Introduction

Getting beyond Chattel Slavery

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OLD AND NEW ABOLITIONISTS: SYMMETRIES OF PAST WITH PRESENT

The 2016 Global Slavery Index’s annual Report declared that close to 46 million people the world over had been forced into human bondage, a disputed but nevertheless deeply dismaying figure. Of course, it is notoriously difficult to ascertain and process definitive data regarding a trade that is wholly illegal and underground; however, whatever the exact numbers may be, it is clear that as we advance further into the twenty-first century, an ever increasingly large host of oppressors continues exploiting an ever larger number of their fellow humans by reducing them to slavery. How can we obliterate these morally repugnant and socially debilitating practices, or at least limit their spread? This question, as obvious as it is urgent, continues to be pressed by governments, activists, business, labor, and religious leaders, academics, and concerned citizens all over the globe.¹

The same question should rightly preoccupy the readers addressed by this volume, particularly scholars, teachers, students, and activists interested in the histories of Great Britain and the United States, two nations with histories deeply tainted by centuries of enslavement, ennobled by the Western world’s most powerful abolitionist movements, and noteworthy for their dramatic acts of mass emancipation. Great

¹ Please see www.globalslaveryindex.org/findings/ for more about the 46 million figure. A critique of this claim can be found in www.theguardian.com/global-development/poverty-matters/2014/nov/28/global-slavery-index-walk-free-human-trafficking-anne-gallagher.
Britain’s “emancipation” came to pass in 1833 when compensated emancipation approved by Parliament liberated over 800,000 people. In the United States, the moment arrived in 1865 when freedom for roughly 4 million enslaved people was ratified by the Constitution’s 13th Amendment. Thus it was that long ago, slavery embedded itself deeply within both nations’ histories – and so did slavery’s abolition. It is therefore not surprising that Anglo-American antislavery activists today equate the slaveries they seek to destroy with the kind of slavery that their forebears abolished; take inspiration from epochal figures such as Harriet Tubman, Frederick Douglass, Harriet Beecher Stowe, Olaudah Equiano, and William Wilberforce; and refer to themselves collectively as the “the new abolitionist movement.”

Such close identification with this deeply inspirational antislavery past goes far to explain the modern-day, or “new” abolitionists’ accomplishments and why they are closely emulating the work of their ancestors. Today their non-governmental organizations (NGOs) number in the hundreds and continue proliferating; many are deservedly praised for their sophisticated approaches and impressive results. Over a century and a half ago, their forebears likewise created networks of antislavery societies that linked them closely together even as they crisscrossed the Atlantic. Today, in libraries all over the country, one encounters in increasing numbers the new abolitionists’ gripping exposés of enslavement, along with analytical studies by serious academicians and governmental reports of all sorts. The original abolitionists likewise published innumerable rhetorical tracts and substantial volumes with damning testimony from escapees from slavery. Today, documentary films of widely varying quality for which new abolitionists are responsible continue multiplying, some narrated by high-profile media personalities and almost all having some testimony from a survivor of modern-day bondage. Before the Civil War, the original abolitionists turned themselves into speechmaking celebrities, performed popular antislavery

music, and developed eye-catching antislavery art work and ear-catching poetry. Responding (at least in part) to today’s abolitionists’ demands, our politicians design and our governments enact stringent laws against slavery and human trafficking. More than a century and a half ago, their predecessors flooded the halls of Congress and Parliament with antislavery petitions signed by tens of thousands of ordinary people.3

Propelling all this activism is the grass roots energy of everyday citizens, who behave in very similar ways as did their abolitionist predecessors when learning and teaching others about slavery, pressuring local officials, demanding action from their churches, synagogues, and mosques, monitoring their neighborhoods for evidence of enslavement, and taking care to consume as few goods produced by enslaved people as possible. It feels almost as if the new abolitionist movement has us living our antislavery history all over again. In a burst of zeal (never mind the daunting statistics), one particularly over-promising NGO, Not for Sale, goes as far as to exhort the new abolitionists that “Together we can end slavery in our lifetimes!”4 Over 150 years ago, William Lloyd Garrison and Joseph Clarkson were given to making similar pronouncements.

The response of any serious historian to such over-the-top predictions is “simply impossible” — for this very good reason. As David Richardson makes clear in his contribution to this volume, “Contemporary Slavery in Historical Perspective,” and as will be discussed more extensively later on, from at least biblical times, if not before, the heavy influences of slavery are documented throughout recorded history, leaving no assurance that it will ever be “ended,” let alone “in our lifetimes.” Richardson’s essay also offers thoughtful assessments for modern abolitionists of how to respond constructively to slavery’s persistence.

At the same time, the value of such embellishment is hard to deny. Not so long ago, in defiance of massive white hostility, it directly inspired the epochal Civil Rights struggles of the 1950s and 1960s in the United States,5 much as it fires the imaginations and undergirds the endurance of

5 The classic formulation of these historical connections is Howard Zinn, SNCC: The New Abolitionists: Racism and Civil Rights (Chicago, IL: Haymarket Press, 1964; reprinted 2013). That racists have just as easily elided a vision of the antebellum Southern past with their sense of the present by turning themselves into “Neo-Confederates” when opposing
abolitionists today in the face of truly dismaying material circumstances. When specifying these dismaying circumstances, historical analogies continue to ring true.

Much as was the case during the nineteenth century, powerful social and economic forces are combining today to drive a staggering number of people into circumstances that make them highly vulnerable to enslavement, far more in raw numbers than at any previous time in history. Back in Frederick Douglass’s day, the drivers of enslavement were basic commodities: cotton, rice, sugar, and tobacco traded in huge volumes across the greater Atlantic basin. The population vulnerable to enslavement was a seemingly limitless supply of West Africans, mostly from present day Congo, Mali, Côte d’Ivoire, Nigeria, Ghana, and Angola.  

In our day, the drivers are goods and services of every kind imaginable and seemingly from everywhere (reflect on any Walmart store’s inventory). The vulnerable population is now spread across the globe and almost too enormous to calculate. The United Nations, for example, reported in 2016 that among the world’s population are over 63 million refugees, more than were displaced by the Second World War, and that around 795 million people in the world do not have enough food to lead a healthy life. The continuing degradation of the natural environment caused by hyper-development all over the globe has been closely linked to spreading patterns of enslavement. During the eighteenth and nineteenth centuries, slavery’s environmental scourge was severe deforestation and all but unrelenting soil exhaustion. Just as was true then, the plain fact today is that the new abolitionist movement is exactly the .


For a highly useful study that examines modern slavery in depth and transnationally, see Louise Shelley, Human Trafficking: A Global Perspective (Cambridge and New York: Cambridge University Press, 2013). Limitations of space do not allow descriptions of the many goods and services that are most commonly associated with enslavement or detailed information on demographics, profitability, and so forth. Such limitations also make it impossible to offer detailed descriptions of specific new abolitionists’ programs and initiatives. Three websites are particularly useful sources of such information: www.endslaverynow.org/, www.walkfree.org/, and https://polarisproject.org/.

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proportion response to one of our time’s most agonizing and multifaceted moral and ethical challenges.

Thus far, the parallels between past and present seem straightforward, and so does the inspiration they offer today’s abolitionists. As we continue to explore them, however, they mutate into conundra that challenge the new abolitionists. As is usually the case, history, when deeply studied, complicates and (one hopes) deepens our understanding of our current circumstances. The goal of our volume is precisely this.

OLD AND NEW SLAVERY: COLLISIONS OF PAST WITH PRESENT

History’s complications for today’s abolitionists originate in this one deeply disruptive fact: the forms of enslavement found across the world today have almost nothing in common with nineteenth-century plantation slavery. Apart from their inherent brutality and enrichment for enslavers, plantation slavery “then” and slavery “now” reside in seemingly alternate universes. The antislavery work accomplished by Frederick Douglass and William Wilberforce went forward under circumstances almost wholly at odds with those facing today’s abolitionists.9

Unimpeachable legal codes, massive capital investments, and unswerving state power undergirded all aspects of nineteenth-century plantation slavery. Overturning it required abolitionists to demand an entire body of existing law be overthrown and a staggering amount of private (human) property be alienated from its owners. When they demanded precisely this, they provoked explosive controversy, disrupting politics and religious denominations and vastly multiplying their influence on public opinion.10

Today’s abolitionists enjoy none of these advantages because modern slavery enjoys no legal protections. Instead, it is criminal enterprise, outlawed (in theory) all across the globe. Suppressing it requires abolitionists to demand the stringent application of existing laws, the enactment of more effective laws and the cooperation of multinational


agencies and businesses of all sorts. In perhaps the most revealing contrast to the situations of their controversial forebears, abolitionists today find that most everyone already gives lip service to such laws and that businesses sensitive about their public images do the same as well. In brief, they lack powerful proslavery opponents who would fan the flames of controversy and help them to generate headlines. Who is today’s John C. Calhoun? Who, today, openly defends slavery, as did Calhoun in his infamous 1837 speech before the US Senate entitled “The Positive Good of Slavery”? This question raises one of modern abolitionism’s most daunting problems: the fact that modern slavery remains difficult for the vast majority of scholars to define exactly, and for abolitionists’ fellow citizens to respond to with empathy and a sense of urgency.

