

Does dependence create ownership? The problem of defining a child slave

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The antislavery movement in the nineteenth century loosened the bonds of ownership in marriage, yet children remain closer to property than people due to their financial and physical dependence.



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When do *de facto* property rights—which derive from relationships of dependence—trump, bypass, or otherwise remove the need for consent? This is an old question that has had intense ramifications for both women and children. In the United States, women have struggled for the better part of the past 200 years to have their personal sovereignty, including over their sexuality, fully recognised. In contrast, children have remained, in many ways, firmly within the realm of their parents' private property.

This article explores the obstacles that scholars, activists and members of the public face when they ask the question: when is a child a slave? Understanding how property rights and parental rights overlap in both law and custom is crucial for understanding which children are perceived as worthy of rescue and which are not.

Owning women

Questions about who owns a woman's sexuality, and under what circumstances that sexuality may be acceptably claimed by another human being, have a long history. Nineteenth-century abolitionists focused extensively on the sexual abuse of female slaves, arguing that it was morally wrong to treat any woman—even those who were 'owned'—as sexual property. However, in doing so they brought other institutions that rendered a woman's sexual consent unnecessary under scrutiny: institutions like marriage, where a wife had neither the right to own property herself, nor the right to deny her husband access to her own body.

Nineteenth-century white women who sought to advocate on behalf of the enslaved were quickly reminded of their own status as second-class citizens. Indeed, the famous Seneca Falls Convention for women's rights came about

as a result of Elizabeth Cady Stanton and Lucretia Mott being denied admittance to the World Antislavery Conference of 1840. In 1856, Lucy Stone [wrote](#) to Susan B. Anthony that married women needed to be able to claim their own bodies as their own property:

Our little skirmishing for better laws and the right to vote will yet be swallowed up in the very real question viz.: Has woman the right to herself? ... [all the rest means little] if I may not keep my own body, and its uses, in my absolute right.

That ‘absolute right’ would be a long time coming. The work of disentangling the categories of wife from the status of property took generations to unfold in the US. Women weren’t allowed to vote until 1920. It wasn’t until the 1970s that [wife beating](#) would begin to be identified as a crime and prosecuted in earnest. It would take *until 1993* for marital rape to be [criminalised](#) in all fifty US states.

Owning children

Even as the antislavery movement loosened the bonds of ownership in marriage, they left those bonds firmly in place in the nursery. Children, because of their financial and physical dependence, were and are conceived more as property than as people in many legal, humanitarian and cultural forums. There is little hope of combating illegal forms of exerting property rights over people until we confront how fiercely we protect our investment in the child as the private property of adults.

For evidence of how profound this investment is, we need look no further than the US’s continued refusal to ratify the [UN Convention on the Rights of the Child](#), largely because of worries that it would erode parents’ proprietorship over their children. [Jesse Helms](#), a former senator for North Carolina, argued in 1995 that the treaty’s emphasis on children’s right to consent contradicted the [rights](#), [freedom](#), and [sovereignty](#) guaranteed to parents by the US Constitution. As an example, Helms suggests these parental rights would be violated if the UN questioned when a “parent did not consult a child before requiring that he or she complete family chores”. Put simply, the freedoms enshrined in the US constitution allow parents, in Helms’ view, to compel children to work, believe, and learn without their consent.

Such investment in ‘parental rights’ makes it extremely difficult to parse when a child qualifies as a slave, or in the words of the [Bellagio protocol](#), when a child qualifies as “a person over whom any or all of the powers attaching to the right of ownership are exercised”. This problem is intensified because the US—a nation with great political and financial influence—has a deeply proprietary vision of adult-child relations.

This sense of proprietorship was on full display at a recent conference dedicated to connecting abolitionist history to current antislavery movements. At a panel titled “When is a child a slave?”, an American anti-trafficking scholar supplied a troubling answer. “When we think of a nine-year-old child sold into a brothel, forced to service (*sic*) dozens of men a day, that’s the most horrible representation of slavery I can imagine,” he said. “*That’s* slavery.” He also had a counterexample. “Now, there are cultures in which girls are married off at a very young age. But that’s because those cultures have decided that this is the best solution for the lasciviousness of human nature”. “That”, he declared, “isn’t slavery”.

His response posited the same person—a young girl child—undergoing the same form of oppression: repeated rape with no hope of justice or respite. Yet, because one girl was ensconced by ‘culture’ in the private home—in which no monetary value was (theoretically at least) derived from her oppression—her situation was seemingly not as ‘bad’ as a girl being raped by a variety of men for money. Only one ‘read’ as slavery.

Like the scholar above, many modern antislavery activists in the United States and elsewhere focus on applying the label ‘slavery’ to specific activities forced on individuals *under a certain age and outside the private home*. For

example, if a person engages in military service or sex work before they turn eighteen then [they are deemed to be enslaved](#). However, after their eighteenth birthday it is not considered slavery for them to engage in military violence, even when it takes place under compulsion. Similarly, adult sex workers are not universally declared slaves, even though their profession remains illegal or the focus of scorn in many places.

Conversely, even when performed under extremely harsh conditions, unpaid [domestic labour](#) or family farm work rarely qualifies as slavery or incites global outrage. Because this work takes place in a private home, it merely represents a more arduous version of the compulsory 'chores' that adults are empowered to demand of children.

There are no quick or easy solutions to this quandary. Intense state oversight of the private household is neither feasible nor desirable. Rather than imposing public oversight from the outside, a better solution would be to allow the privatised child to participate in the public sphere according to their own desire and ability. The [child revolution in Egypt](#), the Scottish succession [movement](#), and anti-prison [activism](#) in the US are just a few examples of people under eighteen—and in Egypt's case, people under twelve—cannily entering the political process to advocate for their own needs. Not surprisingly, in each case the idea of a child demanding political action was cast as a tale of [victims](#) in need of rescue or as an amusing case of [political dress-up](#). Surely child activists will make mistakes—as adults invariably do when making political demands. But just as surely, we are overlooking a vitally important means of answering the question: when is the child a slave? We could start by asking children what they think, what they want, and by creating spaces where their answers could be heard.



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