

The making of modern slavery: Whose interests are served by the new abolitionism?

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Julia O'Connell Davidson, Professor of Sociology at the University of Nottingham, was one of the convenors of a British Academy Conference on 'Slaveries Old and New: The Meaning of Freedom', held on 27-28 March 2014.

Humanitarian feeling

In a book exploring the European popular culture of abolitionism in the 18th century, Adam Lively observes that the sentimental literature it generated spoke much more closely to the preoccupations of its white audience than it did to those of the enslaved. It knitted slavery together with the emerging idea of race to produce an empty and one-dimensional view of 'the African' as primarily defined by his enslaved condition and his suffering. In so doing, it provided its audience with an opportunity to examine and cultivate their own more rarefied feelings, sensibility being 'exemplified by the ability to suffer along with the suffering of others'.¹ This emphasis on suffering left a complicated legacy for humanitarian activism. For even though the 18th-century abolitionist movement was the first to articulate moral concern for the sufferings of geographically remote strangers, its sentimental tropes and figures produced an unstable and moveable vision of who should be the focus of humanitarian concern. As Lynn Festa has argued, sentimentality:

operates on an ad hoc basis, selectively exciting feelings about particularly moving examples of suffering and recognizing those subjects exclusively based on the fact

1. A. Lively, *Masks: Blackness, Race and the Imagination* (London, Chatto and Windus, 1998).

of that suffering... the subject produced by sentimental antislavery is granted only a diluted form of humanity grounded in pain and victimhood, a humanity that is only as enduring (or as fleeting) as the recognition of the metropolitan subject who bestows it.²

This is highly pertinent to the contemporary discourse of humanitarian concern about modern slavery.

Slavery occupies a prominent place on the political agenda today. Home Secretary Theresa May's Modern Slavery Bill was announced in the Queen's Speech in June 2014; in the United States, President Barack Obama proclaimed January 2014 as National Slavery and Human Trafficking Prevention Month. This interlacing of the terms 'trafficking' and 'modern slavery' produces an extremely broad appeal to humanitarian feeling. Those involved in campaigns against trafficking and modern slavery include politicians from across the political spectrum, and religious leaders from across the faiths. Trades unions are there, but so too are big businesses. The Global Business Coalition Against Human Trafficking (gBCAT), includes Coca-Cola, ExxonMobil, Ford, Microsoft and ManpowerGroup amongst its members. As its co-founder David Arkless put it, 'When you get involved in something like this your employees will love it, the public will love it and your shareholders will love it.'³ Famous actors and rock stars are also there 'lovin' it', contributing to what Dina Haynes terms, 'the celebrification of human trafficking',⁴ and lending their support to the many NGOs that exhort 'ordinary' folk, especially the young, to join the struggle against modern slavery.

In February 2008, at a major UN conference on human trafficking in Vienna attended by A-list celebrities as well as representatives from governments, NGOs and

2. Festa, 'Humanity without feathers', *Humanity: An International Journal of Human Rights*, 1:1 (2010), 3-27.

3. O. Balch, 'Corporate initiative can play a major role in anti-trafficking movement', *Guardian* (3 April 2013) www.theguardian.com/global-development-professionals-network/2013/apr/03/human-trafficking-global-business-coalition

4. D. Haynes, 'The celebrification of human trafficking, Part III' (2013) <http://traffickingroundtable.org/2013/05/celebrification-of-human-trafficking-part-iii/>



At the British Academy Conference on 'Slaveries Old and New', Professors Tommy Lott, Charlotte Sussman, and Nandita Sharma discuss the overlaps between different systems of domination and their cultural representation.

international agencies, Antonio Maria Costa, head of the UN Office on Drugs and Crime, described the event as something between the World Economic Forum at Davos and the 1960s music festival Woodstock – 'This is not an inter-governmental conference, nor is it a talk shop', he said. 'Think of it more as a rally. We march together'. Costa continued – '200 years after the end of the trans-Atlantic slave trade, we have the obligation to fight a crime that has no place in the 21st Century. Let's call it what it is: modern slavery.'⁵ But what exactly is 'modern slavery'?