Deeply aware of this problem, modern abolitionists often lament that most of their country people truly believe that slavery ended forever in 1833 or 1865, strongly denying its ongoing existence in a variety of forms into the present time. Highly promoted films such as Amazing Grace (2007) and Lincoln (2012) simply ratify the deeply embedded historical memories which maintain that Great Britain and the United States triumphed in glorious moral wars that swept the scourge forever from the face of the Earth. And why should not ordinary citizens believe exactly this? For Great Britain and the United States, as historians have told them time out of mind and quite correctly, emancipation marked truly epochal moments not only for those liberated (a combined total of 4,800,000) and for their former slaveholders, but also for practically everyone alive at the time. The costs included a catastrophic 750,000 Civil War casualties for the United States and an expenditure of as much as a jaw-dropping 2 billion, 180 million inflation-adjusted pounds for the British. As the powerful myths and memories generated by such watershed events

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11 A useful introduction to this problem and efforts to address it is found in www.cips.org/Documents/About%20CIPS/Ethics/CIPS_ModernSlavery_Broch_WEB.pdf.
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reverberate into our time, is it a surprise that many find it hard to believe that slavery persists?

In the United States, for example, mention of slavery today leads Americans to fasten instinctively on Abraham Lincoln, Robert E. Lee, Frederick Douglass, or Jefferson Davis; some may extend their thinking to include Martin Luther King, Jr. and Malcolm X, or the 1964 Civil Rights Act; and even the presidency of Barack Obama. Little wonder, then, that people enslaved in so many differing circumstances remain all but unrecognizable to most Americans and so challenging for scholars to generalize about: manacled woodcutters in Manaos, Brazil; children peering through barbwire fences on West African cacao plantations; multiple generations of Indian families held in debt bondage; Pakistani children chained to carpet looms; profoundly traumatized child soldiers in the Democratic Republic of Congo; enslaved vegetable pickers in the Florida “panhandle”; kidnapped South Asian men and boys enslaved on Thai fishing boats; and prostituted people of every age, gender, and sexual orientation put up for sale in Bangkok, Minneapolis, and London. Indeed, these staccato descriptions illustrate perfectly why modern slavery defies easy generalization and straightforward definitions.

Powerful as it is, historical memory is but one of several factors that explain why mobilization of antislavery knowledge and opinion is so much more difficult now than it was in the nineteenth century, and also why slavery today is so much more challenging to describe. To explain: back in the nineteenth century plantation slaves were reflexively lumped together by a racist white society into a single “black race.” Exposed to outside observation, the lives and work of those enslaved were regionally centered over several generations. They resided in familiar places. They were openly bought and sold. They sustained their own communities, built their own cultural defenses, engaged in

\[\text{Exceptions to these generalizations about modern slavery’s invisibility are long-sanctioned slavery systems such as those found in Mauritania, India, Pakistan, and other locales where tradition has sustained the practice with very little change, deeply rooting it across generations. For different reasons, exceptions also include locations where sexually enslaved individuals are put on public display for commercial purposes. Although these forms of enslavement are easily visible, for most citizens of Great Britain and the United States the lived experiences of those enslaved remain worlds away. As emigration from slavery-ridden regions to Great Britain and the United States continues, however, it is likely that these “worlds away” will begin to converge. For descriptions of these locales and explanation of their forms of enslavement see Kevin Bales, \textit{Disposable People: The New Slavery and the Global Economy} (Berkeley, CA: University of California Press, 1999).}\]
day-to-day resistance, organized collective rebellion, and liberated themselves and one another. In short, they lived in plain sight, made endless trouble, created headlines, and brought still more attention to their abolitionist allies. Today’s enslaved and their exploiters, by contrast, are all but invisible to anyone other than themselves and the activists working directly with them. Because they represent every imaginable race and nationality, and are geographically dispersed and highly mobile, the enslaved cannot be lumped into a single racial stereotype. Since slavery is everywhere illegal, they are bought and sold in secret and forced to live “under the radar,” where it is next to impossible to sustain multigenerational communities that support individual and collective solidarity and resistance, let alone mass rebellion. By the same token, many of today’s enslavers live as marginalized outlaws. Back then, they sat in Parliament or resided in the White House.

With today’s slavery virtually outlawed and operating only in the form of criminal conspiracies, anything goes. In absolute contrast to the old plantation complex, slavery today involves no fixed rules, no shared understandings of limits, no guiding precepts or precedents, no long-term planning and no accountability. It’s all up for grabs. Many decades of improvisation and untrammeled entrepreneurship under widely varying conditions have caused modern slavery to mutate into multiple forms of exploitation as distinct from one another as they are from the nineteenth-century plantation complex. Attorneys, activists, scholars, and public policy experts often disagree over legal definitions of slavery today and, as a result, an opaque legal and cultural curtain shields the realities of modern slavery from the lived experiences of most white people in America, as well as from straightforward legal codification.

Back in John C. Calhoun’s day, everyone knew slavery when they saw it; abolitionists also knew how to litigate over it, which was frequently. Whatever one’s ethical views of the institution, it was easy to define its standing in law and its substance in social reality. Today, all these certainties have vanished, as has the myth that emancipation in 1865 meant the end of slave systems in the United States. In considering modern slavery, then, scholars must attend both to its perpetuation as a global system and to its transformations in the United States into reconstruction-era slavery.

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debt bondage and convict leasing; Jim Crow segregation and racial terror backed by lynching; and mass incarceration, the prison-industrial complex, the school-to-prison pipeline, and racialized policing. Clearly, then, a description of modern slavery that is easily grasped by average citizens and firmly fixed for legal experts and makers of public policy can seem as difficult to pin down as trying to capture a blob of mercury with a teaspoon as it darts across a highly polished dinner table.

CATCHING MERCURY: RULES AND REGULATIONS

A wise historian might suggest that cornering this blob of mercury requires holding simultaneously to two quite contradictory approaches to slavery in the British and American past, observing what each reveals about modern slavery. The first contends that looking deeply into nineteenth-century Anglo-American slavery and weighing it against slavery today yields a wealth of understanding. The second holds precisely the opposite, insisting that focus on the plantation complex seriously hinders coming to grips with slavery in its current forms; hence, we should banish it from our attempts to mobilize historical knowledge in service of ending current oppressions. Which approach succeeds more fully in removing the legal and cultural veil? Happily, both have great value. For all their differences, both render today’s forms of slavery highly visible and far more open to critical analysis and generalization. And both are guided by the axiom emphasized thus far – that the old plantation slavery and modern human bondage have little in common beyond cruelty and exploitation. Whether weighing comparative profitability, methods of enslavement and slave trading, the biological and


social reproduction of the enslaved, or slavery’s ideological justifications, in this respect, contrast overwhelms commonality and, for this reason, there is much to learn from it. Precisely because the contrasts between “now” and “then” are so undeniable, they help to render modern slavery starkly visible, shredding the curtain that camouflages modern slavery and obliterating the tidy narrative of progress from slavery to freedom. Thus, the importance of fixing on the plantation complex in order, by contrast, to describe modern slavery is essential.

Just as important – perhaps more so – comparing and contrasting nineteenth-century race-based plantation slavery and slavery as practiced today directly addresses one of the modern abolitionist movement’s most consequential failures. Its problem, bluntly, is that while contemporary abolitionists constantly mine nineteenth-century abolitionism for symbols that legitimize their cause, they seem unable to recognize that the history of African enslavement and liberation is powerfully implicated in their mission. Close inspection of high-profile websites reveals no leading African American intellectuals or activists among their spokespeople, and they demonstrate no observable interest in attracting African American supporters. The slavery that fires their opposition leads them to no substantial engagement with the slavery so central to African American history. The problem, then, is not academic; instead, it involves the new abolitionists’ racial astigmatism, and, crucially, the obligation of historians is to offer remedies. At the same time, it is also about the integrity of this volume. Having promised to take its readers “beyond chattel slavery,” our book will do so only by grappling with the African American past and its pertinence for the problem of slavery today, at least in terms of British and American interest and involvement. As with any such massive historical wound, getting “beyond chattel slavery” first requires dealing directly with it.20

CATCHING MERCURY: A THOUGHT EXPERIMENT

The following thought experiment addresses this welter of problems, illustrates the value of our two antithetical approaches to modern slavery, and simplifies the task of introducing our volume’s essays.

Imagine yourself giving a talk entitled “Challenges of the New Global Slavery” before the US Congressional Black Caucus. Some audience members are renowned civil rights veterans, and many trace their genealogies to enslaved ancestors. All know their American history. They are powerfully placed to advance the agendas of modern abolitionism. But if you fail to connect the “new” slavery with the “old,” your listeners will likely believe that you understand the history of enslavement that they consider central to their lives as fundamentally disconnected from the “global” slavery you are about to describe. They might further suspect, as a result of your elision of these connections, that you harbor certain racial and historical insensitivities. Fortunately, your best strategy for success is also the central theme of this essay, which is to show that modern forms of enslavement are vastly different from British West Indian or United States plantation slavery. At the same time, you are also about to demonstrate how the African American past powerfully illuminates slavery in the present, and vice versa, as well as the value of our two opposing approaches. With that settled, we move on, then, to the lecture.

