

INTERROGATING EVERYPERSON'S ROLES IN TODAY'S SLAVERIES

Karen E. Bravo *

ABSTRACT

*Slavery slavery everywhere
What it may be we all know.
Slavery slavery anywhere
What it may be no one knows.
Slavery slavery everywhere
What role do we play within it?*

“Modern day slavery,” “contemporary forms of slavery,” and “modern forms of slavery.” Today, these terms are used interchangeably virtually throughout the world to describe a variety of contemporary forms of exploitation. These forms of exploitation include the trafficking of human beings for labor and sex; child labor; child sexual exploitation; the commercial sexual exploitation of adults; and forced labor and the indentured servitude of adult men and women, and of male and female children.

These forms of exploitation were legally defined as “human trafficking,” after lengthy international and domestic debates. Now, amid deeper and more widespread knowledge of the existence of human trafficking, the term “slavery” has become shorthand for all exploitation that was labelled “human trafficking.”

In the context of the increasing use of the term “slavery,” this paper interrogates today’s “slaveries,” and explores questions regarding Everyperson’s¹ connection to these forms of exploitation.

I: PREFACE

I am honored by the invitation to contribute to this festschrift in honor of Henry J. Richardson III.

Henry welcomed me into the fold when I first became a member of the

* Professor of Law and Associate Dean for Graduate Studies and International Affairs, Indiana University Robert H. McKinney School of Law. I am grateful for the feedback received from participants in the Second Global Conference on Slavery Past, Present and Future, held in Prague, the Czech Republic in May 2016. An earlier version of this paper will be published as a chapter in the ebook of the conference proceedings. Director Miriam Murphy and the librarians of the Ruth Lilly Law Library provided excellent research support.

1. Inspired by the concept of “Everyman” from literature studies, “Everyperson” is intended to convey universal participation and the interconnectedness of individual and group roles and influences, while being more gender neutral than “Everyman.” “Everyperson” seems the most apposite to convey this sense of the everyday person’s connections to today’s slaveries.

American Society of International Law as a newbie law professor. He made sure that I met colleagues who would be interested in my work, and who could provide guidance as I advanced through the promotion and tenure process at my academic home.

We at Indiana University Robert H. McKinney School of Law have a special connection to Henry and his family. A portrait of his father, Henry Richardson Jr., a famous civil rights attorney who practiced in Indianapolis, was ceremonially installed, and hung in a prominent position on the law school's second floor. Each day, as I arrive and depart, I have the opportunity to be inspired by the portrait of Henry's father.

Henry himself, and his work in international law, also inspire. Whether we speak of his magisterial 2008 work, *The Origins of African American Interests in International Law*,² or his large number of path-paving law review articles,³ Henry has probed the boundaries, uncovered the hidden stories and histories, and asked the difficult questions that expand our knowledge.

Guided by this spirit, I explore the question of the average person's—Everyperson's—role in today's slaveries.

II. INTRODUCTION

Referred to as “modern day slavery” and “contemporary forms of slavery,” human trafficking is denounced by international and domestic actors such as the Council of Europe,⁴ Pope Francis,⁵ the United Nations General Assembly,⁶ and the Congress of the United States.⁷ Legislators invoke and attack slavery in anti-human trafficking bills,⁸ while civil society actors decry the failure to end the

2. HENRY J. RICHARDSON, *THE ORIGINS OF AFRICAN AMERICAN INTERESTS IN INTERNATIONAL LAW* (2008).

3. See, e.g., Henry J. Richardson, *The Danger of Oligarchy within the Pan-Africanist Authority of the African Union*, 13 *TRANSNAT'L L. & CONTEMP. PROB.* 255 (2003); Henry J. Richardson, III, *The Execution of Angel Breard by the United States: Violating an Order of the ICJ*, 12 *TEMP. INT'L & COMP. L.J.* 121 (1998); Henry J. Richardson, III, *U.S. Hegemony, Race, and Oil in Deciding United Nations Security Council Resolution 1441 on Iraq*, 17 *TEMP. INT'L & COMP. L.J.* 27 (2003); Henry J. Richardson, III, *Peacemaking Practices “From the South”: Africa's Influence, African Contributions to the Law of Peacekeeping*, 96 *AM. SOC'Y INT'L L. PROC.* 135 (2002).

4. Council of Europe Convention on Action Against Trafficking in Human Beings, Council of Europe Treaty Series, No. 197, May 16, 2005, 197 C.E.T.S. 16, https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp.

5. Philip Pulella, *Pope urges united fight against slavery, human trafficking*, REUTERS (Jan. 1, 2015), <http://www.reuters.com/article/2015/01/01/us-pope-peace-idUSKBN0KA1IIS20150101>.

6. Press Release, President Barack Obama, Remarks by the President to the UN General Assembly (Sept. 25, 2012), <https://www.whitehouse.gov/the-press-office/2012/09/25/remarks-president-un-general-assembly>.

7. Emmarie Huetteman, *Senate Approves Stalled Human Trafficking Bill, Clearing Way for Lynch Vote*, N.Y. TIMES, Apr. 22, 2015, <https://www.nytimes.com/2015/04/23/us/politics/senate-vote-on-human-trafficking-bill.html>.

8. See, e.g., Nigeria's Trafficking in Persons (Prohibition) Law Enforcement and

exploitation.⁹ At the same time, international organizations, as well as privately funded non-governmental organizations (NGOs), conduct research about slavery and publish exposés regarding its omnipresence.¹⁰

This is a companion piece to the publication “Interrogating the State’s Roles in Human Trafficking,”¹¹ in which I explored the role of nation states in human trafficking. This chapter continues that exploration, engaging with the meanings of “slavery” and identifying and analyzing the ways in which the average person (Everyperson) may knowingly or unknowingly interact with, support, or benefit from contemporary forms of exploitation—“today’s slaveries.”

Inspired by the concept of “Everyman” from literature studies, “Everyperson”¹² is intended to convey universal participation and the interconnectedness of individual and group roles and influences, while being more gender-neutral than “Everyman.” “Everyperson,” and not just “the average person,” seems the most apposite to convey this sense of the average person’s connections to “today’s slaveries.”

Part III describes some of the contemporary forms of exploitation labeled as “modern slavery,” “modern-day slavery,” and “modern forms of slavery,” and (by this author) “today’s slaveries.” Part IV explores some ways in which “Everyperson” plays a role in “today’s slaveries.” Part V concludes that “today’s slaveries” are only the most extreme of the types of exploitations facilitated by entrenched structural conditions and that structural anti-exploitation responses require Everyperson’s participation.

