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## The Anti-Slavery Project: Linking the Historical and Contemporary

Joel Quirk\*

### ABSTRACT

This article explores the relationship between the historical events surrounding the legal abolition of slavery, and the widespread and often longstanding practices that fall under the rubric of “contemporary forms of slavery.” Slavery is routinely dismissed as an historical artifact, but this complacent viewpoint obscures a range of complex and enduring problems. In this article, I suggest that one of the main limitations of an emerging literature on contemporary slavery is a recurrent tendency to downplay or disregard the historical dimensions of current problems, in favor of a problematic bifurcation between “new” and “old.” Employing a macro-historical perspective, I take up the complex relationship between the historical and contemporary, introducing the concept of an “Anti-Slavery Project,” which builds upon the notion that the present status quo can be traced to both the remarkable achievements, and substantive limitations, of legal abolition.

### I. INTRODUCTION

Slavery is often thought of as an obvious wrong that belongs in the past. This complacent viewpoint belies a range of complex and often longstanding problems, which fall under the rubric of “contemporary forms of slavery.” These include traditional slavery, bonded labor, human trafficking and forced labor, and encompass practices found in virtually every corner of the globe.

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According to one popular estimate, there are around 27 million slaves in the world today, but this figure is best viewed as an informed estimate, which is hamstrung by the amorphous character of the issues involved.<sup>1</sup> In an institutional environment where slavery has been formally prohibited, the key question has gradually become which practices and institutions are sufficiently similar to legal slavery that they deserve to be legitimately classified as such. This is a complex, subjective exercise, which remains open to interpretation and political manipulation. For some domestic servants, or sex workers, the term slavery may be entirely appropriate, but such cases represent a subset of the millions of people who fall under such designations.<sup>2</sup> In such circumstances, it can be difficult to identify the point where particular circumstances “cross a line,” and should therefore be described as forms of slavery. In many respects, the contemporary appellation, or similar variants such as new, modern, or twenty-first century slavery, represents an attempt to distinguish current events from “traditional” slavery, while applying this politically sensitive concept to cover various cases of acute exploitation. This raises both conceptual problems and political conundrums.

One of the main limitations of much of the existing literature on contemporary slavery is that it either ignores the history of slavery entirely, or, alternatively, posits a sharp divide between past and present. The latter is often expressed in little more than fleeting remarks about how slavery did not come to an end in the nineteenth century, as commonly supposed, but continues today in different forms. Some accounts provide more detailed expositions, employing a bifurcation between “old” and “new” slavery. In both variants, contemporary issues are regularly framed as a distinctively modern problem, in which processes associated with globalization play decisive roles. One of the main deficiencies of this model is that most of the issues involved are by no means new, but instead have longstanding historical roots. This point will not come as a revelation to those familiar with the full spectrum of contemporary problems, but it nonetheless tends to be downplayed or disregarded in the quest to organize otherwise disparate phenomena under a common banner, with common characteristics. Many people working on contemporary problems focus on specific cases, or issue areas, giving limited consideration to how they relate to similar developments elsewhere. The division between old and new provides a heuristically

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1. KEVIN BALES, *DISPOSABLE PEOPLE: NEW SLAVERY IN THE GLOBAL ECONOMY* 8–9 (1999). For two alternative perspectives, compare *Report of the ILO Directorate-General, Report Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: A Global Alliance Against Forced Labour* (2005), available at [http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD\\_BLOB?Var\\_DocumentID=5059](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5059), with UNESCO Trafficking Statistics Project- Bangkok, <http://www.unescobkk.org/index.php?id=1022>.
  2. Bridget Anderson, *Migrant Domestic Workers and Slavery*, in *POLITICAL ECONOMY OF THE NEW SLAVERY* 107, 111–13 (Christien van den Anker ed., 2004); RYAN BISHOP & LILLIAN S. ROBINSON, *NIGHT MARKET: SEXUAL CULTURES AND THE THAI ECONOMIC MIRACLE* 161, 242 (1998).

powerful way of bringing together various issues, but, in doing so, leaves limited space for historical reflection. In this article, I introduce a different perspective, which focuses on macro-historical linkages between past and present. To this end, I put forward the concept of the Anti-Slavery Project, where contemporary problems are understood in terms of an evolving response to the remarkable achievements—and considerable limitations—of the history of legal abolition.

## II. CONTEMPORARY FORMS OF SLAVERY

One of the distinctive features of the existing literature on contemporary slavery is its enormous diversity. In a 1991 fact sheet published by the United Nations Centre for Human Rights, slavery is held to encompass an extensive list of abuses:

In addition to traditional slavery and the slave trade, these abuses include the sale of children, child prostitution, child pornography, the exploitation of child labor, the sexual mutilation of female children, the use of children in armed conflicts, debt-bondage, the traffic in persons and in the sale of human organs, the exploitation of prostitution, and certain practices under *apartheid* and colonial régimes.<sup>3</sup>

Despite its length, this statement captures only some of the issues involved. Other problem areas include forced labor for the state, which is most commonly associated with Myanmar, but also persists elsewhere; “cult” slavery, which is predominantly concentrated in western Africa; servile marriage, which persists in many parts of the globe; domestic servitude, which operates at both a national and transnational level; and abuses inflicted on migrant workers, prisoners, indigenous peoples, and street children.<sup>4</sup> These are rarely discrete categories, but routinely overlap in various ways. Trafficked persons are often caught in debt bondage. Child labor can also involve forced labor for the state. In the face of such diversity, it is not always easy to identify a coherent rationale which links these disparate practices together.

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3. UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, FACT SHEET NO. 14: CONTEMPORARY FORMS OF SLAVERY 1 (1991). This focus on children reflects decisions made in 1988 by the UN Working Group on Contemporary Forms of Slavery, where it “was agreed that, in addition to traditional slavery, attention should be given to the traffic in persons and sale of children. Exploitation of children by way of child labor, child prostitution, and child pornography, should be a core concern.” *Report of the Working Group on Contemporary Forms of Slavery*, U.N. ESCOR, Comm’n on Hum. Rts. 13th Sess., 5, U.N. Doc. E/CN.4/Sub2/1988/32 (1988).
  4. This synopsis reflects issues taken up by the Working Group On Contemporary Slavery since 1975.

Of particular importance here are the 1926 Slavery, Servitude, Forced Labor and Similar Institutions and Practices Convention;<sup>5</sup> the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;<sup>6</sup> and the more recent activities of the United Nations Working Group on Contemporary Forms of Slavery, which first met in 1975 after protracted political maneuvering.<sup>7</sup> These are not the only international instruments concerned with slavery, which has also been taken up in Conventions dealing with forced labor, trafficking, and the rights of the child, and by international agencies such as the International Labor Organization, but they have nonetheless provided the key frameworks around which slavery has been discussed in recent times.<sup>8</sup> The 1926 Convention formally 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.”<sup>9</sup> It also binds parties “to prevent and suppress the slave trade” and to “bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.”<sup>10</sup> The text of the Convention does not specify the exact nature of these forms.<sup>11</sup> It is also by no means clear how far a “right of ownership” extends, since this could theoretically include married relationships, or even professional athletes whose contracts are bought and sold. In practice, however, this definition has been confined to traditional slavery. When it was first publicized, some anti-slavery advocates expressed disappointment at this narrow purview.<sup>12</sup> During this period, many European Powers were cautiously grappling with slave populations under colonial jurisdiction. By endorsing a narrow understanding of slavery, authorities sought to diminish and/or define away problems occurring under their watch.<sup>13</sup>

5. Slavery Convention, *adopted* 25 Sept. 1926, available at <http://www.ohchr.org/english/law/slavery.htm>.
6. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 7 Sept. 1956, (*entered into force* 30 Apr. 1956) available at <http://www.ohchr.org/english/law/slavetrade.htm>.
7. See, e.g., *Report of the Working Group on Slavery on its Twelfth Session*, U.N. ESCOR, Comm'n on Hum. Rts., U.N. Doc. No. E/CN.4/Sub.2/1987/25 (1987).
8. The 1926 Convention was not the first international treaty concerned with slavery. For a review of the relationship between slavery and international law see DAVID WEISSBRODT & ANTI-SLAVERY INTERNATIONAL, *ABOLISHING SLAVERY AND ITS CONTEMPORARY FORMS* (2002); M. Cherif Bassiouni, *Enslavement as an International Crime*, 23 N.Y. J. INT'L L. & POL. 445, 457–458 (1991); *The Suppression of Slavery*, U.N. ESCOR, Ad Hoc Committee on Slavery, U.N. Doc. No. 275ST/SOAA (1951).
9. 1926 Slavery Convention, *supra* note 5 (emphasis added).
10. *Id.*
11. The League of Nations Temporary Slavery Committee, which paved the way for the 1926 Convention, listed, *inter alia*: slavery, serfdom, debt bondage, and forced labor. On this point, see WEISSBRODT & ANTI-SLAVERY INTERNATIONAL, *supra* note 5, at 3–4. KEVIN GRANT, *A CIVILISED SAVAGERY: BRITAIN AND THE NEW SLAVERIES IN AFRICA, 1884–1926*, at 159–66 (2005); SUZANNE MIERS, *SLAVERY IN THE TWENTIETH CENTURY 100–16* (2003).
12. C.W.W. GREENIDGE, *SLAVERY* 22–26 (1958).
13. Emblematic in this regard are official responses received by the League of Nations Advisory Committee of Experts. See League of Nations, *Report of the Advisory Committee*

The 1956 Supplementary Convention marks a major departure from this model, paving the way for the more expansive conception of slavery in operation today. It has long been recognized that slavery shares many features in common with other forms of servitude. These similarities have periodically provoked charges that various practices have served as camouflage for slavery or, alternatively, constitute slavery in all but name. The 1956 Convention can be seen as both an official endorsement of, and further elaboration on, this enduring theme. For our purposes, the key provisions of the Convention can be found in Article One, which obligates parties to:

[T]ake all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and *whether or not they are covered by the definition of slavery contained in article 1 of the Slavery Convention signed at Geneva on 25 September 1926*.<sup>14</sup>

The aforementioned practices were debt-bondage, serfdom, servile marriage,<sup>15</sup> and the transfer of persons under eighteen for the purpose of exploiting their labor.<sup>16</sup> The Convention does not explicitly classify these as types of slavery, referring instead to persons of “servile status,”<sup>17</sup> but this distinction is rarely acknowledged.

The relationship between slavery and other forms of servitude can be understood in terms of two ideal types: (1) strict equivalence and (2) sufficient similarity. The first maintains that practices should only be equated with slavery in cases of close correspondence. It accepts that similarities exist, but insists that similarity should not be confused with equivalency. The second, less-exacting model situates other forms of servitude alongside slavery on the basis of “familial” resemblance. It accepts that they are not always identical, but maintains that they share sufficient features in common to be placed on the same footing. The Supplementary Convention provided an authoritative endorsement of the second of these models; it not only formally elevated practices such as debt-bondage and serfdom, it

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*of Experts*, C.159.M.113.1935.VI, (Apr. 10, 1935); League of Nations, *Report of the Advisory Committee of Experts*, C.189(i).M.145/1936.VI (May 15, 1936).

14. 1956 Supplementary Convention, *supra* note 6 (emphasis added).
15. Any institution or practice whereby: (i) a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or (ii) the husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) a woman on the death of her husband is liable to be inherited by another person.
16. Any institution or practice whereby a child or young person under the age of eighteen years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labor. *Id.*
17. *Id.*

established that slavery comes in *different forms*, that could be accorded *equal importance*.<sup>18</sup> This shift owes much to the efforts of a single individual: C.W.W. Greenidge, secretary of the British based Anti-Slavery Society.<sup>19</sup> It is clear, however, there was also a larger transformation at work here. By the 1950s, slavery had been formally prohibited in all but a handful of Arabian states.<sup>20</sup> In this context, analogous practices acquired additional prominence. This not only reflected the pace of legal abolition, but also stemmed from a cumulative recognition—in some quarters at least—of the substantive limitations of this longstanding goal.

