OPEN ACCESS

University of BRISTOL

O'Connell Davidson, J. N. (2016). De-Canting 'Human Trafficking', Re-Centring the State. *International Spectator*, *51*(1), 58-73. https://doi.org/10.1080/03932729.2016.1121685

Peer reviewed version

Link to published version (if available):
10.1080/03932729.2016.1121685

Link to publication record in Explore Bristol Research
PDF-document

University of Bristol - Explore Bristol Research
General rights

DE-CANTING 'TRAFFICKING IN HUMAN BEINGS', RE-CENTRING THE STATE

Abstract

Contemporary liberal states are eager to combat 'human trafficking', which state actors describe as 'the scourge of modern slavery' and a violation of human rights. The same states are also depriving migrants of their freedom on an unprecedented scale through immigration detention, forcibly moving them across borders through deportation, and sustaining a flourishing industry in the prevention and control of human movement. This is not a paradox. The ambition to eradicate 'slavery', as much as the desire to severely restrict freedom of movement, reflects a concern to preserve and extend state powers, in particular its monopoly on violence and on the control of mobility.

Bio

Julia O'Connell Davidson is Professor of Social Research in the School of Sociology, Politics and International Studies at the University of Bristol. Julia.oconnelldavidson@bristol.ac.uk

DE-CANTING 'TRAFFICKING IN HUMAN BEINGS', RE-CENTRING THE STATE

Dictionary definitions of the English verb 'to traffic' identify a number of different, though related meanings. It can signify an act of commercial exchange, or the passage of people, vehicles, cargo, data or communication along routes of transportation or systems of communication, and is thought to link etymologically to the Old Italian 'trafficare', *to trade*, and/or the Catalan 'trafegar', *to decant*. Unlike terms such as 'murder', 'rape', 'kidnap', 'cheat' or 'steal', the term 'trafficking' does not by definition refer to a form of action deemed morally wrong, then. In fact, it references activities (movement, trade, communication) that are in general regarded as crucial to social and economic life. By contrast, the term 'trafficking in human beings', hereafter THB, is today evocative of a profound threat both to the individuals it affects, and to the social and economic order. Politicians and governmental organisations routinely claim that 'THB' is significant human rights violation and a hugely profitable business in which organised criminals transport millions of human victims around the globe for purposes of exploitation. It is described as a trade that reduces human beings to mere objects and as a form of slavery, and political leaders repeatedly compare 'THB' to the transatlantic slave trade (O'Connell Davidson, 2015; Bravo, 2011). Announcing her intention to introduce a Modern Slavery Bill aimed at strengthening existing anti-trafficking law and eradicating an 'evil in our midst', for example, British Home Secretary, Theresa May (2013) observed that 'the slave trade was not really abolished; it just changed its form. People are still bought and sold in coffee bars at Heathrow airport, then sent to work in Norwich farms and Soho nail bars.'

Framed as a form of 'modern slavery', calls to combat 'THB' have great emotional and moral leverage and attract almost universal support. And yet the liberal democratic states that are so eager to combat 'the scourge of modern slavery' in the form of 'THB' are equally if not more enthusiastically engaged in depriving many groups of migrants of their freedom through (often for-profit) immigration detention, denying them basic rights, forcibly moving them across borders through

deportation, and sustaining a flourishing industry in the prevention and control of human mobility. In other words, whilst seeking to suppress one form of traffic (THB) on grounds that it leads to restrictions on human freedom, liberal states sanction other forms of movement and trade, or traffic, that produce precisely the same effects. This article explores that paradox, arguing that states' interest in combatting 'the scourge of modern slavery' in the form of 'THB' is born of a concern to preserve and extend state powers, and not an impulse to acknowledge and protect all humans as persons of equal moral worth.

The Evil of Trafficking: First Apparition

From the mid-eighteenth century, the original anti-slavery movement sought to transform popular perceptions of a form of traffic that had for centuries been regarded as either normal and justifiable, or inevitable and unavoidable – namely, the slave trade. The success of that movement was such that by the end of the nineteenth century, most Europeans considered the movement and trading of human beings as chattel slaves to be a great evil. So complete was the *volte face* that European colonial ventures in Africa were now sometimes explicitly justified on grounds that colonial rule would cleanse the 'dark continent' of barbaric practices such as slavery and slave trading (even King Leopold II's murderous regime in the Congo was initially authorized as a humanitarian and philanthropic intervention) (Quirk, 2011).

Both the abolition of slavery in existing colonies, and colonial expansion elsewhere, involved vast displacements of people and, alongside other economic developments including many massive construction projects, set in train new forms and systems of mobility in the nineteenth century. This included the 'coolie system' of indentured labour with which the European powers replaced slave labour in their plantation economies and powered the expansion of extractive industries and construction projects (Cohen, 2006; Kempadoo *et al*, 2005; Sharma, 2006; Andrijasevic, 2010). Again, there was traffic both in the sense that people were being 'decanted' along routes of transportation, and in the sense that their passage involved acts of commercial exchange (as well as being vital to the global economy). Again, such traffic was not immediately or automatically considered immoral, but was authorized and regulated by the state. Neither those who employed indentured labourers, nor the shipping companies, recruitment agencies, money-lenders, and others involved in the state sanctioned trade of moving them were regarded as inherently evil, and this despite the fact that mortality rates on the ships transporting workers from India to the West Indies averaged over 17 per cent in 1856, and living and working conditions on plantations closely resembled those previously experienced by slaves (Cohen, 2006: 20).