Trafficking

The roots of states' interest in the issue can be traced back to the 1990s, when there was growing anxiety amongst governments (especially those of Western liberal states) and supranational institutions about what came to be termed 'transnational organised crime'. In the context of more porous borders in the post-Cold War era, state actors worried about a perceived expansion of illegal markets, both domestic and global, viewing this as a threat to the legitimate economy and to political institutions. They were also concerned about their own capacity to control immigration (including but not limited to the mobility of criminal actors across national borders), which was perceived as a threat to national sovereignty and security. 'Human trafficking' first entered into policy consciousness through the lens of these concerns, not through a preoccupation with humanitarian problems. Hence it was parcelled up with phenomena such as smuggling, money laundering, and drug and gun running, and addressed through the United Nations *Convention on Transnational Organized Crime* (2000) and its three additional protocols (one on trafficking, one on smuggling, and one on firearms), not through a convention on human rights.

The UN Trafficking Protocol provided a somewhat flexible and vague definition of 'trafficking' not as a single, one-off event, but a *process* (recruitment, transportation and control) organised for purposes of

exploitation which takes place over time and can be organised in a variety of different ways. 'Exploitation' was not explicitly defined, but 'shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'. In other words, in international law, slavery is just one of a number of possible outcomes of what is termed trafficking, even though in the political rhetoric surrounding trafficking, trafficking is said to *be* modern slavery.

Despite the loose definition of trafficking, policy-makers have always insisted that it is a phenomenon quite distinct from smuggling (and many anti-slavery NGOs accept this assertion). Smuggling and trafficking are imagined as processes that may overlap in initial stages of movement, but that become clearly differentiated at the point of destination. Relations between smuggler and smuggled are said to end on arrival at the point of destination, whereas the trafficker continues to exercise control over the trafficked person. Furthermore, according to the Home Office, where trafficking is held to be 'carried out with the use of coercion and/or deception', smuggling is described as 'a voluntary act on the part of those smuggled'.

In the run up to the drafting of the Convention on Transnational Organized Crime and its Protocols, and immediately thereafter, politicians and policy-makers were fond of remarking that 'Smuggling is a crime against the state, trafficking is a crime against a person'. Then came 9/11, read as an even more direct and deadly threat to Western liberal democracy than 'organised crime', and terrorism was added to the bundle of security threats supposedly presented by or linked to trafficking. Trafficking now appeared as a simultaneous assault on the person and the state. It was increasingly represented in international and domestic US and European policy circles as a vast and ever-growing problem affecting every corner of the earth, part of a dark underbelly of globalisation.

The response to these perceived threats to state sovereignty and national security has been extraordinarily violent, sometimes lethal. In addition to efforts to strengthen law enforcement and afford new and greater powers for those charged with safeguarding national security, immigration policies and border

5. J. O'Connell Davidson, 'Trafficking, modern slavery and the human security agenda' (Guest Editorial), *Human Security Journal*, 6 (Spring 2008), 8-15.

controls have been pursued in the US, Australasia and the European Union that have led to many thousands of deaths, and there has been a dramatic expansion of the use of immigration detention in liberal democratic states.⁶ But alongside this growing use of force, the claim that ‘trafficking is nothing short of modern slavery’ has been frequently and vigorously asserted. And if ‘trafficking is modern slavery’, then any and all measures to combat it can be presented as measures to protect the human rights of its victims. At the same time, the metaphor of slavery works to obviate difficult questions about how the exploitation, unfreedom and suffering of the ‘Victim of Trafficking’ (VoT) is to be disentangled from that of other groups of migrants, such as ‘smuggled persons’ and ‘asylum seekers’, for it takes trafficking outside migration. We are no longer speaking of an ordinary, everyday phenomenon in which modern liberal states have an interest (or multiple, often conflicting interests), but of an ‘old evil’, as George W. Bush put it in a speech to the United Nations in 2003, an anachronistic ‘slave trade’ that must be abolished.