The United Nations Working Group on Slavery expanded on the precedent established by the 1956 Convention. Faced with the difficult issue of how to define and demarcate slavery, the Group explicitly endorses an open-ended approach; its inaugural 1975 report starts with the premise that “[t]he definitions in the existing relevant conventions did not . . . cover the concept of slavery under all its present aspects.”<sup>21</sup> There was a general consensus that a “new and broader definition” was required, but no specific terminology was proposed.<sup>22</sup> Instead, the report provides an outline of what such a definition should include. In one model, slavery is conceived as “any form of dealing with human beings leading to the forced exploitation of their labor.”<sup>23</sup> In another, as “all institutions and practices which by restricting the freedom of the individual, are susceptible of causing severe hardship and serious deprivations of liberty.”<sup>24</sup> These themes have been reflected in the variety of topics taken up by the UN Group over the course of the last three decades, from established problems, like debt-bondage and servile marriage, to issues that are only tenuously related to traditional slavery, such as genital mutilation, incest, honor killings, child soldiers and the sale of organs. As we saw in the passage quoted above, problems involving children have been especially prominent. In 1988, the Group was renamed the Working Group on Contemporary Forms of Slavery, a name held to be “more descriptive of its actual interests, namely exploitation of sex, debt-bondage, sale of children, *apartheid*.”<sup>25</sup>

In this context, traditional forms of slavery become one of many problems, rather than a chief concern. This is echoed in terms such as “classical” and “old” slavery, which were rarely invoked during earlier disputes over legal

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18. *Id.*

19. WILLIAM KOREY, *NGO'S AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: A CURIOUS GRAPEVINE* 120–22 (1998); MIERS, *SLAVERY IN THE TWENTIETH CENTURY* 317–32, *supra* note 11.

20. MURRAY GORDON, *SLAVERY IN THE ARAB WORLD* (1989); GREENIDGE, *supra* note 12, at 36–57.

21. *Report of the Working Group on Slavery on its First Session*, U.N. ESCOR, Comm'n on Hum. Rts., 29 Sess. ¶ 15, U.N. Doc. No. E/CN.4/Sub.2/AC.2/3, (1975).

22. *Id.*

23. *Id.*

24. *Id.*

25. *Report of the Working Group on Slavery on its Twelfth Session*, *supra* note 7.

slavery, but are now required to distinguish between the various types of servitude falling under the broader rubric of contemporary slavery. In fact, traditional slavery now receives far less attention than trafficking, or child labor. This reflects both the scale and distribution of specific problems. It is clear, however, that traditional slavery has not entirely come to an end. Africa has been the main focus here, but there have also been reports of scattered cases in other regions.<sup>26</sup> In most cases, the numbers involved do not appear to be particularly large, and they represent only a fraction of the millions of slaves who populated the continent in the nineteenth century, when slavery in Africa was at its zenith.<sup>27</sup> Many reports of slavery are impressionistic and anecdotal in nature, dealing with specific individuals or incidents, but providing limited insights into broader trends. In some cases, ex-slaves and their descendants continue to experience social discrimination, but it can be difficult to say how many cases go beyond discrimination and into servitude, or at what point servitude becomes slavery.<sup>28</sup> Some post-colonial states took decisive action following independence, but others have maintained a more hands off approach, punctuated by periodic activity. Over time, interest has coalesced around three sites where traditional slavery is held to be a significant, rather than residual issue. These are Mauritania, Sudan and Niger. In this forum, I can only touch on two of these cases.<sup>29</sup>

In 1980–1981, Mauritania provoked a minor scandal by announcing a formal end to slavery.<sup>30</sup> This was the third such proclamation, following similar measures in 1905 and 1961, and provided belated confirmation of

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26. See BALES, *supra* note 1, at 19; Janet Hoskins, *Slaves, Brides and Other "Gifts": Resistance, Marriage and Rank in Eastern Indonesia*, 25 *SLAVERY AND ABOLITION* 92, 96–106 (2004); Martin A. Klein, *Introduction: Modern European Expansion and Traditional Servitude in Africa and Asia*, in *BREAKING THE CHAINS: SLAVERY, BONDAGE, AND EMANCIPATION IN MODERN AFRICA AND ASIA* 26–27 (Martin A. Klein ed., 1993); ROGER SAWYER, *SLAVERY IN THE TWENTIETH CENTURY* 27–31 (1986); AMRENDRA KUMAR THAKUR, *SLAVERY IN ARUNACHAL PRADESH* (2003).
  27. PAUL LOVEJOY, *TRANSFORMATIONS IN SLAVERY: A HISTORY OF SLAVERY IN AFRICA* (2d ed. 2000); PATRICK MANNING, *SLAVERY AND AFRICAN LIFE: OCCIDENTAL, ORIENTAL, AND AFRICAN SLAVE TRADES* (1990).
  28. *A Global Alliance Against Forced Labor*, *supra* note 1, at 42–44; Andrew F. Clark, *The Ties that Bind in Slavery and Colonial Rule in Africa* 92, 96–106 (Suzanne Miers & Martin A. Klein eds., 1999) [hereinafter MIERS & KLEIN, *SLAVERY AND COLONIAL RULE*]; MARTIN A. KLEIN, *SLAVERY AND COLONIAL RULE IN FRENCH WEST AFRICA* 237–51 (1998) [hereinafter KLEIN, *FRENCH WEST AFRICA*]; CLAUDE MEILLASSOUX, *THE ANTHROPOLOGY OF SLAVERY: THE WOMB OF IRON AND GOLD* 66, 120–23, 318 (1991); Suzanne Miers & Martin A. Klein, *Introduction*, in *SLAVERY AND COLONIAL RULE*, *supra* note 28, at 10–11.
  29. For Niger see ANTI-SLAVERY INTERNATIONAL & ASSOCIATION TIMIDIRA IN SLAVERY IN NIGER: HISTORICAL, LEGAL AND CONTEMPORARY PERSPECTIVES (Galy Kadir Abdolkader ed., 2004), available at <http://www.antislavery.org/homepage/resources/PDF/Full%20English%20Slavery%20in%20Niger.pdf>; BBC World Service, *Slavery Today* (2004), [http://www.bbc.co.uk/world-service/specials/1357\\_slavery\\_today/page3.shtml](http://www.bbc.co.uk/world-service/specials/1357_slavery_today/page3.shtml).
  30. JOHN MERCER, *SLAVERY IN MAURITANIA TODAY* 10–12 (1982); SAMUEL COTTON, *SILENT TERROR: A JOURNEY INTO CONTEMPORARY AFRICAN SLAVERY* 26–27 (1998); Amnesty International, *Mauritania: A future free from slavery?*, AI Index: AFR 38/003/2002, 7–8, 7 Nov. 2002, available at [http://web.amnesty.org/library/pdf/AFR380032002\\_ENGLISH/\\$File/AFR3800302.pdf](http://web.amnesty.org/library/pdf/AFR380032002_ENGLISH/$File/AFR3800302.pdf).



longstanding colonial and post-colonial failings.<sup>31</sup> The fact that a formal declaration was issued so recently “gives Mauritania a kind of notoriety by making it seem one of the last, if not the last country in the world where slavery was officially tolerated.”<sup>32</sup> This has stimulated the interest of journalists, activists and officials, resulting in a range of missions, reports, exposés and hearings.<sup>33</sup> Unfortunately, the opening presented by the 1980 declaration appears to have closed. After a period in which the government welcomed a series of UN envoys, there has been a reversion to denials and stonewalling.<sup>34</sup> Mauritania is extremely poor, unstable and ruled by political repression. Slavery is bound up in longstanding social cleavages, and is as much a cultural and historical construct as a legal institution. It would be misleading, however, to endorse an overly static image of this subject. In his excellent analysis of slavery in Mauritania, Urs Peter Ruf documents a range of intricate, idiosyncratic relations, where slaves and ex-slaves can be viewed as active, yet severely disadvantaged participants in an evolving complex, rather than simply passive victims.<sup>35</sup> If slavery in Mauritania is to finally come to an end, slaves can be expected to play key roles. Until that time, the law of 1980 may have “altered the legal obligation of slaves to serve their master, but not the reality of work and exploitation.”<sup>36</sup>

Sudan and Mauritania are often discussed in the same breath.<sup>37</sup> This can be somewhat unhelpful, since there are major differences between the two. Slavery in Sudan has been bound up in a long-running civil war, where over 2 million people have been killed and upwards of 4 millions

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31. See E. Ann McDougall, *A Topsy-Turvy World: Slaves and Freed Slaves in the Mauritanian Adrar, 1910–1950*, in *THE END OF SLAVERY IN AFRICA* 362–84, (Suzanne Miers & Richard Roberts eds., 1988); Martin A. Klein, *Slavery and French Rule in the Sahara*, in *SLAVERY AND COLONIAL RULE*, *supra* note 28, at 73, David Seddon, *Unfinished Business: Slavery in Saharan Africa*, in *AFTER SLAVERY: EMANCIPATION AND ITS DISCONTENTS* 208–36 (Howard Temperley ed., 2000).
  32. Abdel Wedoud Ould Cheikh, *cited in* KLEIN, *FRENCH WEST AFRICA*, *supra* note 28, at 237–51.
  33. Examples include BALES, *supra* note 1, at 80–120; COTTON, *supra* note 30; HUMAN RIGHTS WATCH/AFRICA, *MAURITANIA’S CAMPAIGN OF TERROR: STATE SPONSORED REPRESSION OF BLACK AFRICANS* 79–92 (1994); Amnesty International, *Mauritania*, *supra* note 30; MERCER, *supra* note 30; SAWYER, *SLAVERY IN THE TWENTIETH CENTURY*, *supra* note 26, at 15–31; AMERICAN ANTI-SLAVERY GROUP, *SLAVERY TODAY: THE GLOBAL TRAGEDY* 13–15 (2000).
  34. See, e.g., URS PETER RUF, *ENDING SLAVERY: HIERARCHY, DEPENDENCY AND GENDER IN CENTRAL MAURITANIA* 12 (1999); Elizabeth Bryant, *Faces of Globalization: Mauritania Slavery*, *WASH. TIMES*, 27 Aug. 2004; Ahmed Mohamed, *Three people indicted in Mauritania for Allegedly Fabricating Slavery Story*, *A. P. NEWSWIRES*, 17 Mar. 2005; Amnesty International, *Mauritania*, *supra* note 30, at 1–4.
  35. See RUF, *ENDING SLAVERY*, *supra* note 34.
  36. BALES, *supra* note 1, at 88.
  37. Both involve Afro-Arab divisions and the Islamic faith, and thus touch on larger political agendas concerning Islam. COTTON, *supra* note 22, at 157–60; RONALD SEGAL, *ISLAM’S BLACK SLAVES—A HISTORY OF AFRICA’S OTHER BLACK DIASPORA* 204–23 (2001).

displaced.<sup>38</sup> Thus, slavery forms part of a series of much larger problems. In this respect, Sudan may share more in common with other sites of violent conflict, such as Uganda, Sierra Leone, or Liberia, than with Mauritania.<sup>39</sup> From the mid-1980s,

northern Arab cattle herdsman . . . have carried out government-sponsored systematic attacks against the Dinka of Bahr el-Ghazal to pillage for cattle, to loot grain, and to capture scores of Dinka women and children and sell them into slavery in the North.<sup>40</sup>

These practices have acquired greater prominence over time, thanks to a stream of investigative reports, campaigning from human rights activists, best-selling autobiographies, and the controversial practice of slave redemption.<sup>41</sup>

The latter involves Dinka representatives and foreign NGOs such as Christian Solidarity International purchasing thousands of captives from middlemen.<sup>42</sup> This has done much to raise the profile of slavery, but has also become a lightning rod for criticism, resulting in charges that redemption encourages further raids, and is subject to fraud.<sup>43</sup> There is some merit to these charges, but it is by no means easy to identify compelling solutions to this difficult issue. The current peace accord between the Sudanese government and southern forces clearly offers the best hope in this regard.<sup>44</sup>

