# Slavery and 'Lesser' Servitudes:
# Separate and Stratified or Blended Together?

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*Every country in the world has now legally abolished slavery, yet millions of people continue to be trapped in forms of human bondage which are widely regarded as similar and/or equivalent to abusive conditions under historical slave systems. On what grounds can these comparisons between past and present be justified? On what basis can contemporary experiences be credibly classified as 'slavery'? Drawing upon a combination of legal analysis and historical reflection, this paper develops a new approach to this question by specifically focusing upon areas of intersection and/or overlap between slavery and other forms of bondage, such as forced labor, debt-bondage, and human trafficking. Historians of slavery and abolition have generally approached these points of intersection in one of two main ways. One approach treats slavery as a separate and stratified category, whilst a second argues that slavery has tended to regularly overlap with other forms of bondage, thereby complicating Western notions of clear-cut boundaries between categories. While insights from both historical approaches have contemporary applications, this paper aims to demonstrate that the second 'blended together' framework should be preferred on a number of grounds.*

The main goal of this paper is to help better understand where slavery begins and ends. In taking up this question, I am especially concerned with areas of intersection and/or overlap between slavery and other forms of human bondage, such as forced labor, debt-bondage, human trafficking, and the worst forms of child labor. These intersections are most relevant in situations where there is a significant degree of ambiguity or uncertainty regarding whether or not a particular case of human bondage can be plausibly classified as slavery, or instead either belongs in some other category or falls under multiple categories. As we shall see below in more detail, historians of slavery and abolition have typically responded to these ambiguous cases in one of two main ways. On the one hand, we have a number of scholars who have defended a consistent separation between slavery and other forms of bondage. Within this overall approach, slavery has been most commonly located at the apex of an identifiable hierarchy, with 'lesser' forms of servitude occupying a separate and subordinate status. On the other hand, we have scholars who have instead argued that slavery and other forms of human bondage have often been found 'blended together', and that efforts to artificially separate them have proved to be misguided and – at least in some cases – Eurocentric.

These competing approaches to the definition of slavery have primarily involved efforts to classify and analyze numerous historical settings where slavery and/or human bondage were legally sanctioned. This paper draws upon this debate in order to address a different question: on what grounds can we determine where slavery begins and ends in cases where slavery has been legally abolished as an institution? This question emerges in response to an enduring divide between legal injunctions and substantive practices. Numerous laws against slavery have been promulgated over the last two and a half centuries, yet cases and circumstances that closely resemble historical slave systems continue to be documented across the globe.[1] On what terms can we connect these cases to historical slave systems? When and how can the language of slavery be legitimately applied to contemporary settings? On what grounds can we coherently distinguish slavery from other forms of human bondage in situations where slavery at least theoretically has no formal legal standing?

One way of approaching these questions is to maximize the definition of slavery to the point where it becomes synonymous with all forms of human bondage, or even all forms of exploitation. In the more extreme examples of this overall approach, slavery effectively ceases to function as an analytical category and can instead be better understood as an evocative concept, which tends to be strategically invoked in order to establish a rhetorical connection between historical slavery – which is here most commonly framed in terms of stylized images of Transatlantic slavery – and all kinds of problems today. An obvious example here is the rhetoric of 'wage slavery', which portrays all arduous work for marginal wages as a form of 'slavery', but there are also other more contentious cases, such as a widespread yet problematic tendency to conflate slavery and human trafficking, or the language of 'contemporary forms of slavery' currently favored by the United Nations.[2]

As I have argued elsewhere, this rhetoric inflation not only comes at the price of analytical precision, it also fits uncomfortably alongside recent and ongoing legal innovations.[3] During the early 1920s, the League of Nations presided over a series of negotiations that culminated in the 1926 Slavery Convention, which took the step of defining slavery chiefly on the basis of 'powers attaching

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[1] See, for example, Kevin Bales, *Ending Slavery: How We Free Today's Slaves*, (Berkeley: University of California Press, 2007), *A Global Alliance Against Forced Labour: Global Report Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, (Geneva: International Labour Office, 2005), E. Benjamin Skinner, *A Crime So Monstrous*, (Edinburgh: Mainstream Publishing, 2008), Joel Quirk, 'Modern Slavery', Trevor Bernard and Gad Heuman (eds.), *The Routledge History of Slavery*, (London: Routledge, 2010), pp. 331-346

[2] Joel Quirk, 'Competing Visions: Human Trafficking Versus Forced Labour?', Modern Slavery, Human Rights and Development, Harriet Tubman Institute, York University, 25-26 June 2011, paper on file with author.

