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Chapter XX:

International legislation on white slavery and anti-trafficking in the early 20th century

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• Abstract (250 words)

The chapter focuses on the emergence of international legislation against trafficking in the early twentieth century, focusing on the years between 1904 and 1949. The chapter will introduce key legal measures adopted during that time but focus on the enactment of the International Agreement for the Suppression of the “White Slave Traffic” 1904 and the International Convention for the Suppression of the White Slave Traffic 1910. These measures, unlike modern anti-trafficking legal standards that recognize more comprehensive forms of exploitation, focused solely on recruitment for prostitution and the exploitation of prostitution. The chapter argues that the early-twentieth-century legal framework was mostly a result of civil society action in the field and that the framework enabled the control of immigration and emigration of young women. The chapter will further show how the terminology changed from “white slavery” to a more neutral “traffic” with the League of Nations. Despite this change, immigration control and nationalism continued to underline much of the rhetoric even after the League of Nations took over the legal framework in 1921.

Keywords

History of trafficking – White slavery – International law – League of Nations – Immigration control – Civil society associations

Introduction

This chapter discusses the emergence of international law against trafficking from the early twentieth century to 1949 when the first UN convention against trafficking was enacted. In the early twentieth century, the terms “traffic” and “white slavery” were used interchangeably. This chapter uses mainly the term “white slavery” when talking about the phenomenon before the 1921 International Convention to Combat the Traffic in Women and Children and the term “traffic” afterward, for historical accuracy. While there are many distinct features about the

early antiwhite slavery accords that will be discussed throughout the chapter, an important distinction needs to be drawn with the early accords and present-day legal standards. The early accords focused solely on exploitation in prostitution, while the more modern ones aim at fighting against trafficking in persons as connected with multiple forms of exploitation.

The chapter analyzes the early documents in chronological order to show the development of international law in the field. The chapter argues that the first international accords were introduced and enforced by civil society organizations, and hence understanding the cooperation between civil society organizations and state bodies is paramount in order to understand the anti-trafficking framework and legal standards more broadly. It further argues that the new accords enabled the control and restriction of women's migration.

The period the chapter focuses upon was marked by divisions between different civil society organizations, mainly the women's rights and vigilance ones, on the role and potential of law. The discussions on trafficking at the turn of the century and the language of the first accords also reveal highly polarized and at times repressive views on gender, sexuality, and migration. To analyze these tensions, the chapter will draw extensively from the archival collections of the International Bureau for the Suppression of the White Slave Traffic (International Bureau) and other organizations such as the International Abolitionist Federation. These archives hold records of meetings, conference papers, and drafts of international conventions. They also hold, for example, the first definition of trafficking in international law, which can be found in the minutes of the International Congress of the International Bureau in London in 1899.

The chapter begins by discussing background on the civil society organizations active at the time, before discussing the accords they created, namely, the International Agreement for the Suppression of the "White Slave Traffic" (1904 Agreement) and the International Convention for the Suppression of the White Slave Traffic 1910 (the 1910 Convention). It then focuses on the League of Nations' action in the field, both concerning legislative activity and the work of the League's Traffic in Women and Children Committee. The final part of the chapter provides brief reflections on League of Nations and United Nations Conventions from 1921 to 1949 to demonstrate that there was a shift toward abolitionism, particularly in the aftermath of the Second World War.

The vigilance movement and the origins of white slavery accords

In 1904, the first anti-trafficking international legislation, the International Agreement for the Suppression of the “White Slave Traffic” (1904 Agreement), came into force in the 22 participating states. The International Bureau and its then Secretary, WA Coote, were accredited by fellow civil society organizations with bringing about the Agreement and launching the first international measures against white slavery (More about International Bureau for the Suppression of the White Slave Traffic here <http://www.lonsea.de/pub/org/192>). Coote was praised in particular for his relentless campaigning in Europe against the white slave trade and for establishing the first international framework against white slavery. Praising Coote for the drafting of the 1904 Agreement, Gregory Maurice said the securing of the 1904 Agreement was the climax of the movement. He called Coote’s work and the remarkable manner in which he had brought the Agreement about one of the great romances of philanthropy.

The International Bureau, the organization at the heart of the accords, stemmed from a well-known British Christian vigilance organization, the National Vigilance Association (NVA). In Britain, the NVA was the dominant vigilance organization working to eradicate all forms of vice. The association was simultaneously lobbying for new criminal and immigration legislation to tackle a perceived rise in white slavery and to limit the number of foreign women working in prostitution (Lammasniemi 2017b). In the late nineteenth century, NVA became increasingly aware of the international aspects of white slavery and concerned over female emigration from and immigration into Britain. To cooperate with European counterparts more effectively and to raise awareness of white slavery on an international scale, the NVA established an international arm, the International Bureau.