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38. Amnesty International, *Sudan: Who will answer for the crimes?*, AI Index: AFR, 54/006/2005 (8 Jan. 2005), available at [http://web.amnesty.org/library/pdf/AFR540062005ENGLISH/\\$File/AFR5400605.pdf](http://web.amnesty.org/library/pdf/AFR540062005ENGLISH/$File/AFR5400605.pdf); Millard Burr, *Working Document II: Quantifying Genocide In Southern Sudan And The Nuba Mountains 1983–1998*, (U.S. Committee for Refugees, Dec. 1998), available at <http://www.refugees.org/news/crisis/sudan.pdf>.
39. For Sierra Leone, see Human Rights Watch, *We'll Kill You if You Cry: Sexual Violence in the Sierra Leone Conflict* (2003), available at <http://hrw.org/reports/2003/sierraleone/sierraleone0103-02.htm>; for Uganda, see Human Rights Watch, *Stolen Children: Abduction and Recruitment in Northern Uganda* (2003), available at <http://hrw.org/reports/2003/uganda0303/uganda0403.pdf>.
40. JOK MADUT JOK, WAR AND SLAVERY IN SUDAN 6 (2001).
41. A key starting point is BUREAU OF AFRICAN AFFAIRS, U.S. DEP'T OF STATE ABDUCTION AND FORCED SERVITUDE IN SUDAN, REPORT OF THE INTERNATIONAL EMINENT PERSONS GROUP (2002), available at <http://www.state.gov/p/af/rls/rpt/10445.htm>.
42. Christine J. Gardner, *Slave Redemption*, CHRISTIANITY TODAY, 9 Aug. 1999, at 28–33; ALLEN D. HERTZKE, FREEING GOD'S CHILDREN: THE UNLIKELY ALLIANCE FOR GLOBAL HUMAN RIGHTS 237–300 (2004); FRANCIS BOK & EDWARD TIVNAN, ESCAPE FROM SLAVERY, THE TRUE STORY OF MY TEN YEARS IN CAPTIVITY—AND MY JOURNEY TO FREEDOM IN AMERICA (2003); MENDE NAZER & DAMIEN LEWIS, SLAVE: THE TRUE STORY OF A GIRL'S LOST CHILDHOOD AND HER FIGHT FOR SURVIVAL (2004).
43. Mike Dottridge, *Dollars and Sense: The Burden of Slavery*, 333 NEW INTERNATIONALIST 16–17 (2001); Richard Minitier, *The False Promise of Slave Redemption*, ATLANTIC MON., 1 July 1999, at 63–70; Peter Verney, *Redemption by Numbers*, 1 INDEX ON CENSORSHIP 60–64 (2000); Declan Walsh, *Scam in Sudan: An Elaborate Hoax Involving Fake African Slaves and Less-Than-Honest Interpreters is Duping Concerned Westerners*, THE INDEPENDENT, 24 Feb 2002, available at <http://news.independent.co.uk/World/Africa/story.jsp?story=139416>.
44. Sudan Comprehensive Peace Agreement (CPA), (9 Jan. 2005, Institute for Security Studies), available at <http://www.iss.org.za/AF/profiles/Sudan/darfur/cpaprov.htm>.

Unfortunately, it would be premature to take this as marking a definitive end to this issue, or the long running problems in Sudan, which are now manifested in Darfur. As with other problem areas, there are also disputes over whether the practices in question should be classified as slavery.<sup>45</sup> Events in Sudan can be loosely described as an amalgam of old and new, where enduring cleavages are manifest in a set of practices that have clear antecedents, but are nonetheless rooted in recent developments.<sup>46</sup>

In terms of relative scale, "classical" slavery is greatly overshadowed by other problem areas. Of particular salience here is bonded labor, or debt-bondage, which can be found in many parts of the globe,<sup>47</sup> but is most heavily concentrated in the Indian Subcontinent, where tens of millions of people are said to remain in bondage.<sup>48</sup> Debt bondage comes in many forms, and can vary according to both type and degree of servitude. Despite these variations, it typically involves

a worker who renders service under conditions of bondage arising from economic considerations, notably indebtedness through a loan or advance. Where debt is the root cause of the bondage, the implication is that the worker (or dependants or heirs) is tied to a particular creditor for a specified or unspecified period until the loan is repaid.<sup>49</sup>

Bonded labor is covered by the 1956 Supplementary Convention on the Abolition of Slavery,<sup>50</sup> and has long been identified as a form of servitude that shares significant features in common with "classical" slavery. In the Indian Subcontinent (and elsewhere),<sup>51</sup> it has formed a major part of the agricultural sector for centuries, where debts can be passed from generation to generation. In some cases debts are also bought and sold, conveying

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45. DAVID HOILE, SUDAN, PROPAGANDA AND DISTORTION: ALLEGATIONS OF SLAVERY AND SLAVERY-RELATED PRACTICES: AN OPEN LETTER TO BARONESS COX AND CHRISTIAN SOLIDARITY INTERNATIONAL, POLITICS FILE NUMBER FIVE 1–10 (1997); ANTI-SLAVERY INT'L, IS THERE SLAVERY IN SUDAN? (2001), available at <http://www.antislavery.org/homepage/resources/isthereslaveryinsudanreport.pdf>, §4.1; Jok, *supra* note 40, at 2–3, 157–79.
  46. AMIR H. IDRIS, SUDAN'S CIVIL WAR: SLAVERY, RACE AND FORMATIONAL IDENTITIES (2001); MANSOUR KHALID, WAR AND PEACE IN SUDAN: A TALE OF TWO COUNTRIES (2003).
  47. See *A Global Alliance Against Forced Labor*, *supra* note 1; JUDITH ENNEW, DEBT BONDAGE: A SURVEY 31–61 (1981).
  48. Krishna Upadhyaya, *Bonded Labor in South Asia: India, Nepal and Pakistan*, in POLITICAL ECONOMY OF THE NEW SLAVERY, *supra* note 2, at 118–30.
  49. International Labour Office (ILO), *Stopping Forced Labor, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, International Labor Conference, at 32 (89th Session, 2001), available at [http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD\\_BLOB?Var\\_DocumentID=1578](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=1578).
  50. 1956 Supplementary Convention, *supra* note 6.
  51. See, e.g., Martin A. Klein, *The Emancipation of Slaves in the Indian Ocean*, in ABOLITION AND ITS AFTERMATH IN INDIAN OCEAN AFRICA AND ASIA 198, 203–11 (Gwyn Campbell ed., 2005); Alan Knight, *Debt Bondage in Latin America*, in SLAVERY AND OTHER FORMS OF UNFREE LABOR 102–15 (Léone Archer ed., 1988); BRUNO LASKER, HUMAN BONDAGE IN SOUTHEAST ASIA 113–67 (1950); *Stopping Forced Labor*, *supra* note 49, at 21–28.

those in bondage to new masters. Entire families can engage in extraordinary exertions, but have no real hope (or expectation) of being released, as their landlord takes the fruits of their labors, leaving barely enough for their continued subsistence.<sup>52</sup> Thanks to creative bookkeeping, high interest rates, additional loans and other such devices, debts are maintained at unattainable levels, paving the way for protracted, if not perpetual servitude, even though the sums involved can be relatively modest.<sup>53</sup> In recent times, bonded labor has also become increasingly prominent in other arenas, such as in the production of cigarettes, bricks, or carpets, and in the construction, mining, and commercial sex industries.<sup>54</sup> These goods are typically for domestic consumption, rather than international trade, but it is not difficult to identify broader forces at work here.

Around 20 million people are said to be in debt bondage.<sup>55</sup> Country specific totals include ten million in India, and 6 million in Pakistan.<sup>56</sup> There have been numerous case studies on particular regions or industries,<sup>57</sup> but these broader figures are best regarded as informed estimates and are routinely rejected as gross exaggerations by governments.<sup>58</sup> Several reports by Human Rights Watch introduce even greater figures, calculating that there are around 15 million children working in debt-bondage in India alone.<sup>59</sup> In keeping with larger trends, the exploitation of children has attracted a great deal of individual attention, reflecting widespread concern about abuses perpetrated against the most vulnerable.<sup>60</sup> Probably the most commonly cited factor behind bonded labor is endemic poverty. Poverty is undoubtedly a key issue, but it cannot be detached from other structural considerations, such

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52. This should not be conceived in overly static terms, as the unbroken continuation of entrenched historical practices. See GYAN PRAKASH, *BONDED HISTORIES: GENEALOGIES OF LABOR SERVITUDE IN COLONIAL INDIA* (1990).

53. BALES, *supra* note 1, at 16.

54. See Tucker, *Child Slaves in Modern India: The Bonded Labor Problem*, 19 HUM. RTS. Q. 572, 573 (1997); RAVI S. SRIVASTAVA, *BONDED LABOR IN INDIA: ITS INCIDENCE AND PATTERN* (International Labour Office, Working Paper No. 43, at 68–69 (2005), available at [http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD\\_BLOB?Var\\_DocumentID=1571](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=1571); Upadhyaya, *supra* note 48, at 127–32.

55. *Id.* at 118.

56. *Id.* at 123–24.

57. A useful starting point is L. MISHNA, *ANNOTATED BIBLIOGRAPHY ON FORCED/BONDED LABOR IN INDIA* (International Labour Office, Working Paper No. 11, 2002, available at [http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD\\_BLOB?Var\\_DocumentID=1556](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=1556)).

58. SRIVASTAVA, *supra* note 54, at 6–7.

59. This feeds into an even a larger estimate, which holds that between twenty and sixty-five million people are in bonded labor in India. Human Rights Watch, *Small Change: Bonded Child Labor in India's Silk Industry*, at 18, 46, 50 (Jan. 2003), available at <http://www.hrw.org/reports/2003/india/india0103.pdf>. See also Human Rights Watch Children's Rights Project, *Human Rights Watch/Asia, The Small Hands of Slavery: Bonded Child Labor In India*, at 2 (1996), available at <http://www.hrw.org/reports/1996/India3.htm>.

60. See Tucker, *supra* note 54, at 580–87; *SMALL HANDS IN SOUTH ASIA: CHILD LABOUR IN PERSPECTIVE* (G.K. Lieten, et al., eds., 2004).

as official complicity, institutional frailties, the concentration of land ownership, and deeply entrenched caste divisions. Building on earlier measures concerning slavery and forced labor, specific prohibitions against bonded labor have been somewhat belatedly introduced in India (1976), Pakistan (1992/1995) and Nepal (2000), but enforcement remains sporadic and ineffectual.<sup>61</sup> Thanks to concerted effort from many sources, tens of thousands of people have escaped bondage,<sup>62</sup> but in the absence of structural reforms, it can be difficult to prevent others from taking their place, or to prevent those involved from falling back into bondage.

In some parts of the globe, bonded labor is a longstanding issue, rooted in custom and tradition, yet evolving in response to more recent developments. One part of this evolution has been its growth in other settings. Of particular salience here is the increasingly prominent issue of human trafficking, which is commonly associated with prostitution and sexual exploitation, but also encompasses a range of labor practices, and persons of various ages and of both sexes. In such forums, debt routinely serves as a mechanism of control, as persons who have been trafficked are compelled to repay costs, or loans incurred during transit. Any "wages" they receive are typically far below market rates, making it difficult, if not impossible, to break free. Here, as elsewhere, bonds can be bought and sold, and various devices are employed to push afflicted persons further into debt. In this context, debt bondage can be seen as one of many overlapping devices. For children, trafficking can be as simple as their parents selling them to third parties, who transport them to various destinations to work as laborers, beggars, servants, jockeys, or prostitutes. Others are abducted or deceived. Behind such devices is the further, more fundamental arbiter of physical violence, which is not only employed when particular individuals "get out of line," but typically forms a constant, inescapable part of such relationships.

Trafficking can be a difficult concept to pin down. It does not denote a uniform condition, but covers a spectrum of practices, involving varying degrees of consent, coercion, treatment, and autonomy. Despite a growing profile, "it has proved particularly difficult to develop the necessary international legal standards and definitions between trafficking, smuggling and migration, and . . . accompanying coercive and voluntary elements."<sup>63</sup> In this respect, it is also necessary to distinguish among the means by which people cross international borders and the range of circumstances that confront them on arrival. The pursuit of a better life and/or sanctuary can

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61. *Stopping Forced Labor*, *supra* note 49, at 33–35.

62. The most prominent example here concerns rehabilitation schemes introduced by the Indian government, which are held to have rehabilitated 265,000 bonded laborers as of 31 March 2004. SRIVASTAVA, *BONDED LABOR*, *supra* note 54, at 6.

63. David Ould, *Trafficking and International Law* in *THE POLITICAL ECONOMY OF THE NEW SLAVERY*, *supra* note 2, at 35.

lead migrants down many paths of varying degrees of legality. If they can manage to circumvent increasingly draconian immigration controls, they frequently end up being treated as a menace to social order. If they manage to circumvent said controls, but end up in servitude, they can instead end up as objects of sympathy.<sup>64</sup> Some of these vagaries are evident in the definition of trafficking advanced in the recent United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children,<sup>65</sup> which states that:

“Trafficking in persons” shall mean the 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 . . . 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.<sup>66</sup>

Significantly, the Protocol states that consent to trafficking should be seen as irrelevant in such circumstances. It is also worth noting that slavery or practices similar to slavery are listed as one of a range of categories. If not all of those who are smuggled are trafficked, and not all persons involved are slaves, we can quickly end up with a multifaceted continuum, where concepts such as trafficking, slavery, and servitude can be invoked interchangeably to highlight acute forms of suffering and exploitation.