[3] Joel Quirk, 'Defining Slavery in All its Forms: Historical Inquiry as Contemporary Instruction', Jean Allain (ed.), *The Legal Understanding of Slavery: From the Historical to the Contemporary*, (Oxford: Oxford University Press, 2012), pp. 253-277.

to the right of ownership'.[4] This definition is particularly significant, because it has been endorsed by numerous governments, and is therefore hard to dismiss as personal opinion or political rhetoric. The 1926 Convention has since been supplemented by a growing number of related instruments, including the more recent 1998 Rome Statute, the 1999 Worst Forms of Child Labour Convention, and the 2000 Trafficking Protocol. This legal codification provides a necessary corrective to rhetorical inflation, because it establishes obligations and definitions that not only apply to slavery, but also extend to related forms of human bondage.[5] In addition to slavery, we now also have widely accepted definitions of forced labor, debt-bondage, forced conjugal association (or forced 'marriage'), human trafficking, and the worst forms of child labour. This means that if a specific case does not meet the international definition of slavery, it is still likely to be covered elsewhere.

These legal innovations are predicated upon the idea that slavery can be best understood as one amongst forms of human bondage, but they do not provide sufficient guidance when it comes to the thorny question of where slavery begins and other forms of bondage end. It is at this juncture that a combination of legal analysis and historical reflection becomes necessary. We now have a number of widely accepted legal definitions of slavery and related forms of bondage, but in order to better understand how these definitions might be applied we also need further historical guidance. In pursuit of this overall goal, I have divided this paper into four main sections. In the first section, I reflect upon the relationship between slavery as a specific category and human bondage as a more general frame of reference. In the second section, I reflect upon the history of Transatlantic Slavery, paying particular attention to the way in which a distinctive set of institutional, economic and racial characteristics have come to dominate the way in which slavery as a more general category has tended to be conceptualized and applied. This dominance has resulted in a longstanding tendency to evaluate both other historical slave systems and other forms of human bondage against a series of stylized hierarchical benchmarks. In the third section, I go on to consider competing approaches to the definition of slavery which have been designed to take into account the key features of slave systems outside the colonial Americas. Of particular importance here are the analytical and political complications associated with the imposition of Western models of slavery upon other historical contexts, and the various alternative schemes which have been proposed as a consequence. In the final section, I reflect upon how these different historical approaches to defining slavery can help us to better understand the complex relationship between form (institutional arrangements) and substance (lived experiences) in the aftermath of the legal abolition of slavery.


*Defining Slavery and Human Bondage*

When it comes to the contentious question of how slavery should be defined within a contemporary context, it can be useful to initially think in terms of a rough spectrum which ranges from minimalist to maximalist approaches. Minimalism starts with the idea that there is something distinctive and exceptional about slavery as an historical phenomenon, and that it is inaccurate and inappropriate to describe practices today as examples of slavery. If the definition of slavery is expanded to cover all kinds of practices, then won't the exceptional historical conditions endured by millions of slaves – and particularly enslaved Africans in the colonial Americas – end up being diluted and distorted as a consequence? This perspective can be contrasted with maximalist approaches, which start with the idea that the legal abolition of slavery ultimately means relatively little if there are still people enduring burdens and abuses which share similar features in common with historical slave systems.

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[4] On the negotiations which resulted in the 1926 Conventions, see Jean Allain, *The Slavery Conventions: The Travaux Préparatoires of the 1926 League of Nations Convention and the 1956 United Nations Convention*, (Leiden: Martinus Nijhoff, 2008).
[5] This process of legal codification can also be found in domestic law, but since domestic law varies between numerous jurisdictions I have here focused on international law for illustrative purposes.

If the definition of slavery is restricted to legal slavery, then what are we to make of millions of people in the world who continue to endure extreme forms of exploitation, deprivation and abuse?

Neither of these approaches is particularly satisfying. Minimalism puts too much emphasis on legal/formal recognition as a sole determinant of slave status. While prosecutions for slavery (or enslavement) are rare, they do happen. In order to secure a criminal conviction, it is necessary to think in terms of slavery as more than a legal status, but also as a lived condition, with the relevant threshold generally being whether or not the specific case in question is the *de facto* equivalent of legal slavery in terms of its practical consequences and characteristics. In a widely celebrated case in 2008, the Community Court of Justice of the Economic Community of West African States (ECOWAS) determined that the government of Niger had failed to protect one of its citizens – Hadijatou Mani Koraou – from slavery.[6] In order to make this determination, the court was obliged to consider whether her lived experiences effectively amounted to slavery. This does not mean, however, that we should embrace the maximalist extreme either, since expanding slavery well beyond its historical roots ultimately comes at the price of analytical coherence and legal precision, since slavery loses its distinctive meaning and instead risks becoming little more than empty political theatrics. Moreover, there is also a danger that rhetorical inflation will encourage more general scepticism regarding whether any current cases – including more plausible candidates – can be described as slavery.