III. TODAY’S SLAVERIES

“Slavery” is “in.” In the media as well as in legislative and policy circles, human trafficking is now synonymous with “slavery” – referred to as “modern day slavery” or “contemporary forms of slavery.”¹³ But there is little clarity or

Administration (Amendment) Act, 2005; Guyana’s Act no. 2 of 2005 Combating of Trafficking in Persons Act 2005; Republic of Georgia’s Law of Georgia on Combating Human Trafficking, adopted 28 April 2006, entered into force 16 June 2006; Antigua and Barbuda’s Trafficking in Persons (Prevention) Act 2010.

9. Prominent examples include: Anti-Slavery International; Shared Hope International; and International Justice Mission.

10. See, e.g., Walk Free Foundation, *The Global Slavery Index 2014* (last visited Apr. 28, 2015), <http://www.globalslaveryindex.org/findings/>; International Office of Migration, *Data on Human Trafficking: Global Figures and Trends*, February 2012, <http://www.humantrafficking.org/uploads/publications/IOM-Global-Trafficking-Data-on-Assisted-Cases-2012.pdf>; UN Office on Drugs and Crime, *Global Report on Trafficking in Persons* (2014), https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf.

11. Karen E. Bravo, *Interrogating the State’s Roles in Human Trafficking*, 25 *IND. INT’L & COMP. L. REV.* 9 (2014).

12. The acknowledged source of the word is the medieval era English (or Dutch) morality play, *THE SOMONYNG OF EVERYMAN (THE SUMMONING OF EVERYMAN)*. See, e.g., A.C. CAWLEY, *EVERYMAN AND MEDIEVAL MIRACLE PLAYS*.

13. See Janie Chuang, *Exploitation Creep and the Unmaking of Human Trafficking Law*, 108 *AM. J. INT’L LAW* 609, 623–35 (2014) (describing the conflation of “human trafficking” with

consistency in the use of the term “slavery.” It appears to function in the public consciousness as shorthand for a potentially infinite variety of contemporary types of exploitation and abuse. “Slavery” now accompanies, supplements, and substitutes for its newer sister term, “human trafficking,” and the widespread use of “slavery” may indicate a movement away from the previous traditional understanding of “slavery.”

This chapter’s coinage and use of the term “today’s slaveries” invokes the multiple concepts of slavery and refers to the various types of contemporary exploitations that are labeled as “slavery.” The term “today’s slaveries” invokes pluralities – of perceptions, of exploitation forms, and of meanings of the term. The coinage is intended to serve a number of functions in this paper: It (1) signals distinctions among traditional (or chattel) slavery and the forms of exploitation referred to as “modern day” or “contemporary forms of” “slavery”; (2) reflects skepticism and concern regarding uses of the term “slavery” in contemporary anti-trafficking and anti-exploitation discourses;¹⁴ (3) signals understanding of the impulse to label as “slavery” the various types of exploitation that are slavery-like or akin to slavery; and (4) flags the dangers of over-use of the term “slavery” to characterize an ever-expanding list of human-to-human forms of exploitation and abuse.

Slavery is a timeless practice which has existed throughout human history.¹⁵ Throughout the globe, until a mere two centuries ago, it was a lawful activity and business practice which was protected by social and cultural norms and through legal instruments.¹⁶ In the United States (U.S.), legal instruments which implemented and protected slavery and the slave trade included Constitutional and legislative instruments, as well as judicial interpretations of those statutes in U.S. state and federal courts.¹⁷ The enslavement of Africans in the New World was legal

“slavery,” and analyzing some of the effects); see also Orlando Patterson, *Trafficking, Gender and Slavery: Past and Present*, in THE LEGAL UNDERSTANDING OF SLAVERY (Jean Allain, ed. 2012) (“It is now commonly and increasingly held that contemporary trafficking in persons and all forms of forced labor constitute modern forms of slavery.”).

14. See, e.g., Karen E. Bravo, *The Role of the Transatlantic Slave Trade in Contemporary Anti-Human Trafficking Discourse*, 9 SEATTLE J. FOR SOC. JUST. 555 (2011).

15. See ORLANDO PATTERSON, *SLAVERY AND SOCIAL DEATH* vii (1982). Patterson’s preface opens as follows: “There is nothing notably peculiar about the institution of slavery. It has existed from before the dawn of human history right down to the twentieth century, in the most primitive of human societies and in the most civilized.”; see also M.I. Finley, *Between Slavery and Freedom* in COMPARATIVE ISSUES IN SLAVERY 183, 244 (Paul Finkelman, ed., 1989) (“All the societies I have been discussing, from those of the Near East in the third millennium B.C. to the end of the Roman Empire, shared without exception, and throughout history, a need for dependent, *involuntary* labor. Structurally and ideologically, dependent labor was integral, indispensable.”) (emphasis added).

16. See ANDREW FEDE, *PEOPLE WITHOUT RIGHTS: AN INTERPRETATION OF THE FUNDAMENTALS OF THE LAW OF SLAVERY IN THE U.S. SOUTH* (1992) (summarizing and analyzing the extensive body of slave law in the United States).

17. See Paul Finkelman, *Slavery in the United States: Persons or Property*, in THE LEGAL UNDERSTANDING OF SLAVERY 105–34 (Jean Allain, ed. 2012) (discussing slavery as embodied in U.S. common law, the United States Constitution, and in case law such as *Dredd Scott v. Sandiford*); see generally PAUL FINKELMAN, *THE LAW OF FREEDOM AND BONDAGE: A*

under international law and under the domestic law of individual states.¹⁸ Following domestic abolition or prohibition in the U.S. and the United Kingdom (U.K.) (and the U.K.'s attempts to impose its own abolition of the slave trade on other countries),¹⁹ the slavery-like exploitation of individual humans continued in other "legal" forms.²⁰ After Britain's 1834 abolition of slavery, as the nineteenth century world economy continued to demand cheap labor, slavery in the British Empire was followed by other slavery-like, but contract-based or conviction-and-punishment-based forms of labor extraction. Internationally, these included the introduction of the import and export of thousands of indentured Chinese and Indian laborers to the Caribbean and Pacific colonies of the British Empire,²¹ and the forced labor of Africans in Europe's new African colonies.²² In the United States, the post-Civil War and Emancipation Proclamation era was followed by the re-enslavement of the legally emancipated African-Americans through arbitrary and unjust criminal laws and torturous and exploitative punishments.²³

CASEBOOK (1986).

18. David Brion Davis, *Slavery*, in *COMPARATIVE ISSUES IN SLAVERY* 31 (Paul Finkelman, ed., 1989).

19. See SUZANNE MIERS, *SLAVERY IN THE TWENTIETH CENTURY: THE EVOLUTION OF A GLOBAL PROBLEM* (2003) (describing efforts of the United Kingdom's navy to stamp out the trade after Britain's abolition of the slave trade); see also JENNY S. MARTINEZ, *THE SLAVE TRADE AND THE ORIGINS OF INTERNATIONAL HUMAN RIGHTS LAW* 4, 70–73 (2014) (describing activities of the Royal Navy, and the special commissions instituted by multilateral anti-slave trade treaties); but see S.I. MARTIN, *BRITAIN'S SLAVE TRADE* 99–104 (1999). Martin describes a largely ineffectual effort by the British Navy's West African Squadron. The Navy's efforts were taking place simultaneously with continued financing of and building of slave ships in Bristol and Liverpool and the expansion of British trade and economic and political interests on the African continent.