In its 2004 Trafficking in Persons Report, the United States Department of State calculated that between 600,000 to 800,000 people are trafficked annually, of whom seventy percent are female and fifty percent are children.<sup>67</sup> If trafficking *within* nation-states is included, estimates increase to between 2 and 4 million persons.<sup>68</sup> One of the most revealing features of this report (setting aside its political dimensions) is the range of practices that are documented; in the hundred and forty countries covered, an almost endless stream of abuses is confronted, extending to all corners of the globe. Alongside sexual exploitation and prostitution, which remain core themes, the

64. Wendy Chapkis, *Trafficking, Migration, and the Law—Protecting Innocents, Punishing Immigrants*, 17 *GENDER & SOCIETY* 923 (2003); Nora V. Demleitner, *The Law at a Crossroads: The Construction of Migrant Women Trafficked into Prostitution*, in *GLOBAL HUMAN SMUGGLING: COMPARATIVE PERSPECTIVES* 257 (David Kyle & Rey Koslowski eds., 2001).

65. See Anne Gallagher, *Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: Preliminary Analysis*, 23 *HUM. RTS. Q.* 975 (2001).

66. Office of the United Nations High Commission for Human Rights, *2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, Art. 3, available at <http://www.ohchr.org/english/law/protocoltraffic.htm>.

67. U.S. DEP'T. OF STATE, *TRAFFICKING IN PERSONS REPORT 2004*, at 15, 23, available at <http://www.state.gov/g/tip/rls/tiprpt/2004/>.

68. *Id.* at 23.

report makes repeated references to agricultural labor, begging, child soldiers, construction, domestic servitude, marriage, mining, plantations, portage, and vending.<sup>69</sup> Trafficking is usually understood in terms of transit or transfer. However, the main connection among these otherwise disparate practices is not so much *how* various individuals came to occupy such roles, since overt coercion is not always present when it comes to departure and/or transfer, but the severe abuses that they experience once “relocation” is complete. In this respect, trafficking can be seen as one of many imperfect themes that can be used to group together a diverse array of problem areas. Other themes include human rights, sexual exploitation, child abuse, human development, and forced labor. Each provides a different way of highlighting a range of overlapping issues, and can thus provoke a different set of responses and priorities. This leads to an obvious question: what are the ramifications of viewing these complex issues through a slavery lens?

This topic is not always addressed in a coherent, systematic fashion. In many cases practices are characterized as slavery, or as forms of slavery, simply because they involve particularly heinous examples of exploitation and abuse. As we see below, it can often be difficult to say whether the term is being invoked literally or rhetorically. Behind this conceptual ambiguity is an underlying model, which maintains that particular practices can be equated with slavery when they cross a certain threshold and are sufficiently horrendous and/or analogous to be classified as such. This model is at the heart of contemporary slavery, but it is not always clear where this threshold applies, or whether it should apply in one case but not another, given various gradations in experience. International instruments such as the 1926 and 1956 Conventions are useful here, but they cover only some of the practices that are regularly described as species of slavery. Over the last half century, the parameters of the concept have reached a point where it is no longer clear if there are any forms of grievous exploitation *not* designated a form of slavery. In this setting, the work of Kevin Bales makes a seminal contribution to our understanding of contemporary issues.

Bales starts by endorsing a model of slavery that favors strict equivalence over sufficient similarity, stressing that “[h]aving just enough money to get by, receiving wages that barely keep you alive, may be called wage slavery, but it is not slavery. Sharecroppers have a hard life, but they are not slaves. Child labor is terrible, but it is not necessarily slavery.”<sup>70</sup> Rejecting estimates that place the number of slaves as high as 200 million, he advances the comparatively modest figure of 27 million, as a cautious, conservative estimate based on documented cases of *real* slavery. For Bales, the conceptual ambiguity surrounding slavery constitutes a practical impediment, which can

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69. *Id.*

70. BALES, *supra* note 1, at 5.

be at least partially overcome by adhering to a strict, consistent model.<sup>71</sup> Another strength of his work is its breadth, which integrates detailed accounts of problems in many corners of the globe within an overarching perspective, leaving no doubt that slavery is a truly global concern and that particular cases are not simply isolated incidents, or aberrations, but instead form part of global trends. Many treatments of contemporary slavery focus on particular problem areas and/or regions, and have little to say about how such cases relate to problems elsewhere. In this respect, Bales has done much to promote a larger, more systematic perspective.

As part of ongoing efforts to bring together contemporary problems under a common banner, with common characteristics, Bales organizes his key work, *Disposable People—New Slavery in the Global Economy*, around a divide between new and old slavery.<sup>72</sup> In many respects, this is a welcome move, since the history of slavery often plays little or no part in discussions of contemporary slavery. However, there are serious problems with this framework, which largely stem from the fact that Bales uses the slavery practiced in the southern United States as the basis for a series of claims about the history of slavery more generally, and thus neglects and/or distorts a number of important issues. For Bales, old slavery is distinguished by legal ownership, high purchase cost, low profits, shortages of potential slaves, long-term relationships, slave maintenance, and ethnic cleavages.<sup>73</sup> This is contrasted with new slavery, where legal ownership is avoided, purchase costs are low, profits extraordinarily high, ethnic cleavages unimportant, and there is a surplus of short-term, disposable slaves.<sup>74</sup> The distinctive features of new slavery are primarily traced to economic globalization, population growth, and severe dislocations brought about by modernization.<sup>75</sup>

All typologies have their faults, but many of these divisions are difficult to sustain. First, there is the basic problem that most of the practices that fall under the rubric of new slavery, notably classical slavery, bonded labor, cult slavery, wartime enslavement, servile marriage, and forced labor for the state, all have longstanding historical roots, and are not reducible to distinctively modern developments. Even human trafficking, which is often thought of as a recent phenomenon, has important antecedents.<sup>76</sup> This is not to say that more recent events are unimportant, but they have not so much paved the

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71. *Id.* at 8–10.

72. This discussion does not take up the subsequent evolution of Bales' position. The model presented here represents his most influential exposition. *Id.*

73. *Id.* at 75.

74. *Id.* at 14–19.

75. *Id.* at 12–14.

76. Joel Quirk, *Trafficked into Slavery*, J. HUM. RTS. (Forthcoming); Eileen Scully, *Pre-Cold War Traffic in Sexual Labor and Its Foes: Some Contemporary Lessons*, in GLOBAL HUMAN SMUGGLING, *supra* note 64, at 74.



way for new developments, as unevenly impacted on enduring themes. It is equally difficult to give pride of place to economic globalization, since slaves can be concentrated in settings where its influence has been relatively muted, such as rural Nepal, or sub-Saharan Africa. In keeping with his primary focus, Bales provides a compelling analysis of contemporary problems, but in doing so, advances a conceptual framework with limited space for historical reflection.

This is also evident in the concept of old slavery, where many points of comparison are only sustainable if we take Transatlantic slavery as a benchmark. For example, if we take slave raiders in Africa as an historical reference point, purchase costs ultimately took the form of dangers endured in obtaining captives, and there were rarely shortages of potential slaves, thus negating two key axes of comparison in Bales' scheme.<sup>77</sup> Alternatively, we could look to slavery in Russia in the early modern period, where a portion of the indigenous population was subject to a process of self-enslavement in the form of limited service contract slavery, undermining the emphasis on ethnic difference.<sup>78</sup> In this regard, it can be as difficult to make generalizations about "old" slavery as "new" slavery. Focusing on the Americas has obvious advantages, not least of which is familiarity, but it also sanctions the popular notion that slavery was a chiefly European sin, which conclusively came to the end in the nineteenth century. This not only understates the remarkable achievements of anti-slavery, but also upholds a gulf between past and present which is rarely explored in discussions of contemporary problems.<sup>79</sup>

### III. BRIDGING THE HISTORICAL AND CONTEMPORARY

The persistence and prevalence of slavery has been well documented.<sup>80</sup> For the vast majority of recorded history, various forms of slavery can be found in political communities in Africa, the Americas, Asia, and Europe. Common to these otherwise disparate polities is a set of overarching orientations. At a social level, slavery was essentially considered a natural, venerable, and often unremarkable part of the prevailing social order. Until relatively recently, this was an understanding shared by the world's major religions and intellectual traditions. It was also a viewpoint shared by both "civilized"

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77. MEILLASSOUX, *supra* note 28.

78. RICHARD HELLIE, *SLAVERY IN RUSSIA: 1450–1725*, at 49–64 (1982).

79. The notable exception here is the seminal work of MIERS, *supra* note 11, to which this article owes a considerable debt.

80. See JOSEPH C. MILLER, *SLAVERY AND SLAVING IN WORLD HISTORY: A BIBLIOGRAPHY, VOLUME 1, 1900–1991* (1997); *SLAVERY AND SLAVING IN WORLD HISTORY: A BIBLIOGRAPHY, VOLUME 2, 1992–1996* (1999).

and “primitive” peoples.<sup>81</sup> At an institutional level, slavery was sanctioned by both religious and secular authorities. Elites of various stripes were frequently prominent raiders, traders and holders of slaves. Their activities were in turn legitimated and imperfectly regulated by institutional frameworks that codified both master-slave and slave-society relations.<sup>82</sup> In this context, ubiquity did not necessarily entail uniformity. Scholars of slavery have documented great variations both within and between slave systems. While a detailed analysis of such variations is beyond the scope of this article, a number of brief observations can be made here. First, slaves have historically been employed in diverse roles, including artisans, bureaucrats, concubines, domestics, heirs, laborers, and soldiers.<sup>83</sup> Second, slaves could be either social outsiders or “fallen” insiders,<sup>84</sup> be gradually assimilated or vigorously excluded,<sup>85</sup> making it difficult to generalize from the racially driven, highly exclusionary model that characterized Transatlantic slavery. Third, slavery is not always reducible to the production of material goods. All forms of slavery have economic dimensions, but these could often take the form of costs incurred in the pursuit of other goals, such as status, warfare, or reproduction.<sup>86</sup>

Organized anti-slavery is best understood as an historical anomaly. Slavery has been an inescapable part of life for thousands of years, covering nearly every corner of the globe, yet organized, politically significant opposition to slavery as an institution is extremely rare.<sup>87</sup> On this point, it is necessary to distinguish between objections to the “wrong” sorts people being enslaved and organized opposition to slavery as an institutional form. For centuries, Europeans objected to Christian slaves in North Africa and the Middle East, but they did do so while sanctioning Transatlantic slavery. Resistance to specific acts of enslavement are also well documented, including overt actions such as rebellion, flight and suicide,<sup>88</sup> but slaves who rebelled,

81. ORLANDO PATTERSON, *SLAVERY AND SOCIAL DEATH: A COMPARATIVE STUDY* vii–xi, 38–45 (1982).

82. *Id.* at 35–36.

83. Examples include *id.* at 6–7; GORDON, *supra* note 20, at 14–15; WILLIAM PHILLIPS, *SLAVERY FROM ROMAN TIMES TO THE EARLY TRANSATLANTIC TRADE* 24–25, 75–78 (1985); LOVEJOY, *supra* note 27, at 186.

84. HELLIE, *SLAVERY IN RUSSIA*, *supra* note 78, at 81–82, 356; PATTERSON, *SLAVERY AND SOCIAL DEATH*, *supra* note 81, at 38–45, 129–30; PHILLIPS, *SLAVERY FROM ROMAN TIMES*, *supra* note 83, at 23–24.

85. James L. Watson, *Slavery as an Institution, Open and Closed Systems, in ASIAN AND AFRICAN SYSTEMS OF SLAVERY* 1–15 (James L. Watson ed., 1980).

86. FREDERICK COOPER, *PLANTATION SLAVERY ON THE EAST COAST OF AFRICA* 37 (1977); GORDON, *supra* note 20, at 49–56; HELLIE, *SLAVERY IN RUSSIA*, *supra* note 78, at 20–21, 461–67; MIERS & KLEIN, *SLAVERY AND COLONIAL RULE, Introduction*, *supra* note 28, at 1; ORLANDO PATTERSON, *FREEDOM* 11 (1991); PATTERSON, *SLAVERY AND SOCIAL DEATH*, *supra* note 81, at 33–34; PHILLIPS, *SLAVERY FROM ROMAN TIMES*, *supra* note 83, at 75.

87. DAVID ELTIS, *THE RISE OF AFRICAN SLAVERY IN THE AMERICAS* 3–5 (2000); PATTERSON, *FREEDOM*, *supra* note 86, at 9–44.

