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## **Introduction: New Approaches to Understand and Address Contemporary Forms of Slavery**

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# **Introduction: New Approaches to Understand and Address Contemporary Forms of Slavery**

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According to the best available estimates, five in every 1000 people are trapped in a slavery-like situation.<sup>1</sup> Exploitation adapts over time in response to changes in socio-legal and political contexts. Thus, new ideas and approaches are vital to understand and combat this complex and multifaceted institution.

The want for innovation was apparent at a recent early career researcher workshop in 2020 on modern slavery, forced labour and human trafficking, co-sponsored by Universitas 21 (U21), a global network of research-intensive universities unified by the value of collaboration and internationalisation, and the University of Nottingham's Researcher Academy and the Rights Lab. Amidst the backdrop of the COVID-19 pandemic, early researchers from across multiple continents created a three-day virtual community, sharing ideas and methodologies, challenging definitions, and establishing collaborations towards achieving the United Nations (UN) Sustainable Development Goal (SDG) of Target 8.7:

Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.<sup>2</sup>

From this virtual setting came the idea for a Special Edition of the *Journal of Modern Slavery*, to highlight the innovative ideas and methodologies that can come from multidisciplinary collaboration.

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<sup>1</sup> International Labour Organization and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva: ILO, 2017), 10.

<sup>2</sup> See <https://sdgs.un.org/goals/goal8>.

Several developments in the international arena makes this Special Issue a particularly timely contribution. These include the growing visibility of the contemporary antislavery movement on the global stage through SDGs, the relatively recent conceptualisation of new human rights abuses which can amount to slavery, such as forced marriage,<sup>3</sup> as well as the recognition of the importance of public-private cooperation in addressing worst forms of exploitation.<sup>4</sup> This Special Issue tackles old conundrums—for example, the amount of coercion needed to invalidate consent—through a contemporary lens, challenging well-established notions of ‘free’ or ‘unfree’ labour or marriage by looking more broadly into structures, contexts and background conditions.

For instance, the paper, ‘*Syrians’ Only Option – Rethinking Unfree Labour Through the Study of Displaced Agricultural Workers in the Middle East*’, included in this Special Issue, interrogates the coercion-centred ILO definition of ‘forced labour’.<sup>5</sup> Drawing on 120 interviews of workers, employers, and intermediaries in Syria, Turkey, Lebanon, and Jordan, Zuntz et al. conclude that the ILO definition is unable to capture Syrians’ experiences of ‘unfreedom’:

The ILO definition singles out extreme acts of labour exploitation, while obscuring much more common, insidious forms of precarious work, such as the conditions experienced by Syrian agricultural workers. [...] In addition, the ILO definition explicitly excludes more structural forces that may compel a person to accept exploitative work (cf. “the employer or the State are not accountable for all external constraints or indirect coercion existing in practice: for example, the need to work in order to earn one’s living”).<sup>6</sup>

They depart from a broader definition of unfree labour which has emerged from critical scholarship ‘that accounts for economic necessity and the effects of structural forces, but also

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<sup>3</sup> Jean Allain, “When Forced Marriage is Slavery,” in *The Law and Slavery: Prohibiting Human Exploitation*, ed. Jean Allain (Leiden: Brill Nijhoff, 2015); Annie Bunting, “‘Forced Marriage’ in Conflict Situations: Researching and Prosecuting Old Harms and New Crimes,” *Canadian Journal of Human Rights* 1, no. 1 (2012): 165-185; Aisha K. Gill and Sundari Anitha, eds., *Forced Marriage: Introducing a Social Justice and Human Rights Perspective* (London: Zed Books, 2011); Jody Sarich, Michele Olivier, and Kevin Bales, “Forced Marriage, Slavery, and Plural Legal Systems: An African Example,” *Human Rights Quarterly* 38, no. 2 (2016): 450-476.

<sup>4</sup> Ann-Christin Zuntz, Mackenzie Klema, Shaher Abdullateef, Esraa Almashhor, Salim Faisal Alnabolsi, Sinem Sefa Akay, Bürge Akbulut, Selin Ayaeş, Ertan Karabiyik and Lisa Boden, “Syrians’ Only Option – Rethinking Unfree Labour Through the Study of Displaced Agricultural Workers in the Middle East,” *Journal of Modern Slavery* 7, no. 1 (2022).

