

## Capturing Caste in Law: The Legal Regulation of Caste Discrimination

by Annapurna WAUGHRAY. Abingdon, Oxfordshire: Routledge, 2022. 336 pp. Hardcover: AUS\$252.00; VitalSource eBook: AUS \$70.99. doi: [10.4324/9781315750934](https://doi.org/10.4324/9781315750934)

Arpita SARKAR 

PhD Candidate, School of Law, City University of Hong Kong, Hong Kong, China

Caste is a difficult legal concept to identify and distinguish in the international context, and while this social identity is specific to the Indian subcontinent, its consummate profoundness ensures that its practice has persisted in those areas where people from the Indian subcontinent have settled. Accordingly, in *Capturing Caste in Law*, Annapurna Waughray focuses on the struggle to include 'caste' in anti-discrimination laws outside the Indian subcontinent.

This book is divided broadly into three parts. The first part familiarizes its readers with the complexity of defining and understanding caste. It discusses the historical evolution of caste-based inequalities in the Indian subcontinent, favouring powerful castes at the expense of weaker ones.

The second part examines the attempts made by international human rights law and the United Nations (UN) human rights treaties to recognize caste as an enumerated ground of discrimination. In this section, Waughray urges readers to take note of the obstacles that international human rights bodies such as the UN have faced in recognizing caste as a ground of discrimination. However, India, which considers caste-based discrimination a domestic issue with no international relevance, has resisted. Here, Waughray highlights the dilemma between reading caste into wider concepts of descent, ethnicity, etc., distinct from lobbying to add caste as a distinct enumerated ground in legislation.

The third part focuses on the absence of caste from anti-discrimination laws in the UK, starting with the Race Relations Act 1965. Since caste did not originate in the UK and primarily impacts the Indian diaspora, the proposal to include caste in the anti-discrimination laws of the UK has encountered significant resistance. Thus, neither civil nor criminal legal remedies exist for caste-based discrimination, which usually occurs in private and social spaces. Waughray argues that since caste as a phenomenon originated outside British society, anecdotes of discrimination do not attract the attention of British legislators and incidents of discrimination are often dismissed as stray and not systemic, with caste-based discrimination not being addressed with the same urgency as race, ethnicity, religion, and nationality discrimination.

Waughray's work, based on reports, proceedings, and parliamentary debates in international human rights bodies and the UK Parliament, sheds light on ongoing debates outside the subcontinent. According to anti-caste scholars in India, geographical relocation will only spread caste beyond the subcontinent because caste is so entrenched in the social fabric. While the Indian government vociferously argues that caste-based inequality is a domestic issue, Waughray makes a compelling case against such arguments. Recent movements to ban caste discrimination have gained traction in the US. Waughray's

work provides valuable insight into the organized struggle outside the subcontinent to acknowledge and ban caste-based discrimination.

**Competing interests.** The author declares none.

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## **Eradicating Human Trafficking: Culture, Law, and Policy**

**by Gabriella Curras DeBELLIS. Leiden/Boston: Brill Nijhoff, 2021. xx + 258 pp. Hardcover: €138.00; USD \$166.00; eBook: €138.00; USD \$166.00. doi: 10.1163/9789004473348**

Anjali YADAV 

VIT-AP, School of Law (VSL) at VIT-AP University, Vijayawada, Andhra Pradesh, India.

This intellectually thoughtful book embeds the juxtaposition of cultural sensitivity with human trafficking and its interrelation with law and policy in three distinct societies: the USA, India, and Costa Rica. It highlights how the cultural perpetuity of human commodification can be addressed beyond the criminal justice approach of human trafficking through a multilevel collective resolve.

Chapter 1, “Human Trafficking and Culture”, delimits the author’s work through a policy-oriented jurisprudential lens while simultaneously transcending traditional desk research. It deliberates the prevalence of human trafficking in influential and representative cultures, the associated narratives of Jogini and Machismo, and the preferential treatment of boys. It also focuses on the status quo of law and policy and how globalization has elevated the market of sex and labour exploitation based on consumerism. Lastly, the chapter illustrates the cultural dimension of the law, which should not be based on indifference but, instead, draw from cultural encounters which, if generally understood and correctly adopted, could aid in stopping the commodification of human beings.

Chapters 2 and 3 of the book deal with the viewpoints of the various claimants, such as governments, corporations, consumers of the trafficking, victims, etc., as well as how the international framework, regional protections, and domestic prescriptions have addressed cultural attitudes towards human trafficking and, also, how the conditioning factors have hampered the effectiveness of the trafficking legislations across the globe. The author not only focuses on past trends but also incorporates the modern Palermo approach, recent legislation in Congress, and the discussions revolving around content posted by third parties.

Chapter 4 is DeBellis’s most vital contribution as it provides a robust analysis of the futuristic trends of conditioning and is aptly titled “Battle between Law and Culture”. In this chapter, through multiple case studies, the author reflects on the attitudes across various cultures that marginalize or discriminate and which ultimately result in trafficking. She further addresses these issues and notes that they can be improved with a new perspective, as the existence of legislation is not enough. A change in the tolerance of patriarchal men, equitable treatment towards lower castes and women, and recognition of the vulnerabilities of immigrant women, together with the effective use of technologies to promote values of freedom and human rights globally, would improve the situation, as illustrated by her extensive research and analysis.