The International Bureau quickly expanded both in membership and regarding countries within which it operated. Despite this, it remained rooted in the British vigilance movement. While the International Bureau had national committees worldwide, in its early years, the same personnel populated the British National Committee and the International Bureau’s highest body, the Congress of the International Bureau. Furthermore, those personnel were drawn from NVA members. The General Secretaries of the International Bureau, WA Coote and later FAR Sempkins, had also served initially as leaders of the NVA. The strong connection – both ideologically and pragmatically – between the British vigilance movement and the International Bureau is therefore undeniable.

It should be noted here that the International Bureau was not the only organization working in the field, but it was undoubtedly the most influential. Perhaps the best known of the other organizations in the field is the International Abolitionist Federation, established by Josephine Butler in 1875. Both the International Bureau and the International Abolitionist Federation shared concern over vice and prostitution, but their definition and understanding of prostitution, and later white slavery, differed significantly. The International Abolitionist Federation was part of the women's movement of the era, and they viewed the white slave trade as a women's rights issue. For them, the figure of the prostitute became a vehicle to address all the inequalities and social wrongs against women (de Vries 2008). This is different from the International Bureau, which in their rhetoric made a distinction between the "innocent white slave" and "criminal prostitute."

The organizations also had very different approaches toward the state. The International Abolitionist Federation advocated "anti-regulation abolitionism" and was against all forms of regulation of prostitution. The International Abolitionist Federation used the term "abolitionism" to describe their work against the state regulation of prostitution; however, this chapter uses the term "anti-regulation abolitionism/abolitionists" in order to distinguish it from the modern discourse whereby term "abolitionism" is used to describe attempts to abolish and prohibit prostitution.

Perhaps the most crucial difference between the International Abolitionist Federation and the International Bureau is that the International Abolitionist Federation viewed state regulation of prostitution as a way to control and degrade those working in prostitution and so their rhetoric is characterized by a deep distrust in the state. In turn, the International Bureau focused on the abolition of prostitution and vice often through regulation and cooperation with national police and officials, as we will see from the next part of the chapter.

International Agreement for the Suppression of the "White Slave Traffic" and its enforcement

The London Conference of the International Bureau in 1899 set in motion the drafting of international accords against white slavery. The 1899 conference and other International Congress conferences were organized by the International Bureau but were attended by the representatives from the leading moral-purity, abolitionist, and anti-regulationist groups, including the International Abolitionist Federation. These organizations could vote and

propose resolutions; for example, the International Abolitionist Movement repeatedly and unsuccessfully tried to file a motion to abolish the regulation system in continental Europe.

In the first International Congress in 1899, an essential Resolution was adopted by the Congress that there should be an agreement between governments to tackle white slavery. The Resolution called for the criminalization of procurement of women and girls into prostitution as well as the establishment of international criminal investigations where white slave traffic was suspected. In addition, the Resolution called for further formal cooperation between civil society organizations who were to share, for example, “information as to the emigration of women under suspicious circumstances.” It also called for each country’s delegates to collate a list of active associations in their countries who can fulfil roles in “protecting migrants” and to provide relevant state bodies in their respective countries with this list.

The resolution itself is striking. It shows that the International Bureau intended to focus on law reform campaigning in the international arena mainly and as such embraced and sought cooperation with the states in which they operated. Their claim to international lawmaking and lobbying is particularly notable as the international law concerning specific transnational crimes was still rare.

One of the critical aspects of the Resolution was its clear focus on border control; the Resolution envisaged that charitable and civil society organizations would take on the role of monitoring borders and female migrants. Before the Agreement came into force, the national committees of the International Bureau were already engaged in this task, without formal agreements with the state (Limoncelli 2010). The national committees monitored and reported back to the central International Bureau on levels of suspected traffic and prostitution through patrolling railway stations and ports where they greeted girls whom they suspected of being a white slave, or indeed a foreign prostitute. While the most oppressive aspects of the white slavery agreement, such as repatriation of foreign prostitutes, were not part of the early resolutions, even prior to the ratification of the 1904 Agreement, the national committees provided funds for the repatriation of foreign prostitutes and campaigned for their compulsory repatriation (International Congress 1899–1904). The port control remained an essential part of the International Bureau’s work even after the First World War when the League of Nations took over the enforcement of international legislation. Cities such as Buenos Aires, which were considered particularly sinful, were monitored closely, and all women who arrived in third-

class coaches were interviewed on arrival as late as the 1930s by a member of the Argentinean National Committee to ascertain the purpose of their visit (Sempkins 1928).