20. These included, for example, the post-Reconstruction re-enslavement of African Americans. See DOUGLAS BLACKMON, *SLAVERY BY ANOTHER NAME: THE RE-ENSLAVEMENT OF BLACK PEOPLE IN AMERICA FROM THE CIVIL WAR TO WORLD WAR II* (1st ed. 2008) (describing convict leasing and other exploitative involuntary labor systems that emerged in the U.S. South after abandonment of Reconstruction).

21. See ERIC WILLIAMS, *FROM COLUMBUS TO CASTRO: THE HISTORY OF THE CARIBBEAN* 347–60 (1984). As Williams summarized: "the Caribbean, which had in the seventeenth century sought in the white indentured servant a substitute for the indigenous Amerindian, turned in the nineteenth to indentured Asians as a substitute for the African slave who had supplanted the white indentured servant." *Id.* at 351.

22. See LOWELL J. SATRE, *CHOCOLATE ON TRIAL: SLAVERY, POLITICS & THE ETHICS OF BUSINESS* 43 (2005):

All European powers in the nineteenth and early twentieth centuries sought regular and inexpensive labor for their colonies. . . . The ending of slavery and the slave trade in the nineteenth century forced employers to look elsewhere for labor. Indentured labor was one alternative, leading to the transfer of millions of people throughout the world. . . . Natives were drafted by governments to build roads, haul goods, collect rubber, and mine gold);

MIERS, *supra* note 19, at 24. Indeed, the partition of Africa, its colonization, and the consequent repression and exploitation of its peoples were justified on the grounds of anti-slavery zeal. See *id.* at 20–24 (describing the impetus for the Brussels Act of 1890 and some of its immediate consequences).

23. BLACKMON, *supra* note 20.

The contemporary types of human-of-human exploitation which have been described as modern day slavery include: commercial sexual exploitation (of minors and of adults of all genders); indentured servitude; exploitative agricultural, construction, and factory labor conditions where there is no or little enforceable right to exit; guestworker arrangements; child labor; and other relationships where individuals are held in positions of complete or almost complete control and exploitation.²⁴

1. Some Descriptions

The examples recounted below illustrate the types of exploitation that are labelled synonymously with the terms “human trafficking” and/or “modern day slavery:”

A. Drug-addicted parents make their child available for sexual exploitation in return for money. They use the money to obtain more drugs to feed their addictions.²⁵

B. Southeast Asian men are recruited from Pakistan, India, and the Philippines for construction work in the United Arab Emirates.²⁶ The men work on the exciting new campus that is being built by New York University, one of the world’s premier higher education institutions.²⁷ The working conditions are described as slavery-like: immigration documents and passports are withheld; the migrants work long hours without a break in punishing heat; and their money is withheld or is less than for what they had contracted.²⁸

C. Associated Press reporters on assignment in Indonesia discover Burmese and other Southeast Asian men living and working in slavery-like conditions in a squalid fishing camp on a remote Indonesian island.²⁹ The men were forced to

24. See U.S. DEPARTMENT OF STATE, *TRAFFICKING IN PERSONS REPORT 7–8, 15–18* (2015) (listing and describing practices which constitute human trafficking/modern slavery (used interchangeably in the document) including domestic servitude, bonded labor or debt bondage, forced labor, and recruitment and use of child soldiers, among others.) *Id.*

25. See, e.g., Emilie Eaton & Keith Biery Golick, *Mom Accused of Trading Preteen Daughter to Drug Dealer*, USA TODAY, March 23, 2014, <http://www.usatoday.com/story/news/nation/2015/03/23/daughter-for-heroin/70333926/>; Rachel Quigley, *Mother 'Repeatedly Sold Daughter, 6, for Sex in Return for Drugs*, DAILY MAIL, March 5, 2012, <http://www.dailymail.co.uk/news/article-2110671/Mother-repeatedly-sold-daughter-sex-return-drugs.html>.

26. Stephanie Saul, *N.Y.U. Labor Guidelines Failed to Protect 10,000 Workers in Abu Dhabi, Report Says*, N.Y. TIMES, April 16, 2015, http://www.nytimes.com/2015/04/17/nyregion/nyu-labor-rules-failed-to-protect-10000-workers-in-abu-dhabi.html?_r=0.

27. *Id.*

28. Ariel Kaminer, *N.Y.U. Apologizes to Any Workers Mistreated on Its Abu Dhabi Campus*, N.Y. TIMES, May 19, 2014, <http://www.nytimes.com/2014/05/20/nyregion/nyu-apologizes-to-any-workers-mistreated-on-its-abu-dhabi-campus.html>. In 2015, an NYU faculty member, en route to conducting research among the laborers, was barred from entering Abu Dhabi. Katherine Mangan, *U.A.E. Incident Raises Questions for Colleges That Open Campuses in Restrictive Countries*, CHRON. OF HIGHER EDUC. (Mar. 27, 2015), <http://www.chronicle.com/article/UAE-Incident-Raises/228565/>.

29. *Was Your Seafood Caught by Slaves? AP Uncovers Unsavory Trade*, NPR (Mar. 27, 2015, 4:43 AM), <http://www.npr.org/blogs/thesalt/2015/03/27/395589154/was-your-seafood->

complete unceasing and physically taxing work, some were held in cages, and they had been prevented from leaving the island and returning to their home countries.³⁰ The camps and fishing operations appeared to be part of the supply chain of a large Indonesian seafood company.³¹

D. Somali, Ethiopian, and Eritrean migrants attempt to cross the Sinai on the way to Israel.³² They are kidnapped, held for ransom, and tortured, while their cries of agony are shared with their family members by mobile phone.³³ If the families do not pay ransom for the victim, she or he will be killed.³⁴ Rumors have floated of mobile organ harvesting and transplant facilities that prey upon the captured migrants, selling the migrants' organs to recipients who arrive from various parts of the world.³⁵

E. Sex workers in New York find their cases diverted to sex trafficking courts.³⁶ The cases of both prostituted minor girls and adult women are diverted to the specialized court.³⁷

Each of the exploitative scenarios described above would be labelled "human trafficking." They fall within the international definition that was adopted in 2000, as a result of the negotiation and opening for signature of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention Against Transnational Organized Crime (hereinafter, U.N. Trafficking Protocol).³⁸ The

caught-by-slaves-ap-uncovers-unsavory-trade; Abby Phillip, *Nearly 550 Modern-Day Slaves were Rescued from Indonesia's Fish Trade. And That's Just the Beginning*, WASH. POST, Apr. 10, 2015, <http://www.washingtonpost.com/news/morning-mix/wp/2015/04/10/nearly-550-modern-day-slaves-were-rescued-from-indonesias-fish-trade-and-thats-just-the-beginning/>.

