From Rescue to Representation: A Human Rights Approach to the Contemporary Anti-Slavery Movement

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2015

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Abstract: *Current efforts to end contemporary slavery represent a fourth wave of an Anglo-American abolitionist movement. Despite this historic precedent, there is little agreement on the nature of the problem. A review of current academic discourse, movement frames, and policy approaches suggests that six perspectives predominate: a prostitution approach focused on sexual exploitation of "women and girls"; a migration approach focused on the cross-border flow of migrants; a criminal justice approach focused on law and enforcement; a forced-labor approach emphasizing unfree labor; a slavery approach focused on trafficking in comparative-historical context; and a human rights approach centered on individual rights. This article discusses the strengths and weaknesses of each approach and advances an expanded version of the human rights approach.*

Introduction

The past two decades have seen an explosion in interest and advocacy surrounding the issue of human trafficking and contemporary slavery. It has become a touchstone, an object of great fascination, for a very wide range of actors. Everyone wants to get involved in the issue in some way, or so it often seems. Students hold teach-ins, seminars, and conferences to educate others. Advocacy groups of all shapes and sizes push the issue from a dizzying number of angles. Consumers ask how slavery can be removed from products and supply chains. Celebrities invest star equity into movies and television shows that highlight the severity and human impact of the problem. Politicians, in turn, want to be seen doing something. International nongovernmental agencies add the issue to their development, rights, and health portfolios. The United States ranks countries based on their efforts to pass and enforce laws, sending other countries rushing to pass legislation that conforms to this new international norm.

In this article, I advance a human rights approach to conceptualizing contemporary slavery. There are six dominant ways in which human trafficking is discussed. I briefly review and contextualize each of these perspectives. In the end, this article advances a

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hybrid approach that takes a human rights focus on the importance of individual rights over the demands of state sovereignty, corporate profitability, or cultural propriety. Doing so requires a broader understanding of the problem than is possible using the concept of "human trafficking." For this reason, I propose that "slavery" (and perhaps "forced labor") is a more inclusive framework for understanding the exploitation under consideration. It is more inclusive in terms of the number of people and rights violations that it covers in the contemporary context.

This framework is also more inclusive in terms of the historic range afforded by the term slavery. The merit of the concept of slavery is underscored by an extended discussion of prior social movements to end the total control of one person by another, through violence, for economic gain (slavery). Here we see that, properly (that is to say, historically) considered, slavery is one of the world's oldest forms of exploitation, and antislavery is one of the world's oldest forms of collective action. It is only with this perspective that we can appreciate the ways in which slavery adopts different forms in different eras, and that civil society organizes itself in response. The welter of activity described above is the most recent of four movement waves that together represent the world's oldest series of interlinked social movements, a point I make in greater detail below. From the late eighteenth century onward, norm entrepreneurs have worked to continuously expand the notions of human dignity, rights holders, and definitions of slavery. The links are thematic ("slavery") and institutional (in the form of Anti-Slavery International, which I briefly introduce).

In the final analysis, I argue that the fourth and present movement wave is marked by debates—some complementary, some competing—that have real relevance, in terms of policy as well as people. Here, I must make an observation about the Western-centric nature of this exercise. In what follows, I trace the history and debates as they have occurred within the United States and Britain. There are two reasons for this. The first is regrettable: I am less familiar with other contexts, languages, and histories. The second reason is advantageous: The social movements described here represent the world's first transnational advocacy effort, antislavery is the world's longest running series of loosely linked movements, and, in its current form, the debates occupying the Anglo-American sphere have the most significant impact on international law and norms, representing nearly all of the private and public sector funding that goes toward eradicating slavery. Hundreds of millions of dollars in spending is effected by the logics and debates detailed in this article. For this reason alone, these predominantly Anglo-American debates matter for policies, private and public expenditure, and grassroots emancipation efforts. It is my hope that this initial effort is followed by other studies that illuminate those areas I have not.

The Resurgent Antislavery Movement

The social, political, economic, educational, and scholarly activities introduced earlier represent the resurgence and reemergence of the English-speaking world's oldest social movement—humanity's first human rights campaign, if you will. In the United States and United Kingdom—and indeed the Anglo-American world is the focus of this article— there have been four discernible waves to what some have called the Antislavery Project (Quirk, 2011). The first was in England in the eighteenth century when the first abolitionist group was formed by Quakers and evangelical Anglicans. Several decades later the AntiSlavery Society, whose successor is Anti-Slavery International, was formed. The social movement mobilization that took place in this first wave of antislavery activity pioneered

a number of social movement tactics, including the use of the petition and divestment from slaveholding firms (Hochschild, 2005), while also introducing two diplomatic devices: peacetime economic sanctions and the multinational oversight committee (Nadelmann, 1990, p. 492).