Once you have elucidated our now familiar contrasts (our first approach) and have shredded modern slavery’s veil of invisibility, you turn next to demonstrating how to dismember the popular belief that dramatic mass emancipations like the one that accompanied the US Civil War permanently ended slavery. You accomplish this by banishing the antebellum US South from your thoughts and dwelling instead on the re-enslavement of those recently emancipated in the post-Civil War era. The fact you stress above all others is that human bondage in the United States survived the 13th Amendment in various forms and continued well into our own day. With this segue, the old plantation complex as a benchmark for assaying modern slavery becomes irrelevant, because you have shown that its full abolition was nothing more than a myth designed to obscure the truth of its persistence into the present. Now the enslavement of African Americans you are detailing looks much like the fraternal twin of some of the most widespread forms of slavery today – not to mention mirroring the problem of their invisibility, and the denial of many that they in fact exist. The second approach – comparison instead of contrast – rightly takes front and center. Contrasts vanish. Symmetries dominate.

Your audience knows well the history of post-emancipation re-enslavement, or “slavery by another name,” as it is often described. Some of their forebears were ensnared in it; it is exhaustively documented; and it is often seen as foreshadowing the devastating US “prison industrial
complex,” which not coincidentally continues to be a site of profit from the unpaid or extremely poorly paid labor of prisoners, the vast majority of whom (despite representing only 13 percent of the US population) are African American. It took the form of debt peonage and the exploitation of fraudulently convicted and imprisoned black citizens. These practices also ensnared a much smaller number of vulnerable whites. Although it was outlawed by the United States Constitution, debt peonage and convict labor exploited tens of thousands and remained entrenched until the end of the Second World War.  

The key descriptor here, you stress to your audience, is outlawed, which signals strongly that the African American experience with postwar re-enslavement and the ways in which enslavement is being practiced today have a surprising amount in common, at least in terms of their standing under the law. This point is critical. Both are transacted outside the law and too often treated by governments with a wink and a nod. Enslavers see those they cast into bondage as cheap, malleable, short-term, or, worse, short-lived workers, not as valuable (human) property to be retained as it reproduces over generations. Improvisation drives slaveholders’ behavior in both instances. Tradition and fixed rules no longer prevail. If transported back to a time between the 1880s and the end of the Second World War, many of today’s enslavers would instantly recognize exactly what their white Southern counterparts were up to – and would likely eagerly join in.

From the moment of emancipation, former American slaveholders did everything they could think of to force their former “property” back into servitude. First, they attempted to enforce so called “Black Codes” that punished African Americans for often trumped up charges of debt, vagrancy, petty larceny, and even “lurking” by returning them to the plantations they had recently left, manacled and chained. After federal intervention suppressed such practices, former slaveholders and other entrepreneurs turned to re-enslaving African American “debtors,” whom they saddled with impossible sums with rapidly compounding interest for “services rendered.” This practice of debt peonage is of course precisely what enslavers the world over use to extort labor from vulnerable people today. Using fraudulent pretenses, today’s slaveholders keep their

21 Excellent studies of post-Civil War re-enslavement include Pete Daniels, In the Shadow of Slavery: Peonage in the New South, 1901–1969 (Champaign-Urbana, IL: University of Illinois Press, 1960); Blackmon, Slavery by Another Name; David Oshinski, Worse than Slavery: Parchman Farm and the Ordeal of Jim Crow (New York: Free Press, 1977); and LeFliouria, Chained in Silence.
indebted victims close at hand, or move them across national borders for enslavement by others for sexual exploitation and for brutalizing labor on farms, in factories, and in private residences.

A second method of Southern re-enslavement, the convict lease system, also replicates itself today wherever unscrupulous governments and private recruiters enslave “guest workers” after luring them with promises of employment. It is no accident that Louisiana’s maximum security prison, Angola (the name is telling, recalling the country of origin of many of the enslaved persons who labored there in the antebellum period; the prison is also known as “the Alcatraz of the South”), is situated on what was once an enormous cotton plantation. There and throughout the South, enslavement meant labor in chain gangs or within the prisons themselves. Today, what awaits those convicted of any number of crimes is exploitation in public works projects, agribusiness operations, retail manufacturing, and other industries.

These stark similarities between slavery in the past and slavery today prompt a member of your audience to inquire how and why re-enslavement developed in the post-emancipation South? In reply, you quote the deeply thoughtful American abolitionist Wendell Phillips, who offered this blunt warning in response to the ratification of the 13th Amendment: “We have abolished the slave. The master remains.” What so concerned Phillips, you explain, is what economists have termed “labor substitution”; that is, in this context, the sharp economic imperative felt by the growers of major commodities such as sugar, cotton, rice, and tobacco to find new sources of exploitable labor as rapidly as possible to replace their former slaves. For the great planters in the American South, the answer, along with sharecropping, was re-enslavement. For commodity growers in Central American nations, the British Caribbean Islands, and the Philippines, each a major exporter of “enslaveable” people today, the initial answer was the substitution of Asian and Amerindian “contract laborers.” In Haiti, “slavery by almost the same name” was the eventual

23 The most profoundly unconscionable varieties of imprisonment as slavery take us to Nazi Germany, North Korea, the Soviet gulags, Boko Haram, and the Islamic State, systems so barbaric that it is impossible to consider them in the analysis developed here. For more on prison labor, see Earl Smith and Angela J. Hattery, “Incarceration: A Tool for Racial Segregation and Labor Exploitation,” Race, Gender, and Class 15, no. 1–2 (2008), 79–97; Jaron Browne, “Rooted in Slavery: Prison Labor Exploitation,” Race, Poverty & the Environment 14, no. 1 (Spring 2008), 42–4; Childs, Slaves of the State.
In China and India, deeply rooted traditions, not labor substitution, explain why debt peonage today enslaves millions, some of whom flee only to be re-enslaved elsewhere. But labor substitution as a springboard to enslavement is hardly a closed chapter within the United States. In Florida, for instance, fruit and vegetable growers who exploit undocumented Central American workers have made that area infamous as (quoting the Justice Department) “ground zero for slavery.” All over the country, foreign workers are brought in under the H1 and H2A (non-agricultural workers) and H2B (agricultural workers) visa system, programs which have been identified with exploitative and “slave-like” practices by a range of NGOs and investigative journalists. In such instances, the “slavery by another name” endured by African Americans casts a harsh but helpful illumination on various forms of enslavement today. This point of comparison overcomes modern slavery’s current invisibility, puts African American history front and center for today’s abolitionists, and powerfully reinforces black Americans’ demands for racial justice in what Amiri Baraka (Leroy Jones) refers to as the “changing same” of racism as it manifests in our current historical moment.

Presentation before the Congressional Black Caucus concluded, members of your distinguished audience express appreciation for your clarity when demonstrating how the African American experience of post-Civil War re-enslavement illuminates the circumstances of the enslaved today, how precisely the reverse is also true, and why it is that the echoes of post-plantation slavery reverberate so powerfully into our time. Your hope is that they move next to consulting about new legislation to combat the legacies of slavery from the past and the challenges of slavery today.


CONTEMPORARY SLAVERY: A CONTESTABLE CONCEPT

Having established the value of understanding post-emancipation reenslavement and labor substitution in order to remove modern slavery’s curtain of invisibility, what else might historical approaches contribute to the work of modern abolitionism? One quite pressing issue involves responding as historians to a string of urgent questions that open modern abolitionism to stringent criticism. To explain:

Skeptics want to know what, exactly, distinguishes slavery from other profound forms of deprivation, suffering, and gross exploitation. What bright line, if any, should morally responsible people draw between the enslaved and those who, though technically “free,” remain no less profoundly oppressed? If that line cannot be confidently established, how can it be claimed that the world today contains 46 million enslaved, or any other number, for that matter? These questions yield no easy answers because, as we know, today’s slavery can defy generalization by displaying so many variations while operating so far under the radar. Then there is the complication of what the term “slavery” has come to represent in today’s public discourse, where it is highly politicized and endlessly invoked to decry all manner of social practices which have nothing in common with actual human bondage. Louis Farrakhan, Leader of the Nation of Islam, demonstrates this problem perfectly when making the following assertion: NBA superstar LeBron James (2016 salary, including promotional fees, $90,365,000) is, according to Farrakhan’s rhetoric “nothing but a modern day slave – owned by the white man – in a system designed to chew him up and spit him out.” To apply Farrakhan’s rhetoric much more mundanely, why are we incessantly cautioned that smart phones, play stations, controlled substances, pornography, Netflix binges, destructive relationships, and even shopping all possess the power to “enslave” us? Such assertions drain “slavery” of its ethical and emotional resonance and analytical meaning. The curtain of invisibility shrouding the practice in its current forms grows all the more weighty.