However, some forms of movement *were* singled out for special concern in the late nineteenth and early twentieth centuries, namely those that involved the independent mobility of people generally imagined as dependent and unfit for full civil freedom (either on grounds of their race or their gender). In this period, the movement of Indian and Chinese people within the British Empire but outside the coolie system, which is to say, migration undertaken independently of state or employer, was a source of intense concern in white settler colonies such as Australia, Canada, and Natal, as well as in Britain itself (Lake, 2015; Mongia, 1999; Anderson,

2013; Sharma, 2006). The migration of European and North American women and girls to work in prostitution in East Asia and South America and/or take up other economic opportunities afforded by the large-scale male migrations occurring at that time was also a source of alarm. In Europe and North America, the latter became the focus of 'a racialized social panic about the "White Slave Trade"' (Kempadoo *et al*, 2005: x; Chapkis 1997; Doezema 1999; Bartley, 2000), a panic that ultimately fed into the production of the 1949 United Nations Convention on the Suppression of Trafficking in Persons and the Exploitation of the Prostitution of Others. The discourse of White Slavery lifted a particular kind of movement and trade (the passage of white women and girls into prostitution) from other, socially sanctioned forms of traffic, and moralized and racialized it. The problem with this 'traffic' was not that it produced chattel slaves, or even rightless and exploited workers. Its evil was threefold - evil because it channelled white women and children, who belonged at home, into a market; evil because it did so without state sanction; and evil because the market into which this traffic decanted them was deemed immoral in itself – prostitution.

The Evil of Trafficking: Second Apparition

The idea of 'THB' as a specific evil, distinct from more ordinary forms of movement and trade, resurfaced at the end of the twentieth century, again in a context of rapid changes to an established global economic and political order. By the 1990s, the post-war social democratic consensus that had licensed state interventions in the market mechanisms of capitalist societies in order to protect the human worth of (some) worker citizens was breaking down. Those pressing to extend market forces, both globally and within nations, were reclaiming political ground. Neoliberal economic restructuring gathered pace in the 1990s, a trend that was both allowed by and has allowed for processes of deindustrialization in the global North and the expansion of manufacturing sectors in the global South. Forms of traffic that had formerly been sanctioned but closely controlled by the state were now being deregulated (Harvey, 2007).

At the same time, the Berlin wall had been torn down and many Communist regimes had crumbled. During the Cold War period, the close control that Communist states exercised over the mobility of their citizens was considered an especially troubling violation of human rights, but the more porous borders that resulted from the removal of such control sparked political anxiety in Western liberal societies. Freer movement was perceived as a potential threat to their legitimate economies and political institutions, and indeed to national sovereignty and security. 'THB' re-entered policy consciousness through the lens of these disquiets. Initially, media and policy attention continued the discourse of 'White Slavery' with a strong focus on cases in which women and girls were forced into prostitution. This provided the basis for strong alliances between governmental actors in states that already adopted a prohibitionist stance on prostitution (especially the US and Sweden) and religious and feminist activists and Non-Governmental Organizations (NGOs) lobbying the suppression of prostitution, such that one strand of 'anti-trafficking' policy and advocacy has taken the form of what Ron Weitzer (2007) describes as a 'moral crusade' against the sex industry.

The influence of such crusaders is visible in the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000), which continues the historical framing of 'human trafficking' as a threefold wrong entailing the movement of women and children (now brown and black, as well as white) from the private domestic realm, without state sanction, into an iniquitous or injurious market. Hence, the Protocol definition of 'trafficking' expressly singles out prostitution (as opposed to say, domestic or construction work) for mention as a potential site of coerced labour, and the Protocol as a whole is *especially* concerned to suppress, prevent and punish 'trafficking' in women and children. As a result, 'anti-trafficking' policies in many regions have continued and/or extended a longer history of state control over the mobility and sexuality of 'masterless' women and/or children (Kapur, 2013; Hashim and Thronsen, 2010; O'Connell Davidson, 2011).

However, Western governments were not always or merely concerned to suppress prostitution, but rather viewed 'THB' as part of a much wider problem of 'transnational organised crime' involving an array of illegal markets and forms of movement. 'THB' was thus parcelled up with phenomena such as people smuggling, money laundering, and drug and gun running, and addressed within the United Nations *Convention on Transnational Organized Crime* (2000), and its three additional protocols (the *Protocol against the Smuggling of Migrants by Land, Sea and Air*; and the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition*, as well as the Trafficking Protocol). It was, however, extremely loosely defined, not least because the many different state and civil society representatives involved in negotiations did not share a common understanding of where and how to draw the line between 'normal' and 'evil' forms of movement and trade (Doezema, 2010). Consensus was finally achieved at the expense of precision. The UN Protocol defines 'trafficking' not as a single, one-off event, but a coercive *process* that takes place over time (recruitment, transportation and control) and that is organised – in a variety of different ways - for purposes of exploitation. [i]

Where the discourse of White Slavery separated the passage of white women and girls into prostitution from other, socially sanctioned forms of traffic, the Trafficking Protocol is concerned with the passage of people into *any* exploitative arrangement. But as 'exploitation' is undefined, and the nature and degree of force that will constitute 'coercion' unspecified, 'trafficking' is a moveable feast even in cases involving women's movement into sex work (O'Connell Davidson, 2006; Plambech, 2014). The vague and expansive definition also muddies the line between 'THB' and what states categorise as other forms of movement, including 'smuggling' and 'asylum seeking' (Anderson and O'Connell Davidson, 2003). As will be argued below through a focus on the fuzzy boundary between 'THB' and 'people smuggling', this has opened the door for a discourse in which the movement of people across borders without state sanction is, *per se*, moralized as 'evil', and the vast and deadly business of preventing free movement legitimated as necessary, or even 'good'.