The second social movement against slavery was in the United States in the early to mid-nineteenth century. A vast debate gripped the nation in a movement wave that continued up through the Civil War, after which a botched emancipation set former slaves on a track of exploitation and marginalization that would continue unabated for another 100 years (Blackmon, 2009). Together, these two movements triggered a wave of domestic and international antislavery activity that saw slavery outlawed in much of the world by the beginning of the twentieth century. To these two major movement waves, I would add a third smaller, yet salient phase. With a peak period from 1870–1914 and with a lingering resonance into the midcentury, both the United States and Britain witnessed widespread concern over the "White Slave Trade," a hysteria that used the rhetoric and imagery of slavery to advocate for the protection of female chastity peaking in the United States with the passage of the Mann Act (Bell, 1910; Day, 2010). This initiative is increasingly factored into the literature as part of abolitionist history. While its inclusion is sometimes contested due to its patriarchal conceptualizations of gender, this phase is important to emphasize because it laid the groundwork for much of the language of rescue and rehabilitation that became common in the late 1990s (Bernstein, 2010) and is still occasionally used both legally (see Mattar's 2011 review of cases that still use the Mann Act) as well as by movement actors (Bernstein, 2010; Choi-Fitzpatrick, 2014; see also Quirk, 2007, p. 186–191).

This truncated overview brings us to the present outpouring of popular and legislative attention to this issue. The fourth wave of social movement efforts to end slavery that has emerged in the United States and the United Kingdom bears some of the hallmarks of earlier eras, including petitions, economic boycotts, the passage of public policy, and a touch of moral panic. Yet, in other ways, the current wave is happening under significantly altered circumstances. The roots of this fourth movement lie in the surge of migration that followed the collapse of the Soviet Union in 1989. As the Soviet Union came unmoored, millions were on the move—not only in the former Soviet states and satellites but also in regions that had previously been frozen in Cold War rivalries. With so much migration and with the United States and the Soviet Union each reassessing their role in the world, exploitation flourished along migratory routes the world over. Those journalists and activists who first noticed it increasingly applied the term "human trafficking" to this exploitation. It was perhaps Michael Specter's 1998 article on "Contraband Women — A Special Report: Traffickers' New Cargo: Naive Slavic Women" in The New York Times that first lifted this issue from advocacy circles and placed it before the general public in the English-speaking world.[1] As globalization picked up pace, both economically and culturally, new opportunities for migration presented themselves. People were not just being pushed by post-1989 dislocations, they were being pulled by the opportunity to work in new places, some of which appeared considerably better than the places they were leaving. This combination of push factors—fleeing from a failing home or a collapsing economy—with pull factors—the desire for honest work and a better life— was cemented during the 1990s and has become central to our understanding of trafficking.

The presence of, and links between, these four waves of movement activity in the Anglo-American world have received surprisingly little attention from social movement scholars. The sociologist Verta Taylor (1989) has observed that the lulls between

movement waves represent critical periods of abeyance—a state of disuse or suspension. Taylor demonstrated that abeyance *structures*—institutions or organizations that carried the flame and keep the faith, however quietly, during lulls in the women's movement— made all the difference in providing a vital spark when the moment was right. It is reasonable to argue that the British organization, Anti-Slavery International (ASI), has served as a critical abeyance structure during multiple eras of issue decline and dormancy. AntiSlavery Society (as the ASI was then known) was founded by Thomas Clarkson in 1839. Clarkson had previously helped establish the Society for Effecting the Abolition of the Slave Trade in 1787, and his efforts led to the passage of the Slave Trade Act of 1807 in Britain. ASI, which can trace its heritage more than 200 years in the past, has served as an abeyance structure of unprecedented duration.

While this article argues that there have been four waves of antislavery efforts in the Anglo-Saxon world, it was ASI that remained active throughout the intermovement periods. In 1890, it championed the Brussels Act, which addressed the slave trade in colonies and protectorates around the world. While the Brussels Act was intended to address slavery in the Congo, a campaign from 1904 through 1913 rallied the public against the extractive slavery practiced in the Congo Free State by King Leopold II of Belgium. In the 1920s, it advocated for the end of indentured labor in the British colonies, pushed for the end of slave labor in Peruvian rubber production and lobbied the League of Nations to produce the 1926 Slavery Convention. This work continued into the 1950s (the Supplementary Convention on the Abolition of Slavery), through the 1970s and 1980s, during which it released a series of reports on child and bonded labor, and into the 1990s with the organization of the 1998 Global March against Child Labor and push for the International Labour Organization (ILO) Convention on the Worst Forms of Child Labor and the establishment of the Special Action Programme to Combat Forced Labour in 1999 (Bales and Choi-Fitzpatrick, 2012). ASI's publication, *The Anti-Slavery Reporter*, has been in publication from 1840 through the present (Anti-Slavery International 2013). The duration of these efforts—advocating, educating, pressuring, informing, investigating, lobbying, and awareness-raising—is unparalleled in the history of social movements.

Movement efforts have persisted through abeyance structures and have done so with remarkable tenacity. The work of scholars such as Jean Allain and Kevin Bales (2011; Allain, 2012) points to the ongoing relevance of the 1926 Convention's definition of slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." While the world has changed and the style of exploitation has evolved, slavery's core attributes have remained relatively stable for thousands of years. Human trafficking may have picked up steam after the fall of the Berlin Wall, but the *system of slavery* has been a key feature of human relations throughout the twentieth century, as well as the millennia preceding it. Anti-Slavery International's heritage has served as a movement structure that has allowed the antislavery movement to sustain in some fashion between waves of issue salience and international attention, the peaks and troughs, if you will.