To be sure, linking one’s righteous cause to accusations of enslavement has, from at least the seventeenth century, empowered epochal struggles for social justice such as feminism (“the slavery of sex”), labor organizing (“wage slavery”), and revolutions against political oppression (the

27 “NBA is Modern-Day Slavery: They Buy Us, They Trap Us,” TMZ Sports (February 22, 2016), www.tmz.com/2016/02/22/louis-farrakhan-nba-is-modern-day-slavery-they-buy-us-trap-us/.
“slavery” of kings, autocrats, and dictators). Across the millennia, fervent Christians have embraced the transformative promise of personal liberation from enslavement to sin, and such linkages continue to be articulated today. Cut close to the bone, however, and the problems associated with invoking slavery to highlight oppression can be as deeply troubling as they are illuminating.

Consider these questions: What, if anything, distinguishes what abolitionists call “slavery” from conditions facing technically “free” people who endure lifetimes that are every bit as full of grinding poverty, harsh manual labor, sub-subsistence wages, and profound abuse from employers? Could it be that by concentrating entirely on what they perceive to be enslavement, abolitionists are ignoring or even enabling other equally heinous assaults against human dignity? Could it be that there are enslaved people today who actually live better than others who are free? And if so, should not humanitarians champion such unfortunates over the more protected of the enslaved? Are there people who have voluntarily chosen to become sex workers whose employment abolitionists jeopardize when campaigning to eliminate prostitution? Could it be that self-interested governments are conflating “slavery” with “human trafficking” in order to enflame nativists and bigots to demand the sealing of national borders against the “threats” of refugees and asylum seekers? Might, then, today’s abolitionist movement be used as a pawn by governments bent on exclusion and internal repression? These are urgent questions, too often avoided by too many of today’s abolitionist activists, which was often true for yesteryear’s abolitionists as well.28

To explain: once compensated emancipation had been achieved in 1833, British abolitionists wrestled with just these conundrums as they embarked on their new mission of eradicating slavery all over the globe, a quest that continued well into the twentieth century. When picking their next targets, they fixed on forms of enslavement that resembled the once-legal plantation system they had so recently vanquished. Slavery that differed markedly by relying on custom, not legal codes, failed to attract their opposition. They likewise failed to grasp the significance of labor substitution, even as new, illegal forms of enslavement replaced legalized systems being overturned.29 Some critics condemned these abolitionists

28 These questions are most incisively developed in O’Connell, The Margins of Freedom, 28–80.
29 These critiques of British abolitionism are extensively discussed in Quirk, The Antislavery Project, 56–125.
as pawns of imperialist governments because of their intrusions into the affairs of other nations and cultures. Others asserted that the supposedly enslaved were actually working of their own free wills and that abolitionists were actually stimulating mass unemployment. Drastically exploited British industrial workers, many of them children, condemned the abolitionists as hypocrites for maintaining that their poverty was not slavery because they were legally “free.” “Slaves without masters” was an abolitionist oxymoron; selective perceptions of suffering and exploitation were no less widespread back then than they seem to skeptics today.  

Julia O’Connell Davidson’s powerfully argued *The Margins of Freedom: Modern Slavery* sets forth these critiques and challenges today’s abolitionists to overcome them. How? By combating state efforts to pervert antislavery ideology to justify closing borders against refugees and to foster racial bigotry and nativism. By resisting paternalism and racial blindness in their own antislavery appeals. By insisting that “if poverty is not [technically] slavery,” it nevertheless propels slavery’s terrifying expansion. By objecting vociferously when the sufferings of those nominally free are as horrific as those enslaved. In other words, in order to succeed with integrity, abolitionists must embrace an expansive mandate, not a strictly legalistic one.  

**MARKING SLAVERY’S BLURRY BOUNDARIES**

Still, even under the conditions of such a mandate, we remain troubled by that vexing question: where do we draw the elusive line between slavery and freedom? For at least the past half century, the task of defining slavery has puzzled policy makers and activists, spurred political discord, and generated academic contestation. At first, the history of determining slavery’s status in international law was straightforward. In 1926, the League of Nations Slavery Convention ratified precisely the same definition that the old abolitionists had always embraced. Slavery

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31 We urge readers to consider carefully the fine critical analysis of the contested concept of slavery throughout Davidson’s *The Margins of Freedom*. Limitations of space permit neither as full a consideration of this problem as her work addresses it, nor as it – and her work – deserve.
meant chattel slavery, legalized slavery, and nothing else. Wherever one found slavery anywhere in the world, positive law supported it, just as it had in Frederick Douglass’s day. An enslaved person, according to the Convention, was someone over whom “any or all the powers attaching to the rights of ownership are exercised.” The Convention gave no overt recognition to “slavery by another name” and after the passage of thirty years it became all too obvious that this restrictive definition needed significant expansion.

In 1956, the United Nation’s Supplementary Convention on the Abolition of Slavery acted accordingly by concluding quite rightly that today’s slavery takes a variety of forms and rests far more often on custom, entrepreneurship, and criminal conspiracies than on codified law and property relations. It then went on to define slavery to include debt bondage, serfdom, forced marriages, coerced prostitution, and the exploitation for any purpose of a child less than eighteen years of age. Paradoxically, this more realistic definition of slavery is also highly susceptible to being flouted, misinterpreted, and politicized. By 2016, practically every nation had signed up to this document, but some who have pledged to suppress slavery also connive to sponsor it. (The 1957 Convention has no enforcement mechanisms.) Further complications arise when politicians and popular media incorrectly conflate slavery with human trafficking, and when activists insist that colonialism, incest, the incarceration of children, organ harvesting, and other evils quite distinct from modern slavery, are, nevertheless, modern slavery. Little wonder that confusion surrounds the question of what modern slavery is and is not.

How might historical approaches bring clarity? The widely cited historian Orlando Patterson took an important step when arguing that the irreducible commonality shared by all enslaved, past and present, is the condition of “social death,” defined as a parasitic “relation of domination, approaching the limits of total power.” To be socially dead is

33 For a full account of these developments, see Jean Allain and Kevin Bales, “Slavery and Its Definitions,” Global Dialogue 14, no. 2 (Summer/Autumn 2012), Queen’s University Belfast Law Research Paper No. 12-06.
34 Human trafficking and slavery are constantly being described as identical problems, which they are not. Trafficking refers only to the illegal movement of people such as refugees from the Middle East being trafficked across the Mediterranean to Italy. Such persons are not enslaved, but the fact of their being trafficked surely makes them vulnerable to enslavement, which is what often happens when they arrive at their destinations.
to be stripped of all autonomy, support from kin, honor, and claims of humanity. According to Patterson, enslaved people are transformed into physical representations of their masters and exercise no independent power. Patterson’s critics regard his generalizations as far too restrictive, noting correctly that very large numbers of the enslaved today remain connected to family; for example, those millions held in debt bondage. Family ties, moreover, often remain crucial for both slaveholders and the enslaved. The former threaten and abuse them in order to force obedience and garner profit. The latter protect them, sometimes fiercely, to the point of open resistance.\footnote{Orlando Patterson, \textit{Slavery and Social Death: A Comparative Study} (Cambridge, MA: Harvard University Press, 1982).}

Whatever one’s view of slavery as social death, attempts to develop a comprehensive definition of modern slavery remained academic exercises until 2012, when a veritable squadron of distinguished historians and world-renowned activists gathered in Italy at Lake Como’s Bellagio Conference Center and took on the task of establishing a legally binding description suitable for prosecuting today’s “real world” enslavers. With this goal in mind they reinterpreted for twenty-first-century purposes the 1926 League of Nations Slavery Convention’s original definition of slavery’s essence as “the status or condition of a person over which any or all of the powers attached to the right of ownership are exercised.” Back in 1926, as we have seen, the authors of this rubric intended to describe only forms of legalized chattel slavery reminiscent of the old Western Hemisphere’s plantation model. Viewing this description from twenty-first-century vantage points, however, the historically minded Bellagio working group concluded that the phrase “rights of ownership” had a deeper implicit meaning that applied directly to enslavement in our time. To be enslaved in every variety of human bondage meant much more than being defined by a legally binding bill of sale. It also involved being under constant surveillance, having your family threatened and held hostage, having your children exploited, suffering sexual abuse, and surviving brutal corporeal abuse and semi-starvation as forms of punishment. The working group consolidated this litany of exploitation into a single generalization that defines, in their view, the essence of enslavement. A key paragraph in the working group’s report, the \textit{Bellagio-Harvard Guidelines on the Legal Parameters of Slavery}, defines slavery as follows:

\begin{quote}
... control over a person in such a way as to significantly deprive that person of his or her personal liberty, with the intent of exploitation through the use,
management, transfer or disposal of that person. Usually this exercise will be supported by and obtained through means such as violent force, deception or coercion.\textsuperscript{36}

In short, these historians transformed the 1926 rubric into a prosecutorial weapon against “under the radar” slave dealers the world over by applying the first of our two approaches; that is, by investigating through both comparison and contrast how plantation slavery illuminates slavery as practiced today. David Richardson’s capacious essay in this volume, “Contemporary Slavery in Historical Perspective,” confirms precisely this formulation. It demonstrates the applicability of the working group’s definition as he describes, compares, contrasts, and differentiates among varieties of enslavement from classical times onward, including in the Middle East, East Africa, India, the far East, and South Asia, as well as throughout the plantation systems of the Western Hemisphere. Richardson’s essay demonstrates the enormous value for academicians and activists alike of “thinking big” about slavery’s history and its implications.