NGOs

Another effect of framing the fight against trafficking as a fight against modern slavery and for fundamental human rights is that it has opened the door for new alliances between governmental and non-governmental organisations in the fields of human and child rights. States, especially the US under the Bush administration, were prepared to commit spectacular sums to the battle against ‘trafficking – the scourge of modern slavery’. Though much of this money has gone to the countless new governmental programmes and task forces to combat ‘trafficking’ that have been set up around the world, international agencies and NGOs have also enjoyed a generous share of the pie. Even in the 1990s, before the UN Trafficking Protocol, the opportunities for fund raising afforded by the growing political and public interest in trafficking provided many human and child rights international organisations and NGOs with an incentive to re-badge some or all of their existing activities as ‘anti-trafficking’ work.

It would be wrong to present the NGOs that campaign against ‘trafficking as modern slavery’ as an undifferentiated group. Indeed, while some, in effect, function as an arm of government (helping to sort deserving ‘VoTs’ from the undeserving smuggled or otherwise ‘illegal’ migrants; or being contracted by government to provide certain services to VoTs, for example), others attempt to hold governments to account for their lip-service approach to the issue and the rights violations associated with their anti-trafficking policies. And in fact, one of the striking things about the diverse body of groups and interests active in the anti-trafficking field is that they do not even all attach the same meaning to the term ‘trafficking’. For example,

some consider that *all* female prostitutes can be termed victims of trafficking, whereas others hold that only those who have been tricked or forced into sex work can be described as trafficked. Nonetheless, it is the case that as more and more governmental organisations, NGOs and researchers came to view trafficking as the topical and ‘hot’ human rights issue, the term experienced what Janie Chuang calls ‘exploitation creep’.⁷

Where initially the focus had largely been on prostitution, ‘trafficking’ now came to embrace a large and disparate collection of global social problems and rights violations. By the 2000s, concerns about child labour, forced labour, domestic servitude, enforced criminal activity, benefit fraud, inter-country adoption and fostering, organ trading, child soldiers, and underage, servile or forced marriage, as well as prostitution, were all included under the umbrella of ‘trafficking’ and through this, absorbed into what is described as ‘modern slavery’. This process of assimilation was aided by activists in the anti-slavery movement, which had experienced something of a revival as a result of the flood of interest in trafficking. In 2000, the long-established, British-based NGO Anti-Slavery International acquired a new US-based sister organisation, Free the Slaves (the two have since severed their links), and many other anti-slavery NGOs were subsequently founded, especially in the US and other Western countries – including Not For Sale in 2007, End Slavery Now in 2008, Alliance Against Modern Slavery in 2011, Walk Free Foundation in 2012. All have been active in promulgating the discourse of ‘trafficking as modern slavery’, and promoting the idea that this is a global problem of immense proportions.

The fact that governmental and non-governmental organisations are to be found marching hand in hand against modern slavery will not surprise anyone working in the field of development. Indeed, the burgeoning of development NGOs from the 1970s onwards has stimulated extensive critique and debate. Many commentators have linked the huge expansion of an NGO sector largely funded by Western governments to the neo-liberal development models being imposed by the same governments and their financial institutions, and noted the many ways in which NGOs have been co-opted into agendas set by state actors, as opposed to the poor they supposedly exist to serve. Certainly in the case of trafficking, states, in particular affluent liberal democratic states, have very direct and immediate interests in the direction of the march. And it is this that makes the selectivity of the humanitarianism marshalled by contemporary anti-slavery activists as worrisome as that of their 18th-century forerunners.

Rights

The new brand of anti-slavery activism that has flourished in the wake of the state-led anti-trafficking juggernaut,

6. B. Anderson, *Us and Them: The Dangerous Politics of Immigration Control* (Oxford, Oxford University Press, 2013).

7. J. Chuang, ‘Exploitation Creep and the Unmaking of Human Trafficking Law’, American University, *WCL Research Paper* (2013) <http://ssrn.com/abstract=2315513>

exemplified in organisations like Free the Slaves and Not For Sale, mobilises sentimental sympathy. Like 18th-century abolitionism, it invites us to identify with those who would otherwise be regarded as racially, culturally, socially or sexually distant Others (the bonded brick kiln worker, the temple slave, the restavec, the migrant, the prostitute) on the basis of their suffering, rather than on the basis that all people have equal rights on the basis of humanity. This emphasis on suffering is in line with the approach to trafficking and other kinds of migration described as ‘forced’ in international law, and most states afford special status in terms of rights and protections to migrants who are deemed to have suffered. But much as the connective tissue between suffering and rights may appear humane, suffering is neither a necessary criterion for membership of a political community nor the usual route to inclusion.