Six Perspectives on Human Trafficking

The presence of an abeyance structure, even one that lasts an impressive two centuries in the Anglo-American context, does not preclude the dynamic adaptation and innovation that has surrounded this issue. Of what exactly is human trafficking an example? This is no simple question since human trafficking intersects with a host of issues and agendas and since answers, however provisional, drive policies, funding, advocacy, interventions, and

numerous debates. In the following section, it is suggested that there are presently six dominant perspectives on human trafficking—Prostitution, Migration, Criminal Justice, Forced Labor, Human Rights, and Slavery—each with their own legacies, contributions, strengths, and weaknesses (Wijers and Lap-Chew, 1999, p. 190–209; Lee, 2011). Along the way, I attempt to disaggregate the various motives and themes that emerge in each of the movement streams. Along the way, I critically analyze the strengths and weaknesses of each as I build a case for a broader human rights approach to slavery (as opposed to the currently fashionable parlance of human trafficking). This critical approach extends from a conviction that an exclusive focus on "trafficking" might slight other forms of servitude.[2] This section concludes with the proposition that the most robust foundation involves a combination of the last two categories: a human rights approach to contemporary slavery.

Prostitution

Perhaps the oldest of these four traditions is an ongoing series of debates related to the role of agency in pornography and prostitution in the 1980s and 1990s. Over the last decade, debates from the "sex wars" have spilled over into conversations about trafficking for sexual exploitation (Kempadoo and Doezema, 1998; Doezema, 2002; Brysk, 2011).[3] While this conversation is ongoing, it is possible to sketch a dividing line between women's rights groups who saw pornography and prostitution as potential sites of cultural subversion and liberation and those groups who saw pornography and prostitution as the unvarnished oppression of women. In this way, two schools of thought have developed regarding trafficking for sexual exploitation.[4] The first, comprised of an unprecedented alliance between evangelical Protestants and Catholics and second-wave feminists, can be thought of as "feminist abolitionists," since the focus is on abolishing pornography and prostitution (Barry, 1979; Raymond and Hughes, 2001; Hughes, 2003; Hertzke, 2004) and eliminating what they considered to be sexual exploitation that violates human dignity.[5] Evangelicals consider the central problem to be violence against women, while second-wave feminists consider the problem's source to be patriarchy and a concomitant lack of power (Captive Daughters Media, 2007). Both see the solution as the immediate abolition of prostitution in all of its forms and the immediate rescue of its victims—what Elizabeth Bernstein (2010) has dubbed *carceral feminism.*

The second school of thought, "risk reduction feminists" if you will, is comprised primarily of third-wave feminists who see the problem as patriarchy and the solution as empowering women to engage in sex-positive forms of resistance (Kempadoo and Doezema, 1998; Doezema, 2002; Kempadoo, 2005; Chateauvert, 2014). This later approach is also associated with harm-reduction strategies from the health community. This approach is fundamentally based on there being a clear and discernable difference between forced and voluntary prostitution. In this reading, some prostitution is indeed exploitative, but the solution is less punitive legal frameworks and/or more legal protection. In the words of one scholar, prostitution is not slavery (Brysk, 2012).

The limitation on either side of this debate is the focus on a particular and narrow slice of the estimated number of cases of trafficking and slavery. The trafficking of men for the purposes of sexual exploitation (Dennis, 2008) and the enslavement of men and women for nonsexual purposes are almost completely overlooked (but see Zhang, 2012 on labor trafficking). The reason for this is clear; the problem is conceptualized using particular notions of exploitation that are a legacy from earlier debates about sex, gender, and agency that occurred around movements to criminalize prostitution and to abolish pornography, rather than trafficking and slavery.

Migration

The second dominant perspective on contemporary slavery comes from advocacy and action around irregular and forced migration (Chacón, 2010). Scholarship on the relationship between trafficking and migration has only grown in the post-1989 era, as larger migration flows increased the need for a better understanding of licit and illicit migration (Zhang, 2007, 2008). The International Organization for Migration (IOM) has been central in providing services, gathering data, and generating reports on human trafficking. The migration model's clear strength is its rooting in well-established international laws and the general coherence generated by the influence of large international nongovernmental organizations (INGOs). Three central policy disconnects render migration a cauldron for exploitation. Firstly, there is a clear disconnect between the perceived right to migrate by those seeking a better life and the state's right to protect borders and to control the flows of people. Secondly, there is a disconnect between the need for cheap labor in industrialized countries and the unwillingness to care for these laborers once they have arrived. Finally, there is a disconnect between the logic of remittance-based economies and the logic of development, a sector where billions are spent in order to make life more bearable so that people will stay. These tensions are present in all debates on migration.

The limitation of the migration approach is that it deals primarily with the transborder movement of people and is therefore limited to a focus on domestic and international human trafficking.[6] This is a problem when one considers the simple fact that the majority of enslaved people in the world are not moved, or the fact that the most robust law against trafficking in the United States, the Trafficking Victims Protection Act (TVPA), also covers exploitation in which no movement has taken place.