But for all the technical value of the Bellagio working group’s definition, it does not succeed in raising slavery’s curtain of invisibility in some dramatic way for the larger political culture. James Sidbury corrects this deficiency by employing biography to argue convincingly that the condition of “civil death” should replace Patterson’s “social death” as the universal descriptor of enslavement. His contribution to this volume, “Slavery and Civic Death: Making Sense of Modern Slavery in Historical Context,” holds that the enslaved are invariably cut off from any appeal for justice to or even recognition from state authority. For enslaved people, there can be no appeal for redress of grievances, no legitimate access to the public sphere. The practices enforcing “civic death,” as Sidbury defines it, are also part and parcel of the working group’s definition of slavery.

Sidbury anchors the concept of “civic death” in historical analysis and employs it when bringing to life the quests for self-liberation of a dozen truly remarkable survivors of contemporary slavery from all over the globe. These forays into biography add flesh-and-blood urgency to the working group’s legal reasoning, much as Frederick Douglass’s \textit{Narrative} infused urgency into the original abolitionists’ appeals. The example has great value for abolitionists today in raising the veil that obscures

\textsuperscript{36} The \textit{Bellagio-Harvard Guidelines} are found on www.law.qub.ac.uk/schools/SchoolofLaw/FileStore/Filetoupload,651854,en.pdf.
contemporary slavery, which was precisely the intent of the National Underground Freedom Center when it collaborated with the US State Department in producing *Journey to Freedom*, a moving documentary featuring this same exceptional group of escapees from slavery.\(^{37}\)

Another contributor to our volume, Allison Mileo Gorsuch, an attorney and a historian, has publicly endorsed the working group’s description of slavery. Her essay, “From Statute to Amendment and Back Again: The Evolution of American Slavery and Anti-Slavery Law,” demonstrates the value of the Bellagio description for developing a clear historical understanding of how antislavery jurisprudence and legislation in the United States has addressed the problem of “slavery by another name.” Well into the twentieth century, some judicial findings held to a restricted understanding of the old chattel slavery, using physical coercion and formal ownership as the criteria for defining human bondage. Increasingly, however, judges and legislators found in the 13th Amendment ample precedent for moving against sexual enslavement, debt bondage, profoundly coerced labor, and the illegal trafficking of enslaved persons across national boundaries. This trend was well established even before the passage of the Trafficking Victims Protection Act in 2000, federal legislation that anticipated the conclusions of the working group that the “old” slavery and the “new” have many oppressive features in common that go far beyond bills of sale and tools of violence, including psychological manipulation, geographic isolation, threats to family, harsh surveillance, physical and sexual abuse, and the confiscation of documents proving citizenship. The working group’s findings, according to Gorsuch, now provide guiding principles through which antislavery legislation is adjudicated and enforced. How effective those laws are and how rigorous that enforcement is depends entirely on the new abolitionists’ degree of success in provoking public opinion to demand change and accountability, and in understanding and using the law, as did abolitionists to sometimes good effect in the eighteenth and nineteenth centuries.

SLAVING, NOT SLAVERY: GERUNDS, NOT NOUNS

So have the working group’s conclusions settled the question of slavery’s definition to historians’ satisfaction? Not according to the eminent African historian Joseph C. Miller, whose brilliantly argued monograph *The Problem of Slavery as History: A Global Approach* (2009) should be of great interest to twenty-first-century abolitionists. Miller insists that to better understand how slavery actually worked, still works, and should be worked against today, historians must abandon the noun “slavery” and all attempts to describe slavery as an “institution.” These, Miller argues, are static characterizations that convey none of slavery’s dynamism, durability, variability, and evolution across the centuries. Historians have habitually constructed abstract “models” of nineteenth-century plantation slavery, he contends, which they then apply ahistorically when attempting to understand slavery in all its bewildering variety, wherever it might be found. To solve this problem, Miller advocates our second approach, which is that in order to grasp modern slavery, we must jettison all thoughts of the plantation complex. To this injunction, Miller adds the jolting recommendation that we also scrap the term “slavery” altogether. Instead, Miller recommends employing the gerund “slaving,” which forces us to recognize that human bondage is above all an ongoing historical process carried forward dynamically by highly active agents— in his terminology, “slavers”— in response to ever-changing circumstances over the centuries.38 Miller’s analysis invites criticism.39 Nevertheless, his explanation of what slaving constitutes, who slavers were, and what has motivated them over the millennia holds great import for anyone seeking to grapple with slavery today. “The definable and distinguishing position of slavers is their marginality,” Miller explains. “It is a very precise situation in terms of historical contexts that both motivated and enabled slavers to enslave.” Moving from the margins to positions of power meant acquiring people, growing rich from their labor, deriving status and patronage from their dependency, and using all this to secure positions of otherwise unattainable authority and economic power. Slaving, Miller insists, has served as a time-honored

39 It can be argued that plantation slavery did organize itself into highly articulated systems because they were so heavily supported by the state and the workings of global capitalism. Certainly the original abolitionists saw their task as the destruction of oppressive systems, not the suppressing of individual slavers.
way for ambitious outsiders to secure wealth, deference, and honor. “Strategic slaving” is Miller’s term of choice.

Although Miller’s name appears nowhere in their citations, three essays in this volume validate his recommendations. Each closely examines the evolution of a specialized form of slaving (as Miller would have it) from its historical beginnings into the present; specifically, the enslaving of children, the seizing of men and boys for enslavement in the seaborne fishing industry, and the capturing of vulnerable people who are trafficked into bondage across international borders. Each essay closely tracks what Miller would term strategic enslavement, and each links it in illuminating ways to events taking place today. What explains the presence of the uncited Miller in these essays? Simply the fact that thoughtful scholars, working independently, can easily hit upon similar strategies when pursuing a shared historical interest, in this instance approaching the problem of enslavement as a dynamic process, not as an institution.

A clear exemplar of this procedure is historian John Donoghue, whose chapter in this volume offers powerful substantiation of Miller’s conclusions. His “Kidnappers and Subcontractors: Historical Perspectives on Human Trafficking” demonstrates that the “indentured servants” upon whom the British relied in the late seventeenth and early eighteenth centuries to build their colonial empire were provided by ruthless slavers whose work is most faithfully captured by employing gerunds. They spent their time practicing strategic slaving, combing the streets and waterfronts of England’s cities, capturing vulnerable adults and children and selling them off for shipment overseas. Whether misleading the desperate and gullible with false promises or physically overpowering them, slavers flouted laws that Parliament failed to enforce even in the face of widespread protests. Donoghue correctly draws sharp distinctions between British citizens held captive for specific terms of enslavement, on the one hand, and the enslaved from Africa, whose perpetual bondage passed on to their descendants, on the other. He also demonstrates how vital the enslavement of Englishers by their fellow citizens was to the concurrent development of the African slave trade. Here again, as Miller contends, shifting patterns of enslaving quite different populations interacted and evolved to create a colonial empire heavily dependent on multiple forms of profoundly coerced labor. And, as per Miller, such strategic slaving continues to this day, as Donoghue confirms when comparing forced indentured servitude in the British Empire to the exploitation of coerced South Asian laborers supplied by American corporations to wealthy Middle Eastern countries in the twenty-first century. Since the
Government of Qatar is not inclined to move against exploiters within their borders, it seems logical for abolitionists to demand the prosecutors of their American suppliers, most notably KBR, Inc. (formerly Kellogg Brown & Root), a spin-off of the Halliburton Corporation.40

The value of approaching slavery dynamically is also confirmed in Anna Mae Duane’s essay, “‘All Boys are Bound to Someone’: Reimagining Freedom in the History of Child Slavery,” but for quite different reasons. These have everything to do with how to plot that ethically troublesome line between slavery and freedom. First, Duane reminds readers that slavery – both “then” and “now” – usually involves a disproportionately large number of children. Next, she examines slaveholders’ (slavers’) self-exculpating claims of benevolence toward their “childlike” slaves and the all but universally accepted cultural assumption that the family constitutes a haven that protects children from marketplace exploitation and sexual degradation. Victims who have been stripped of such protection include enslaved children harvesting cacao and coffee beans, mining precious metals, laboring for agribusiness, working in brick yards, carrying automatic weapons as child soldiers, and being raped by sexual predators and “customers.” For many modern abolitionists, as for their nineteenth-century predecessors, this form of predation against the most “innocent” is what it is all about, retrieving the victimized, particularly children, and restoring them by bringing them “home.” While Duane is emphatic that the suffering of enslaved children is truly horrific and screams for intervention, she also invites us to expand our attention to include children who are nominally free as well as those in bondage. There are millions of children whose equally grievous suffering

is overlooked by an abolitionist movement transfixed by the distinction between bondage and liberation and by sentimental notions of enslaved childhood: nominally free children who are sexually exploited within their own families, worked to exhaustion as factory laborers and field hands, caught up in terrorism, fleeing famine and warfare (note all the gerunds). In the face of these heartbreaking realities, Duane inquires, how can today’s abolitionists ethically privilege only the suffering of the enslaved child? Would it not be morally preferable, she asks, to attack slavery by questioning the claim that presumably “autonomous” adults have the absolute right to rule over “dependent” children? She endows these questions with flesh-and-blood urgency that raises the curtain of slavery’s invisibility when evoking the childhood memories of Frederick Douglass and his contemporary Haitian counterpart, Jean Cadet, both antislavery heroes who, upon achieving manhood, cast off the debilities of childhood and achieved self-liberation.