The 1904 Agreement followed the Resolution set out by the International Bureau in 1899 to an extent. Importantly, it did not make provisions for the criminalization of procurement or create an offense of trafficking. Instead, the Agreement created some administrative measures and focused on repatriation of foreign women suspected of being prostitutes. The Agreement primarily made administrative provisions that aimed to enable cooperation between participating states by establishing central bureaus for the exchange of information and by sharing information regarding relevant domestic convictions.

The Agreement did little to create provisions for the protection of women but instead created a complete system for investigation and repatriation of foreign women suspected of prostitution. Under Article 2 of the Agreement, the member states were required to set up patrols at ports and railway stations to identify foreign women and girls who might be prostitutes. The port patrols focused their attention on foreign, working-class women and girls and interrogated them “judiciously to ascertain for what purpose they [have] come and where they intend staying” (Coote 1910).

Those who were identified as foreign prostitutes, or at risk of falling victim to white slavery, could be questioned under Article 3 to establish their identity and nationality in order to provide for their repatriation to their country of origin. The provisions within the Agreement were enacted to target women and girls of a particular class and appearance in order to identify potential prostitutes at the entry points to the countries.

At the 1903 Conference on the Suppression of the White Slave Traffic, the NVA reported disappointment with the attempts to engage with, and repatriate, prostitutes and wrote that they did not have much luck in their operation in British ports. NVA officials said they had spoken to hundreds of foreign girls offering to “repatriate them, put them in touch with a lady in their respective countries, and to give them a` fresh start in life, not one accepted our offer of help” (Vigilance Record 1903). The girls had instead, much to the disappointment of the patrols, “announced their intention of staying here until they are turned out” of the country (ibid.).

The level of cooperation with other organizations and implementation of the assistance provisions varied greatly between different countries. For instance, the Spanish National Committee reported having offered 20 asylum places to the more than 200 women they had stopped between the years of 1904 and 1906. The British National Committee made no such provision and instead allocated their funds to the repatriation of foreign prostitutes (International Congress 1906).

The International Convention for the Suppression of the White Slave Traffic 1910

The Agreement was followed in 1910 by the International Convention for the Suppression of the White Slave Traffic, ratified by the majority of European countries and which built on the existing Agreement (1910 Convention). In a notable divergence from the Agreement, the 1910 Convention created a basis for criminal prosecution for those suspected of being in breach of the Convention, thereby creating the first international definition for the offence of trafficking. Article 1 of the 1910 Convention states:

Whoever, in order to gratify the passions of another person, has procured, enticed, or led away, even with the consent, a woman or girl under age, for immoral purposes, shall be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries.

The complex definition under Article 1 of the 1910 Convention included the three elements of trafficking often identified today: the act, the means, and the purpose. Furthermore, it dispensed with the consent of the victim if an element of coercion or deceit was present even for women over the age of 21. Notably, in the absence of coercion or deceit, Article 1 only applied to girls of 21 years of age and younger as defined in an additional protocol. The Final Protocol defines the age limit with Articles 1–2 as 21 and below; however, it allows states to make their legislation on age limit and provisions against procuring women of any age, provided they be applied equally to all. The following Articles guided internal implementation and created provisions for the nation-states to create similar criminal offenses in domestic law. Article 3 obliges the member states to create an equivalent punishable offense in domestic law, and Articles 5–6 provide for extradition procedures. The International Abolitionist Federation argued against the age limit and for outlawing all forms of procurement but were defeated in their aims (Doezema 2010). The victim of white slavery was always represented as someone innocent, young, and naïve; the age limit of 21 can be seen as reflective of that representation.

De-racializing the white slave trade—the League of Nations’ action on trafficking

The concepts of nationality and race in all their complexities were constructed and utilized differently by various organizations in the field but were integral to the 1904 Agreement and the 1910 Convention. Women’s rights organizations advocated abolitionist policies across racial and national lines, stopped using the term “white slavery” at the start of the century in official correspondence, and instead adopted the term “traffic.” In 1910, the White Slavery Committee of the International Council of Women officially changed its name and terminology from white slavery into “traffic in women” (Abolitionist Federation, 3AMS/E/01-02). The International Bureau, however, resisted the name change from the “International Bureau for the Suppression of the White Slave Trade” into “Suppression of Trafficking.” There were numerous proposals “to include women of all races and colours” in the remit of their operation, but the International Bureau rejected these proposals and claimed the time was not right. Beyond the refusal to acknowledge the trade in nonwhite women, the nationalism ran deep within the organization.