An additional complication stems from the fact that those working within the migration framework often find themselves trapped between the mandate to protect trafficked persons and the pressure to enforce the domestic labor laws of designation countries. Most labor migrants fall outside of legislation in sending and receiving countries. As a result, groups like the IOM run the risk of being part of a broader set of economic and political considerations between sending, receiving, and transit countries. Resulting criticism of the migration model focuses on its state- and citizenship-centricity, pointing out that the risk of trafficking is used as a form of migration control in some regions (Nieuwenhuys and Pécoud, 2007). Finally, it is often argued that migration regimes themselves are designed to benefit the state: Sending states receive remittances and receiving states secure cheap labor. Trafficking policy is therefore seen as a residual category of these larger economic considerations.

Criminal Justice

The third dominant conceptualization to contemporary slavery is the criminal justice model.[7] This approach perceives the core problem to be criminals and the solution to be police enforcing laws and lawyers taking cases to court. More sophisticated approaches focus on the ways corruption and complicity undermine the rule of law, but even this reading prioritizes court processes and criminal justice efforts. With its focus on the passage and enforcement of laws, this approach relies on arrest to serve as a deterrent for those engaged in slavery and trafficking. This approach has been criticized for placing the survivor at the mercy of the state (Hathaway, 2008). Law enforcement-led interventions, even in cities with antitrafficking taskforces, have shown themselves to be more focused on booking cases and more accustomed to confrontational approaches to police interventions. Legal protection for

undocumented workers often provides immunity from deportation if victims of international trafficking are willing to testify against the trafficker in court. Finally, this approach assumes that the problems and solutions lie in the passage and enforcement of laws. Both are important, but this approach tends to overlook those issues of power and inequality that give rise to exploitation in the first place (Choi-Fitzpatrick, 2006, p. 70).

While this approach has the distinct advantage of being supported by international law and international nongovernmental agencies, especially the IOM, it is hampered by the fact that it is beholden to those states that make international law and INGOs possible. This argument, in sum, aligns closely with Maggy Lee's argument that the "predominant framing of human trafficking as a transnational organized crime and immigration control problem has brought an unprecedented growth in transnational law enforcement, a meshing of state criminal justice and immigration control functions, and troubling consequences for trafficked persons and other migrants caught up in the 'war on trafficking'" (2011, p. 36). These may be positive outcomes for states struggling to reassert their sovereignty in uncertain times, but it is imbalanced in favor of the state.

Forced Labor

The fourth approach has been pioneered by the International Labour Organization, which has sponsored two critical conventions against forced labor (Miers, 2003). The Forced Labour Convention (No. 29 in 1930) and its supplemental follow up (No. 105 in 1957) are the ILO's most ratified conventions. Though established at the same time as the League of Nations (1919), the ILO's contribution to contemporary advocacy efforts picked up distinctly in 1999 with the creation of the Special Action Programme to Combat Forced Labor (SAP) and the subsequent release of a major report (ILO, 2005) that drew on the cooperation of signatory states to establish a global estimate of forced labor (Bales and Choi-Fitzpatrick, 2012). Recent years have also seen helpful clarification regarding the relationship between human trafficking and forced labor (Gallagher, 2010).

If the conventions' broad ratification and clear sightedness about the subsumed role of trafficking are impressive, the ILO's reliance on the cooperation of signatory states should give us pause, as states may be reluctant to cooperate fully in the provision of data to the SAP, to say nothing of cooperation. This may be the reason the estimates provided by the ILO's 2005 report came in at around half of other estimates (e.g., Bales). Yet, this is not the greatest cause for concern. Rather, the forced labor model's clearest strength— the protection of workers—is actually its Achilles heel. While forced labor may appear to be the strongest candidate for an organizing model for antislavery efforts, its focus on dignifying individual efforts with the term "labor" is unacceptable to an important contingent of the movement. Abolitionists who consider prostitution to be fundamentally violating women's rights and dignity, and to therefore be automatically categorized as trafficking, cannot accept that a lack of visible coercion is what differentiates between acceptable "sex work" and unacceptable "forced prostitution." To do so within the forced labor framework would be to consider one legitimate labor, while the other is illegitimate, due to force, fraud, threats and coercion.

One final point should give pause, Maul has recently argued that "forced labor in the guise of sexual exploitation and domestic labour ... can no longer be adequately addressed using the resources of the forced labour conventions" (2007, p. 494). In other words, exploitation has innovated faster than policy. Yet, the recent passage of the unprecedented ILO Convention 189 (2011a), "*Concerning Decent Work for Domestic Workers*,"

may suggest that the ILO is intent on developing a more responsive policy response. Indeed, the preface to the 2011 Convention claims that the "Convention and Recommendation are historic because, for the first time, international instruments are applied to an essentially informal segment of the global workforce" (ILO, 2011a, p. 1).

Of the approaches discussed thus far, the forced-labor perspective bears the most in common with the human rights approach advanced in this article. Recent and important work suggests that a forced-labor approach improves on the human-trafficking model. A very plausible augmentation of the framework suggested later in this article would be as follows: a contemporary slavery framing from a social movement perspective, a forced-labor framework in terms of international human rights law, and a more rigorous human rights standard applied to the entire enterprise. While this approach may have merit in theory, in practice it doubles down on the forced-labor approach and thereby cuts out a significant component of mobilizing activity (through the creation of a rift in the movement, such as it is). Such a solution would doubtless please scholars but would prove detrimental to hard-won social movement gains and to the pragmatic solidarity between two camps that do not usually work together (evangelicals and second-wave feminists).