One can well imagine an appreciative Joseph Miller reading with satisfaction Kerry Ward’s examination of seaborne enslavement, “Maritime Bondage: Comparing Past and Present.” Strategic enslavers and their captive resisters behave much as Miller described as they take center stage in this explanation of how and why maritime slavery has changed so little over the centuries, and also why it continues expanding in our time. Since the oceans are an enormous common space, open to all and challenging to regulate, they have always given enslavers expanded freedom to innovate and unusual opportunities for their enslaved to free themselves. Ward anchors her historical examination with the seaborne escape narrative of Frederick Douglass, bringing the drama into the present with the self-liberation of his twenty-first-century Cambodian fisherman counterpart, Vannack Anan Prum. Their stories bracket over two centuries of strategic slaving that transferred its focus from capturing Africans during the transatlantic slave trade, to the “shanghaiing” of vulnerable people from many regions in the early and mid twentieth century, and finally to exploiting captive laborers on fishing ships all over the globe. As shipping technology shifted from sail to steam power, strategy-minded slavers adapted time-honored methods of kidnapping to new theaters of operation across the Great Lakes region of Central Africa, throughout the east, and finally wherever small-scale commercial fishing boats operate today. Meantime, antislavery measures undertaken by lawmakers, labor unions, international agencies, and multinational treaties have done little to impede the spread of slaving into the seafood industry. The lesson for abolitionists to draw from this narrative is the magnified importance
of boycotting offending distributors and pushing major corporations to insure uncorrupted supply chains.

THE SLAVERY OF SEX

Inquire of your activist acquaintances whether or not sex work, prostitution, or commercial sexual exploitation (these terms are very much up for debate among different communities of activists) is, in fact, slavery ... then ... run for cover. No other question so fiercely sets today’s abolitionists against their severest critics than this one: where to draw this particular line between freedom and bondage? Back in Wendell Phillips’s day, such debates were unthinkable. The Victorian moral codes of his time decreed that prostitutes were tragically “fallen” women, a moral category which, unsurprisingly, often intersected the designations of “lesser” races and ethnicities as professed by the racialized science of the day. The “ruin” of such women, according to the reigning ideology, was rooted in their own moral frailty – revealed by their presence in gin mills, opium dens, and gambling halls – as well as in malignant male motives. Prostitution led to personal degradation, but generally not to enslavement. The sexual abuses that planters inflicted on their bondspeople were, however, an entirely different matter for abolitionists of the time. On Southern plantations, sexual exploitation and slavery were synonyms. That abolitionists came to this conclusion is certainly no surprise. Nevertheless, a review of how they built their case does much to clarify today’s controversies over whether or not prostitution does in fact constitute slavery (or slaving, as per Miller). 41

For abolitionists, the mixed-race children so commonly found on large plantations proved beyond question that sexual exploitation constituted the irreducible essence of what made human bondage such a blasphemous sin. The unassailable fact of forced miscegenation established a sturdy platform for constructing an expansive indictment of the planter class that featured in no-holds-barred reportage laced with detailed descriptions of extreme violence. This sweeping bill of particulars came complete with

visual images of slaveholders wielding lethally flaying lashes, wrenching babies from enslaved mothers while forcing them onto the auction block, loosing hunting dogs on desperate fugitives, searing the flesh of enslaved persons with red hot branding irons, and raping terrorized black women.42 Since abolitionists scrupulously documented these atrocities, historians today find little reason to doubt them. Historians do, however, divide sharply over the abolitionists’ deeper motivations for developing such harrowing – and eroticized – descriptions of the suffering of enslaved people.

These disagreements, important in their own right, carry added significance because they help to explain the conflict between twenty-first-century abolitionists and their critics over whether prostitution constitutes slavery. They also speak to one of the most challenging questions historians can ask: what prompts us to transcend our emotional distance from others who suffer grievously, even though they are often quite unlike us and often far beyond our direct fields of vision? Or, to put the matter much more pointedly, what compelled privileged white abolitionists suddenly to portray the suffering of enslaved African Americans in such viscerally tortured terms? Put this way, the question reveals itself to be fundamentally about the nature of empathy: what is it, how is it activated, and with what effects?

One explanation, to summarize ruthlessly, is that empathy arises from economics. This is the conclusion of Thomas Haskell 42  While women and girls were far and away the primary victims of sexual violence under the plantation system of slavery in the Americas, men and boys were also vulnerable to sexual exploitation in various forms, many less overt than the rape of women by slaveholders. One primary text that recounts the story of sexualized violence against a male slave (Luke) by his slaveholder is Chapter XL, “The Fugitive Slave Law,” in Harriet Jacobs, *Incidents in the Life of a Slave Girl* (New York: Dover Publications, 2012). For a brilliant analysis of the multiple spectacles of eroticized pain, as well as performances of “pleasure,” demanded of enslaved persons by slaveholders, see Hartman, *Scenes of Subjection*; see also Christina Sharpe’s incisive critique of the intertwining of violence and subjectivity within the institution of slavery in *Monstrous Intimacies: Making Post-Slavery Subjects* (Durham, NH: Duke University Press, 2010). Significantly, both Hartman and Sharpe link the systemic and sadistic violence of slavery to the making of subjects and subjectivity – of enslaved persons and slavers alike. Both show how violence not coded as explicitly sexual (especially floggings) were in fact deeply sexualized and infused with the power relations that also characterize rape. And both show how quotidian practices of slaving and slaveholding – such as the forced nudity of the auction block, the touching that accompanied the act of inspecting an enslaved person for purchase, or the common practice of forcing enslaved persons to sleep near the bedside of the slaveholder – also constituted forms of eroticized violence, if less explicitly than overt sexual violence. 42
that humanitarian sensibilities arose in the late seventeenth century and spread in tandem with the network of contractual obligations that was part and parcel of British capitalism’s rapid expansion across the globe.\textsuperscript{43} As ever larger populations became entangled with one another’s conduct and decision-making over ever greater distances, so did intensifying impulses to monitor and judge the moral conduct of those who were otherwise remote strangers. The point for our purposes is that by this estimate (and contrary to what abolitionists had always believed about themselves) empathy had little to do with conscious moral choice and basic human rights, and everything to do with responding to impersonal market forces and the social labyrinths in which they are enmeshed.\textsuperscript{44}

Next we turn to social psychology and to Karen Halttunen’s conclusion that, rather than expressing a substantial concern for the rights of others, or the straightforward responsibility to represent the suffering of such “others” when they cannot speak for themselves, what empathy actually communicates is the “pornography of pain.” Halttunen argues that empathy emerged in the eighteenth century thanks to a rising revulsion toward physical pain (particularly as expressed in the act of torture, a practice which was also under strong protest at this time) mixed with a prurient attraction to it that reflected the rise of bourgeois values of civility, gentility, and respectability in Great Britain, France, and the United States. In her account, the abolitionists’ chronicles of abuse registered their voyeuristic desires and those of their wider audiences to participate at one remove in the titillating agony of the enslaved. According to Halttunen, “the pornography of pain” in which the abolitionists trafficked was in no way an aberration, but rather, in her words, “an integral aspect of humanitarian sensibility” (304). To follow Halttunen’s argument, the abolitionists’ searing critiques were less about identifying with the enslaved and more about serving their own, if unconscious, desire for the very same spectacles of pain that Saidiya V. Hartman describes in \textit{Scenes of Subjection}.\textsuperscript{45}

\textsuperscript{43} Historian Lynn Hunt adds dimension to this claim by tracing how such humanitarian sensibilities arose in tandem with and were helpfully disseminated by the rise of the novel form, which permitted readers, who were largely of the upper classes, an opportunity to identify with protagonists from the working or “poor” classes. See Lynn Hunt, \textit{Inventing Human Rights: A History} (New York: W.W. Norton & Co., 2007).