<sup>5</sup> Article 2(1) of the ILO Convention No. 29 on Forced Labour says that forced or compulsory labour shall mean ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’.

<sup>6</sup> Ann-Christin Zuntz et al., “Syrians’ Only Option”.

workers' agency in opting for exploitative work'.<sup>7</sup> By combining a political economy perspective with a grounded ethnographic approach, authors emphasise the role of kinship networks to tackle worst forms of exploitation. Its neglect, they suggest, may explain failures in addressing forced labour dynamics:

In the context of displaced Syrians working in agriculture, this means that typical humanitarian approaches that aim to turn refugees into successful micro-entrepreneurs through micro-credit and vocational training, fail to account for refugees' obligations within extended kinship networks. Ultimately, the solution to Syrians' "unfreedom" is not to free them from individual intermediaries, but rather to free them from the effects of exclusionary structures, by offering them a greater form of attachment in host countries..<sup>8</sup>

The paper, '*Forced Marriage and Modern Slavery: Analysing Marriage as a "Choiceless Choice,"*' further addresses the issue of consent within the morally and culturally loaded context of marriage.<sup>9</sup> In this article, McCabe, Stickle, and Baumeister challenge the notion of how 'consent' is (and should be) given to marriage:

We are concerned that this view of "consent" to marriage is too narrow. Specifically, it fails to consider enough of the relevant background conditions. An autonomous, isolated, atomistic free agent is imagined, entirely divorced from community, upbringing, or socio-economic realities, whose otherwise sovereign will is over-ridden by another.<sup>10</sup>

By using rational choice theory, authors argue that the limiting of people's option-sets is a form of coercion. Thus, when people (mainly women and girls) are faced with a very limited option-sets aside from entering into a marriage, marriage can become a 'choiceless choice' tantamount to a coerced, non-consensual marriage, and reach the threshold of the legal definition of forced marriage.<sup>11</sup> Although they recognise that sociocultural expectations, which often play a large role in the decision to marry, 'are difficult to discern', and that people in these situations 'are still exercising agency, and are not merely passive "victims" of patriarchal social structures',

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<sup>7</sup> They rely on views from scholars, such as Genieve LeBaron, Neil Howard, Cameron Thibos and Penelope Kyritsis, *Confronting Root Causes: Forced Labour in Global Supply Chains* (London: openDemocracy, 2018); Julia O'Connell Davidson, "New Slavery, Old Binaries: Human Trafficking and the Borders of 'Freedom,'" *Global Networks* 10, no. 2 (2010): 244-261; and Julia O'Connell Davidson, "Troubling Freedom: Migration, Debt, and Modern Slavery," *Migration Studies* 1, no. 2 (2013): 176-195.

<sup>8</sup> Ann-Christin Zuntz et al., "Syrians' Only Option".

<sup>9</sup> Helen McCabe, Wendy Stickle, and Hannah Baumeister, "Forced Marriage and Modern Slavery: Analysing Marriage as a 'Choiceless Choice'", *Journal of Modern Slavery* 7, no. 1 (2022).

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

they conclude that this does not, in itself, mean that their fundamental human rights are not being violated.<sup>12</sup>

This article further challenges the growing corpus of literature that considers ‘forced marriage’ as an unequivocal form of slavery.<sup>13</sup> In doing so, they distinguish between a ‘thin’ and a ‘thicker’ definition of forced marriage: the ‘thin’ being merely non-consensual marriage, and the ‘thicker’ referring to the subsequent exploitation after the initial ceremony that occurs ‘under the guise of marriage’. While both are serious rights violations, only the latter may amount to either forced labour, servitude, or even slavery.<sup>14</sup>

The Special Issue also provides for empirical data and analysis of specific human trafficking dynamics in particular geographical contexts. In the article, ‘*A Feminist Analysis of the Trafficking of Women and Girls into China for the Purpose of Forced Marriage and Childbearing*’, Watkins conducts a thematic analysis of 46 narratives of survivors of human trafficking for the purpose of marriage from Cambodia, Myanmar, North Korea, and Vietnam.<sup>15</sup> She uses constructivist feminism theory to illustrate how gender both facilitates and justifies the trafficking of women and girls into China for forced marriage and childbearing:

Social constructions of gender play a core role in the perpetuation of Chinese bride trafficking [...]. It is argued that this forms a multi-level system of gender that functions over time (across the chronological stages of bride-trafficking), between social fields (individual and structural), and between the three core models of socially constructed gendered relations (men exploiting women, women exploiting women, and systems exploiting women).<sup>16</sup>

Following this structure, Watkins-Smith paints a nuanced picture of the dynamics of gender within Chinese bride-trafficking, concluding that power inequalities associated with socially constructed perceptions of gender operate on a continuum through three models—men exploiting women, women exploiting women, and systems exploiting women. These work both

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<sup>12</sup> Ibid.

<sup>13</sup> Jean Allain, *Slavery in International Law: Of Human Exploitation and Trafficking* (Leiden: Martinus Nijhoff, 2013). As authors point out, there are certainly cases where ‘marrying’ someone constitutes an act of enslaving them, as noted by the Special Court for Sierra Leone and the International Criminal Court in *Prosecutor v Charles Taylor* (Trial Judgment) SCSL-03-01-T (18 May 2012).

<sup>14</sup> McCabe, Stickle, and Baumeister, “Forced Marriage and Modern Slavery”: “Rather than class *all* forced marriages as modern slavery, we should ensure that only those cases of forced marriage in which we can see that powers attaching to the right of ownership are being exercised in the context of marriage, be that in the initial ceremony or in the conditions of the on-going married relationship, are classed as modern slavery, understood in a narrow sense as *de facto* slavery”.

<sup>15</sup> Amelia Watkins-Smith, “A Feminist Analysis of the Trafficking of Women and Girls into China for the Purpose of Forced Marriage and Childbearing”, *Journal of Modern Slavery* 7, no. 1 (2022).

<sup>16</sup> Ibid.

independently and interdependently, across the three relevant chronological stages of migration, marriage, and motherhood:

Perceptions of masculinity and femininity sit at either extreme, forming a power imbalance between male perpetrators and female victims which facilitates and justifies the practice of Chinese bride-trafficking across the three chronological stages. Hierarchies of femininity also operate between these extremes, deeming female perpetrators more powerful than female victims. Within the structural social field, constructions of gender are embedded into structural practices that support Chinese bride-trafficking. These structural practices intersect with each other.<sup>17</sup>

Shifting geographical context, the issue of bonded labour in India is addressed with more empirical data in *'Human Rights Through the Eyes of Bonded Labourers'*.<sup>18</sup> Samonova conducts 17 interviews and 2 focus groups, examining how human rights are understood by bonded labourers that participate in human-rights based programs in India. The paper explores the links between the concepts of human rights, human dignity, and normality, and argues that the discourse of human rights provides a powerful foundation for development of agency among bonded labourers:

[...] for Sahariya bonded labourers human rights mean acknowledgement of their own 'normality' and the right to live free from oppression and extreme poverty. Human rights in this interpretation are not seen as provisions of international law, but rather as local system of legal acts and welfare support that should guarantee a minimum standard of living. The study also reveals that local interpretation of rights can positively affect self-image, reduce fear to oppose the oppression and motivate bonded laborers to raise their voices and search for appropriate methods of resistance. In this way, human rights understood within the context of bonded labour can support the deconstruction of ideologies of dehumanization of bonded labourers and open democratic spaces of resistance.<sup>19</sup>

Focusing on the intermediary stages rather than on the end of victimisation, and in prevention rather than prosecution, *'Campaigning Against Modern Slavery: Social Assets for Business Action'*, explores the reasons for the success of corporate anti-slavery campaigns.<sup>20</sup> In a

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<sup>17</sup> Ibid.

<sup>18</sup> Elena Samonova, "Human Rights Through the Eyes of Bonded Labourers in India," *Journal of Modern Slavery* 7, no. 1 (2022).

<sup>19</sup> Ibid.