88. On the theme of resistance, pre- and post- abolition see ANN O’HEAR, *POWER RELATIONS IN NIGERIA: ILORIN SLAVES AND THEIR SUCCESSORS* 4–20 (1997).

escaped or legally obtained their freedom could also go on to acquire other slaves.<sup>89</sup> These enduring themes suggest that there is no automatic connection between (largely ineffectual) objections to particular cases of enslavement, and organized opposition to slavery as a general institution. This dynamic is also reflected in enduring deliberations concerning how slavery could be legitimately practiced, covering issues such as when individuals can be legitimately enslaved, or how slaves could be treated, transferred or manumitted. It is here that we find entreaties to treat slaves well, and celebrations of benevolent manumission. For communities who viewed slavery as a permanent, unalterable fact of life, somewhat akin to war or famine, this ameliorative standpoint is entirely comprehensible. To succeed, abolition had to be widely seen as feasible, not simply desirable.

The early history of organized anti-slavery has been explored in considerable depth.<sup>90</sup> In this forum, the following remarks are necessarily limited, revolving around a small number of key points which provide a platform for exploring linkages between past and present. To this end, I primarily focus on British anti-slavery, as an historical fulcrum that sheds considerable light on broader trends.<sup>91</sup> Two themes in particular can be highlighted here. On the one hand, we have the remarkable energies mobilized by British abolitionists, starting with multinational contributions from evangelical leaders and enlightenment figures and later extending to a broad cross-section of society, through petitions, icons, meetings, boycotts, subscriptions, and tracts.<sup>92</sup> Prior to the passage of the crucial abolition bill in 1833, an estimated one in five British males signed anti-slavery petitions, with an unprecedented number of women also adding their voices.<sup>93</sup> On the other hand, we have the tremendous obstacles confronting an anti-slavery agenda. Over many centuries, British traders had established themselves as Europe's foremost supplier of slaves. When slavery was finally abolished in a number of jurisdictions in 1834,

89. ELTIS, *THE RISE OF AFRICAN SLAVERY*, *supra* note 87, at xiii. This can also include slaves owning other slaves. LOVEJOY, *supra* note 27, at 167.

90. See, e.g., ROBIN BLACKBURN, *THE OVERTHROW OF COLONIAL SLAVERY, 1776–1848* (1988). For Transatlantic slavery more generally, see HERBERT S. KLEIN, *THE ATLANTIC SLAVE TRADE* (1999); *THE TRANS-ATLANTIC SLAVE TRADE: A DATABASE ON CD-ROM* (David Eltis et al. eds., 1999).

91. Treatments of the early history of British Anti-Slavery include ROGER ANSTAY, *THE ATLANTIC SLAVE TRADE AND BRITISH ABOLITION* (1975); DAVID BRION DAVIS, *THE PROBLEM OF SLAVERY IN THE AGE OF REVOLUTION 1770–1823* (1975); DALE PORTER, *THE ABOLITION OF THE SLAVE TRADE IN ENGLAND, 1784–1807* (1970); ADAM HOCHSCHILD, *BURY THE CHAINS—THE BRITISH STRUGGLE TO ABOLISH SLAVERY* (2005); *SLAVERY AND BRITISH SOCIETY 1776–1846* (James Walvin ed., 1982); James Walvin, *ENGLAND, SLAVES AND FREEDOM, 1776–1838* (1987).

92. These tactics and techniques have attracted considerable interest. See MARGARET KECK & KATHRYN SIKKINK, *ACTIVISTS BEYOND BORDERS* 41–51 (1998); Audie Klotz, *Transnational Activism and Global Transformations: The Anti-Apartheid and Abolitionist Experiences*, 8 *EUR. J. INT'L RELATIONS* 49 (2002).

93. SEYMOUR DRESCHER, *CAPITALISM AND ANTISLAVERY: BRITISH MOBILIZATION IN COMPARATIVE PERSPECTIVE* 85, 89–134 (1986).

around 800,000 slaves were involved, rendering emancipation an expensive proposition.<sup>94</sup> Challenging the provocative arguments of Eric Williams, who in 1944 presented anti-slavery as a strategic product of the transition from mercantilism to liberal capitalism, scholars of slavery have repeatedly demonstrated that British abolitionists challenged a flourishing, valuable, and highly successful branch of commerce, that was forcibly suppressed at considerable cost.<sup>95</sup> In one influential exposition, abolition is described as an act of “econocide,” where “overproduction, structural weakness, and imperial insignificance played no role in the decision to abolish.”<sup>96</sup>

It is not easy to provide a satisfactory explanation for the emergence of organized anti-slavery in Britain. This is partly because of its unprecedented scale, and partly because it involved the world’s premier slaver, which had played a leading role in the development of Transatlantic slavery for centuries without expressing significant qualms. What is clear, however, is that success was far from inevitable. Faced with a unrepresentative parliament populated by vested interests and landed oligarchs, and confronted with compelling arguments that abolition was not in the national interest, British abolitionists would experience numerous legislative failures over many decades. Victory would require perseverance, subterfuge and elaborate political maneuvering, in combination with larger developments and contingent events. Even then, the task was far from complete. Thanks to the remarkable success of the anti-slavery movement, the British government would find itself committed to ending a longstanding institution that—with a few notable exceptions—the rest of the world continued to regard as entirely legitimate, socially necessary, and economically valuable. These conflicting perspectives were not resolved on their philosophical merits, but on the basis of more pragmatic political calculations.

The classic example here is the suppression of the Transatlantic slave trade. Instead of accepting that trafficking in slaves would continue as long as a viable, socially legitimate market existed, or even revoking injunctions against national participation, the British government devoted enormous resources to an uncertain struggle that lasted over half a century. First, there was a diplomatic campaign, where Britain effectively coerced states into restricting and/or abolishing the slave trade. By the mid-nineteenth century, Britons stood at the apex of innumerable bilateral and multilateral

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94. SEYMOUR DRESCHER, *THE MIGHTY EXPERIMENT: FREE LABOR VERSUS SLAVERY IN BRITISH EMANCIPATION* 4 (2002).

95. ERIC WILLIAMS, *CAPITALISM AND SLAVERY* 154–77 (1944). In this model, humanitarian sentiments are largely reduced to window dressing and successful propaganda. *Id.* at 178–96.

96. SEYMOUR DRESCHER, *ECONOCIDE: BRITISH SLAVERY IN THE ERA OF ABOLITION* 136 (1977). This theme is also taken up by NETA C. CRAWFORD, *ARGUMENT AND CHANGE IN WORLD POLITICS* 162–90 (2002).

agreements, spanning Africa, Europe, and the Americas.<sup>97</sup> Indeed, “Britain was more than the center of the network. No country in the world in this era signed a treaty containing antislave provisions to which Britain was not also a party.”<sup>98</sup> This campaign was supported by the considerable resources of the royal navy, but was blunted by disputes over the right of search, which saw traders exploit legal loopholes by acquiring flags and registration papers that offered protection against interdiction.<sup>99</sup> Over the course of the nineteenth century, around two million slaves were illegally transported across the Atlantic.<sup>100</sup> Of the approximately 7,750 vessels involved, an estimated 1,635 were captured, with approximately 85 percent detained on British orders.<sup>101</sup> This limited success came at tremendous cost. According to Kaufman and Pape, the Transatlantic campaign absorbed a staggering 1.8 percent of national income over a sixty year period.<sup>102</sup> The idea that British capitalists orchestrated abolition to advance narrow material interests is extremely difficult to sustain.<sup>103</sup>

The preceding discussion is conceived as a snapshot of the early history of anti-slavery, and thus leaves many issues and events unconsidered. What it does do, however, is provide some sense of the remarkable achievement of organized anti-slavery against an enduring, valuable and historically entrenched institution. The outcome of this confrontation was by no means inevitable. The obstacles involved were substantial, the costs entailed considerable, yet slavery was gradually stripped of legal standing. In the Americas, the final act is traditionally held to have occurred in Brazil, with the passage of the “Golden Law” of 1888.<sup>104</sup> With a handful of notable exceptions, such as Britain and the United States, popular support for anti-slavery typically took the form of retroactive—and therefore relatively passive—endorsements

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97. PHILLIP D. CURTIN, *THE IMAGE OF AFRICA: BRITISH IDEAS AND ACTION 1780–1850*, at 468–69 (1964); DAVID ELTIS, *ECONOMIC GROWTH AND THE ENDING OF THE TRANSATLANTIC SLAVE TRADE* 85–90 (1987); James Ferguson King, *The Latin-American Republics and the Suppression of the Slave Trade*, 24 *HISPANIC AM. HIST. REV.* 387 (1944); SUZANNE MIERS, *BRITAIN AND THE ENDING OF THE SLAVE TRADE* 40–55 (1975).
98. ELTIS, *ECONOMIC GROWTH*, *supra* note 97, at 85–90.
99. R.W. BEACHEY, *THE SLAVE TRADE OF EASTERN AFRICA* 232–41 (1976); LESLIE BETHEL, *THE ABOLITION OF THE BRAZILIAN SLAVE TRADE: BRITAIN, BRAZIL AND THE SLAVE TRADE QUESTION 1807–1869*, at 189–90 (1970); DAVID MURRAY, *ODIOUS COMMERCE—BRITAIN, SPAIN AND THE ABOLITION OF THE CUBAN SLAVE TRADE* 104–06 (1980); DUNCAN RICE, *THE RISE AND FALL OF BLACK SLAVERY* 229–31, 34 (1975).
100. ELTIS, *ECONOMIC GROWTH*, *supra* note 97, at 249–52. *See also id.* at 164–65.
101. *Id.* at 97–98.
102. Chaim D. Kaufmann & Robert A. Pape, *Explaining Costly International Moral Action: Britain’s Sixty-Year Campaign against the Atlantic Slave Trade*, 53 *INT’L ORG.* 636 (1999).
103. ROBIN BLACKBURN, *THE OVERTHROW OF COLONIAL SLAVERY, 1776–1848*, at 520 (1988); DRESCHER, *ECONOCIDE*, *supra* note 96; ELTIS, *ECONOMIC GROWTH*, *supra* note 97; HERBERT S. KLEIN, *THE ATLANTIC SLAVE TRADE 185–86* (1999); E. PHILLIP LEVEEN, *BRITISH SLAVE TRADE SUPPRESSION POLICIES 64–85* (1977).
104. ROBERT CONRAD, *THE DESTRUCTION OF BRAZILIAN SLAVERY, 1850–1888* (1972).

of measures that had previously aroused resentment, or apathy.<sup>105</sup> This was nonetheless symptomatic of a far-reaching transformation in how slavery was conceptualized and discussed within the European world. On the one hand, we see a form of historical inversion emerge, where the *absence* of slavery comes to be viewed as natural or normal, rather than remarkable. On the other, we find slavery being hermetically sealed in the past, a relic of an earlier age, far removed from civilization.

From this perspective, the history of slavery can be conceived in terms of delay and distortion. Once slavery is regarded as an obvious wrong, it is difficult to avoid the further step of questioning why it took so long to recognize this fact, or whether the tremendous costs involved could have been avoided, or at least minimized. Scenarios where slavery continues indefinitely are tacitly discounted, supporters of the previous status quo are reduced to pernicious obstacles, and political defeat becomes temporary delay, to be overcome as people realize the "truth." What was once an integral part of social order for thousands of years is re-cast as abnormal, exceptional or, to coin a popular nineteenth century phrase, peculiar.<sup>106</sup> Understood in these terms, slavery effectively becomes an anomaly to be explained (away), despite the fact that it "was firmly established in all the great early centers of human civilization and, far from declining, actually increased in significance with the growth of all the epochs and cultures that modern Western peoples consider watersheds in their historical development."<sup>107</sup> This leads us to a second impulse identified above, where slavery is firmly dispatched to the past.

This is not simply a matter of making a distinction between pre- and post-abolition eras, but instead involves relegating slavery to a earlier phase in human development. In this context, Bernard McGrane's discussion of evolutionary time is heuristically useful. For McGrane, nineteenth century anthropology "was systematically governed by its peculiar valorization of time, i.e., its belief that civilization progresses, developing through stages from the primitive to the advanced."<sup>108</sup> This established a distinctive basis for ethnographic evaluation, in which barbarian and savage peoples were widely viewed as representatives of stages in human history that modern Europeans had ostensibly progressed beyond. In this environment, slavery came to be similarly construed as a somewhat regrettable feature of an earlier, less developed stage in human evolution. This standpoint not only frames the history of anti-slavery in linear, teleological terms, sweeping aside centuries of orthodoxy and the historically anomalous, politically contingent

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105. DRESCHER, CAPITALISM AND ANTISLAVERY, *supra* note 93, at 50–66.