People Smuggling, Human Trafficking, and the State-Sanctioned Traffic in Preventing 'Illegal Immigration'

Since the 1990s, dwindling opportunities for legally authorized international migration has prompted the expansion and diversification of markets for clandestine

migration services (Kempadoo *et al*, 2005; Alpes, 2011). In policy documents, such markets are conceptualized as either 'trafficking' or 'smuggling', with two main sets of differences between them repeatedly asserted. The first is temporal. Relations between smuggler and smuggled are said to end on arrival at the point of destination, whereas the trafficker continues to exercise control over the trafficked person. Smuggling and trafficking are imagined as processes that may overlap in initial stages of movement, but that become clearly differentiated at the point of destination. The second distinction is said to be that where trafficking 'is carried out with the use of coercion and/or deception', smuggling is 'a voluntary act on the part of those smuggled' (Home Office, 2013a; US State Department, 2006).

In practice, however, the smuggling/trafficking and voluntary/forced migration dyads cannot accommodate the complicated realities of the systems and processes that facilitate regular and irregular migration in the real world, nor do they recognise the complexity and variety of social relations between migrants and those who benefit directly or indirectly from their exploitation (see, for example, Andersson, 2014a; Anderson, 2013; Andrijasevic, 2010; Testai, 2008). For instance, debt is often presented as one of the key mechanisms by which 'trafficked' persons are enslaved. According to the UK Home Office (2013b: 3), 'In many instances traffickers will increase the control they have over individuals by placing them in debt bondage, making them work to pay off the money they owe the trafficker'. And yet indebtedness is a routine feature of migrant experience, and debt to relatives or money-lenders or recruiters back home, as much as to an employer at the point of destination, is a factor known to lock both 'smuggled persons' and migrants who move through legally sanctioned systems of labour migration into violent and exploitative employment relations (O'Connell Davidson, 2013; Huong, 2010; ILO, 2011). In fact, it is precisely states' efforts to control and restrict migration that push significant numbers of would-be migrants into the relations of debt and dependency within which they can become vulnerable to abuse and exploitation. This is so whether the migrants concerned would be classified by states as 'temporary labour migrants', or 'asylum seekers'.

In this and many other ways, the trafficking/smuggling, forced/voluntary dyads collapse what are actually a series of complex and overlapping continuums into a simple either/or choice (Anderson and O'Connell Davidson, 2003; Anderson and Rogaly, 2005). It is also notable that these binaries rest on an extremely narrow and particular understanding of what constitutes a 'coercive' pressure. What Marx (1959) described as the dull compulsion of economic relations does not feature in the list of forces deemed to nullify a person's consent to exploitation in the UN Trafficking Protocol, even though being unable to feed one's self or one's children, or to pay for medical treatment for sick dependants, or to repay debts to relatives or money lenders, may operate as just as an irresistible force as the threat of physical violence (Steinfeld, 2001).

The terms 'human smuggling' and 'human trafficking' do not describe two ethnographically distinct forms of movement, then. And whilst in theory, the former is imagined as a problem because it violates immigration law, the latter because it violates the human rights of the victim, both can be, and are represented as part of a wider threat to the security and values of modern liberal democracies in an

increasingly globalised world. As US Secretary of State John Kerry recently put it: 'Combatting human trafficking is both a moral imperative and a national security issue' (Morse, 2014). As such, it is readily subsumed into the more general project of preventing unauthorized movement, or 'cracking down on illegal migration'. This is a project that has led to an expansion of state powers with regard to the traffic of people, vehicles, and cargo along routes of transportation more generally. In the EU in the 1990s, for instance, states introduced 'sanctions against carriers transporting passengers without the proper documents' (Samers, 2003: 563), sanctions that were strengthened and harmonised within the EU from 2005 (Duvell and Vollmer, 2011: 9). In Europe, North America and Australia in particular, surveillance of people, vehicles and cargo has also been massively intensified, in fact, a whole new traffic has been developed to meet states' growing desire to control their borders – what Ruben Andersson (2014a) terms 'the business of illegal immigration'.

In the US and Europe, states have spent vast amounts of money on erecting barriers to movement. The global market for land and maritime border management was worth around 29.33 billion USD in 2012, with the highest expenditure in North America, and 'The scale of the market for border security is expanding in Europe and the world, with total growth expected to exceed 56.52 billion USD for land and maritime borders by 2022' (Baird, 2015). While some of this money is spent on the construction and maintenance of traditional methods of exclusion – walls, fences, razor wire, check-points, sentries and guards - the measures employed to suppress unauthorized forms of border crossing have become increasingly high-tech. States also now provide demand for unmanned aerial vehicles (UAVs) or drones, which are used to monitor borders, 'providing aerial surveillance support for border agents by investigating sensor activity in remote areas… allowing the boots on the ground force to best allocate their resources and efforts' (Unmanned, 2012). In the 2000s, the EU invested in new surveillance systems, such as SIVE (*sistema integrado de vigilancia exterior*) that 'combines radar, high-tech cameras, and patrols' (Andersson, 2014a: 85), to monitor southern Europe's coastlines, along with x-ray technology used to scan commercial trucks at ports 'to detect carbon dioxide and heart beats, thus indicating the presence of migrants' (Albahari, 2006: 10).

From the 2000s, the European Union also began externalizing its 'immigration control and Schengen border enforcement to "gatekeepers" and "buffer states" through bilateral agreements, visa regimes, carrier sanctions, military training, and the establishment of migration detention facilities' (Albahari, 2006: 20). This was a new transnational traffic in which EU member states used their political and economic power to encourage and pay their non-EU neighbours (especially North and West African states) to undertake certain control functions on their behalf. The functions subcontracted out to countries with extremely dubious human rights records, such as Libya both under Ghaddafi and today, include migrant-holding and 'processessing' (HRW, 2014; Andrijasevic, 2006). The new technologies of surveillance have been extended and 'transnational policing networks' expanded. One such high-tech venture 'around the figure of the illegal immigrant' funded by the EU, the Seahorse Project, 'had by 2010 pulled in Spain, Portugal, Mauritania, Cape Verde, Senegal, the Gambia, Guinea-Bissau and Morocco' (Andersson, 2014a:

82). Within all this, lucrative opportunities for consultants offering training and evaluation services have burgeoned.