30. *Id.*

31. *Id.*

32. *Egypt/Sudan: Traffickers Who Torture*, HUMAN RIGHTS WATCH, (Feb. 11, 2014), <http://www.hrw.org/news/2014/02/11/egyptsudan-traffickers-who-torture>; HUMAN RIGHTS WATCH, 'I WANTED TO LAY DOWN AND DIE,' TRAFFICKING AND TORTURE OF ERITREANS IN SUDAN AND EGYPT, (Feb. 11, 2014), https://www.hrw.org/sites/default/files/reports/egypt0214_ForUpload_1_0.pdf.

33. *Id.*

34. *Id.*

35. *Id.*

36. *Chief Judge Jonathan Lippman, Announcement of New York's Human Trafficking Intervention Initiative*, CENTER FOR COURT INNOVATION, <http://www.courtinnovation.org/research/announcement-new-yorks-human-trafficking-intervention-initiative> (last visited Jan. 31, 2017).

37. See Press Release, New York State Unified Court System, NY Judiciary Launches Nation's First Statewide Human Trafficking Intervention Initiative (Sept. 24, 2013), (www.nycourts.gov/press); William K. Rashbaum, *With Special Courts, State Aims to Steer Women Away from Sex Trade*, N.Y. TIMES, (Sept. 25, 2013), <http://www.nytimes.com/2013/09/26/nyregion/special-courts-for-human-trafficking-and-prostitution-cases-are-planned-in-new-york.html>.

38. Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, G.A. Res. 25, annex II, U.N. GAOR, 55th Sess., Supp. No. 49, at 60, U.N. Doc. A/45/49

U.N. Trafficking Protocol's definition is tripartite in structure, specifying an act, means, and purpose which, when occurring together, create an instance of human trafficking. Thus, according to the Protocol, "human trafficking" is:

[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or other services, slavery or practices similar to slavery, servitude or the removal of organs.³⁹

In addition, all of the forms of exploitation fit within the U.S. federal domestic definitions of either "sex trafficking" or "severe forms of trafficking."⁴⁰ The U.S. statute defines "sex trafficking" as "the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act."⁴¹ The statute further defines "severe forms of trafficking" as:

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.⁴²

Both the U.S. and U.N. definitions attempt to target each stage of a human trafficking occurrence ("recruitment, harboring, transportation"), and each action that potentially contributes to an experience of human trafficking. They also both target a variety of forms of labor and sexual exploitation as "human trafficking."

Defined as "human trafficking," contemporary conditions of exploitation such as involuntary servitude, indentured servitude, and debt bondage are now referred to as "slavery," or "modern forms of slavery"—"today's slavery." For example, indentured servitude falls within the definition of human trafficking (and some definitions of slavery).⁴³ In turn, "slavery" is used as a synonym for "human

(Vol. I) (2001), *entered into force* Sept. 9, 2003. [hereinafter, U.N. Trafficking Protocol].

39. U.N. Trafficking Protocol, art. 3(a).

40. Trafficking Victims Protection Act, 22 U.S.C. § 7102 (2000) *et. seq.*

41. 22 U.S.C. § 7102(9)(B).

42. 22 U.S.C. § 7102(9).

43. A status of indentured servitude is a contractual relationship for labor during a term specified in the contract. The relationship is (formally) created with the consent of the person to be indentured. However, such contracts can be structured, implemented, and enforced so as to be the equivalent of enslavement. Ownership of the contracts of indenture were transferrable. Involuntary indentured servitude, as punishment of a crime, was used to extract involuntary labor from European convicts in the early days of the American colonies. Alison Mileo Gorsuch, *To Indent Oneself: Ownership, Contracts, and Consent in Antebellum Illinois*, in *THE LEGAL UNDERSTANDING OF SLAVERY* 133-51 (Jean Allain, ed., 2012). Gorsuch notes: "Indentured

trafficking.” This apparent shift in the dominant public understanding of the term seems to evidence a perspective pursuant to which slavery-like exploitation is shoehorned into the definition of “slavery,” and, according to the now-dominant perspectives, cannot or should not be distinguished from traditional chattel slavery.⁴⁴

2. *Some Definitions*

The legal definitions of “slavery” may provide an illuminating context for furthering our understanding of “today’s slaveries.” Nevertheless, it is with considerable apprehension that I venture into the realm of definitions. Historian David Brion Davis warns that, “[t]he more we learn about slavery, the more difficulty we have defining it.”⁴⁵ Furthermore, the term evokes strong reactions: it invokes reminders of ancestral (perpetrator and victim) abuses and of their contemporary structural, psychological, and emotional legacies.⁴⁶

Efforts to define “slavery” have given rise to a great deal of controversy.⁴⁷ That controversy is emblematic of the power of the word. Much of the controversy is steeped in the deep emotional reactions evoked by the term and invocation of the exploitation it identifies.⁴⁸ That emotional reaction is evoked in the descendants of both the enslaved populations and of their enslavers. This appears to be very strongly the case where the divisions embedded in that historic injustice are not openly acknowledged but, instead, continue to be manifested as deep fissures among communities and in social and political institutions. The fractious and bitter discussion of race, slavery, and the Confederate flag within the U.S. is a paradigmatic example.⁴⁹ The enslaved population’s descendants experience a reflexive impulse of ownership (of the term) and shame (as the descendants of dehumanized objects of the exploitation). The descendants or racial successors of the privileges of the oppressors, meanwhile, reject the institutional guilt and

servitude allowed the ownership of an unownable person through the practices structured by the law of contracts.” *Id.* at 137. Ownership of the contracts of indenture were transferable: “One such right of ownership was the ability to buy, transfer, inherit, and sell the contract of an indentured servant to another master.” *Id.* at 142.

44. See Chuang, *supra* note 13, at 62 (“What was once a peripheral tool to garner popular support for the anti-trafficking cause is now – by U.S. government design – the central framing device: recasting forced labor and trafficking as nothing short of slavery.”).

45. DAVID BRION DAVIS, *SLAVERY AND HUMAN PROGRESS* 8 (1984).

46. See, e.g., Karen E. Bravo, *The Role of the Trans-Atlantic Slave Trade in Contemporary Anti-Trafficking Discourse*, 9 SEATTLE J. FOR SOC. JUST., 555 (2011).

47. See Chantal Thomas, *Immigration Controls and “Modern Day Slavery,”* Cornell Law School research paper No. 13-86, pp. 14–29 (July 2013) (describing and assessing the work of scholars who take a “Minimalist” and “Maximalist” position on the definition of “slavery”).

48. Karen E. Bravo, *Exploring the Analogy between Modern Trafficking in Humans and the Trans-Atlantic Slave Trade*, 25 B.U. INT’L L. J. 207 (2007).