106. ELTIS, THE RISE OF AFRICAN SLAVERY, *supra* note 87, at 274.

107. PATTERSON, SLAVERY AND SOCIAL DEATH, *supra* note 81, at vii.

108. BERNARD MCGRANE, BEYOND ANTHROPOLOGY—SOCIETY AND THE OTHER 98 (1989).

nature of earlier political disputes, it also reduces slavery to an historical artifact, stripped of dynamism and contemporary relevance. These themes are common to peoples (not) coming to terms with the (mis)deeds of their forefathers, but they nonetheless have profound implications for how more recent developments are conceptualized and discussed, leading to closures, silences, and "exceptions." It is here that I find the concept of an Anti-Slavery Project particularly valuable.

On one level, a project can be understood as an ongoing task, or undertaking, involving any number of phases, or dimensions. This provides a necessary corrective to assumptions and/or declarations that the problem of slavery has come to an end. Over many centuries, the Anti-Slavery Project has been in a state of constant flux. The pioneers of British anti-slavery were initially preoccupied with slavery under British jurisdiction, but when the slave trade was finally abolished in 1807, public interest turned towards the trade in other countries.<sup>109</sup> When Parliament abolished slavery in 1833, the treatment of ex-slaves quickly emerged as a critical issue.<sup>110</sup> These moves were not only rooted in specific political victories, but also reflected a partial recognition of their substantive limitations. Legal abolition is commonly viewed as an endpoint, but in both examples cited above, the next phase in the struggle would be critical to the overall efficacy of the original goal: if slavery were to continue and/or expand in other countries, or simply persist under another name, this would necessarily call into question the realization of an anti-slavery agenda. Here, as elsewhere, the critical issue was not so much legal abolition as *effective emancipation*, a distinction rooted in enduring tensions between legal prohibitions and substantive practices dating back to the early-nineteenth century.<sup>111</sup> Framed in these terms, anti-slavery can be seen as an evolving political project, comprising four interconnected areas: legal slavery; the aftermath of formal abolition; the quest for suitable replacements; and analogous practices. One advantage of this perspective is that it helps situate more localized problems within a larger historical context. There have been no shortage of slavery scandals over the last two centuries, but these scandals tend to be presented as anomalous events, within a landscape that is otherwise free of such deviant activities. For the Anti-Slavery Project, these scandals are not exceptions, but prominent symptoms of a far-reaching complex, encompassing a plethora of low-profile contests.

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109. Betty Fladeland, *Abolitionists Pressures on the Concert of Europe, 1814–1882*, 38 *J. Mod. Hist.* 355 (1966).

110. HOWARD TEMPERLEY, *BRITISH ANTISLAVERY, 1833–1870* (1972).

111. In this context, *effective emancipation* does not represent a static, singular standard, but a set of evolving aspirations and expectations. Ken Booth, *Three Tyrannies*, in *HUMAN RIGHTS IN GLOBAL POLITICS* 43 (1999).

From its inception, the Anti-Slavery Project has framed slavery as an unconscionable evil that falls outside “normal” (i.e., legitimate) practices and institutions. There could be many facets in this image, but there remain two themes in particular which stand out: the *ownership of human beings* and *extreme dominion and exploitation*. These themes have long been central to anti-slavery, because they are at the heart of abolitionist arguments about what sets slavery apart. For early abolitionists, it was both the legal right to buy, sell and own other human beings, and its extreme brutality, mortality, and debasement that rendered Transatlantic slavery fundamentally unacceptable. This formulation was fairly straightforward in cases where slavery was legal, but in the aftermath of formal abolition, we are left with challenging questions about equivalent activities occurring under other designations. If slavery is renounced, but proprietary claims and extreme forms of exploitation persist under other headings, what does this say about the effectiveness of legal abolition? If prohibition is found wanting, what further steps are required? In this environment, what counts as slavery emerges as a vital issue, with major political ramifications. On this point, I turn to a second understanding of an Anti-Slavery Project, revolving around historical *projection*, where the image of Transatlantic slavery popularized by anti-slavery propaganda serves as the main benchmark, or baseline, against which various forms of servitude have been consistently evaluated. This dynamic extends to each of the themes identified above: legal slavery; post-abolition; replacements; and analogous practices.

Slavery is often assumed to have legally ended in the nineteenth century. A recent collection on contemporary slavery starts with the erroneous claim that slavery was “outlawed in Britain and in the rest of the world in the nineteenth century.”<sup>112</sup> Similar sentiments can be found in a recent ILO report on forced labor.<sup>113</sup> Transatlantic slavery may have formally ended in 1888, but millions of slaves remained in servitude in Africa, Asia and the Middle East.<sup>114</sup> Throughout this period, slavery was again subject to a recurring balancing act, where political elites typically sought to reconcile international pressures for institutional reform with internal constituencies in favor of the prevailing status quo. In many respects, the central issue was not so much

112. Christien van den Anker, *Introduction: Combating Contemporary Slavery*, in *POLITICAL ECONOMY OF THE NEW SLAVERY*, *supra* note 2, at 1.

113. *Stopping Forced Labor*, *supra* note 49, at 10.

114. There is no overall figure available, but a number of specific estimates have been made. PAUL E. LOVEJOY & JAN S. HOGENDORN, *SLOW DEATH FOR SLAVERY: THE COURSE OF ABOLITION IN NORTHERN NIGERIA, 1897–1936*, at 1 (1993), estimate that the Sokoto Caliphate in Northern Nigeria had a slave population “in excess of 1 million and perhaps more than 2.5 million.” In French West Africa, Klein has calculated that there were between 3 and 3.5 million slaves, representing over 30 percent of the total population. KLEIN, *FRENCH WEST AFRICA*, *supra* note 28, at 252–59. In 1958, Greenidge estimated that around 500 000 slaves remained in the Arabian peninsula. GREENIDGE, *SLAVERY*, *supra* note 12, at 45.



slavery *per se*, as what slavery was held to signify about the backward or barbarous character of those involved. This was both a symbolic and substantive issue. It was symbolic, in that it impinged on issues of prestige or worth;<sup>115</sup> it was substantive, in that the status of slavery was ultimately bound up in European imperialism, colonialism and sovereign status.<sup>116</sup>

Over the course of the nineteenth century, there was a great deal of diplomatic jousting in parts of Africa and the Middle East, which saw rulers respond to anti-slavery overtures for strategic reasons, but demonstrate limited capacity or inclination to enforce their formal commitments.<sup>117</sup> Writing on Anglo-Ottoman disputes over slavery, Ehud Toledano notes that:

[T]he Ottoman government, acting to accommodate its British ally, operated without an ideological support that would justify such a policy or endow it with meaning. For those who carried it out, this was change without genuine motivation, reform without conviction.<sup>118</sup>

In most cases, these tensions were ultimately overtaken by a storm of bloody colonial conquest, which brought millions of slaves under European rule. Over time, legal abolition was cautiously proclaimed in numerous colonial jurisdictions, including British territories in the Gold Coast (1874), Egypt (1895), Zanzibar (1897), Sudan (1900), Nigeria (1901), Kenya (1907) and Sierra Leone (1928).<sup>119</sup> Similar measures were also taken by states that were not directly colonized, including China (1909), Afghanistan (1923), Nepal (1926), Saudi Arabia (1962), and Oman (1970).<sup>120</sup> This sample is representative of much larger trend. Few territories were left unaffected. Placed alongside this far-reaching, long-term trajectory, the conventional focus on selected parts of the Americas conveys a partial, almost provincial view of anti-slavery, leading to numerous silences that directly impinge on our understanding of the historical dimensions of contemporary problems.

These measures rarely marked a definitive, or even imminent, end to slavery. Many political elites were not convinced that abolition was morally or economically necessary, or that proprietary claims should be overthrown,

115. Take, for instance, MICHAEL SALMAN, *THE EMBARRASSMENT OF SLAVERY: CONTROVERSIES OVER BONDAGE AND NATIONALISM IN THE AMERICAN COLONIAL PHILIPPINES* (2001).

116. Frederick Cooper, *Conditions Analogous to Slavery: Imperialism and Free Labor Ideology in Africa*, in *BEYOND SLAVERY—EXPLORATIONS OF RACE, LABOR, AND CITIZENSHIP IN POSTEMANCIPATION SOCIETIES* (Frederick Cooper et al. eds., 2000); GERRIT GONG, *THE STANDARD OF "CIVILIZATION" IN INTERNATIONAL SOCIETY* (1984).

117. See BEACHEY, *THE SLAVE TRADE OF EASTERN AFRICA*, *supra* note 99; GORDON, *supra* note 20; MANNING, *supra* note 27; MIERS, *BRITAIN AND THE ENDING OF THE SLAVE TRADE*, *supra* note 97; EHUD R. TOLEDANO, *THE OTTOMAN SLAVE TRADE AND ITS SUPPRESSION: 1840–1890* (1982).

118. Ehud R. Toledano, *Ottoman Concepts of Slavery in the Period of Reform, 1830s–1880s*, in *BREAKING THE CHAINS*, *supra* note 26, at 47.

119. MANNING, *supra* note 27, at 154.

120. GORDON, *supra* note 20, at 225–38; GREENIDGE, *supra* note 12, at 42; MIERS, *supra* note 11, at 339–57.

but nonetheless initiated tentative reforms in response to an array of predominantly external pressures. Other apprehensions included concerns about labor and economic dislocation and disquiet over unrest emanating from either freed slaves or disgruntled masters.<sup>121</sup> This stance is epitomized by the influential administrator Frederick Lugard (1922), who maintained that:

[S]udden emancipation would dislocate the whole social fabric. Men wholly unaccustomed to any sense of responsibility and self-provision would be thrown to the streets to fend for themselves. Slave concubines would become prostitutes. Masters, albeit with money in their pockets, would be ruined; industry would be at a standstill.<sup>122</sup>

These reservations are reflected in a variety of gradualist models, the most popular being: “free birth laws,” where persons born after a particular date attained their freedom;<sup>123</sup> apprenticeship programs, where servitude continued in modified form for a specified number of years;<sup>124</sup> and what is commonly known as the Indian model, where masters no longer had formal recourse to the law to uphold slave status, but would informally maintain their former prerogatives to varying degrees.<sup>125</sup>

In this environment, we also find a recurrent gulf between form and substance. Faced with powerful vested interests and pro-slavery sentiments, and with limited resources at their disposal, administrators regularly adopted a hands off approach, leaving many of those involved largely to their own devices. When they were forced to intervene, they often took the side of the master. In colonial Africa, European Powers moved against slave raiding and large scale trading, which was a threat to order, but typically favored a more passive approach where slavery itself was concerned. This frequently placed the onus on slaves to take matters into their own hands: “If the slave trade in Africa was suppressed mainly through the actions of European conquerors, the actual freeing of slaves was primarily an achievement of the slaves themselves.”<sup>126</sup> In many cases this resulted in a protracted process of

121. FREDERICK COOPER, FROM SLAVES TO SQUATTERS: PLANTATION LABOR AND AGRICULTURE IN ZANZIBAR AND COASTAL KENYA, 1890–1925, 32–40 (1980); KLEIN, FRENCH WEST AFRICA, *supra* note 28, at 66–68, 122–40, 178–79; LOVEJOY, *supra* note 27, at 252–54.

122. F.D. LUGARD, THE DUAL MANDATE IN BRITISH TROPICAL AFRICA 367 (4th ed. 1929).

123. *See, e.g.*, R.W. BEACHEY, THE SLAVE TRADE OF EASTERN AFRICA 204, 224 (1976); ROBERT CONRAD, THE DESTRUCTION OF BRAZILIAN SLAVERY, 1850–1888, at 90–91 (1972); King, *The Latin-American Republics*, *supra* note 97, at 388–89, 395, 405.

124. *See, e.g.*, JAMES DUFFY, A QUESTION OF SLAVERY 38–39 (1967); SEYMOUR BECKER, RUSSIA’S PROTECTORATES IN CENTRAL ASIA: BUKHARA AND KHIVA, 1865–1924, at 85–88, 118, 200 (1968); WILLIAM A. GREEN, BRITISH SLAVE EMANCIPATION: THE SUGAR COLONIES AND THE GREAT EXPERIMENT 1830–1865, at 129–62 (1976).

125. *See, e.g.*, Martin A. Klein, *Introduction: Modern European Expansion and Traditional Servitude in Africa and Asia*, in *BREAKING THE CHAINS*, *supra* note 26, at 20; MIERS, SLAVERY IN THE TWENTIETH CENTURY, *supra* note 11, at 30–31; Howard Temperley, *The Delegalization of Slavery in British India*, in *AFTER SLAVERY*, *supra* note 31, at 169–87.