\textsuperscript{45} Karen Halttunen, “Humanitarianism and the Pornography of Pain in Anglo-American Culture,” \textit{American Historical Review} 110, no. 2 (April 1995), 303–34. See n. 42 for
We arrive finally at the scholarship of Elizabeth Clark, who takes the position that the abolitionists’ motives are best understood much as they, themselves, understood them. When portraying slavery in all its gruesome dimensions, they were, according to Clark, describing what they knew they could prove was transpiring on the ground all over the plantation South. The title of Theodore Dwight Weld’s justly famous, scrupulously documented compendium of planter class atrocities (published by the American Anti-Slavery Society in 1839 and based exclusively on Southern newspaper sources), *American Slavery as it Is: The Testimony of a Thousand Witnesses*, captures Clark’s argument that abolitionists’ reports were well grounded in evidence.\(^\text{46}\) Equally persuasive documentation, Clark observes, was found in the grim realities reported by candid African American autobiographers such as Solomon Northup, Frederick Douglass, William and Ellen Craft, Harriet Jacobs, and so many others. According to Clark, it was neither prurient voyeurism nor globalizing capitalist expansion and its accompanying exportation of pious moralities that generated abolitionist empathy; rather, the forces of theology, religious imagination, pious church-centered sociability, and rapidly expanding networks of literacy and communication during the 1820s and 1830s engendered such sentiment and concern for others. Emerging from such incubators of human concern, the abolitionists turned themselves into powerful and authentic advocates for basic human rights and individual liberties.\(^\text{47}\)

How do these academic disagreements pertain to today’s debates about prostitution and enslavement? For some answers, look to the late nineteenth and early twentieth centuries, consider Halttunen’s concept of “the pornography of pain” alongside Haskell’s emphasis on capitalism and colonialism, and then review Jessica Pliley’s essay, “From White Slavery to Anti-Prostitution, the Long View: Law, Policy, and Sex Trafficking,” in this volume. Such a reading reveals the dark undersides of empathy, and also does much to explain why certain activists today deny the connection between prostitution and enslavement; disparage

explication of the role of eroticized violence in US slave systems and its influence upon the subjectivities of people living within them.


contemporary anti-trafficking campaigns as extensions of earlier, moralizing purity crusades, or as expressions of an exploitative, sentimentalized, self-serving “rescue” industry that infantilizes and coerces the objects of its efforts; and most significantly, campaign for the legalization (or decriminalization) of sex work.

During the late nineteenth and early twentieth centuries, as Pliley explains, large slices of public opinion – first in England, next in the United States, and finally in many Western Hemisphere and European nations – became convinced that the scourge of white slavery was victimizing untold numbers of vulnerable women. Moral empathy dictated not only the rescue of these victims of enslavement, but also the suppression of prostitution itself through stringent antislavery legislation and its enforcement. The lurid pictures these “new abolitionists” painted of what befell prostituted women echoed the indictments made by their abolitionist predecessors. But at the same time their antislavery arguments denigrated women for exhibiting what they construed as numerous “weaknesses”; broadcast white racism through their descriptor of choice (“white” slavery); castigated immigrants and ethnic minorities as sources of corruption; and denied basic human rights when legislating ethnocentric state surveillance and immigration policies. In this instance, “empathy” for the “plight” of “prostituted women” constituted “moral panic” (scare quotes indicating the contested nature of each of those terms) and an upwelling of anxiety over the perpetrators of sex trafficking, who were, not surprisingly, mostly immigrants and ethnic minorities – precisely the arguments made by many critics of the anti-trafficking movement today.

Pliley closes her essay with the crucial point that the legacies of this history extend directly into the present day, which helps to explain why anti-sex trafficking policies of governments all over the globe prioritize state security over human rights by emphasizing border control over prevention, suppressing and expelling refugees, and criminalizing those caught up in human trafficking. Little wonder, given these outcomes, that those who insist that sex work is not enslavement and who demand the decriminalization of prostitution ground their arguments in examples drawn from the inglorious history of white slavery.

The problem, however, is that many prostituted women and children today most certainly do labor under conditions that fit the Bellagio definition of enslavement, although this certainly does not accurately describe the conditions of all work in the commercial sex industry.\textsuperscript{48} Many sex

\textsuperscript{48} Conditions for some people working in the commercial sex industry have shifted with the
workers enter the trade as adults and without coercion, driven by economic expediency or desire. For them, it’s much more about money, autonomy, and even service than about exploitation or criminal enslaving. But at the same time, complications multiply. Some who make this choice subsequently find themselves being bought, sold, and coerced by pimps who claim first to love them, then to own them. Others make a putatively free will choice to trust the promises of labor recruiters who then seize their documentation, hold them hostage, and force them into prostitution. And finally, there is the fact that most of the young people found in the sex trade come from families shattered by poverty, substance abuse, racism, sexual abuse, incarcerated parents, and dysfunctional social welfare programs. Sustained efforts to reduce these drivers of sexual exploitation are much more effective than reactive responses driven by empathizing moral panic.

Freely granting all these complications and exceptions, the plain fact remains that much sex work does come down to enslavement. Were that original abolitionist mentioned earlier, Theodore Dwight Weld, whisked forward into our time, he could easily write a globally based sequel to his precisely documented *Slavery as It Is: The Testimony of a Thousand Witnesses*. All the necessary evidence is readily available. He would turn to a profusion of personal testimonies that match the veracity of what Frederick Douglass made plain in his 1845 *Narrative*. He would also discover twenty-first-century equivalents of his old abolitionist colleagues who trekked south and reported on slavery first hand, and who assisted those in bondage to make their escapes and restore their lives. Those

move of the trade from the street to online, where most transactions are now conducted. Sociologist Elizabeth Bernstein correlates the shift of commercial sex from street to internet with other socio-economic trends, including the rise of the post-industrial service and technology industries and the deconstruction of traditional marriage and family ties, arguing that the trend toward transactional socio-sexual relations extends far beyond the world of commercial sex into quotidian life in the “developed” world. See Elizabeth Bernstein, *Temporarily Yours: Intimacy, Authenticity, and the Commerce of Sex* (Chicago, IL: University of Chicago Press, 2007).

A multi-city study from the Field Center for Children’s Policy, Practice, & Research at the University of Pennsylvania has found in interviews with homeless youth exploited in the commercial sex trade (either through trafficking or through engagement in “survival sex”) that fully 95 percent reported experiencing child abuse or neglect, and 63 percent had at some point been involved in the child welfare system. Debra Schilling Wolfe, “95% of Homeless Youth Who Experienced Sex Trafficking Say They Were Maltreated as Children,” *Chronicle of Social Change* (September 14, 2017), https://chronicleofsocialchange.org/research-news/majority-of-homeless-youth-who-experienced-sex-trafficking-say-they-were-maltreated-as-children.
equivalents to Theodore Weld are the new abolitionists who work against sexual enslavement and exploitation in well-established NGOs, legal services, and law enforcement agencies. In addition to quoting scripture, Weld’s abolitionist comrades built their antislavery arguments by immersing themselves in constitutional law, property law, tort law, international law, state-level jurisprudence, and criminal procedure. Their successors today marshal precisely the same sources, including, for some of them, the same scriptural injunctions.

By now the larger generalization should be clear. What historian Elizabeth Clark concludes as regards the motives of the original abolitionists applies with equal force to these contemporary anti-sex trafficking activists. In both instances, the ideal personal commitment results from empathy tempered by critical attention to the dangers of moral panic and marketplace considerations, both. Such commitments constitute an ethically informed response to well-documented enslavement. Today, as in the past, those so motivated often become perceptive social critics and advocates of human rights. Continuity between past and present is unmistakable.

The question now becomes what leads those demanding the decriminalization of prostitution to express such disinterest in the suffering of the sexually enslaved? How does one explain empathy’s opposite? The essay by Elizabeth Swanson and James Brewer Stewart, “Defending Slavery, 50 It is well beyond the scope of this essay to parse the missions and visions of the various organizations and NGOs fighting sex trafficking in order to discern their susceptibility to such “moral panic”; the motivations for their work; the extent to which such work is informed by religious principles, etc.; however, the larger point that we insist upon is that the “anti-sex trafficking movement” is not a monolith, and neither are the people working within it. Criticism of efforts to prevent and address sex trafficking and commercial sexual exploitation often paints all participants with the same unnuanced brush: as right-wing, evangelical, anti-sex, moralizing purists who seek to control the movement of women and migrants; who participate in negatively racialized power dynamics; who raise funds for spurious purposes; and who cynically construct “innocent victims” as the only legitimate recipients of their largesse. On the other hand, those who oppose the commercial sex trade and conflate all sex work with trafficking contribute to the same problem, by refusing to acknowledge the existence of people who enter the commercial sex trade for a range of reasons, including serving the needs of some whose desires fall outside the mainstream hetero- (or even homo-) normative culture. Simply put, such generalizations on either “side” cannot capture the breadth of motives, politics, and commitments at play in the struggle against exploitation. Such generalizations can be traced to the culture wars around pornography in the 1980s and sex work/commercial sexual exploitation in the 1990s, and they continue to be a distraction from the work of preventing and addressing exploiting and slaving in the real, nuanced, and infinitely varied circumstances under which it occurs.
Denying Slavery: Rhetorical Strategies of the Contemporary Sex Worker Rights Movement in Historical Context,” addresses this question through a comparative examination of antebellum planters’ defenses of African American bondage and arguments advanced by advocates of legalized sex work in the current moment. To be clear, this essay suggests not even a whisper of an inference that advocates of legalizing sex work implicate themselves in actual slaveholding. Instead, the essay’s simple premise is that some vocal sex worker rights advocates today share one important characteristic with some antebellum planters. Both advance their most compelling interests with emphatic claims to their legality: slaveholders to protect the legality of human bondage, critics of new abolitionists to secure the legality (or more precisely, the decriminalization) of all sex work. The ends sought are wildly different. The method employed, however, bears important similarities; inherent in their arguments is a consistent dismissal of the documented suffering of those enslaved and exploited.