49. See, e.g., Harriet McLeod, *Battle Over Confederate Flag Unravels Across the South*, REUTERS HUFFINGTON POST (June 24, 2015), http://www.huffingtonpost.com/2015/06/23/battle-over-confederate-f_n_7649710.html.

shame, transmuted their emotions to angry rejections.⁵⁰ However, none of these deeply felt reactions have *prevented* contemporary systemic use and exploitation of the loaded term “slavery,” but instead they appear to provide an incentive for growing deployment of the term.⁵¹

The League of Nations’ Slavery, Forced Labor and Similar Institutions and Practices Convention of 1926 defines “slavery” as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.”⁵² It would be difficult to overstate the influence of this international definition of slavery. The definition is issued in subsequent international instruments, including the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the more recent International Criminal Court (ICC) Rome Statute.⁵³

Domestically, although the Thirteenth Amendment prohibits “slavery,” the term is not defined in the U.S. Constitution.⁵⁴ Case law provides some insights into the ways in which the U.S. judicial institution has understood “slavery.” In the 1903 *The Peonage Cases*,⁵⁵ the Middle District of Alabama described peonage as a form of “not-slavery:”

Peonage was not slavery, as it formerly existed in this country. The peon was not a slave. He was a freeman, with political as well as civil rights. He entered into the relation from choice, for a definite period, as the result of mutual contract. The relation was not confined to any race. The child of a peon did not become a peon, and the father could not contract away the services of his minor child, except in rare cases. The peon, male or female, agreed with the master upon the nature of the service, the length of its duration, and compensation. . . . If the peon wished to change masters or service, he could find a new employer who would advance enough to pay the peon’s debts to his then master, and the peon would then become bound in the new employer’s service . . . Under later

50. Or hiding their own personal shame. *See, e.g.,* Gene Demby, *Ben Affleck (Kinda) Apologizes for Asking PBS Program to Hide Slave-Holding Ancestor*, NATIONAL PUBLIC RADIO (Apr. 22, 2015), <http://www.npr.org/blogs/codeswitch/2015/04/22/401427275/ben-affleck-kinda-apologizes-for-asking-pbs-program-to-hide-slave-owning-ancestor>.

51. Bravo, *supra* note 48.

52. League of Nations’ Slavery, Forced Labor and Similar Institutions and Practices Convention of 1926, art. 1(1), 60 L.N.T.S. 253, *entered into force* Mar. 9, 1927.

53. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 226 U.N.T.S. 3, *entered into force* Apr. 30, 1957; Rome Statute of the International Criminal Court, UN Doc. A/CONF. 183/9; 37 ILM 1002 (1998); 2187 UNTS 90.

54. The Thirteenth Amendment states, in its entirety:

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

U.S. Const. amend. XIII.

55. 123 F. 671 (D. Ala. 1903).

laws, the party could not abandon the contract, except by mutual consent or “by some sufficient motive given by one party to another, such as having grievously injured him, or where the master kept the accounts in an ambiguous manner, so that the servant could not understand them.”⁵⁶

The court’s contrasts between “slavery” and “peonage” provide insight into early nineteenth century understanding of slavery. In 1964, the U.S. Second Circuit of Appeals notes “slavery. . . gives to one person the control and ownership of the involuntary and compulsory services of another against his will and consent.”⁵⁷ In *In re African-American Slave Descendants Litigation*,⁵⁸ District Judge Norgle evinces a more contemporary attempt to understand “slavery.” Under the heading “A Definition of Slavery,” he takes note of the definition proffered by a former slave: “slavery. . . is receiving by the irresistible power the work of another man, and not by his consent.”⁵⁹ According to Judge Norgle, “the essential unfairness of slavery” is “the slave owner takes, by sheer violence and force, the slave’s freedom and labor in order to place himself at the top of a society’s economic hierarchy.”⁶⁰ These domestic judicial attempts at describing “slavery” seem rather skimpy, failing to engage with the nature of the practice and the fundamental role of the law in its functioning.

Scholars from a variety of non-law disciplines and activists have also sought to capture the essence of slavery by offering their own definitions or descriptions.⁶¹ For example, renowned historian Moses I. Finley penned a detailed examination of “the slave” and “slavery.”⁶² I reproduce excerpts from his descriptions below:

As a commodity, the slave is property.

[T]he fact that a slave is a human being has no relevance to the question whether or not he is also property; it merely reveals that he is peculiar property.

. . . The slave owner’s rights over his slave-property were total in more senses than one. The slave, by being a slave, suffered not only total loss of control over his person and his personality and his person . . . the labourer *himself* was a commodity, not merely his labour or labour-power. His loss of control, furthermore, extended to the infinity of time, to his children and his children’s children . . .

. . . The totality of the slave owner’s rights was facilitated by the fact that the slave was always a deracinated outsider – an outsider first in the

56. *Id.* at 673–74.

57. *U.S. v. Shackney*, 333 F.2d 475 (2d Cir. 1964).

58. 375 F. Supp.2d 721 (N.D. Ill. 2005).

59. *Id.* at 726 (quoting IRA BERLIN, *GENERATIONS OF CAPTIVITY: A HISTORY OF AFRICAN-AMERICAN SLAVES* (2003)).

60. *Id.* at 727.

61. See PAGE DUBOIS, *SLAVERY: ANTIQUITY AND IT’S LEGACY* 3–7 (2009) (discussing attempts to define slavery). DuBois also surveys the ideologies of and forms of slavery in a variety of ancient and historical societies. *Id.* at 50–108 (covering, among others, Greece, Rome, and Biblical Israel).

62. See, e.g., M.I. FINLEY, *ANCIENT SLAVERY AND MODERN IDEOLOGY* 73–76 (1980) (emphasis added).

sense that he originated from outside the society into which he was introduced as a slave, second in the sense that he was denied the most elementary of social bonds, kinship.⁶³

Finley summarizes the “three components of slavery” as: “the slave’s property status, the totality of the power over him, and his kinlessness,”⁶⁴ which “provided powerful advantages to the slaveowner as against other forms of involuntary labour.”⁶⁵

These attempts to capture the meaning of “slavery” do not focus on the use of legal language and doctrines; the authors attempt to describe the experiences which result from structures *and relationships* that are created by laws and legal concepts, and enforcement of those laws. Instead of law, the definitions may encapsulate both the personal (inter-se) relationship of master and slave, as well as the perceptions of the societies in which these primary actors are embedded. For example, Orlando Patterson defined slavery as “the permanent, violent domination of natively alienated and greatly dishonored people.”⁶⁶ Patterson continues, “[s]lavery is one of the most extreme forms of the relation of domination, approaching the limits of total power from the viewpoint of the master, and of total powerlessness from the viewpoint of the slave.”⁶⁷ According to Patterson, “[w]hat was universal in the master-slave relationship was the strong sense of honor the experience of mastership generated, and conversely, the dishonoring of the slave condition.”⁶⁸

Patterson’s definition is the sociologist-anthropologist’s, making no overt reference to laws and legal systems. Yet, laws, legal systems, and societies play an essential role in the exploitation: It is the law that makes possible, requires, or enforces the relationship between the primary actors and it is the legal system—its doctrines, instruments, and enforcement mechanisms—that implements it. It is the society that perceives and approves the relationship, and enforces the exploitation and natal alienation through the society’s expressed norms and mores and through its laws.