126. MANNING, *supra* note 27, at 161.

low-key contestation, that could ultimately span decades, or even generations, and typically resulted in a gradual relaxation, or renegotiation, of both master-slave and slave-society relations. Many slaves remained within the social and economic orbit of their masters, but slowly forged additional options and orientations. Others made a decisive break, by bravely taking advantage of the unrest that resulted from conquest, and subsequent ordinances, to abscond from their masters and return to their place of origin, or forge new ties. In this environment, fortunes could vary markedly. This was partially a matter of following divergent paths, involving issues such as whether it was feasible to remain or remove, pursue formal emancipation or reach informal accommodation, but for every permutation there could be further variation.<sup>127</sup>

Evolving appraisals of the nature and status of slavery proved to be a critical issue here. In Africa, colonial powers invested heavily in the concept of “domestic” slavery, a somewhat amorphous category that nonetheless dominated official pronouncements and public debate. In this popular scheme, domestic slaves would be distinguished from both trade slaves, who clearly endured an unhappy, precarious existence, and the plantation slaves of the New World. By contrasting the ostensibly mild or benign character of slavery in Africa with the heinous abuses associated with the Americas, European officials would defend their gradual approach as responsible and desirable policy, since domestic slavery was at worst a minor evil, and at best a positive good. This stance may have been appropriate in some cases, but was not plausible as a blanket categorization. In the latter years of colonial rule, there was a further round of conceptual gymnastics. Official declarations that slavery had ceased to be an ongoing concern, or was limited to diminishing pockets, or vestiges, were often heavily dependent on how slavery was defined. If slaves remained with their masters, this was disingenuously presented as a result of a conscious choice, which rendered them nearer to serfs, or retainers, than slaves.<sup>128</sup>

These themes are captured in a 1932 League of Nations report reducing slavery to a small number of lingering cases. These are portrayed as:

127. This discussion draws on *BREAKING THE CHAINS*, *supra* note 26; MIERS & KLEIN, *SLAVERY AND COLONIAL RULE*, *supra* note 28; *THE END OF SLAVERY IN AFRICA*, *supra* note 31.

128. Examples include Dennis Cordell, *No Liberty, Not Much Equality and Very Little Fraternity*, in MIERS & KLEIN, *SLAVERY AND COLONIAL RULE*, *supra* note 28, at 38, 50–52; Andres Eckert, *Slavery in Colonial Cameroon, 1880s to 1930s*, in MIERS & KLEIN, *SLAVERY AND COLONIAL RULE*, *supra* note 28, at 141; Taj Hargey, *Festina Lente: Slavery Policy and Practice in the Anglo-Egyptian Sudan*, in MIERS & KLEIN, *SLAVERY AND COLONIAL RULE*, *supra* note 28, at 251, 260–61; KLEIN, *FRENCH WEST AFRICA*, *supra* note 28, at 97; Suzanne Miers & Michael Crowder, *The Politics of Slavery in Bechuanaland: Power Struggles and the Plight of the Basarwa in the Bamangwato Reserve, 1926–1940*, in *THE END OF SLAVERY IN AFRICA*, *supra* note 31, at 180–81.

[C]ertain kinds of social status in which men are not yet in enjoyment of full civil freedom, but which are in no sense inhuman, and which in certain ways (assistance to the sick and infirm) even present advantages. A social status of this kind cannot be equitably assimilated to slavery *in the usual sense of the term* without running the risk of giving the civilised world an incorrect and unfair impression.<sup>129</sup>

The main problem with this self-serving model was that it led to uniform characterizations of a variegated process. Few allowances were made for slaves who were not treated well, not free to leave their masters, and who generally experienced little or no change. Instead of addressing this situation, colonial administrators consistently worked to define it out of existence. Critical voices periodically challenged the official line, but authorities typically responded with legal reforms, or a brief flurry of activity that sometimes altered the *pace* of change, but nonetheless left gradualist models in place.<sup>130</sup> By the mid-twentieth century, slavery in Africa was much diminished, but not entirely suppressed.<sup>131</sup> This would still have been a significant advance, if it had not been systematically compromised by the search for suitable replacements.

In this context, the concept of a replacement not only refers to cases where it was necessary to find substitutes for positions previously occupied by slaves, but also applies to cases where other solutions had to be found because slavery had been officially prohibited as legitimate policy. Two different understandings of a replacement are relevant here. On the one hand, anti-slavery requires, at an absolute minimum, that the replacement not be a slave. On the other, suitability can be primarily determined by more instrumental concerns revolving around pragmatic issues of cost, reliability and efficacy. By espousing a minimalist understanding of slavery, or, more specifically, a minimalist understanding of the sorts of practices sufficiently similar to slavery to be rendered illegitimate, authorities of all stripes have consistently sanctioned/supported a range of highly exploitative and coer-

129. *Slavery—Report of the Committee of Experts on Slavery* 25 Sept. 1931, Doc. No. C.618.1932.VI, Geneva, 1 Sept. 1932, at 22 (League of Nations).

130. LOVEJOY & HOGENDORN, *SLOW DEATH FOR SLAVERY*, *supra* note 114, at 278; MIERS, *supra* note 11, at 216–32, 278–94.

131. See JONATHAN DERRICK, *AFRICA'S SLAVES TODAY* 34–109, 154–58 (1975); Eckert, *Slavery in Colonial Cameroon*, in MIERS & KLEIN, *SLAVERY AND COLONIAL RULE*, *supra* note 28, at 133, 143–144; GREENIDGE, *SLAVERY*, *supra* note 12, at 45–48; Hargey, *Festina Lente*, *supra* note 128, at 266–67; Don Ohadike, *The Decline of Slavery among the Igbo People*, in *THE END OF SLAVERY IN AFRICA*, *supra* note 31, at 437, 452–57; David Seddon, *Unfinished Business: Slavery in Saharan Africa*, in *AFTER SLAVERY*, *supra* note 31. These cover slaves in Algeria, Cameroon, Chad, the Central African Republic, Ethiopia, Mauritania, Mali, Guinea, Nigeria, Niger, Sierra Leone, Sudan, and Western Sahara, but other territories could potentially be added to this list. Martin Klein has estimated that around 200,000 people still accepted a form of slavery at the end of colonial rule in French West Africa. KLEIN, *FRENCH WEST AFRICA*, *supra* note 28, at 194.

cive practices.<sup>132</sup> This trend is not limited to Africa, but includes systematic abuses in the Americas, Europe, Asia, and Oceania.<sup>133</sup> Most of the devices involved were by no means new, but they acquired additional prominence in the aftermath of legal abolition. From many potential examples, two areas in particular stand out: indentured migration and forced labor.

Indentured migration involved a form of contract labor, where individuals who entered into binding agreements to work for a predetermined number of years were transported great distances to bolster the labor market. Following legal abolition, European powers turned to this longstanding practice as a way of securing cheap, abundant labor. Britain dominated the trade in much the same way as it earlier dominated the slave trade. Other prominent slavers, such as France and Portugal, also played significant roles. Migrants from Africa, East Asia, Oceania and the Indian subcontinent played prominent roles in this international traffic, which involved millions of people being transported around the world.<sup>134</sup> Forced labor is a similarly longstanding, near-endemic practice, which reached titanic proportions during the first half of the twentieth century. For colonial officials, coercion was an unfortunate necessity, stemming from acute labor shortages, urgent public requirements, and the need to redress a then widespread belief in the innate failings of “native” peoples. Over many decades, millions were called upon for various public and private projects, frequently enduring appalling treatment and high mortality for little or no reward.<sup>135</sup>

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132. Examples include M.L. BUSH, *SERVITUDE IN MODERN TIMES* 200–35 (2000); W. KLOOSTERBOER, *INVOLUNTARY LABOR SINCE THE ABOLITION OF SLAVERY* (1960); LASKER, *supra* note 51.
133. Some of the most egregious examples of this traffic occurred in Africa, where French and Portuguese merchants purchased slaves from various parts of mainland Africa, forced them to sign labor contracts that obligated them to work for extended periods of time, and then shipped the now ostensibly “free” laborers to Caribbean colonies and various islands off the African coast. See JAMES DUFFY, *A QUESTION OF SLAVERY* 21–22, 42–43, 83, 168–210 (1967); MIERS, *BRITAIN AND THE ENDING OF THE SLAVE TRADE*, *supra* note 97, at 28–30; LOVEJOY, *supra* note 27, at 151–52; Elisée Soumonni, *The Compatibility of the Slave and Palm Oil Trades in Dahomey, 1818–1858*, in *SLAVE TRADE TO LEGITIMATE COMMERCE: THE COMMERCIAL TRANSITION IN NINETEENTH CENTURY WEST AFRICA* 86–88 (Robin Law ed., 1995).
134. Major works include DAVID NORTHRUP, *INDENTURED LABOR IN THE AGE OF IMPERIALISM, 1834–1922* (1995); HUGH TINKER, *A NEW SYSTEM OF SLAVERY: THE EXPORT OF INDIAN LABOR OVERSEAS 1830–1920* (1974).
135. Examples include ALICE L. CONKLIN, *A MISSION TO CIVILIZE: THE REPUBLICAN IDEA OF EMPIRE IN FRANCE AND WEST AFRICA, 1895–1930* (1997); FREDERICK COOPER, *DECOLONIZATION AND AFRICAN SOCIETY: THE LABOR QUESTION IN FRENCH AND BRITISH AFRICA* (1996); Frederick Cooper, *Conditions Analogous to Slavery*, *supra* note 116; DERRICK, *AFRICA’S SLAVES TODAY*, *supra* note 131, at 159–202; DUFFY, *supra* note 133; David Killingray, *Labor Exploitation for Military Campaigns in British Colonial Africa*, 24 *J. CONTEMP. HIST.* 483 (1989); RAYMOND LESLIE BUELL, *THE NATIVE PROBLEM IN AFRICA*, VOL. I, 354–56, 658–59, 1043 (1928); *THE NATIVE PROBLEM IN AFRICA*, VOL. II, 259–63, 321–25, 421–23 (1928); Michael Mason, *Working on the Railway: Forced Labor in Northern Nigeria, 1907–1912*, in *AFRICAN LABOR HISTORY* 56–79 (Peter C.W. Gutkind, et al. eds., 1978); MIERS *supra* note 11, at 135–36.

Unlike earlier contests over the slave trade, which revolved around the definitive goal of total abolition, debates over indentured migration and forced labor were largely framed in terms of finding an appropriate balance between the need to ensure there were sufficient safeguards to prevent abuses, and the need to advance various economic and political goals. Critics periodically objected to the *practical* terms on which this balance was struck, but their voices were frequently hamstrung by a widespread endorsement of the *principles* on which the policies involved were ostensibly based.<sup>136</sup> By primarily focusing on how existing structures should be improved, many critics tacitly accepted that the institutions in question were legitimate in at least some circumstances. One of the most disturbing features of the regular scandals that plagued both systems was a persistent gulf between the horrendous reports that provoked criticism and the modest, procedural reforms that were regularly presented as solutions to the problem at hand. This can be partially traced to the fact that the policies in question often looked far less objectionable on paper than they actually were in practice, resulting in both analytical problems and political conundrums.

On the surface, there were numerous safeguards against slave-like practices, covering issues from recruitment and remuneration, to length of service and overarching purpose.<sup>137</sup> Evidence of systematic abuses was often difficult to bring to light, and could be routinely dismissed as isolated incidents and/or politically motivated slurs. Somewhat paradoxically, the sheer scale of abuse also worked against remedial action. All European powers were vulnerable, and were thus reticent to challenge their peers. There were, however, a number of cases which broke through this veneer. The most well known examples concern the Congo Free State and Portugese Africa, which arguably represents the first sustained move towards a model of new, or modern, slavery.<sup>138</sup> Over time, activists aroused considerable public interest by evocatively documenting systematic abuses, including harrowing evidence of severed limbs and brutal treatment. One of the most revealing features of these campaigns was that both cases were framed as “exceptional, rather than representative of a general rule in European imperial administration.”<sup>139</sup> Both culminated in widely heralded reforms; Leopold was divested of the Congo, and new regulations were introduced by Portugal, but these changes resulted in (at best) qualified improvements,

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136. A good example of this dynamic concerns debates over indentured labor. See DUFFY, *supra* note 133, at 159–160; TEMPERLEY, *supra* note 110, at 124–27, 130–33; TINKER, *supra* note 134, at 236–39, 278.

