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Anti-slavery as development: A global politics of rescue

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ABSTRACT

Trafficking, forced labour and 'slavery' (TFLS) have become a central cause for our time, but anti-TFLS efforts have also come under forceful criticism. Amidst these ongoing debates, we observe that TFLS is currently being reframed as a problem of and for development. We consider the implications of this reframing by first reviewing the tangled history of abolitionism, colonialism and development, linking this to critical understandings of development more broadly. We then utilise Critical Discourse Analysis (CDA) to study the methodological assumptions and discursive framing of (anti-)TFLS in two paradigmatic texts. In doing so, we trace an important discursive shift – to anti-TFLS as development – in the moment it unfolds. Troubling the narrative of anti-TFLS as development, we conclude that while it promises to amend the criminal justice approach, it nevertheless perpetuates a global politics of rescue.

1. Introduction

Over the last two decades, the issues of trafficking, forced labour and 'modern slavery' (TFLS) have been firmly planted on the agenda of governments, multinational institutions, NGOs and businesses. The growth of campaigns, media, programs and policies to counter TFLS appears to know no limit. These efforts are diverse, but a dominant criminal justice paradigm has been discerned. The efforts have also been subject to a range of critiques.

With TFLS included in the United Nations Sustainable Development Goals (SDGs) via Target 8.7 on decent work,[2] we argue that a significant shift is underway, with TFLS increasingly framed as a problem of and for development. While such a shift arguably responds to some of the critiques of efforts to combat TFLS (or 'anti-TFLS'), there is a need to interrogate this new framing. This article contributes to such a task by seeking to trace this discursive shift as it unfolds. We first remind readers of historical abolitionism's troubled history in relation to colonialism and development, and highlight the need for critical understandings of development. We then conduct a discourse analysis of two paradigmatic texts on TFLS to examine whether and how 'development' is framed in relation to contemporary abolitionism. We conclude that anti-TFLS in its development guise retains problematic assumptions with implications for policy and practice. Critical scrutiny, as well as alternative ways of responding to unfreedom and exploitation, remain vitally important.

Below, we situate our analysis by outlining critiques of anti-TFLS in the 21st century. We then consider the ways that arguments against slavery and forced labour were articulated historically in the context of colonialism, decolonisation and development, and how this can be linked to critical understandings of development more broadly. Following this, we present our methodology: a discourse analysis of two emblematic texts, the Global Slavery Index (GSI) produced by the Walk Free Foundation (2014a) and the Trafficking in Persons (TiP) report produced by the US Department of State (2015, hereafter TiP 2015). In presenting our findings, we interrogate the methodological assumptions and discursive framings underpinning these texts. We show that: quantification takes the form of rankings; certain forms of knowledge are valorised; representations of 'victims' and 'abolitionists' are (still) racialized; questions of development are reduced to 'culture'; and the problematic 'material connections' (potentially) raised by TFLS – such as supply chains and migration – are managed. Our conclusion is that anti-TFLS as development perpetuates a damaging global politics of rescue, and inhibits alternative, progressive framings and responses.

2. Anti-TFLS: the criminal justice framework and beyond

The current intensity of commitment to an anti-TFLS agenda emerged around the turn of the millennium, signalled by: The

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[2] 'Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour…' (https://sustainabledevelopment.un.org/sdg8; accessed 9 April 2018).

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International Labour Organisation's (ILO's) 1998 Declaration on Fundamental Principles and Rights at Work, the United Nations (UN) Trafficking Protocol of 2000,[3] the US Trafficking Victims Protection Act (USTVPA) of 2000, and the publication of *Disposable People: New Slavery in the Global Economy* (Bales, 1999). Since then: a range of national and local laws, policies, action plans and task forces have been implemented; new anti-TFLS organisations have been founded; existing government agencies, service organizations, advocacy and organizing groups (including major International NGOs) worldwide have reoriented and/or rebranded their work as anti-TFLS[4]; and anti-TFLS has taken a central place within Corporate Social Responsibility, supply chain management and compliance agendas (in part due to fears of liability).

In using the term 'TFLS,' we neither propose nor advocate it as a catch-all category capturing the realities of unfreedom on the ground. We recognise, for example, that precise definitions of trafficking, forced labour and slavery are of enormous concern from a legal perspective (Piper et al., 2015). Rather, we speak of (anti-)TFLS as policy field – in as much as policy, private (corporate or philanthropic) initiatives and advocacy increasingly address these issues together and/or treat them as a singular phenomenon. It is not our task here to weigh in on debates about proper terminology; rather, our focus is on understanding the discursive construction of these categories, a process which extends well beyond the juridical sphere.

We start from the following observations: definitions of each category are contested and dynamic; categories have frequently been articulated with reference to each other; and different terms are ever more conflated. Today, trafficking and forced labour are not only linked to slavery; for many, they *are* modern-day slavery.[5] The terms are often used interchangeably, as they are in the TiP report, while the GSI's definition of modern slavery 'covers' a range of legal concepts including trafficking and forced labor (Walk Free Foundation 2014a:114). Policies framed as 'anti-trafficking' may also be referred to by observers as 'anti-slavery' - and indeed 'slavery' appears to be eclipsing 'trafficking' as the hegemonic term (see Chuang, 2014). Fundamentally, what these categories (and their collective framing) have in common is the designation of certain conditions and relations as universally intolerable, thereby demarcating them as sites for urgent intervention.