All in all, trade has been and continues to be brisk for the private defense, security, construction and new technology companies that support states' efforts to immobilize the people whose presence on their territory is deemed undesirable. This is a traffic that is not only authorized by states, but that exists to serve them. Yet it is also a traffic that has lethal consequences. The IOM (2014) recently issued a report estimating that more than 40,000 migrants had died between 2000 and 2013 in the course of 'irregular' movement, nearly 6,000 along the US-Mexico border (see also O'Leary, 2008), and 22,000 on the borders of the EU, mostly in the Mediterranean. Between 1993 and 2012, the organisation UNITED for Intercultural Action documented 17,306 deaths of refugees and migrants attributable 'to border militarisation, asylum laws, detention policies, deportations and carrier sanctions' in Europe (UNITED, 2012); between 2000 and 2014, the Australian Border Deaths Database recorded 1,969 deaths at the Australian frontier (Border Crossing Observatory, 2015). In October 2014, the British Government announced that the UK would no longer contribute to search and rescue operations in the Mediterranean. Its spokespeople defended the move as necessary to deter 'illegal' migrants from embarking on treacherous voyages, a proposition, Andersson (2014b) commented, 'as absurd as removing seatbelts in cars to make drivers more risk-averse… Maritime "migration management" now reeks with the politics of death'.

In the context of this deathly stench, the discourse on 'trafficking as modern slavery' has taken on morally cleansing properties, for if 'THB' is 'slavery', then it stands outside migration as a self-evident and absolute wrong. The trade in moving people, without state sanction, out of their proper place (in their own nation) becomes evil in and of itself. 'Smuggling' and 'trafficking' then become interchangeable terms for the 'slave trade', such that even those who illegally facilitate the mobility of people who *want* to move, including those fleeing war, persecution, and other threats to life itself, become legitimate targets of state violence.

Consider, for example, political and media reaction to the staggering loss of life amongst those seeking to reach Europe by crossing the Mediterranean from Libya in the spring of 2015 (estimated to be more than 2000 deaths by August, Globalpost, 2015). First, we should note that travelling from North Africa to Europe is not intrinsically dangerous or even expensive. Budget airlines offer flights from Morocco to Marseilles and Berlin at around 30 Euros. The people who make the perilous sea crossing on flimsy vessels do so because the EU immigration regime prevents them from accessing this safe route. Next it is worth noting that one of the key reasons why Libya became a crossing site for such large numbers of people in recent years was precisely because Morocco had, with encouragement from the EU, set in place new immigration legislation which included sanctions against 'THB', smuggling and irregular stay, and had increasingly employed the means to enforce these. The criminalization of mobility here in effect 'decanted' many of those who urgently wanted and needed to move towards Libya (Stock, 2015).

Notwithstanding this, responsibility for the many thousands of deaths was repeatedly laid at the feet of 'people traffickers' in political and media discourse. EU leaders vowed to use their military might to 'identify, capture and destroy' the

vessels used to transport people, even knowing that 'collateral damage' in the form of loss of life might result (Traynor, 2015). There is a wealth of evidence to show that, unlike those who were kidnapped, held in dungeons, then shackled and transported from Africa to slavery in the New World, the men, women and children today waiting to make the Mediterranean crossing actively and urgently wish to get to Europe and have compelling reasons for wishing to do so. And yet the militarized response was presented as a 'tough choice' forced upon EU leaders by the resurgence of a more terrible evil. As Italian Prime Minister Matteo Renzi (2015) put it, "Human traffickers are the slave traders of the 21st century, and they should be brought to justice".

The project of preventing unauthorized migration is fundamentally incompatible with that of protecting and promoting human rights, and this is so even where concern is limited to a small number of groups whose particular 'vulnerabilities' are recognized as entitling them to special protection – namely, 'VoTs', children, and asylum seekers. At the point of departure, the so-called 'smuggled' and the so-called 'trafficked' all want to move, and they include amongst their number children and people fleeing persecution and seeking refuge on grounds that are deemed legitimate in relevant international law. The current border regime operates indiscriminately on all these groups. Those who are children, asylum seekers, and 'potential victims of trafficking' (and one person may be all three), as well as those who are not, drown in the Mediterranean, suffocate in lorries, are blown apart by landmines, fall under the trains to which they cling, and die of thirst in deserts. Their deaths are not the result of acts of private individuals operating a slave trade similar to the transatlantic trade, but rather a consequence of the powers claimed by contemporary states over human mobility, and the authorized forms of traffic set in motion to exert those powers.

Dominant discourse on 'THB' also disregards other ways in which the state is implicated in traffic that harms large numbers of human beings.

Immigration Detention and Trafficking

Immigration detention refers to 'the deprivation of liberty of non-citizens under aliens' legislation because of their status', and though not new, it is today being used on an unprecedented scale (Grant, 2011: 69; Loyd *et al*, 2013). Immigration detainees live under the potentially and actually violent control of those who hold them. In Canada, for example, they 'are held in secure facilities with surveillance cameras, guards and metal detectors… Prohibitive rules abound… Shackles, handcuffs, and leg irons are standard protocol for transportation' (Walia and Tagore, 2012: 76). That immigration detainees are vulnerable to physical violence as well as to sexual and racial abuse at the hands of their captors in the UK, the US, Canada, and Australia, as well as elsewhere in the world, is now well documented (Townsend, 2013; Doherty, 2015a and b; HRW, 2010). Human beings held in immigration detention have fewer rights and protections in law than do citizens detained for criminal offences (Bosworth and Guild, 2008; Kaiser and Stannow, 2011). They are frequently held in remote and isolated locations, and just as one of the horrors of the system of transatlantic slavery was the wrenching apart of families, so immigration detention (also the practices of deportation) routinely destroy family life (Mountz, 2012; Rosas, 2012; Golash-Boza, 2012).