<sup>20</sup> Akilah Jardine and Reem Muaid, "Campaigning Against Modern Slavery: Social Assets for Business Action," *Journal of Modern Slavery* 7, no. 1 (2022).

context of increasing recognition of the role of corporate social responsibility, Jardine and Muaid put forward four social assets—identity, leadership, networks, and people—that businesses can leverage to campaign against modern slavery. Presented through a case study, this paper analyses how these non-financial assets were used by the Co-op in 2017-2020 to successfully campaign in the area of modern slavery, instead of drawing on common strategies that focus on financial investments. Findings display fourfold:

- 1) Identity: ‘An integrity-based approach can help organisations to communicate their aims effectively, leveraging the brand’s identity for change and generating greater brand loyalty’;<sup>21</sup>
- 2) Leadership: ‘Leadership is critical for enabling cooperative undertaking and can help drive collective efforts and facilitate resource allocation to unitedly create opportunities for successful campaigns’.<sup>22</sup>
- 3) Networks: ‘... the Co-op’s work demonstrates that businesses can help contribute to anti-slavery efforts through its networks both in the business community and with other stakeholders. Collaborating with other organisations that have specialist expertise can facilitate better knowledge exchange and complement a campaign’s activities and reach’.<sup>23</sup>
- 4) People: ‘The Co-op’s use of a mixed-channel communication strategy involving social media, emails, and press releases enabled them to connect with people within and outside its organisation’.<sup>24</sup>

Finally, in recognition that history must be the bedrock for the development of law, business, policy, art, literature and technology in this field, the paper, ‘*Global Patterns of Forced Labor in Island Southeast Asia*’, draws upon case studies from archival sources, ethnographic data, and news reports “to situate the historical significance of different forms of forced labour and servitude within the contemporary context of a global and globalizing Southeast Asian region.”<sup>25</sup> As Kevin Bales suggests, “the flow of slaves from place to place mirrors the migration of opportunity seekers from poorer countries to richer countries,” where they largely engage “in

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Cheryll Alipio and Yancey Orr, “Global Patterns of Forced Labor in Island Southeast Asia,” *Journal of Modern Slavery* 7, no. 1 (2022).

simple, non-technological and traditional work that feeds into local economies.”<sup>26</sup> In comparing the experiences of transnational migrants alongside the enslaved peoples and indentured laborers that came before them, such as the *ata* of Indonesia and the *alipin* of the Philippines, the case studies reveal the following:

... patterns of poverty, debt, and bondage, arising from social and structural conditions, has engendered Southeast Asian into global slave and migrant labor systems, where vulnerabilities as a result of their race, ethnicity, class, and gender can lead to exploitation and violations of their human and labor rights.<sup>27</sup>

Yet, despite this persistence and relevance in understanding modern forms of unfree and forced labor, Alipio and Orr also find that this is rarely spoken about in Indonesia or the Philippines. Instead, “public and scholarly attention has been redirected towards overseas foreign domestic work” in which “the demand for this labor, to the indispensable care and household services they provide in Hong Kong and other countries of destination, and to their contributions to the wealth and economic sustainability of Indonesia and the Philippines” necessitates “a renewed focus on the wider implications of slavery from within Asia.”<sup>28</sup> Thus, in order to tend to the future, it is fundamental that we listen to the past because the contemporary manifestations of exploitation and enslavement do not exist within a historical vacuum.

In sum, this Special Issue is embedded within the broader discussion held in the antislavery literature with a prominent empirical approach, sustaining innovative perspectives which particularly touch upon prevention of modern slavery practices and protection of victims. Landman, when presenting new developments in researching modern slavery with a view to contributing to its abolition by 2030, indicated:

Human rights research and advocacy has long been based on the need for interdisciplinary and trans-disciplinary methods of inquiry, which harness the concepts and insights as well as the methodological approaches to address real world problems associated with human dignity.<sup>29</sup>

The papers that comprise this Special Issue do exactly that: bringing methodologically-rigorous knowledge from different areas with the common goal of ending contemporary forms of slavery.

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<sup>26</sup> Kevin Bales, “Slavery in its Contemporary Manifestations,” in *Critical Readings on Global Slavery*, eds. Damian Alan Pargas and Felicia Roşu (Leiden: Brill, 2018), 1668, 1686.

<sup>27</sup> Alipio and Orr, “Global Patterns of Forced Labor.”

<sup>28</sup> Ibid.

<sup>29</sup> Todd Landman, “Out of the Shadows: Trans-disciplinary Research on Modern Slavery,” *Peace Human Rights Governance* 2, no. 2 (2018): 158.



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