George Boulukos offered the following definition of slavery: “Slavery ... is a deprivation of access to the social, and in that sense is atomism, ‘depersonalization,’ even as it is a denial of ‘independence.’”⁶⁹

Slavery, involuntary servitude, and peonage, share some characteristics—lack or loss of agency, control, or choice, unpaid or poorly paid compensation in return for services, and limitations on freedom of movement or exit from the situation of exploitation. In traditional slavery, the enslaved individual may not assert rights

63. *Id.*

64. *Id.* at 77.

65. *Id.*

66. Patterson, *supra* note 15, at 13.

67. *Id.* at 1.

68. *Id.* at 11.

69. George Boulukos, *Social Liberty and Social Death: Conceiving of Slavery Beyond the Black Atlantic*, in *INVOKING SLAVERY IN THE EIGHTEENTH-CENTURY BRITISH IMAGINATION 174–190*, 190 (Srividhya Swaminathan and Adam R. Beach, eds., 2013).

and privileges either against the society in which she lives or against the owners of her person. Involuntary servitude and peonage, while also varied with respect to the extent of human agency that is lost by persons subjected to those practices, lack the legally *enforceable chattel ownership* of “conventional” slavery and center on the *economic* exploitation of the individual, lack or inadequacy of compensation for labor, and restricted ability to sell that labor in the open market. The extent of the loss of control and of agency by the individual, the consequences of failure to perform work, and the nature of the conditions of work or life endured by the individual, also play a role with respect to identification of the exploitation as peonage, involuntary servitude, or slavery.

3. Do Definitions Matter?

The foregoing charged and seemingly endless discussions give rise to further questions: do definitions matter when we confront and claim to oppose severe exploitation? And what, if any, are the benefits of definitional rigor, if such rigor does not promote effective prevention of exploitation or redress for the targeted exploitation? Do the contents of words matter? Must words have a shared meaning?⁷⁰

Is human trafficking and other forms of contemporary exploitation “slavery?” It may be slavery if we choose particular definitions, if we focus on the relationship of control as opposed to the relationship of ownership. So long as the label of “slavery” is used to identify and combat forms of exploitation in existence today, should we cavil about fuzzy or stringent definitions? What possible harm may come from using the term “slavery” instrumentally to bring attention to egregious forms of exploitation that exist today? If exploitation is not a binary or duality of “*slavery*” and “*not slavery*,” but ranges on a continuum of practices and situations,⁷¹ and if we abhor such forms of human-of-human exploitation, should we not be engaged in addressing any and all forms of exploitation, using all potential tools at hand, including the mechanism of evocative—even if potentially inexact—language?

Or, conversely, has the very embrace of the labelling of human trafficking, peonage, sexual exploitation, and indentured servitude as “slavery” led to a process of dilution and overreach that risk undermining the efforts to grapple with these forms of exploitation?⁷² Or, might adherence to a too-restrictive definition—a

70. See JOHN MCWHORTER, *WORDS ON THE MOVE: WHY ENGLISH WON'T - AND CAN'T - SIT STILL (LIKE, LITERALLY)* (2016) (explaining the ways in which words and their meanings ceaselessly evolve).

71. This is evidenced by the variety of terms that we use to refer to (labor) exploitation: peonage, servitude, serfdom, (debt) bondage, etc. Each of these signifies a different contract or ownership based legal relationship that implicates a status of subordination.

72. See Chuang, *supra* note 13. Chuang offers a convincing diagnosis of the risks attendant to overuse of the term “slavery.” These include faulty misdiagnosis of instances of human trafficking, expenditure of resources on ineffective targets, and the imposition of greater evidentiary burdens on trafficked persons who seek restitution or other relief under domestic human trafficking laws.

failure to include these types of exploitation under the umbrella of the term “slavery”—leave them unchecked? And, is the label “slavery” the (only) answer? Are the proponents compelled to use “slavery” because societies are inured or indifferent to lesser forms of exploitation?

I leave these questions unanswered in this article, while recognizing the impact of the “sacred wrong” of trans-Atlantic slavery and attempts to avoid confronting it in contemporary usages of the term.⁷³ Recognition of the “sacred wrong” of the trans-Atlantic slavery of Africans and the trade’s enduring contemporary reverberations in economic, political, social, and cultural spheres have the potential to fundamentally re-frame the understanding and definition of “slavery,” and to infuse structural responses to them.

Professor Anthony Honorè offers a definition that has the potential to cut through the morass of definitional controversies. According to Professor Honorè:

[a] slave is a person who, in fact though not in law, is subordinate to an unlimited extent to another person or group of persons (who may be organized as a corporation or association) and who lacks access to state or other institutions that can remedy his or her inferior status.⁷⁴

The proffered definition takes a multidisciplinary perspective, demanding an analysis of the factual circumstances and eschewing the dominance of legal definitions, while recognizing the role played (or not played) by the ambient institutions of the societies involved. Professor Honorè expands on his definition as follows: “some people, for example children sold by their parents or transported to another country for sexual exploitation, and women forced against their will into marriage and drudgery, will usually meet these criteria.”⁷⁵

IV. EVERYPERSON’S ROLES

Assuming that we accept, for purposes of exploring effective responses to contemporary forms of exploitation, that a variety of forms of exploitation *are* “today’s slaveries,” what are Everyperson’s roles?

Contemporary states and societies loudly and publicly reject the practice of “slavery,” and formally present a sharp contrast with the societal acceptance and legalization of historic slavery.⁷⁶ Indeed, the dominant contemporary perception is that slavery and slavery-like exploitation is morally and legally wrong.⁷⁷ However, while chattel slavery may be both illegal and immoral, today’s slaveries are facilitated both by laws and by social practices in the societies which claim to

73. I thank Henry J. Richardson, III, the honoree of this journal issue, for the concept and phrase “sacred wrong.”

74. Anthony Honorè, *The Nature of Slavery*, in *THE LEGAL UNDERSTANDING OF SLAVERY* (Jean Allain, ed., 2012), 9–16, at 16.