Human Rights

The fifth approach is the human rights model. This perspective is widely thought to provide a better path forward than the alternatives. The core attributes of the approach can be found in the UN's Trafficking Protocol. Opened for signature in 2000 and entering into force three years later, the UN Protocol (or Palermo Protocol, as it is often called) focuses on three general categories of antitrafficking activities: "Law enforcement measures to detect, Prosecute, and punish traffickers (and deter others); Preventive measures to reduce the likelihood that trafficking occurs in the first place; and Protection measures, along with various forms of assistance, for individuals who have been trafficked" (Dottridge, 2007, p. 5).

These activities are guided by a central principle that trafficked persons, when apprehended, are not treated as criminals but are instead recognized as victims and survivors. The Office of the United Nations High Commissioner for Human Rights recommended principles on human rights and human trafficking argue for the prioritization of the rights of "trafficked persons" as well as holding states responsible for both the "protection and maintenance" of these rights and the "eradication of root causes." Perpetrators should be held accountable, regardless of whether they are agents of criminal networks, the market, society, or the state.

In its current configuration, the human rights model has a number of weaknesses. While advocating for what appears to be a victim-centric approach, it is actually embedded in the United Nations Convention against Transnational Organized Crime and is therefore linked, at its core, to the criminal justice model. Like each of the models already discussed, it overlooks the broader context of slavery, a condition that affects far more people than the slave trade (i.e., human trafficking) (Lee, 2011). While empirical data are hard to obtain and verify, it is reasonable to say that the majority of people held in slavery might not have ever left their home communities, and, if they do, it is likely that they might never leave their country. The United States TVPA tries to skirt this fact through the awkward insistence that movement is not necessary to trigger the remedies found in the Act.

The most critical assessment of the human rights model comes from James Hathaway (2008), who argues that signatory states have used the UN Protocol to advance

antismuggling policies while restricting slavery obligations domestically. Nongovernmental organizations (NGOs), in his assessment, allowed this to happen since their priorities lay with rescuing victims rather than enforcing rights. Efforts to ensure services and aftercare for victims ultimately served to distract attention from a host of other issues. The net effect, he argues, is that the human rights model allows signatories to avoid addressing the 97% of slavery that does not fit the definition advanced by Palermo. The world's premiere international legal instrument, in this light, has been devised to serve the state, rather than the survivor.

The UN Protocol's law enforcement provisions—the detection, prosecution, and punishment of traffickers—are the protocol's most robust requirements. The human rights model's core legal standing in international law is therefore vulnerable to many of the same criticisms leveled against the criminal justice approach, as it has incorporated the criminal justice approach's core assumptions into its most robust requirements. In sum, with the UN Protocol's focus on sovereignty and security issues as its starting point, the current human rights model has the unfortunate task of patching a leaky ship (Gallagher, 2001). What is needed instead is a more comprehensive human rights approach that takes prevention and protection, slavery, and perpetrators, seriously.

Slavery

The sixth and final approach to conceptualizing human trafficking is as a form of contemporary slavery. Until 1999, the standard approach to the issue has been to subsume all forms of slavery under the rubric of human trafficking. This approach found a home in marquee international (Palermo) and domestic (TVPA) legislation. In 1999, however, Kevin Bales (2012) argued that the rise in human trafficking seen around the world since 1989 was a form of slavery and that it belonged to the same category of rights abuse as chattel slavery in Mauritania, the Devadasi system in India, the bonded-labor system across South Asia, and forced labor in the Gulf states. In this way, Bales reconnected contemporary-looking human trafficking with a human rights violation that many assumed had been swept from the earth. Bales argued that 27 million people are held in conditions of slavery worldwide and that this number is the largest it has ever been. For my purposes here, this number is less important than the notion that these activities—temple prostitution, sex trafficking, labor trafficking, and bonded labor—are contemporary forms of the same human rights violation: slavery. It is this categorization that makes contemporary advocacy, even when it is focused more narrowly on "sex trafficking," part of the fourth wave of the antislavery movement.

While the current wave of movement activity came in response to the great post-1989 unraveling of economies and migration of people, a growing number of scholars, Bales included, point to the past as a better explanatory guide. It is illogical to conceptualize all forms of slavery as being a subset of one single form (human trafficking). There are two reasons for this. The first is that human trafficking is often mistakenly invoked to describe voluntary migration that terminates in forced labor. The trafficking designation then covers a period of voluntary mobility and involuntary service and masks agency in the process. The second reason human trafficking should be historically and categorically subsumed under the broader phenomena of slavery is that trafficking in plain terms is the movement of a person into conditions of enslavement. Here it is important to note that the United States has generated significant confusion by designating through the Trafficking Victim Protection Act that no movement is necessary for human trafficking to take place. While this tact may have been adopted in order to avoid creating a "contemporary slavery" law and thus

forcing a debate about the difference between traditional (i.e., chattel) and contemporary slavery, it has the effect of subsuming a wide range of exploitation—some involving movement into exploitation and some involving in situ exploitation—under the rubric of "trafficking."