Within the vast industry built around the illegalization of particular forms of movement, depriving non-citizens of their liberty is an activity that generates significant profits for the many private companies involved in the provision of 'security' services and the construction and management of immigration detention centres. Immigration detention is an important segment of the 'prison industrial complex', and in the US alone, migrants' rights organisations estimate that it generates profits of $5 billion per year (Cuentame, 2013). In the UK too, the management of detention centres (as well as prisons) is increasingly being outsourced to global private security companies. Indeed, G4S, SERCO, Sodexo, and other private security firms have come to dominate detention, transport and escort services for irregular migrants and asylum seekers (and in 2010, 773 complaints were lodged against G4S by immigration detainees including forty-eight claims of assault) (Grayson, 2012). Without bodies to hold and process, there would be no profit for these private companies to secure, and since immigration detainees function as the raw materials of this 'labour process', they are arguably subject to 'economic exploitation'.

Some immigration detainees are, in addition, subject to labour exploitation. In Britain, migrants whose immigration status denies them any and all access to the labour market, and who may in fact end up in detention because they have not complied with this rule, can – once detained - 'be paid to work in the detention centre that is holding them' (Anderson, 2013: 78). They serve food, clean and launder, paint rooms, and generally contribute to 'the provision of services internal to the detention centre, most of which are managed by large corporations', and pay rates are either £1.00 per hour, for routine work, or £1.25 for specified projects (Anderson, 2013: 78). A 2014 Corporate Watch report suggests that employing detainees at these well below minimum wage rates, Serco, G4S, Mitie and GEO could have saved themselves more than £2.8 million (Rawlinson, 2014). Similarly in the US, it is reported that the use of immigration detainees' labour 'saves the government and the private companies $40 million or more a year by allowing them to avoid paying outside contractors the $7.25 federal minimum wage'. Some detainees are paid 13 cents an hour, others 'held at county jails work for free, or are paid with sodas or candy bars, while also providing services like meal preparation for other government institutions' (Urbina, 2014).

Immigration detainees are people moved against their will into a situation in which they are controlled by means of violence or its threat, and exploited for economic gain. This sounds very much like what is described as 'THB' when perpetrated without the sanction of the state. But it goes unquestioned in dominant discourse on 'THB'. Even anti-trafficking activists who approach the issue through a concern with human, women's, children's or labour rights generally fail to comment on the parallels between the traffic by means of which states attempt to secure their borders, and the activities described as the 'evil of human trafficking'. In fact, there are even antislavery campaigners who call for tougher border controls on grounds that such measures will lead to the apprehension of 'traffickers' and so help to end the 'slave trade' (Bales, 1999).[ii]

'THB' and the State

In his review of the extent and significance of debt slavery, Alain Testart (2002: 193) observes that in Western tradition from Solon to Shakespeare's Merchant of Venice, debt slavery has been regarded as a hateful practice amounting to the oppression of the poor. 'But what exactly,' he asks, ' is hateful in it?' and continues:

> Not that there are poor people, because inequality of wealth is not what arouses indignation, but that a person should be put into bondage because of his or her poverty… What is scandalous in debt slavery is the oppression of poor or weak persons *within* a community, the oppression of those who are close, if not the closest: a relative.

He then argues that states have an interest in limiting or abolishing such bondage because:

> A king's subject, a citizen of the polis, is neither subject nor citizen if he becomes a slave. A slave has but one master. He pays no taxes, and owes no military service. Every time a freeman was taken into slavery, the political powers-that-be lost a source of fiscal revenue and a soldier (2002:197).

Moreover, what the state lost, another gained. Debt slavery equipped rich individuals with power over their slaves and influence over others wishing to avoid debt slavery. Multiple nubs of power emerged, threatening the central power of the state.

This analysis helps to explain the contemporary interest expressed by state actors in combatting 'THB', which they describe as a phenomenon by which the poor and the weak are forced into a condition of 'modern slavery' (often by means of debt-bondage). What is hateful about this to the liberal democratic state is, again, clearly not its foundation in poverty or global inequality. The people Theresa May describes as sent to work 'in Norwich farms and Soho nail bars' are the poor of other countries, many of whom are under compulsion from the debt relations they have entered into. But it is not their poverty that is seen as abominable – indeed, Mrs May urgently wishes to send them home to it. Nor is it the exploitation of workers who are unable to walk away from an employer without facing serious repercussions, because the visa and work permit schemes that form part of the immigration systems operated by liberal states are designed to prevent migrant workers from moving freely in the labour market (Anderson, 2013; Sharma, 2006). And what is hateful cannot be the idea that any human being, under any circumstance, should be moved or held against their will, or placed in a condition of potentially violent control, or subject to economic exploitation, because all of this is considered acceptable in the case of immigration detention.

Despite all the cant about 'THB' as a human rights violation, states have defined it as first and foremost a security and criminal justice issue, and even international organizations that emphasize the need to protect the human rights of 'VoTs' often lay equal stress on the threat trafficking poses to the central power. In the contemporary context of cross-border 'trafficking', those who are oppressed and exploited are foreigners, not relatives or citizens. But they are controlled and exploited on the territory of the liberal democratic state by private individuals (also generally imagined as organised foreign criminals), whose power and influence is thereby enhanced, who pay no taxes, owe no loyalty to the state, and may even

destroy it if their power and influence extends sufficiently. This is the 'scourge' that states have been motivated to combat, not primarily with a view to eradicating exploitation, violence, suffering or restraints on freedom of movement or choice, but with a view to shoring up their own monopoly over both violence and the control of mobility. Certainly their interest in 'THB' does not reflect a wish to recognise all human beings on their territory as morally equal 'persons'.