As the field of anti-TFLS policy, practice and scholarship has developed, a range of critiques have been made. First, the association (and often conflation) between trafficking and 'sex slavery' was reinforced through the UN Trafficking Protocol. The emphasis on prostitution, which persists even though there is now greater attention to other forms of work within anti-TFLS, has been critiqued for (largely) precluding questions of sex workers' rights (Gulati, 2012; Ditmore, 2003; Doezema, 2010; Kempadoo, 2007) and thus harming sex workers, even those considered 'victims' of, or vulnerable to, trafficking (Dottridge, 2007; Andrijasevic and Mai, 2016). More broadly, the Protocol established the '3 Ps' framework of prosecution, protection, and prevention, which has in practice constituted a criminal justice framework concentrating on prosecution and largely failing to address the needs and rights of potential and actual 'victims' (Bernstein, 2010; Chuang, 2014). Concerns around trafficking have also been intertwined with debates around immigration, such that the distinction between 'victims' and 'illegal' immigrants has arguably done more to constrain the rights and freedoms of migrants than it has done to prevent abuses or protect 'victims' (Anderson, 2008; Dwyer et al., 2016; Lewis et al., 2015; LeBaron et al., 2018; Sharma, 2017). Further, as Lerche has argued, the effects of distinguishing between TFLS and 'lesser exploitation' of workers can be similarly harmful (2007). Crucially, non-state actors such as NGOs and celebrities have played central roles in establishing and carrying out the dominant criminal justice approach (Musto, 2016; Haynes, 2014) and the expansion of this framework into what Kempadoo terms a 'politics of rescue' (Kempadoo, 2016a).

Bales' work, insisting on the distinctiveness of 'slavery' and defining 'new slavery' in terms of exploitation, violence (or its threat), and loss of free will (1999), has been influential across a range of disciplines and in the popular press (for example: van den Anker, 2004; Manzo, 2005; Craig, 2015; Kara, 2009; Batstone, 2007). Even some aligned with this 'new slavery' school, however, have raised concerns that the renaissance of anti-trafficking efforts has 'done little to reduce the incidence or harm of the phenomenon' (Brysk and Choi-Fitzpatrick, 2012:2). Within and beyond this school, many have argued that strict binaries are unhelpful and that slavery should be conceived of as one end of a continuum (e.g., Skrivankova, 2010) or have called for alternative labour or human rights paradigms (Shamir, 2012; Brysk and Choi-Fitzpatrick, 2012). Some critiques, however, express more fundamental concerns with the problematic categories of 'free labour' vs. TFLS (e.g., Brace, 2010; O'Connell Davidson, 2015; McGrath and Rogaly, 2014). Our argument below regarding the emergent discourse of anti-TFLS as development seeks to build on and extend this critical body of work.

Thus while we endorse Strauss' call for 'the necessity of research agenda that seeks to understand the role of space and place in shaping the continuum of exploitation and unfreedom' (2012:139), we would urge geographers to be mindful of the body of critical literature noted above. It is also important for critical scholars of development to engage with the topic, given that TFLS is moving into centre stage within the development industry: as an explicit target of development through the UN SDGs, and with the ILO-led Alliance 8.7 seeking to generate visibility, attract resources and create a coordinated agenda around the target. Significantly, Bales has recently posited 'a virtuous circle of sustainable development and environmental stewardship' as the solution to 'the vicious cycle of slavery and environmental destruction' (2016:67).[6] While development studies and practice has sometimes covered the issue(s) of TFLS, this has typically been only as a subset of broader topics such as labour standards, migration, or poverty. LeBaron argues that 'the widespread presence of forced labour' has 'been underinvestigated by scholars of … development' (2016:385), while Barrientos et al., state that 'the persistence of unfree labour' is 'overlooked' in 'development discourse' (2013:4).[7] Critical and geographical perspectives are therefore necessary in order to subject shifting anti-TFLS policy and practice to analytical scrutiny.

The discursive links being forged between development on the one hand and (anti-)TFLS on the other are, then, important to uncover as they are likely to shape the contours through which policy and practice on TFLS evolve in the era of SDGs. The question is whether and how a development paradigm might modify the currently dominant criminal

[3] The UNODC 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children', also called the 'Palermo Protocol.'

[4] Dottridge (2014) cites a Freedom Fund estimate that OECD countries spend US$120 million per year on anti-trafficking; see also the Global Funding Information Sheet available at: http://www.gaatw.org/publications/ATR_funding_factsheet.07.29.2014.pdf (accessed 21 March 2017) and Global Modern Slavery Directory available at: http://www.globalmodernslavery.org/ (accessed 21 March 2017).

[5] Former US President Barack Obama has called 'modern slavery' the 'true name' of human trafficking (The White House, 2012). The US State Department's Office to Monitor and Combat Trafficking in Persons website states that '"Modern slavery," "trafficking in persons," and "human trafficking" have been used as umbrella terms…' (US Department of State, 2017). In 2017, the Office introduced the Program to End Modern Slavery (PEMS). The ILO produced its first estimate of the scale of 'modern slavery' rather than simply forced labour in 2017.

[6] In a televised exchange surrounding UK Prime Minister David Cameron's visit to Jamaica in 2015, Esther Stanford-Xosei, Vice Chair of the Pan-African Reparations Coalition in Europe, called a proposal to spend part of the UK's development assistance budget to build a prison in Jamaica (in order to facilitate deportations of Jamaican nationals) a 'relic of colonialism.' MP Peter Bone responded to the call for reparations by highlighting the issue of 'modern day slavery … looking to the future, not worrying about the past.' (Channel 4 News, 2015).

[7] Townsend et al. further suggest that development studies should consider the issue of post-trafficking livelihoods (2015).