This broader contemporary slavery perspective is advanced in various ways by a number of scholars generally rooted in comparative and historical sociology. Kevin Bales' popular work was subtitled "New Slavery" and he went to some effort to delineate the relationship between "new" and "old" slavery. The exercise, however, was intended to emphasize that, while the unimportant things had changed (legal ownership, for example), the truly important things (like control) had not. While some scholars are skeptical of this new/old dichotomy, this skepticism is rooted in a sense that significant amounts of slavery persisted between 1865 and 1989. Important work by both Quirk (2011) and Suzanne Miers (2003) has shed critical light on the persistence of slavery in *post*abolition contexts throughout the twentieth century. Siddarth Kara's (2012) investigation of bonded labor in India follows the same logic. By identifying bonded labor as a form of slavery, and in emphasizing that this form of slavery is quite old, this research further undermines the notion that the problem is predominantly one of the globalization-induced trafficking of women. The slavery perspective has the oldest legal heritage of the six. This is true in terms of both domestic legislation (which stretches back to the Slave Trade Act of 1807 in Britain) and international law (the 1926 Slavery Convention). The Bellagio-Harvard Guidelines on the Legal Parameters of Slavery (Allain and Bales, 2011) extend the 1926 Slavery Convention's determination that "slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" to include debt bondage in those cases where there is control over a person tantamount to possession. In sum, the argument here is that "slavery" is a category that covers the movement of people into enslavement (trafficking) quite well.

A Human Rights Approach to Slavery in All Its Forms

In what follows, I argue that a human rights approach to contemporary slavery is the best framework for addressing this issue and for formulating strategies its resolution. The more comprehensive approach suggested here builds on several key features of the current models—most notably a determined recognition of the enslaved person as a rightsbearing individual—while addressing a number of concerns advanced by critics of current depictions. The first factor required of a comprehensive human rights framework is related to the nature of the problem itself: It must address slavery. Across each of these six approaches— unfortunately including the human rights approach in its current form— attention is focused almost exclusively on a single aspect of contemporary slavery: human trafficking. This bias persists despite our understanding that the majority of those held in slavery—the majority if we accept the calculations provided by Bales (2012) and Hathaway (2008)—are never trafficked internationally but are instead exploited in their home countries or home communities. Even more constricting is the fact that each approach deals with trafficking as if it were the most recent instance of the phenomenon of greatest interest to each community: prostitution, migration, crime, forced labor, and slavery, respectively. While advocates can focus on domestic trafficking and while slavery may take new forms, these must be understood as an "extension and/or reconfiguration of enduring historical themes, rather than as distinctively modern developments" (Quirk 2012: 41).

The human rights approach has clear advantages over competing paradigms. It sheds light on the weaknesses inherent in current conceptualizations, which can involve prioritizing rescue over restoration and rehabilitation, emphasizing criminal prosecution over the wishes of the trafficked individual, ignoring the trafficked person's ability to self-identify as something other than a trafficked person, narrowly targeting actors involved in transborder criminal activities while ignoring other forms of exploitation, and so forth. A human rights approach, when combined with a more coherent and catholic assessment of (contemporary) slavery, lays the groundwork for a broader comparative analysis of various types of slavery and emancipation.

Over the past decade, critiques of the existing human rights model (GAATW, 2007; Hathaway, 2008; Gallagher, 2009) and pieces of new thinking about what a better model might look like have grown in number and hopefully in sophistication (Brysk and ChoiFitzpatrick, 2012a; Gallagher, 2012).[8] Each of these steps forward builds on the fundamental notion that human rights are provided to but also held and used by victims and survivors of slavery.

Brysk and Choi-Fitzpatrick (2012b) suggest that since contemporary victims of slavery are simply the weakest link in larger systems of exploitation, then protecting them requires more robust solutions for all women, all men, all workers, and all migrants. Rights-based protection and empowerment should be the norm, regardless of citizenship, gender, type of labor, and legal status. Policy approaches, then, "must be a situated form of broader human rights policy, not an episodic campaign or intervention" (Brysk and Choi-Fitzpatrick, (2012b, p. 9). This shift from episodic intervention to prolonged empowerment will be the hallmark of an antislavery approach that has sustainable emancipation as its goal. It is clear that emancipations are not created equal, as botched emancipations make painfully clear (Blackmon, 2009; Quirk, 2011). A human rights approach to sustainable emancipation requires access to paid work, savings, access to basic services, the option of continuing to work the earth (necessitating land reform), and active integration into development projects (Bales and Choi-Fitzpatrick, 2012). A commitment to empowering and organizing workers before exploitation can begin and empowering and organizing workers in those cases where slavery and trafficking have already occurred is central to any attempt at sustainable emancipation.

A human rights framework must address the prevalence of nonsexual exploitation present in contemporary slavery. Through the 1990s and 2000s, most popular attention focused on instances of sexual exploitation (Kristof, 2004; Landesman, 2004). This imbalanced attention can also be found in more scholarly work, though there are promising signs that this imbalance is slowly being rectified. Trafficking for sexual exploitation is an important issue deserving of more attention and resources, but antislavery efforts are better served by a comprehensive approach than they are by partial attention and patchwork solutions. Only once slavery is understood as the far end of a continuum of exploitation can interventions be tailored to meet the actual needs of the powerless. The discourse around trafficking may be constructing a robust mythology about a fantastical object, but the reality of exploitation all along the farther ends of the spectrum cannot be denied.