Conclusion

Liberalism has proceeded, Losurdo (2011) argues, by constructing the 'community of the free' as a space wherein liberal liberties are sacrosanct. Initially, this space was open only to propertied white men who sought emancipation from the arbitrary authority of monarch or state, and claimed, among other things, the liberty to own and manage their property – including slaves, servants, wives, and children – as they saw fit. The Others, relegated to the 'profane' space beyond this community, had to engage in long and painful struggles for inclusion, for there is no spontaneous tendency within liberal societies to gradually extend rights to all alike. Following the abolition of slavery as a legal status in liberal societies, vigorous moral condemnation of slavery co-existed with the continued imposition of extensive, forcible restrictions on individuals deemed to be 'free' but also lacking the attributes and qualities that would equip them for equality and citizenship. Hence the legislation and legal judgements in the US following abolition that worked to ensure freed black slaves and their descendants remained outside 'the community of the free' and the substitution of coolie for slave labour in the colonies; hence too the construction of modern immigration regimes designed to allow a state sanctioned traffic in the labour-power of migrant workers but at the same time prevent those workers from accessing the rights and protections formally assured to worker citizens, and to prevent the unauthorized entry of unwanted 'types' of migrant (the poor, the racially 'undesirable', the 'unproductive').

To be human has never, and still does not, automatically imply recognition as a morally equal 'person' in liberal societies (Mills, 2015). But at the same time, the condition of slavery has not automatically implied complete disqualification as 'human'. Slaves in the Americas, for example, were recognised as persons to the extent they were deemed legally culpable for criminal acts in a way that non-human animals were not (Patterson, 1982; Dayan, 2011; O'Connell Davidson, 2015). Contemporary discourse on 'trafficking' and 'modern slavery' obscures this 'striking contradiction of chattel slavery', namely, 'the captive's bifurcated existence as both an object of property and a person' (Hartman, 1997: 5). It therefore also misses important continuities in terms of ways that liberal states simultaneously recognise the humanity and individuality of certain 'categories' of human being, but exclude them from the 'community of the free' and construct them as fit for subjection to particular forms of exploitation, violence and domination (O'Connell Davidson, 2015). Today, many groups of migrants, especially irregular migrants, in liberal democracies are subject to an 'exclusion clause' which leaves them standing outside the 'sacred space wherein the rules of the limitation of power' obtain (Losurdo, 2011: 309). In addition to the restrictions placed on immigration detainees discussed above, migrants can be subject to deportation, forced destitution, forced separation

from children, and denied access to health care, housing, education, justice, welfare and work (Anderson, 2013; Madziva, 2010; De Genova, 2002).

In drawing lines between 'trafficking' and 'smuggling', between 'modern slavery' and other forms of rightlessness, exploitation and domination, between the coercive power of physical violence and that of structural violence, between violence and constraints employed by private individuals and that employed by liberal democratic states, dominant discourse on 'THB' continues a tradition of 'emancipation propaganda' that supplies the symbolic vocabularies that 'can be used by any powerful nation-state when it wishes to paint over the horrible things it has done in the brilliant brush strokes of the gift of freedom' (Wood, 2010: x-xi). Stripped of the cant, the term 'THB' refers to those forms of movement and trade that are perceived to threaten state power, not to any and all traffic that leads to heavy restraints on human freedom, or that threatens life itself. Some anti-slavery and human rights activists wish to employ the vocabulary of 'THB' to more progressive ends. But until they challenge territorial states' right to control the movement of people across their borders, and demand for all humankind the right to freely enter, as well as freely exit, any state's territory, their efforts will inevitably be suborned to a tradition of liberal thought that condemns the exercise of violent control by private individuals but fails to question 'the forms of violence and domination… licensed by the invocation of rights, and justified on the grounds of liberty and freedom' (Hartman, 1997: 6).

References

Albahari, M. (2006) 'Death and the modern state: Making borders amd sovereignty at the southern edges of Europe', CCIS Working Paper 137, University of California, San Diego, May.

Alpes, J. (2011) *Bushfalling: How Young Cameroonians Dare to Migrate*. PhD thesis, Universiteit van Amsterdam.

Amnesty International (2014) 'Spain: Accountability urged for 'appalling' migrant deaths in Ceuta', February 14, http://www.amnesty.org/en/news/spain-accountability-urged-appalling-migrant-deaths-ceuta-2014-02-14 [Accessed 10/3/15]

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

Anderson, B. and Andrijasevic, R. (2008) 'Sex, Slaves and Citizens: The Politics of Anti-Trafficking', *Soundings: A Journal of Politics and Culture*, 40, 135-145.

Anderson, B. and O'Connell Davidson, J. (2003) Is Trafficking in Human Beings Demand Driven? A multi-country pilot study. *IOM Migration Research Series*, No. 15. Geneva: IOM.

Anderson, B. and Rogaly, B. (2005) *Free Market, Forced Labour?* London: TUC.

Andersson, R. (2014a) *Illegality, Inc*. Oakland, CA: University of California Press.

Andersson, R. (2014b) 'Mare Nostrum and migrant deaths: the humanitarian paradox at Europe's frontiers', *OpenDemocracy*, 30 October, https://www.opendemocracy.net/5050/ruben-andersson/mare-nostrum-and-migrant-deaths-humanitarian-paradox-at-europe's-frontiers-0

Andrijasevic, R. (2006) 'Lampedusa in Focus: Migrants caught between the Libyan desert and the deep sea', *Feminist Review*, 82:1 pp. 119-124.

Andrijasevic, R. (2010) *Migration, Agency and Citizenship in Sex Trafficking*. Houndmills: Palgrave Macmillan.

Baird, T. (2015) 'The business of militarized borders in the European Union', *War Resisters International*, September 1, https://www.wri-irg.org/node/24759

Bales, K. (1999) *Disposable People: New Slavery in the Global Economy*. Berkeley, CA: University of California Press.