Race was both explicit and implied in the white slavery discourse. In the legal context, biological and nationalistic aspects of “whiteness” were highlighted as the international white slavery accords did not apply in most colonies. Most countries had entered reservations on the agreements’ applicability in the colonies so women from colonies could not be “white slaves” for the law (Limoncelli 2011; Legg 2009, 2012 and 2013).

It would be wrong, however, to state that whiteness was only construed in biological and explicit terms in the discourse. The term “whiteness” was rooted beyond race, in class, nationality, and perceived purity. Many of the vigilance campaigners viewed prostitution as demeaning and de-whitening. For example, in campaigning materials such as the NVA book *In the Grip of the White Slave Trader* (1911), stories of English prostitutes who had nonwhite clients or boyfriends were told with particular horror and disdain. The whiteness in the white slavery discourse was more than a term of biology; it was a way to determine purity.

Officially, the term “white slavery” was replaced with racially neutral “traffic” in international law and in terms of the International Bureau’s action only in 1921, when the League of Nations took over the regulation and passed the 1921 International Convention to Combat the Traffic in Women and Children (International Bureau, 4/NVA S107-134).

According to Article 23(c) of the League of Nations Covenant, the League was to have “general supervision over the execution of all agreements with regard to the traffic in women and children,” but no general guidelines were issued as to how this consolidation was to take place or what the specific powers of the League of Nations were. The main function of the 1921 Convention was to amplify and strengthen the 1904 Agreement and the 1910 Convention discussed in the previous section (ibid). Replacing the loaded term “white slavery” with the more neutral term “traffic” marks a shift to a more nuanced understanding of trafficking, and as Stephen Legg has argued, the League of Nations thereby played a key role in “de-racializing the ‘white slave trade’ rhetoric” (Legg 2012b).

The League of Nations also established the Traffic in Women and Children Committee of League Nations (the Committee) (see Hengley 2010). The Committee conferences became the main forum for debating issues around trafficking in the international sphere. Although the Committee had no legislative power, it advised the League Assembly and was able to propose legislation and reforms to the Assembly (Pliley 2010). From the minutes of the Committee meetings and debates, it became evident that state parties were promoting their interests, often shaped by the postwar sentiment of nationalism.

The early years of the League of Nations’ work on trafficking were marred by oppressive proposals from the member states that were often aimed at controlling immigration of women suspected of prostitution. Limoncelli (2010) has argued that the era after the establishment of the League of Nations was marked by attempts to nationalize prostitution – in contrast to prewar white slavery agreements that aimed at international cooperation to curtail it. After the war, xenophobia had reached its peak, and this is also evident in the League of Nations’ action in the field of trafficking. Measures were taken at international level and, in member countries under the premise of “trafficking in women,” were primarily aimed at restricting the movement of women rather than protecting women. Exploitation of female migrants, working in prostitution or not, was rarely addressed as anti-immigration agenda took center stage. There were moderate voices and women’s rights voices, but these organizations did not have the same platform that they did before the war. The International Abolitionist Federation (3AMS/E/05-06) was still calling for protection and putting forward resolutions for the abolition of state-regulated brothels, but these were refuted one by one.

While the Traffic in Women and Children Committee was established to tackle trafficking in women, from the beginning, prohibitionist and nationalistic voices dominated the Committee. Already in the second session of the Traffic in Women and Children Committee in 1923, Poland put forward a proposal for the prohibition of foreign-born women in state-regulated brothels (Traffic in Women Committee 1931). The proposal was heavily supported by the International Bureau and some Christian civil society organizations but opposed by France and women's rights organizations. In the words of Avril de Sainte-Croix, "the proposal, which was so contrary to feminine dignity, had so many practical objections that it was worthless" (Limoncelli 2010, p. 80).

Paulina Luisi, Uruguay's State Representative and pioneer for women's rights in Uruguay, highlighted the irrationality of such a proposal as it would give powers of deportation arising from an activity that is not a crime in the first place. She vigorously contested the proposal on the grounds that it was nothing more than "nationalizing prostitution" (Traffic in Women and Children Committee 1932). The much-debated proposal was, however, a way to push more restrictive policies into the agenda. The prohibition of foreign women in state-regulated brothels was approved, and, shortly afterward, a proposal was made for the compulsory expatriation of foreign prostitutes. This became another hotly debated issue and one that kept returning to the Committee, despite being defeated in the first debates.