Suffering, David Morris observes, ‘is not a raw datum, a natural phenomenon we can identify and measure, but a social status that we extend or withhold’.⁸ And because it is not raw datum, that suffering can be selectively recognised. Hence, states acknowledge that people can be *forced* to move as a consequence of suffering purposefully inflicted by private or state actors (‘traffickers’, actors who persecute on the basis of political or religious belief, race, ethnicity, gender, sexuality etc.) or consequent upon war and armed conflict, but not as a result of suffering that stems from impersonal, structural factors, such as poverty. This allows states simultaneously to recognise some kinds of suffering as a qualification for community inclusion, but continue to operate the lethal immigration regimes and border controls that both deny and generate other kinds of suffering.

Historically, demands for the abolition of slavery and demands for universal and equal rights have not always gone together – indeed, questions about racial and gender equality were the source of deep fissures in the 18th- and 19th-century anti-slavery movement. Equally today, demands for action against modern slavery are not necessarily demands that every human, merely by virtue of being a flesh and blood human being, has equal rights wherever she or he may be, and that states are obligated to protect those rights equally, regardless of nationality. This is why everyone, from every point on the political spectrum, can join the march. But it also raises the question of whose interests are actually being served by the apolitical, feel-good, Woodstock-vibe rally against modern slavery.

It is without doubt true that the millions who are dubbed ‘modern slaves’ by the new abolitionists are people whose lives are variously blighted by poverty, rightlessness, racism, sexism, caste, class, debt, immigration regimes, and other systems that oppress and restrict freedom of choice and movement. But it is far from clear how a concept that lumps together such a wide and divergent range of experience could assist in developing policy responses that address their needs or protect their rights. Indeed, the response of most



“Slavery is an affront to our humanity” Says Theresa May, Home Secretary’, *Sun* newspaper, 9 January 2014. Photo: Lee Thompson.

governments – especially in the affluent world – to the widely cited estimate of 29.8 million slaves globally has been to promise tighter policing, tougher sentencing, harsher immigration policies, and ever-stricter border controls. In other words, in the name of combatting modern slavery, states have pursued policies that imply heavy restrictions, and sometimes extremely violent restraints, on the freedoms of many migrants, and that do almost nothing to change the condition of those unable to move from contexts in which their rights, well-being, and even lives are under threat.

The UK government is a case in point. Theresa May’s draft Modern Slavery Bill, which focuses almost exclusively on punitive sanctions against individual ‘traffickers’, is being introduced alongside a raft of measures designed to make it more difficult for all but the wealthiest migrants from developing countries to enter the UK, regardless of their reasons for seeking entry. Meanwhile, Mrs May’s humanitarianism does not extend to the unaccompanied child migrants who, on reaching the age of 18, are snatched from the community in the UK in which their formative years have been lived and returned to countries like Afghanistan where they know nobody and have nothing. It certainly does not extend to migrants deemed ‘illegal’, who are to be hounded down, detained, and deported, no matter how much suffering this may imply. And even if the Government heeds anti-slavery NGOs’ demands for the Bill to be revised to include a comprehensive victim protection system, this state of exceptionalism will remain. Mercy for ‘modern slaves’ is apparently perfectly compatible with the interests of the privileged and powerful in the contemporary world. No wonder they are loving the new abolitionist march.

8. D. Morris, ‘About suffering: Voice, Genre and Moral Community’, in A. Kleinman, V. Das and M. Lock (eds), *Social Suffering* (Berkeley CA, University of California Press, 1997).