Bartley, P. (2000) *Prostitution: Prevention and reform in England, 1860-1914*. London: Routledge.

Bernstein, E. (2010) 'Militarized humanitarianism meets carceral feminism: the politics of sex, rights, and freedom in contemporary anti-trafficking campaigns', *Signs*, 36: 1. 45-72.

Border Crossing Observatory (2015) Australian Border Deaths Database, http://artsonline.monash.edu.au/thebordercrossingobservatory/publications/australian-border-deaths-database/ [accessed 9/3/15).

Bosworth, M. and Guild, M. (2008) 'Governing through migration control: Security and citizenship in Britain' *British Journal of Criminology*, 48(6): 703-719.

Bravo, K. (2011) 'The role of the transatlantic slave trade in contemporary anti-human trafficking discourse', *Seattle Journal for Social Justice*, 9: 2, 555-597.

Chapkis, W. (2005) 'Soft glove, punishing fist: the Trafficking Victims Protection Act of 2000', in E. Bernstein and L. Schaffner (eds) *Regulating Sex*, London: Routledge.

Chuang, J. (2015) 'Giving as Governance? Philanthrocapitalism and Modern-Day Slavery Abolitionism', *UCLA Law Review*, 62, 1516-1556.

Cohen, R. (2006) *Migration and its Enemies: Global Capital, Migrant Labour and the Nation State*. Aldershot: Ashgate.

Dayan, C. (2011) *The Law is a White Dog*. Princeton: Princeton University Press.

De Genova, N. (2002) 'Migrant "illegality" and deportability in everyday life', *Annual Review of Anthropology*, 31, 419-447.

Doezema, J. (1999) 'Loose women or lost women? The re-emergence of the myth of 'white slavery' in contemporary discourses of trafficking in women', *Gender Issues*, 18: 1, 23-50.

Doezema, J. (2010) *Sex Slaves and Discourse Masters*. London: Zed.

Doherty, B. (2015a) 'Manus refugees fear being killed as they are forced into PNG community' January 6, http://www.theguardian.com/australia-news/2015/jan/06/manus-detainees-recognised-as-refugees-will-be-forced-into-png-community

Doherty, B. (2015b) 'Children in detention exposed to danger, Human Rights Commission finds', February 11, http://www.theguardian.com/australia-

news/2015/feb/11/children-in-detention-scathing-criticism-in-human-rights-commission-report

Duvell, F. and Vollmer (2011) Economic Security Challenges: EU-US Immigration Systems. Florence: European University Institute. http://www.eui.eu/Projects/TransatlanticProject/Documents/BackgroundPapers/EU-USImmigrationSystems-Security-bp.pdf

Globalpost (2015) 'Mediterranean migrant deaths pass 2000: IOM', 4.8.15, http://www.globalpost.com/article/6626032/2015/08/04/mediterranean-migrant-deaths-2015-pass-2000-iom

Golash-Boza, T. (2012) *Due Process Denied: Detentions and Deportations in the United States*. London: Routledge.

Gonzalez, J. (2013) 'President Obama calls on Congress to act on immigration reform while patrolling the border has become big business for the government', *New York Daily News*, Wednesday, January 30, http://www.nydailynews.com/opinion/gonzalez-militarizing-border-new-version-war-drugs-article-1.1250959

Grayson, J. (2012) 'Britain as a private security state: first they came for the asylum seekers', *openDemocracy,* http://www.opendemocracy.net

Hartman, S. (1997) *Scenes of Subjection*. Oxford: Oxford University Press.

Harvey, D. (2007) *A Brief History of NeoLiberalism*. Oxford: Oxford University Press.

Hashim, I. and Thronsen, D. (2011) *Child Migration in Africa*. London: Zed.

Home Office (2013a) Victims of human trafficking: guidance for frontline staff. London: Home Office. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275239/Human_trafficking.pdf

Home Office (2013b) Human Trafficking: Practical Guidance. London: Home Office. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181550/Human_Trafficking_practical_guidance.pdf

HRW (2010) *Detained and at Risk: Sexual Abuse and Harassment in United States Immigration Detention.* Human Rights Watch. *http://www.hrw.org/sites/default/files/reports/us0810webwcover.pdf*

HRW (2014) 'Libya –Whipped, beaten and hung from trees', *Human Rights Watch*. http://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees

IOM (2014) *Fatal Journeys: Tracking Lives Lost During Migration*. Geneva: International Organization for Migration. http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf [Accessed 2/3/154]

Kaiser, D. and Stannow, L. (2011) 'Immigrant Detainees: The New Sex Abuse Crisis', *The New York Review*, November 23, http://www.nybooks.com/blogs/nyrblog/2011/nov/23/immigrant-detainees-new-sex-abuse-crisis/

Kapur, R. (2013) 'Gender, sovereignty and the rise of a sexual security regime in international law and postcolonial India', *Melbourne Journal of International Law*, 14, pp 1-29.

Kempadoo, K., Sanghera, J. and Pattanaik, B. (eds.) (2005*) Trafficking and Prostitution Reconsidered*. London: Paradigm.

Lake, M. (2014) '"The day will come": Charles H. Pearson's *National Life and Character: A Forecast*', in A. Burton and I. Hofmeyr (eds.) *Ten Books that Shaped the British Empire*. London: Duke University Press. Pp 90-111.

Losurdo, D. (2011) *Liberalism: A Counter-History*. London: Verso.

Loyd, J., Mitchelson, M., Burridge, A. (2013) *Beyond Walls and Cages: Prisons, Borders, and Global Crisis*. London: University of Georgia Press.

Madziva, R. (2010) 'Living death: Separation in the UK', *Forced Migration Review*, 34.