137. A representative sample is provided by J. ORDE BROWNE, *THE AFRICAN LABOURER* 133–200 (1933).

138. Take, for example, HENRY W. NEVINSON, *A MODERN SLAVERY* (1906).

139. KEVIN GRANT, *A CIVILISED SAVAGERY: BRITAIN AND THE NEW SLAVERIES IN AFRICA, 1884–1926*, at 29 (2005).

rather than a decisive break with the past.<sup>140</sup> This was consistent with the pattern followed by other, more limited scandals involving more powerful colonial powers, where abuses were framed as deviations or aberrations requiring procedural reforms within otherwise legitimate institutions, rather than symptoms of deeper failings.<sup>141</sup>

In the absence of a clear institutional target, legal slavery and a simple, singular solution (universal prohibition)— it becomes increasingly difficult to mobilize political constituencies to target slavery. One of the key issues here is variation. If millions of ex-slaves, replacements, and analogous cases were collectively located on a continuum comprised of factors such as consent, coercion and character, there would be persons at every point of a diverse spectrum, ranging from cases where there were no obvious differences between service and slavery, to intermediate cases where there were clear parallels but differences of degree, to cases that stretch the link with slavery to a breaking point. In this context, the nature of slavery becomes a complex, subjective exercise, open to interpretation and politicization. This ambiguity can be particularly acute when it comes to analogous practices. One early example here concerns the issue of “white” slavery, which encompassed emotive discussions of prostitution, trafficking and sexual servitude, and covered a wide range of individual circumstances.<sup>142</sup> If we adopt a narrow understanding of slavery, only a subset of those involved would qualify, but it can be extremely difficult to isolate these cases from a broader class of involved persons. Remedial measures such as publicity campaigns, education, legal reform and tougher enforcement are also likely to be similarly broad in scope. In such circumstances, it is often necessary to focus on analogous *practices and institutions*, rather than analogous *cases*. This is epitomized by the move from strict equivalence to sufficient similarity.

There is, however, an obvious problem: slavery can quickly become little more than shorthand for severe forms of dominion and ill-treatment.<sup>143</sup>

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140. *Id.*

141. For a contemporary summary of colonial scandals in Africa, and weak government responses, see BUELL, *THE NATIVE PROBLEM IN AFRICA*, VOL. I, *supra* note 135, at 31, 34–38, 228, 241, 248–50, 373–76, 449–50, 498–500, 568–70; *THE NATIVE PROBLEM IN AFRICA*, VOL. II, *supra* note 135, at 16–22, 27–34, 236–38, 253–57, 321–31, 435–41, 502–07, 546–54, 567–76, 774–81, 818–36.

142. See, e.g., EDWARD J. BRISTOW, *VICE AND VIGILANCE: PURITY MOVEMENTS IN BRITAIN SINCE 1700* (1977); EDWARD J. BRISTOW, *PROSTITUTION AND PREJUDICE: THE JEWISH FIGHT AGAINST WHITE SLAVERY 1870–1939* (1982); DONNA J. GUY, *WHITE SLAVERY AND MOTHERS ALIVE AND DEAD: THE TROUBLED MEETING OF SEX, GENDER, PUBLIC HEALTH, AND PROGRESS IN LATIN AMERICA* (2000); MARGIT STANGE, *WIVES, WHITE SLAVES AND THE MARKET IN WOMEN* (1998); Judith Walkowitz, *Male Vice and Feminist Virtue: Feminism and the Politics of Prostitution in Nineteenth Century Britain*, 13 *HISTORY WORKSHOP* 77–94 (1982).

143. For an example of this theme, see Cynthia Hoffman & Joe Lockard, *Introduction: Moral Empire and the Rhetoric of Slaveries*, in *BAD SUBJECTS* 69 (2004).

As such, it is not so much an analytical category as an evocative concept, which is ultimately bound up in the aforementioned themes of human property and extreme exploitation. In this context, Ole Waever's discussion of "securitization" can be heuristically useful. Building on speech-act theory, Waever argues that the act of designating unconventional issues as security problems, such as the environment or social integrity, involves a normative claim that the issues at hand are urgent, unparalleled problems, and thus should be accord a highest priority.<sup>144</sup> When we designate a problem a species of slavery, we similarly situate it within a specific historical and moral context. This not only entails an empirical claim that the issues at hand constitute slavery, but also invokes pre-existing normative argument for uncompromising action to correct unconscionable evil. If all goes well, the issues at hand will acquire greater political prominence. There is, however, a potential downside. Indeed, "When a problem is 'securitized,' the act tends to lead to specific ways of addressing it: Threat, defense, and often state-centered solutions."<sup>145</sup> Invoking slavery can be a similarly polarizing move, narrowing space for ameliorative strategies that rely on the goodwill of those involved. Framing child labor as child slavery, suggests that it is not simply run of the mill exploitation, but an abhorrent practice requiring uncompromising action. In such circumstances, constructive dialogue can be difficult.<sup>146</sup>

Ongoing attempts to harness anti-slavery to various causes appear to have made limited political headway. This can be partially attributed to the ever-increasing number of problem areas that fall under the rubric of contemporary slavery, which risks diluting the concept to the point where it has little meaning. This is certainly an important consideration, but it does not mark the end of the matter. In many cases, particular issues have been discussed with little or no reference to similar problems elsewhere, and thus fail to convey a true sense of the full range of practices that have been described as slavery. In this respect, the widespread tendency to assume that the absence of slavery is normal, rather than exceptional, works to diminish, rather than exaggerate, the scope of the problem. There is, however, another issue at work here: widespread confusion over whether the concept of slavery is being employed in literal or rhetorical terms. Throughout history, slavery has been repeatedly employed as a device for framing various

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144. Ole Waever, *Securitization and Desecuritization*, in *ON SECURITY* 45 (Ronnie Lipschutz ed., 1995).

145. *Id.* at 65.

146. Slavery, Report prepared by Benjamin Whitaker, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, updating the Report on Slavery submitted to the Sub-Commission in 1966, U.N. ESCOR, at 18, U.N. Doc. E/CN.4/Sub.2/1982/20/Rev.1 (1984).



issues. Prominent examples include the concepts of wage slavery and sex slavery employed by labor groups and early suffragettes in the nineteenth century. For the most part, these designations were framed rhetorically, rather than literally, yet with the clear intention of highlighting the plight of those concerned.<sup>147</sup> When slavery was legal, the distinction between the literal and the rhetorical was relatively clear-cut, but this distinction has become increasingly murky in recent times.

Another major issue here concerns the difficulties involved in identifying and/or ratifying compelling solutions to the problems at hand. When slavery was legal, there was always a simple, singular solution: formal abolition. It was not always clear how this solution would be realized, but there was little doubt that it needed to be done. There was also a widespread belief that this would be definitive, resulting in the end of slavery. This was undoubtedly an effective formula, but it provides limited guidance when it comes to contemporary issues, where there is no longer one clear, readily identifiable solution, but many overlapping strategies, which are typically geared towards harm minimization, rather than definitive emancipation. As such, they cannot be expected to secure a conclusive end to slavery, but instead focus on targeted reductions in its overall scale and severity. The struggle against slavery has splintered into many arenas, each requiring individual strategies operating on multiple levels. Four critical points can be briefly highlighted here: the need to refine relevant legal structures, close loopholes, toughen penalties, and effectively regulate practices that can otherwise degenerate into slavery; the manifest need for better enforcement of existing laws in the face of widespread complicity and indifference; the need for education and publicity, especially in challenging the deceptive practices used by recruiters; and the problem of rehabilitation, which encompasses redressing injuries inflicted on victims and providing sanctuary against retribution. This final point remains embryonic, but its place on the agenda marks a positive departure from the “sink or swim” approach typical of legal abolition.

Alongside these specific concerns, we find broader structural considerations that define the context in which contests over contemporary slavery take place. As a top-down change in legal status, formal abolition consistently left larger structures in place, including the distribution of wealth and resources and broader modes of differentiation and discrimination. These are not frozen in time, but remain subject to a process of continual evolution. It is clear, however, that they can leave a legacy that remains to this day, from racism and poverty, to social discrimination and inequality. In this setting, the struggle against slavery feeds into broader issues of social justice and

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147. David Roediger, *Race, Labor, and Gender in the Languages of Antebellum Social Protest*, in *TERMS OF LABOR: SLAVERY, SERFDOM, AND FREE LABOR* 168, 168–69 (Stanley L. Engerman ed., 1999).

economic development. For millions in the Indian subcontinent, the struggle against bonded labor is bound in caste, gender, demography, land reform, and social roles. This inevitably impinges on politically sensitive terrain, which is often no longer specifically, or even primarily, concerned with slavery, but with the organization and composition of society as a whole. Improving access to land, alleviating poverty, and ending discrimination would collectively have a significant impact on the prevalence of bonded labor, but would necessarily involve a radical transformation in the status quo, making it more difficult to build broad-based support.

It is often stated that the scale of contemporary slavery greatly exceeds that of Transatlantic slavery.<sup>148</sup> Behind such statements is a tacit claim that nothing much has changed, that things are possibly no better now than they were in the past. This is problematic on several levels. As we have seen, these statements bypass millions of slaves in Africa, the Middle East and elsewhere, and can thus end up sidestepping essential features of the history of legal abolition. A fair comparison would also need to include all of those practices that we now designate as slavery, not just persons that were then formally classified as such. Viewed from a macro-historical perspective, anti-slavery has arguably been remarkably successful, just nowhere near as successful, or final, as commonly supposed. By integrating a range of topics which are usually considered in isolation, the Anti-Slavery Project provides a way of situating contemporary problems within a larger historical context. This is conceived as a sociological exercise with important praxeological and normative dimensions, encompassing a range of silences, lessons, and legacies that impact on our collective capacity to come to terms with contemporary problems.<sup>149</sup>

#### IV. CONCLUDING REMARKS

The pioneers of organized anti-slavery worked towards an overarching legislative goal: the legal abolition of slavery. This was a difficult, momentous undertaking that challenged an institution which had been an accepted part of life for thousands of years. With the gradual achievement of this goal, the Anti-Slavery Project has been drawn into a range of conceptual and practical problems, where the issues involved are no longer so clear cut or

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148. Christien van den Anker, *Introduction: Combating Contemporary Slavery*, in *POLITICAL ECONOMY OF THE NEW SLAVERY*, *supra* note 2, at 18; Bales, *supra* note 1, at 9. Expressed in relative, rather than absolute terms, the number of slaves in the world today may well be the smallest proportion in human history.

149. In this respect, this work can be situated within the framework put forward by Andrew Linklater, *The Question of the Next Stage in International Relations Theory: A Critical-Theoretical Point of View*, 21 *MILLENNIUM* 77–98 (1992).

amenable to decisive political and legislative action. The first—and perhaps most important—issue concerns the problem of specifying who the slaves are and how they differ from non-slaves. One reason for this ambiguity is the illicit character of most contemporary problems, which makes it difficult, but not impossible, to compile an authoritative picture of the issues involved. This is further compounded by classificatory conundrums, where there are a range of conflicting opinions on whether various problems can be legitimately equated with slavery, and on what terms such an association should be made. In this environment, drawing a line between slave and non-slave is often a question of emphasis, rather than qualitative difference. This has impacted on the political prospects of organized anti-slavery, resulting in a level of complexity and ambiguity that makes it difficult to translate formal commitments and popular antipathy into effective political action. Questions about whether particular practices *really* constitute slavery come quickly and easily for audiences accustomed to thinking of slavery as an historical relic, and are often exacerbated by an indefinite amalgam of literal and rhetorical claims.

The contemporary struggle against slavery also differs from that of the early pioneers of organized anti-slavery in another critical respect. It is not only difficult to identify who the slaves are, but also difficult to specify a simple, singular solution for alleviating their plight. The most obvious remedy—legal abolition—has already been adopted with mixed results, leading to a gradual recognition that further measures are required. One strategy has been to focus on reforming relevant institutions, such as placing restrictions on when children can legitimately work, get married or go to war, or tightening laws governing adoption, borrowing, and prostitution in order to prevent abuse, but these measures are unlikely to bring about a decisive end to associated problems, and are instead primarily designed to minimize their scope and severity. This ameliorative stance tacitly accepts that forms of slavery are likely to persist almost indefinitely, particularly in cases where the enforcement of relevant laws is limited, and therefore seeks to reduce their prevalence. This model has been complemented by attempts to come to terms with the root causes of slavery and enslavement, which can be traced to structural issues such as poverty, vulnerability and discrimination. In this context, anti-slavery is inevitably caught up in broader contests over social justice. Taking steps to address these issues will ultimately have a significant influence on the more specific problem of slavery, but structural change is usually confined to long term improvements. There remains much that can be done to address contemporary forms of slavery, but most changes are likely to occur through gradual improvement and targeted effort, rather than dramatic legislative action, leaving a cumulative, multifaceted struggle that is unlikely to be swiftly concluded.