Finally, a human rights approach must focus on survivors' empowerment, representation, and collective mobilization as well as integration. While rescue and rehabilitation have their place, this protection must be balanced with empowerment. Poverty is a necessary but insufficient condition for enslavement; it must first be combined with a lack of personal or structural power. Slavery and re-enslavement can be prevented through the empowerment of survivors and the mobilization of their communities. Current approaches

focus on the provision of comprehensive services for survivors of trafficking. These are often important for the short-term recuperation from exploitation and medium-term efforts at reintegration, but more must be done to prepare trafficked persons to integrate into the political and economic systems that will serve not only as bulwarks against re-exploitation but also as foundations for a stronger society. To put this into the language of the United States Trafficking in Persons office, the three Ps of prevention, protection, and prosecution are important, but survivors must be trained in politics, profit, and power as well. Rescue, rehabilitation, and reintegration are critical, but so is *representation* in political, economic, and cultural spaces. Taking this kind of representation seriously will require much more ambitious conceptualizations of the state's role in addressing contemporary slavery. It is not enough to pass laws, to patrol borders, and to prosecute perpetrators.

A comprehensive human rights approach to contemporary slavery requires the state to prioritize the individual rights of the survivor over a host of other factors, including national security, immigration regimes, exploitative cultural and gender norms, criminal codes, and economic prerogatives. This framework recognizes all forms of contemporary slavery and takes seriously the complex social relations, cultural conditions, and political context that both perpetrators and enslaved persons are embedded in. A human rights approach focuses on the empowerment of enslaved persons in economic, political, and social and cultural systems. This empowerment occurs through access to the political process and representation, economic opportunity and livelihood, and the recognition of individual dignity, regardless of sociocultural background or status. This more comprehensive representation should push both scholars and practitioners in fresh directions.

One such direction would be with regard to emancipation, an underemphasized area of inquiry. Current scholarship suggests a number of paths out of slavery. Some are based in particular interventions that draw on the action and agency of an outside actor: rescue, community mobilization, and rebellion. Far more is known about this category, as it is comprised of activities that are more likely to involve outside actors such as NGOs, police, and attorneys. These actors gather practical experience while also generating case studies, legal cases, newspaper reports, and other artifacts amenable to empirical research. Other, less visible, paths out of slavery include voluntary manumission, escape and self-emancipation, the discharging of debt, being discarded, and death. Here perpetrators and victims are the key actor, and, as a result, there are fewer opportunities for advocates, scholars, legal professionals, and law enforcement officials to obtain information about slavery and emancipation. For example, it is altogether likely that those trafficked into the agricultural sector in Southern California would rather leave an abusive situation and then quickly find a new, less exploitative employer, than work with local officials to slowly build a case against abusers and their agents. While the human rights approach has weaknesses, it represents the most solid foundation upon which to build a fresh wave of scholarship and activism. With the individual survivors' needs and human rights principles at the center of analysis, focus can shift to a broader range of perpetrators (not only criminal networks but also governments, corporations, and civil society) and solutions (not only rescue but also community mobilization, unionization, and political representation).
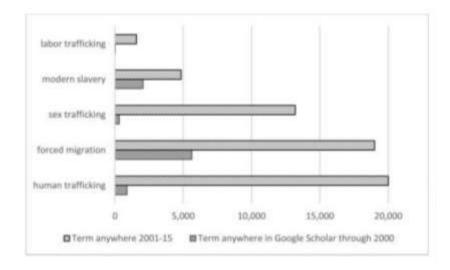
Bringing It All Together

At this point we can ask whether there is any relationship between these (four) movement waves and the (six) approaches. First, while abolitionist movements in both the first and

second waves were often divided about whether emancipation should happen gradually or immediately, the overarching objective remained the abolition of the slave trade and slavery itself. Prostitution, migration, and forced labor did not enter into the equation. A central call of the antislavery movement in both countries was the passage of laws banning the trade and ownership of slaves. This legislative activity clearly falls within the remit of the criminal justice approach. These debates, then, only partially map onto the debates and competing perspectives advanced in this article. With a certain degree of interpretive liberty, it could be argued that both the human rights perspective—at least an early and imperfect version of the human rights perspective—and these abolitionist movements emerged hand-in-hand from the Enlightenment (Nadelmann, 1990, p. 493).

The third wave, involving a mass mobilization around "white slavery," explicitly linked the prostitution and criminal justice frameworks. The racialized narratives of purity and the "other" that were mobilized by this wave serve as the historical reference point for current discourse and debate around the more problematic aspects of current approaches, in particular related to "carceral feminism" and "the rescue industry."[9] These parallel weaknesses have caused many astute contemporary critics to exert tremendous amounts of energy critiquing these flaws, rather than creating and constructing more modest, less popular but more realistic frameworks.

The fourth wave has fanned out to a dozen tributaries where one can travel for quite some time without crossing into another stream. This was not always the case. Interest in the issue, as measured by scholarly and semi-scholarly publications, has exploded a thousand-fold over the past decade (see Figure 1).

