as reveal.

The most common late nineteenth- and early twentieth-century pairing (the abduction or trafficking of white women by questionably white or non-white others (Jewish men, in particular) or their removal to non-white lands (to Middle Eastern harems, for example) has declined in popularity and credibility, though in the made-for-TV miniseries, *Human Traffic* (2005), starring Mira Sorvino, a twelve-year-old white American girl is snatched from her parents' hands in Manila and confined to a brothel. More common racial plots focus on white traffickers and white victims (though Eastern European-trafficked women can be rendered racially abject due to devalued national origin, ethnicity, or poverty), and brown traffickers and brown victims. The novel melodrama about the Global South, in which racial difference can no longer track or stand in for incommensurabilities of nationality, class, or caste, is often unstable and falls back on elements of more familiar plots, particularly white/brown exploitation, to increase dramatic power and moral outrage, particularly when aimed at Northern audiences. Hence, the incoherent opening of *The Selling of Innocents*, which introduces imaginary white sex tourists preying on Indian girls, even though the video is entirely about Indian and Nepali men (and women) preying on Nepali women and girls. It is rare that viewers notice the nonsensical nature of the video's opening. Finally, though melodramas invite all to join in the rescue, it may be that Global North viewers find this appeal especially compelling, resonant as it is with earlier calls to civilize and uplift the downtrodden and abject. See Kathryn Mathers, "Mr. Kristof, I Presume? Saving Africa in the Footsteps of Nicholas Kristof," *Transition* 107, no. 1 (2012): 14–31.

23. The World Bank and the International Monetary Fund promoted structural readjustment policies in many developing countries, which demanded major changes in financial and social welfare policy in return for continued loans or reduced loan repayments. Cutbacks in social welfare, education, and health care deprived the most vulnerable groups of previously state-supported services. Privatization, reduced regulation, lowered trade barriers, and the promotion of free trade increased class inequalities and disparities, while boosting overall economic output. Changed internal and external economic structures disadvantaged the rural and urban poor, especially women. The promotion of free trade did not encompass free labor migration, causing increasingly stymied workers to explore illicit and illegal ways to migrate across national borders.

24. Joanna Buzsa, Sarah Castle, and Aisse Diarra, "Trafficking and Health," *British Medical Journal* 328 (June 5, 2004): 1370–71; Penelope Saunders, "Prohibiting Sex Work Projects, Restricting Women's Rights: The International Impact of the 2003 US Global AIDS Act," *Health and Human Rights* 7, no. 2 (2004): 179–89; Sealing Cheng, "Interrogating the Absence of HIV/AIDS Interventions for Migrant Sex Workers in

South Korea," *Health and Human Rights* 7, no. 2 (2004): 193–204; Sealing Cheng, *On the Move for Love* (2010).

25. Abolitionist Donna M. Hughes takes this analysis further, arguing that condom distribution and HIV-education programs are complicit with women's subjugation: "if they overlook enslavement, abuse, and exploitation, then condom campaigns are not good for women and girls." See "The ABC approach to Global HIV/Aids: Good for Women and Girls," *OpenDemocracy* (blog), August 12, 2004, [http://www.opendemocracy.net/globalization-hiv/article\\_2044.jsp](http://www.opendemocracy.net/globalization-hiv/article_2044.jsp).

26. Alice Miller, "The Dilemmas of Contemporary Anti-Trafficking Work," *Rights-News* 26, no. 1 (Fall 2004): 16 and *passim*.