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Viewpoint: What's wrong with modern slavery? Why Theresa May in Wilberforce's clothing won't appeal to all

Julia O'Connell Davidson

Concerns about 'human trafficking' have helped spark a revival of anti-slavery activism. Home Secretary, Theresa May, recently nailed her colours to the contemporary abolitionist mast. In August, she announced her intention to introduce a Modern Slavery Bill aimed at strengthening existing anti-trafficking law and eradicating an 'evil in our midst'. As reported in the [Telegraph](#), her concern 'is that the slave trade was not really abolished; it just changed its form. People are still bought and sold in coffee bars at Heathrow airport, then sent to work in Norwich farms and Soho nail bars.'

At the very moment Mrs May was donning the mantle of Wilberforce, the Home Office was busy rolling out a [poster campaign](#) to tell 'illegal' migrants to 'Go home or face arrest'. One of the posters read: 'Is life here hard? Going home is simple'.

And the Government is also keen to help 'slaves' go home. The National Referral Mechanism – the process set up by the Government to identify and support 'victims of trafficking' in the UK – is much preoccupied with providing foreign victims with help and financial assistance to return home. This emphasis on sending migrants 'home' is part of a more general shift towards ever-tighter and more exclusionary immigration regimes, ever-stronger border controls, and ever-growing use of deportation.

There has also been a [steady increase in the numbers of people held in detention solely under Immigration Act powers](#) (28,909 people entered detention in 2012). As I am just embarking on a project that examines, among other things, what does and does not get termed 'modern slavery' and why, the fact that the Government can express enthusiasm for battling against 'the scourge of modern slavery' while simultaneously devoting itself to depriving huge numbers of migrants of their liberty interests me.

According to [anti-slavery activists](#), modern slavery has three key characteristics: involuntariness, in the sense the victim did not choose and cannot 'walk away from the situation they're in'; severe economic exploitation; and violence or the prospect of violence.

Immigration detention could be said to share all three. It is involuntary, and though immigration detainees' capacity to labour is not exploited, their bodies constitute the raw material that is held and processed in an activity that generates significant

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profits for private security firms such as G4S, Serco, and Reliance. These companies have come to dominate detention, transport and escort services for irregular migrants and asylum seekers in the UK. And it is violence, both prospective and actual, that prevents detainees from walking away. Numerous [complaints](#) have been lodged against G4S in relation to incidents involving excessive force, assault and racism. The [High Court recently found that Serco had acted in violation of a detainee's right not to be subjected to inhuman and degrading treatment](#) in a case, involving a vulnerable man hospitalized for 9 days suffering severe abdominal pain. For the entire period, including while showering and using the toilet, as well as during medical consultations and treatment and while asleep, he was restrained by either ratchet cuffs or closet chains –handcuffs at the end of a chain attached to a security officer. The charity Medical Justice states the case is not isolated or atypical.

The violence and the chains are not the only way in which the experience of immigration detainees in affluent, liberal democratic states resonates with that of the enslaved historically. They are frequently held in remote and isolated locations, and moved between such locations without warning, making it difficult for families, friends and lawyers to maintain contact with them. Such ‘dispersal’ policies work to alienate the detainee from her or his community, family and support networks.

At the same time, while deportation and other aspects of immigration policy can lead to permanent separation from one’s children, just as, in the past, slavery implied natal alienation and family separation for the enslaved. Some migrants who have been forced apart from their children by UK immigration policy describe their experience as a ‘[living death](#)’, calling to mind the sociologist Orlando Patterson’s famous treatment of slavery as social death. (3)

But immigration detainees are not considered to be ‘modern slaves’ by activists at the forefront of the new abolitionist movement. Indeed, though corruption amongst government officials in the developing world is often said to play a part in the problem of ‘modern slavery’, if the governments of affluent liberal democratic are criticised by campaigners, it is generally only for failing to devise and enforce tough enough legislation against ‘traffickers’ and other ‘slavers’. They are not criticised for the forms of violent domination they sanction. Small wonder, then, that Mrs May is happy to be associated with their cause. And yet thinking about the enormity of the restraints the Home Office is willing to place on the freedom of unauthorized migrants (restraints that cause untold suffering, and can even prove lethal) must give rise to the question what is it about ‘trafficking’ that the Government so objects to?

The French anthropologist [Alain Testart has observed](#) that, in the Western tradition, debt slavery has been regarded as a hateful practice amounting to the oppression of the poor. ‘But,’ he asked, ‘what exactly is hateful in it? Not that there are poor

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people, because inequality of wealth is not what arouses indignation, but that a person should be put into bondage because of his or her poverty'. Testart went on to argue that states have an interest in limiting or abolishing such bondage because 'A king's subject, a citizen of the polis, is neither subject nor citizen if he becomes a slave. A slave has but one master. He pays no taxes, and owes no military service'. (4) And what the state lost, another gained. Debt slavery equipped rich individuals with power over their slaves and influence over others wishing to avoid debt slavery. Multiple hubs of power emerged, threatening the central power of the state.

This analysis is illuminating in relation to contemporary states' interest in 'human trafficking'. The people sent to work on Norwich farms and in Soho nail bars are the poor of other countries, many of whom are under compulsion from the debt relations they have entered into. Again, it is not their poverty that is seen as hateful – indeed, our Government wants to send them home to it. Nor is it the exploitation of workers who are unable to walk away from an employer without facing serious repercussions, because many of the Government's own visa and work permit schemes are designed to prevent migrant workers from moving freely in the labour market. And what is hateful cannot be the idea that any human being, under any circumstance, is moved or held against their will, or placed in a condition of potentially violent control, or subject to economic exploitation. All of this is considered acceptable in the case of immigration detention. What is really wrong with 'modern slavery' through the eyes of Theresa May and her ilk, is, I think, the menace to state power that it represents.

To be sure, indignation about the violation of victims' human rights features prominently in the political rhetoric surrounding 'trafficking'. But the problem has actually been framed in international law primarily as a threat to state sovereignty and security. The United Nations Trafficking Protocol was adopted alongside the Smuggling Protocol as part of the [Convention Against Transnational Organised Crime](#), reflecting a statist concern with both 'trafficking' and 'smuggling' as criminal activities that violate the state's right to control its borders and determine who is admitted to its territory.

In what is classically understood as 'trafficking', the victims are controlled and exploited on state territory by organised foreign criminals – that is, private individuals who pay no taxes, owe no loyalty to the state, and may even destroy it if their power and influence extends sufficiently. It looks very much as though this is the 'scourge' that state actors are seeking to combat, where the primary motivation is a desire to shore up the state's monopoly both over the use of violence and the control of mobility, not a commitment to universal human rights. Certainly their interest in 'trafficking' does not reflect a wish to recognise all human beings on their territory as morally equal 'persons'.

For all these reasons, Theresa May's announced intention to stamp out modern slavery will bring little cheer to anyone who thinks there's something wrong with *all* forms of violence and domination - whether sanctioned by the state or not - and something wrong with *any* legal system that constructs some human beings as less entitled to rights than others.

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