The compulsory repatriation proposal had the backing of the International Bureau, who had a prominent position within the Committee. Although the proposal was again defeated, the International Bureau continued to advocate for the repatriation of foreign-born prostitutes in the years to come. Still, in the annual conference in 1930, it passed a resolution urging the governments not to delay "the repatriation of women who are leading a life of prostitution" and called for penalties for all women who return after repatriation (International Bureau 1930). The International Bureau (1930) furthermore advocated for more restrictive immigration policies and, in memoranda submitted to the Committee for discussion, included a proposal to ban entry of working-class foreign women to other member states:

considering that the importance of attainment and prevention of a high standard of morality overrides any objection to action being taken against any particular class of either sex.

The proposal was vigorously contested by many, including de Sainte-Croix, who argued that “illegal and exceptional measures cannot form the basis of a high standard of morality” (ibid). Luisi furthermore argued that not only would the Bureau’s proposal do nothing to fight traffic, but it would also seriously infringe the freedom of travel for all women (Traffic in Women and Children Committee 1932).

Jessica Pliley (2010) has argued that in the early years of the League of Nations, anti-regulation abolitionist feminists influenced the League of Nations’ agenda. However, after influential feminists such as Dame Rachel Crowdy resigned from their posts toward the end of the 1920s, feminist voices were muted, and policies became ever more paternalistic (Pliley 2010). Already in 1925, after the debate on compulsory repatriation of foreign-born prostitutes in the Traffic in Women and Children Committee, Paulina Luisi, critical of the direction of the Committee, “wondered whether the task of the Committee was to defend the society against prostitutes” (League of Nations 1925).

International law after 1921: towards abolitionism

The 1921 League of Nations Convention was followed by further League of Nations anti-trafficking conventions in 1933 and 1937. These conventions pushed the international law in a more abolitionist direction by dispensing with consent, but they were not groundbreaking legal documents. The final international Convention in the field, until the Palermo Protocol, was the 1949 United Nations Convention for the Suppression of the Traffic in Women and Exploitation of the Prostitution of Others. The 1949 Convention took an abolitionist position, in its preamble, stating:

trafficking and the accompanying evil of the traffic in persons for prostitution are incompatible with the dignity and worth of the human persons and endanger the welfare of the individual, the family, and the community.

Under Article 1, traffic is defined in the Convention as procuring, enticing, leading away, “for prostitution, another person, even with the consent of that person.” Subsequent Articles outlaw managing brothels and renting a property for prostitution. The 1949 Convention, therefore, construes trafficking far more broadly than the early documents and enshrines an abolitionist position.

The 1949 Convention was enacted in the aftermath of the Second World War and the abolitionism within must be viewed within this complex context. During the First World War, exceptional measures were adopted in countries such as Great Britain to deal with the perceived threat of prostitution, and associated venereal disease, that it posed to national security, the health of families, and the moral fiber of communities (Lammasniemi 2017a). Many of these measures were repeated during the Second World War; and the Convention must be viewed in the postwar, anti-prostitution climate (Doezema 2010, p. 112). While the 1949 Convention notes a radical departure from existing international law by a de facto requirement for signatories to criminalize prostitution in their domestic law, the Convention proved too controversial. Most countries never ratified the Convention, and so it had little impact (Limoncelli 2011, p. 11).

Summary

The international accords of 1904 and 1910 were paradoxical; they were passed under women's rights rhetoric, yet no real provisions for the assistance of women were made. Furthermore, they were deeply conflicted concerning legal standards. While all the White Slave Traffic Agreements and Conventions focused on the recruitment and transportation of women for immoral purposes and the issue of prostitution, prostitution itself was considered a matter of national jurisdiction.

The white slavery accords are essential for some reasons. Firstly, they demonstrate the formalization of the role of the vigilance and charitable organizations. Secondly, they were necessary for creating measures to control the migration of women where none existed previously. The agreements created a complex administrative system that allowed the vigilance associations – in their new official function – to monitor points of entry into the country, to interrogate foreign women they suspected were prostitutes, and ultimately to deport them. The private lives of women who were suspected of prostitution were subjected to monitoring and surveillance, and many faced deportation from the countries they had emigrated to. The agreements can, therefore, be seen not only in the context of a rise in international law but also in the context of a rise in immigration regulation.

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