May, T. (2013) 'Theresa May: The abhorrent evil of human trafficking taking place on London's streets', *Metro Blogs*, http://metro.co.uk/2013/10/14/theresa-may-the-evil-of-modern-day-slavery-taking-place-on-londons-streets-4144671/ [accessed 10/1/15]

Mills, C. (2015) 'The political economy of personhood', *Beyond Trafficking and Slavery*, openDemocracy, https://www.opendemocracy.net/beyondslavery/charles-w-mills/political-economy-of-personhood

Mongia, R. (1999) 'Race, nationality, mobility: A history of the passport', *Public Culture*, 11:3, 527-556.

Morse, J. (2014) 'Human trafficking is moral, national security issue, Kerry says', *IIP Digital*, http://iipdigital.usembassy.gov/st/english/article/2014/04/20140411297763.html#axzz3qRhCpp2j

Mountz, A. (2012) 'Mapping remote detention: Dis/location through isolation', in J. Loyd, M. Mitchelson, and A. Burridge, *Beyond Cages and Walls: Prisons, Borders, and Global Crisis*. London: University of Georgia Press. 91-104.

O'Connell Davidson, J. (2006) 'Will the real sex slave please stand up?', *Feminist Review*, 83, 4-22.

O'Connell Davidson, J. (2011) 'Moving children: Child trafficking, child migration and child rights', *Critical Social Policy*, 31, 454-477.

O'Connell Davidson, J. (2013) 'Troubling freedom: Migration, debt and modern slavery', *Migration Studies*, 1, 1-20.

O'Connell Davidson, J. (2015) *Modern Slavery: The Margins of Freedom*. London: Palgrave Macmillan.

O'Leary, A. (2008) 'Close encounters of the deadly kind: Gender, migration, and border (in)security', *Migration Letters*, 5: 2, pp. 111 – 121.

Patterson, O., 1982: *Slavery and Social Death*. Cambridge, MA: Harvard University Press.

Plambech, S. (2014) 'Between "victims" and "criminals": Rescue, deportation and everyday violence among Nigerian migrants', *Social Politics*, 21:3, 382 -402

Quirk, J. (2011) *The Anti-Slavery Project*. Philadelphia: University of Pennsylvania Press.

Renzi, M. (2015) 'Helping the migrants is everyone's duty', *New York Times*, 23.4.15 http://www.nytimes.com/2015/04/23/opinion/matteo-renzi-helping-the-migrants-is-everyones-duty.html?_r=1

Rosas, A. (2012) 'Some children left behind: Families in the age of deportation', *Boom: A Journal of California*. Vol. 2, No. 3, pp79-85.

Samers, M. (2003) 'Invisible capitalism: political economy and the regulation of undocumented immigration in France', *Economy and Society*, 32:4, 555-583.

Sharma, N. (2003) 'Travel agency: a critique of anti-trafficking campaigns', *Refuge*, 21 (3): 53- 65.

Sharma, N. (2006) *Home Economics: Nationalism and the Making of 'Migrant Workers' in Canada*. Toronto: University of Toronto Press.

Steinfeld, R. (2001) *Coercion, Contract and Free Labor in the Nineteenth Century*. Cambridge: Cambridge University Press.

Stock, I. (2015) 'When spring comes, smugglers are in the news', *Beyond Trafficking and Slavery*, openDemocracy, June 4th https://www.opendemocracy.net/beyondslavery/inka-stock/when-spring-comes-smugglers-are-in-news

Testai, P. (2008) 'Debt as a Route to Modern Slavery in the Discourse on 'Sex Trafficking': Myth or Reality?' *Human Security Journal/Revue de la Securité Humaine*, No. 6, <http://www.humansecuritygateway.com/showRecord.php?RecordId=21920> accessed June 2012.

Testart, A. (2002) 'The extent and significance of debt slavery', *Revue Francaise de Sociologie*, 43, Supplement, pp173-204.

Townsend, M. (2013) 'Detainees at Yarl's Wood immigration centre 'facing sexual abuse'', *Observer*, September 14.

Traynor, I. (2015) 'Migrant crisis: EU plan to strike Libya networks could include ground forces', *Guardian*, 13.5.15 http://www.theguardian.com/world/2015/may/13/migrant-crisis-eu-plan-to-strike-libya-networks-could-include-ground-forces

Urbina, I. (2014) 'Using Jailed Migrants as a Pool of Cheap Labor', *New York Times*, May 24 http://www.nytimes.com/2014/05/25/us/using-jailed-migrants-as-a-pool-of-cheap-labor.html?_r=3

Walia, H. and Tagore, P. (2012) 'Prisoners of passage: Immigration detention in Canada', in Loyd, J., Mitchelson, M., and Burridge, A. (eds.) *Beyond Cages and Walls: Prisons, Borders, and Global Crisis*. London: University of Georgia Press. Pp 74-90.

Weitzer, R. (2007) 'The social construction of sex trafficking: ideology and institutionalization of a moral crusade', *Politics & Society*, 35, 447- 474.

Wood, M. (2010) *The Horrible Gift of Freedom: Atlantic Slavery and the Representation of Emancipation*. London: University of Georgia Press.

---

[i] The UN Trafficking Protocol defines trafficking as:

> The recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 services, slavery or practices similar to slavery, servitude or the removal of organs.

The Protocol further provides that the consent of a VoT to the intended exploitation is irrelevant where any of the means set out above have been used.

[ii] Space does not permit an analysis of the relationship between state actors and the broader network of activists and NGOs that promulgate the discourse of 'trafficking as modern-day slavery', but the ideological moorings of the contemporary anti-slavery movement, and the politics of 'anti-trafficking' have been examined in some detail by Sharma (2003), Anderson and Andrijasevic (2008), Bernstein (2010), Chuang (2015), O'Connell Davidson (2015).