Three quite distinct tactics serve this purpose, the first of which is to expose the opponent’s evidence as fraudulently manufactured. The second involves characterizing the opponent’s case as a distraction from a truly serious injustice that must be attended to instead. The third contends that the persons who suffer are better off under the present circumstances than would they be subject to the controlling impulses of the anti-trafficking movement. These three arguments, Swanson and Stewart contend, are premised on indifference to the verifiable suffering of those enslaved. In this respect, the case for decriminalizing sex work, Swanson and Stewart suggest, unintentionally reprises the proslavery argument of the ante-bellum era. Learning from the past in an effort to solve this problem, they conclude, requires redefining sex work, enslaved/exploited or not, as a profoundly important human rights issue with breadth to include all those impacted by it, not a narrowly argued legal or rhetorical dispute with clear “sides.”

**SOLUTIONS**

Many historians flinch when asked to apply their knowledge directly to contemporary social problems – but not three contributors to this

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51 Decriminalization generally means the removal of any laws rendering prostitution a criminal offense, whereas legalization removes criminal penalties for the act but also could involve government regulation and control of prostitution as an industry.
volume. Two have written essays that detail what abolitionists today can learn from the success of the British government in bringing an end to the Atlantic slave trade and to slavery in its West Indian colonies. A third teams up with a political scientist to present a micro-study of how a city’s historical roots in antebellum slavery can be made to mobilize its citizens against racial oppression and enslavement today. After presenting summaries of these essays, this introduction closes with a review of suggested solutions to the problems of slavery and exploitation currently under development by activists and by civil authorities.

For suggested solutions drawn from the past, we turn again to David Richardson’s essay in this volume, “Modern Slavery in Historical Perspective,” this time because it reminds us of just how enormous the problem of slavery has been, and because it outlines the equally enormous undertaking required to suppress it today. The essay tracks slavery’s history all over the globe in a manner of which Joseph Miller would surely approve, particularly since it richly documents the “chameleon-like nature” of human bondage as it developed over time. It thrives today as it always has, Richardson reminds us, on greed, autocracy, tyranny, war, disruption, and disaster, adapting to changing circumstances and slipping past stratagems to suppress it. What is required, Richardson asks, to get the better of this shape-shifter? His recommendations, addressed to nation states, go as follows. Start with record-setting government financing and work to rid your own nation of slavery. Next, add ceaselessly aggressive global diplomacy, multinational alliance-building, and the deployment of a very powerful military. Undergird it all with a militant public opinion that embraces abolition as its nation’s glorious destiny. What is being described is a recipe for twenty-first-century antislavery that was first put into practice by Great Britain during the nineteenth century when it sought to peacefully end West Indian slavery and devoted nearly a century to destroying the Atlantic slave trade. Although we are no longer challenged, as the British were, by systems of plantation slavery that can be uprooted in one fell swoop, it is nevertheless an approach with pertinence for our time – all the more so because rarely are these kinds of interventions explored in contemporary antislavery circles, perhaps because of a realpolitik in the current moment that renders such government intervention nearly unthinkable. Richardson sets in bold relief the enormous commitment required of national governments that claim today to pursue antislavery policies, challenging them to indeed follow through on their responsibilities.
David Blair, one imagines, surely agrees to this proposition, since his contribution to this volume, “All the Ships that Never Sailed: Lessons for the Modern Antislavery Movement from the British Naval Campaigns against the Atlantic Slave Trade,” directly addresses the question of what today’s abolitionists can learn from Great Britain’s antislavery past. Expert in the field of security studies and a specialist in counterterrorism research, Blair presents a truly original explanation of why Great Britain’s campaign against the African slave trade was ultimately successful, drawing from that historical example strategic axioms for attacking slavery today. As it turns out, moreover, Blair’s approach resonates again with Joseph Miller’s, since it portrays abolition as an evolving process, not as a unitary project, a decades long exercise in antislaving, not antislavery.

Much as does contributor Kerry Ward, Blair understands the ocean as a vast commons. He also notes basic qualities that make it similar to the internet; that is, it is open to be freely used by one and all. During the transatlantic slave trade, seafaring slavers exploited the oceans to transport captive Africans, and today, their technologically adept counterparts do likewise by setting up websites and communicating over smart phones. For this reason, Blair contends, the evolving strategies and tactics deployed by the British Navy forced slavers into what is best characterized as a chess-like game governed by ever-changing rules in which antislaving slowly gained the upper hand. Might not a similar chess game be devised to combat the online components of human trafficking now?

To explain how this idea is grounded in history, Blair aggregates information from the Atlantic Slave Trade Data Base and numerous other sources to develop a fine-grained analysis of how this strategic struggle evolved over the decades as the British adjusted their tactics and forced slavers into increasingly untenable positions. What, Blair asks, would be required by national governments and international agencies in order to adapt this highly coordinated British example to slaving today? His answers are surely worth serious evaluation.

Unlike the large-scale solutions put forward by Richardson and Blair, Monti Narayan Datta and James Brewer Stewart think smaller in their essay, “The Power of the Past in the Present: The Capitol of the Confederacy as an Antislavery City.” But thinking small allows them to offer a gloss on that imaginary lecture presented to the Congressional Black Caucus and reprised so many pages earlier in this Introduction. One might recall that this hypothetical exercise engaged these influential politicians with the proposition that to be successful (and to be rid of racist warrants), today’s antislavery activism in the United States must be
rooted in the history of plantation slavery and its consequences. To that end, Datta and Stewart’s essay fixes on the city of Richmond, Virginia, which was once the capital of the slaveholders’ Confederacy during the Civil War.

Beset with a full array of urban problems, today’s Richmond is also the scene of bitter contestation between virulent white supremacists and fully engaged African American activists over the meaning of gargantuan statues of slaveholding Confederate “heroes” (Robert E. Lee, Jefferson Davis, and “Stonewall” Jackson) that dominate its public space. At the same time, Richmond is also a major hub for transporting women who have been coerced into the sex trade to destinations all over the Southern United States. Richmond, in short, is equally afflicted by the oppressive legacies of the old plantation slavery and the equally intolerable consequences of the new.

Datta and Stewart’s essay proposes linked solutions to both sets of problems, after first bringing to the fore as an antidote to the city’s racist atmosphere the remarkable history of its African American citizens from slaving times onward. The motive for so doing is academic – but also much more than that. It is a history meant to be owned and enriched by Richmond’s citizens as they continue a concerted grass roots initiative already under way. Their goal is the establishment of a memorial park in memory of the approximately 300,000 enslaved people who, between the years 1830 and 1865, were forcibly marched from Richmond into the deep South and resold. Written in consultation with antiracist activists, Richmond’s African American past is presented in this essay with a view to supporting the memorial park by making it accessible through popular media – theater, music, poetry, MP3 videos, logos, Facebook blogs, and so forth. The memorial park itself is designed as a site for racial reconciliation and reparation, and the essay’s specific policy recommendations are tailored to support these objectives – key among them the goal of forging alliances between African American activists and the city’s new abolitionists. As has been heavily emphasized early in this introduction, to get “beyond chattel slavery” first requires Americans to face up to it and push back against its destructive legacies.

This volume is a first attempt at supporting teachers, students, scholars, activists, and citizens in doing just that. Our goal has been to show how both similarities and divergences between contemporary slavery/abolition and past slaving/antislaving are instructive in the fight against slavery today. We have sought to identify two urgent pathways for antislavery activism today: first, recognition of and struggle against
the transmogrification of American plantation slavery systems into new forms of brutality and impression such as mass incarceration, the school-to-prison pipeline, and the overarching “vulnerability to premature death” endured by African American citizens; and second, recognition of and struggle against systems of global slavery that take multiple forms and are all but invisible within the legal proscription against slavery. The essays in this volume suggest a wealth of future research agendas for those motivated to engage with “antislavery’s usable past,” exploring synergies and divergences between past and present usages of law, economics, and rhetorical appeals to end slavery. They notice and build upon connections between problems of environmental degradation and slavery, population and the biological and social reproduction of the enslaved, and slavery’s ideological justifications, and most especially, they emphasize the role of vulnerability and precarity in the problem of slaving over time and space. It is our intention that this volume not only provide new knowledge, but also, and equally significant, new methods to mobilize in the ongoing struggle against the enslavement and exploitation of humans, anywhere it is found.