75. *Id.*

76. See Bravo, *supra* note 11.

77. For example, the prohibition against slavery is a peremptory norm of international law. See, e.g., Universal Declaration of the Rights of Peoples, Algiers, art. 4, July 4, 1976, http://www.algerie-tpp.org/tpp/en/declaration_algiers.htm (emphasis added). As a result, any treaty purporting to institute slavery would be void *ab initio*.

reject them.⁷⁸ Further, in individual and collective capacities, Everyperson facilitates, participates in, benefits from, and is victimized by today's slaveries.

I. Facilitator-Participants

Everyperson facilitates human trafficking through individual and group implementation of concepts of inferiority and superiority, and subordination and exclusion, or through social policing actions in furtherance of those relationships.

Today's slaveries emerge from categories of subordination and exclusion which are both internally (domestically) and externally (internationally) directed. These categories are endemic within societies and across nations, and are generated and re-generated by Everyperson in Everyperson's social, political, and economic roles. While laws may construct the structural framework,⁷⁹ Everyperson participates by policing those laws and hierarchical practices within societies.

The categories of subordination and exclusion vary in nature, but are only too familiar: They include race, ethnicity, age, gender, socioeconomic status, and nationality or citizenship status.⁸⁰ The categories—enshrined in law, and indelibly inscribed in social interactions—intermingle, interact, and intersect to designate vulnerable groups and individuals and to facilitate their exploitation.⁸¹

"Facilitation" is the appropriate term for this aspect of Everyperson's role, as "to facilitate" conveys the sense of making possible, making easier, or preparing the ground. Everyperson may lack conscious intention to exploit, accompanied by (willful) ignorance of exploitation, or exploitative possibilities interact with fundamental aspects of human nature to facilitate today's slaveries.⁸²

I make no claim of "complicity" here, as "complicity" conveys the sense of an

78. See Bravo, *supra* note 11.

79. Immigration law, for example, subordinates non-citizens to citizens in individual societies and excludes them from full participation in the society and from its protections. See, Hiroshi Motomura, *Alienage Classifications in a Nation of Immigrants: Three Models of Permanent Residence*, in *IMMIGRATION AND CITIZENSHIP IN THE TWENTY-FIRST CENTURY* 199-222, 200 (Noah M. J. Pickus, ed. 1998) (describing how non-citizens are subject to concerns of admission and removal that citizens are not).

80. Karen E. Bravo, *On Making Persons: Legal Constructions of Personhood and Their Nexus with the Traffic in Human Beings*, 31 N. ILL. U. L. REV. 467 (2011).

81. *Id.*

82. Added to the instinctual categorization of other humans into insiders and outsiders, Everyperson's "innocence" may be based on:

The psychological mechanisms that allow humans to adjust and continue to function in the face of apparent injustice and random suffering—the human [need to believe] in the fundamental justice of the human condition, that individuals get what they deserve—plays a key role. The reality-denying belief in a just world allows the more privileged onlooker to blame the victim and to maintain continued belief in the essential justice and ordering of human and societal interactions. If undocumented migrants are exploited, they are to blame for their condition, so that the structural causes and the injustice of barriers to their access to worthwhile employment conditions are not widely or fundamentally questioned.

Karen E. Bravo, *Regional Trade Arrangements and Labor Liberalization: (Lost) Opportunities for Experimentation?*, 28 ST. LOUIS U. PUB. L. REV. 71, 98-99 (2008).

active and intentional role. “Complicity” denotes criminal liability, evoking verbs such as “to aid,” “to abet,” “to induce,” and “to cause” and/or “to fail to perform a legal duty”. Instead, here, we flounder in a morass of morality and philosophy, where, as with the definitional struggles regarding “slavery,” the inadequacy of law stares us in the face. Rather than active complicity, Everyperson facilitates the forms of exploitation created by these categories of exclusion and hierarchies of subordination. Everyperson participates in implementing and policing the categories through indirect action such as votes and other demonstrations in support of laws and policies that create conditions of exploitation and non-action in reaction to structures, perceptions, and events.

Everyperson’s facilitation and participation take place when Everyperson resists implementation of policies reflective of equal membership in a common humanity. The paradigmatic examples of these roles are illustrated by the enduring debates regarding border security and the adoption of anti-immigrant and anti-refugee legislation that create perilous conditions and opportunities for slavery-like exploitation of would-be migrants. Silence, acceptance, and acquiescence exemplify Everyperson’s individual and collective facilitation of subordination and exclusion, and of today’s slaveries. Springing from prejudices and unconscious biases, as well as cultural norms and expectations, indifference to the plight of “the other” is expressed through Everyperson’s support of or failure to resist policies that support such divisions.

Thus, other than the exceptionally aware among us, Everyperson acquiesces in default systems of exploitation, of ascriptions of inferiority and superiority, and in some persons’ and groups’ lack of power to assert meaningful rights or demand meaningful protections. Whether it is an immigrant who is undocumented who does not belong, women and children who are subordinated by the legal or societal imposition of inequality, or exploited foreign workers “welcomed” in host states,⁸³ Everyperson is more apt to react with indifference or superficial shock—acquiescence—rather than to question or resist either the structural foundations or the implementation of the exploitation. The non-citizen’s legally subordinate status arises from and the state’s construction of vulnerability to exploitation through laws.⁸⁴ Through customs, and through societal interactions, Everyperson polices and re-enacts the systems of exploitation and subordination. Private parties are empowered to—and do—exploit inequitable relationships which may fit within today’s slaveries.⁸⁵

83. See *Gulf States: Increase Migrant Worker Protection*, HUMAN RIGHTS WATCH (Nov. 23, 2014, 3:55 PM) <http://www.hrw.org/news/2014/11/23/gulf-countries-increase-migrant-worker-protection> (discussing the work of labor ministries in Gulf and Asian countries working to give migrant workers greater rights and protections from human rights abuses in the workplace).

84. See, e.g., Bravo, *supra* note 11.

85. This may occur, for example, in employer-employee relationships where the employee is a temporary or guest migrant who is dependent on the official legal support of the employer. See Southern Poverty Law Center, *Close to Slavery: Guestworker Programs in the United States* (2013),

https://www.splcenter.org/sites/default/files/d6_legacy_files/downloads/publication/SPLC-Close-to-Slavery-2013.pdf. For a more recent analysis of the factors underlying support for these

The slaveries depicted in Narratives B, C, and D in Part III, for example, emerge from situations of vulnerability that transcend national boundaries. These slaveries are imposed and policed by legal, political, and social actors in each of the origin, transit, and destination states. Countries of origin of migrant workers, such as the Philippines and Pakistan, send their vulnerable citizens to participate—and become merchandise in—transnational labor markets.⁸⁶

Further, today's slaveries depend on Everyperson's support of concepts of nativist protectionism, which underlie the hierarchical exclusions and subordination of "others"—the reluctance to extend to outsiders equal agency and status within the arbitrary borders of individual states. Mechanisms of facilitation and participation include Everyperson's use or failure to use social, political, and/or purchasing power to undermine existing systems of subordination and exclusion.