While it may have been possible to follow the literature on "contemporary slavery" and "human trafficking" up through 2000, it has since become nearly impossible to keep up with the torrent of academic and near-academic output. This pace shows no sign of slowing. There is no reason to be surprised if, within the next few years, scholars, activists, survivors, or slaveholders discover or create additional categories or concepts. It may also be that some currently popular frameworks fall into disuse. In the midst of this explosive growth and in the face of inevitable issue decline, it is important to identify historic commonalities in the framing of the problem (slavery) and the solution (human rights). If this article

FIGURE 1. Increased mentions of key terms, pre-2000–early 2015. Note. Estimates drawn from constrained searches in Google Scholar in March 2015. Full data are available upon request but are intended to be more illustrative than definitive.

attempts anything, then, it is to reconnect two often-neglected strands from this earlier era: the focus on slavery and the call for human rights.

Finally, what this discussion points to, then, is a certain level of stability and flux across the four waves of movement activity, much of it supplied by the abeyance structure of Anti-Slavery International and capitalized on by ASI's American cousin, Free the Slaves, whose cofounder Kevin Bales is largely responsible for the "contemporary/modern slavery" issue frame. While recognizing that these concepts are not invariant and that such comparisons remove significant levels of detail and nuance, Table 1 suggests a number of general patterns across these four movement waves. This ahistorical exercise emphasizes the extent to which the slavery frame has predominated across waves, while the concept of human rights was present in some form in the first two waves, generally missing from the third wave, and back with force in the most recent round of movement activity. Here we see not only the importance of abeyance structures but also the ebb and flow of different frames, a note that should be of some interest to those scholars working on social movement framing (Snow et al., 2014).

It should be left to those better versed in comparative historical analysis to more thoroughly explore the relationship between these movement waves and movement frames. Other opportunities for future scholarship present themselves. A closer look at the varieties of emancipation and the relationship between these six approaches and various emancipation strategies may prove fruitful.

There is also some hope this study spurs some comparative efforts in other areas and eras. This article has argued that, while the Anglo-American context is not the only site of debate over how to best characterize contemporary slavery, it is the space that has the most significant impact when it comes to historic precedent, current public policy, and current capital expenditure by public and private donors. This case justification is not to say that the Anglo-American debates detailed here are sufficiently broad (i.e., global) nor necessarily useful or meritorious (i.e., multicultural). Rather, it is to emphasize the breadth of the historic scope and the severity of their policy impact. In this article, I have tried to capture this debate honestly as I have found it. There are certainly other debates (in other national movement streams and historical contexts) and there are certainly other perspectives (in other languages) that future research will illuminate. The task to which I have put my hand, however, is to argue antislavery is the world's first and oldest social movement for human rights, and that it is currently dominated by six overlapping and competing perspectives, the most important of which is a human rights approach to slavery that advances individual rights over state security, economic gain, and cultural precedence.

Table 1
Dominant Approaches by Movement Wave

Movement Wave	Prostitution	Criminal Justice	Migration	Forced Labor	Slavery	Human Rights
1 18th-century Britain					X	X
2 19th-century America					X	X
3 19th- and 20th-century America	X	X			X	
4 20th-and 21st-century Global	X	X	X	X	X	X

Along the way, I have stepped into two apparently separate conversations, observed similarities and complementarities across these conversations, and proposed a particular synthesis. Into the debate, if such a term is appropriate, between those advocating the term "contemporary slavery" and those preferring "human trafficking," this article has advocated for the continued use of the term slavery (whether new, modern, or contemporary) on the grounds that the term is both legally applicable to the largest variety of cases (per the 1926 Slavery Convention) and is conceptually preferred as it maintains an important continuity across more than two centuries of movement activity. This article has advocated for a broad human rights approach, on the grounds that it would highlight the importance of serving victim/survivors while challenging the role of states, markets, and civil society in the creation of illegality and insecurity. A holistic human rights approach places the individual at the center of consideration. Yet, rights are not just provided to victims but they are also held and used by victims and survivors alike. A human rights approach to contemporary slavery should do just that.

Notes

1. I am thankful to Michelle Clark for this observation.

2. I am thankful to an anonymous reviewer for helping me to clarify this point.

3. The use of the phrase "trafficking for sexual exploitation" is intentional, as it avoids the sensationalist reification found in alternate usages such as "sex trafficking" and, even worse, "sex slavery."

4. While some refer to these camps as "neoabolitionists" and "sex radicals," I have intentionally chosen a terms that do not cede the "abolitionist" framing to one camp nor designate the other as "radical."

5. I am indebted to an anonymous reviewer for rightly pointing out that feminist abolitionists are not the simple moral purists they are characterized as.

6. It is important to reiterate here that the United States' legislative use of the term "trafficking" to include sedentary and in situ exploitation (e.g., intergenerational bonded labor) significantly complicates the matter.

7. See Mattar (2011) for a comprehensive overview of the legal vein of the criminal justice approach.

8. Groundwork for this approach has been laid by a number of scholars, including Alison Brysk, Kevin Bales, Anne T. Gallagher, and Austin Choi-Fitzpatrick (see Bales 2012; Brysk 2005, 2011, 2012; Choi-Fitzpatrick 2012; Brysk and Choi-Fitzpatrick 2012a; Bales and Choi-Fitzpatrick 2012; Gallagher 2009, 2012; van den Anker 2012).

9. See Bernstein (2010) and Agustin (2007).

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