2. Beneficiaries

Another of Everyperson's significant roles with respect to today's slaveries is as beneficiary of the exploitation. These benefits include: a higher relative standard of living, cheaper consumer goods and services, border protection and national "security," and the psychological benefits of the superiority perceived and implemented in daily life.

The contemporary higher standard of living enjoyed by Everyperson is facilitated by today's slaveries as cheaper/exploited labor creates greater excess of goods and services. The exploited labor has no (or limited) access to the excess it creates and the benefits of access are unevenly distributed within societies and across nations. As a result, standards of living of the average Everyperson are enhanced. Everyperson may no longer need to engage in manual or menial forms of labor herself, but is now "freed" to engage in less physically demanding, higher status, or more enjoyable activities. A good example is the cheap manicures and pedicures provided by immigrants in New York under very exploitative conditions.⁸⁷

The benefits s/he receives are not as remote as Everyperson may wish to believe. Those benefits do not arise only as a consequence of the forms of today's slaveries taking place in faraway places. Instead, they are enjoyed through, for example, Everyperson's consumption of cheaper construction and landscaping services, housekeeping and child care help, seafood for herself and pet food for

exploitative programs within the United States see Jennifer J. Lee, *U.S. Workers Need Not Apply: Challenging Low-Wage Guest Worker Programs*, 28 *Stan. L. & Pol'y Rev.*, Working Paper No. 2016-44, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2831744.

86. Karen E. Bravo, *Free Labor! A Labor Liberalization Solution to Modern Trafficking in Humans*, 18 *TRANSNAT'L L. & CONTEMP. PROB.* 545 (2009).

87. See Sarah Maslin Nir, *The Price of Good Nails*, *N.Y. TIMES*, May 7, 2015, <http://www.nytimes.com/2015/05/10/nyregion/at-nail-salons-in-nyc-manicurists-are-underpaid-and-unprotected.html> (noting that the rampant exploitation of workers in the nail industry is often overlooked).

companion animals, and other quotidian enhancements of the standard of living of Everyperson.

Cheaper consumer goods and services are linked to this higher standard of living. The cheaper consumer products range from agricultural produce farmed and harvested by low-paid and/or exploited migrant labor to manufactured goods emerging from factories. The factories' "employees" and their living and working conditions fit within the meanings of "today's slaveries."⁸⁸ The surplus of such goods contributes to Everyperson's sense of well-being and higher standard of living.

The border security or national security benefits of border militarization are enjoyed by developed world Everyperson even while Everyperson expresses shock and dismay regarding the forms of today's slaveries to which migrant workers are subjected.⁸⁹ That the economic and other dislocations arise from the inherently contradictory economic and political policies from which Everyperson benefits may not occur to Everyperson, or may do so only unwillingly or fleetingly. Finally, Everyperson benefits from the sense of psychological well-being that springs from the contrast of her position with that of those who are subject to today's slaveries and the conditions of vulnerability from which they arise.

3. *Victims*

Lastly, and in seeming contradiction, Everyperson may be victimized by her involuntary participation in today's slaveries. Unlike those persons subjected to the most extreme forms of exploitation, labelled as "slavery," Everyperson's victimization is psychological. Unless Everyperson "lives off the grid,"⁹⁰ the inextricable intertwining of the global economy and the interrelationships among industries coerce Everyperson to be a beneficiary of and participant in today's slaveries. Unknowingly, the contemporary Everyperson "employs" slaves in order to pursue the quotidian activities of eating, sleeping, or purchasing.⁹¹

Knowledge about Everyperson's hitherto unknown participation in today's slaveries violates the sense of well-being and perceptions of justice, a just world, and Everyperson's role within it. Coerced participation abuses Everyperson's sense of herself as a just and moral being. Instead, Everyperson, as a fellow human, is also victimized by the disregard of human rights and human person perpetrated in

88. For example, the cheap clothes that Everyperson enjoys is often produced through exploited labor. See, e.g., Patrick Winn, *The Slave Labor Behind Your Favorite Clothing Brands: Gap, H&M and More Exposed*, SALON, (March 22, 2015, 1:00 PM), http://www.salon.com/2015/03/22/the_slave_labor_behind_your_favorite_clothing_brands_gap_hm_and_more_exposed_partner/.

89. See, e.g., Matteo Renzi, *Helping the Migrants is Everyone's Duty*, N.Y. TIMES, April 22, 2015, <http://www.nytimes.com/2015/04/23/opinion/matteo-renzi-helping-the-migrants-is-everyones-duty.html>.

90. Living off the grid entails withdrawal from society and non-participation in the economic, political, cultural and social life.

91. See *Made in a Free World*, SLAVERY FOOTPRINT, www.slaveryfootprint.org (last visited Mar. 2, 2017) (allowing users to input details of their lifestyle, including retail and other choices, and thus to identify the number of contemporary slaves who work for them).

today's slaveries, including potential future disregard or lack of protection of Everyperson's own human rights.

V. CONCLUSION

Today's slaveries are only the most extreme of the types of exploitation that are embedded in political, economic, and social structures. Other types of exploitation, which are normalized and permitted by laws and policies, do not elicit passionate debates or efforts. Everyperson's condemnation and identification of these types of exploitation bring with it the warm sense of security and virtue, springing from the belief that law, legal structures, and resources of Everyperson's community are being applied to identify and combat appalling forms of exploitation.

But, labelling the slavery-like exploitations as "slavery" is not enough. A willingness to identify new slaveries and to condemn them does not eliminate Everyperson's role in facilitating and participating in, and the benefit that Everyperson receives from today's slaveries' existence and continuation. Nor does it eliminate the psychological blow that springs from awareness of Everyperson's involuntary role in today's slaveries.

Instead, a simultaneous conceptual leap to recognize and educate about contemporary global economic and political interconnectedness would be more beneficial and effective—to the enslaved and to Everyperson. So would identification of structurally framed-based avenues of anti-exploitation efforts. For Everyperson anxious to address today's slaveries, what is the equivalent of yesterday's anti-slavery efforts? What is the appropriate level of intervention? While pursuit of an individual-victim-focused Underground Railroad-type role may benefit the individuals or small groups of victims targeted for such actions and may release the "inner Wilberforce"⁹² of the modern abolitionist, a structural anti-slavery approach is also imperative. The heroic efforts of Underground Railroad participants nibbled at the profitability of slavery and saved a small proportion of slaves. To effectively combat today's slaveries requires a consciously systemic methodology that is capable of identifying and addressing sources of vulnerability to today's slaveries, the ways in which Everyperson participates, and Everyperson's productive deployment of political, purchasing, and rhetorical power to counter them.

92. William Wilberforce is a famed British abolitionist of the nineteenth century. *William Wilberforce (1759–1833): The Politician*, THE ABOLITION PROJECT, http://abolition.e2bn.org/people_24.html (last visited Feb. 1, 2017).