Legal definitions of slavery offer a useful framework for successfully navigating between these definitional extremes. The rationale behind concentrating upon legal frameworks is as much political as analytical. While legal definitions of slavery and related forms of human bondage are not without their limitations – both in terms of content and application – they nonetheless have the political advantage of being endorsed by numerous governments, establishing a series of criteria which enjoy widespread legitimacy. Like all legal instruments, definitions of slavery and other practices can be interpreted in different ways, so their chief role is not so much to end discussion as to clarify the terms of debate. On this front, it is important to note that governments have frequently sought to minimize the practical scope of their anti-slavery obligations under international law by interpreting the definition of slavery extremely narrowly. This impulse was especially strong during the late 1920s and 1930s, where European powers were grappling with local slave populations that continued to be found in colonies in much of Africa, Asia and elsewhere, but it also extends to more recent jurisprudence, such as *Siliadan v France* in 2005, where it was found that the victim in the case was not held in slavery in 'the proper sense'.[7] While minimization has long been the dominant approach, there have also been a number of contrary efforts to interpret international legal definitions very broadly, such as the recent work of David Weisbrodt or Nicholas McGeehan, or the recent ruling in relation to trafficking in *Rantsev v Cyprus and Russia* in 2010.[8]

It is here that it becomes necessary to consider in more detail the specific terms found in the 1926 Convention, which formally defines 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', and also contains a

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[6] See, for example, Helen Duffy, 'Hadijatou Mani Koroua v Niger: Slavery Unveiled by the ECOWAS Court 9 *Human Rights Law Review* (2009), pp. 151, Jean Allain, 'Case Note: *Mani v. Niger*' 103 *American Journal of International Law* (2009), pp. 311.

[7] See, for example, Susanne Miers and Richard Roberts (eds.), *The End of Slavery in Africa*, (Madison: The University of Wisconsin Press, 1988), Suzanne Miers, *Slavery in the Twentieth Century*, (Walnut Creek: Altamira Press, 2003), European Court of Human Rights, *Siliadin v France* Application No. 73316/01 (26 July 2005) available at http://www.coe.int/t/dghl/monitoring/trafficking/docs/echr/SILIADIN_v_FR.pdf.

[8] David Weissbrodt and Anti-Slavery International, *Abolishing Slavery and its Contemporary Forms*, UN Doc. HR/PUB/02/4 (Office of the United Nations High Commissioner for Human Rights 2002), Nicholas Lawrence McGeehan, 'Misunderstood and neglected: The marginalisation of slavery in international law', *International Journal of Human Rights*, 16:3, 2012, pp. 436-460, European Court of Human Rights, *Rantsev v Cyprus and Russia (Application no. 25965/04)* 7 January 2010, available at http://www.coe.int/t/dghl/monitoring/trafficking/Docs/ECHR/Rantsev_v_Cyprus_RussiaJan2010.pdf.

further obligation 'to prevent and suppress the slave trade' and '[t]o bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms'. Despite considerable debate regarding what these 'forms' might consist of during the various meetings and reports that preceded the Convention, the final text is notably short on firm guidance in this key respect.[9] It is clear from available records that the diplomats involved in the negotiations were open to the idea that slavery could come in any number of forms, yet they were also keen not to define slavery too broadly.

As Jean Allain has argued, this apparent tension can be resolved by observing that the main point at issue here is not so much whether or not *broad categories* of human bondage fall within the terms of 1926 definition, but instead whether or not *individual cases* of human bondage associated with these categories fall within the remit of 'powers attaching to the right of ownership', and can therefore be credibly defined as slavery. In this context, it is also important to emphasize that the 1926 definition applies to both *de jure* (slavery as a legal status) and *de facto* (slavery as a lived condition) circumstances. Framed in terms of 'powers attaching to the right of ownership', this de facto provision covers cases where an individual is controlled in a way that is functionally equivalent to legal ownership, even if no powers of ownership are recognized in law.[10] This formula makes it possible to speak of slavery in a contemporary context, but it also establishes a fairly high threshold. While slavery remains a problem today, it is a problem that afflicts a comparatively modest number of people given the previous scale of slavery as a historical phenomenon (especially since projecting current definitions of slavery backwards in time means covering more than legal slavery).[11] It is generally agreed that the *relative* prevalence of slavery has declined in recent times, but it is also likely that the *absolute* number of slaves is now less than in earlier points in global history.[12]

The most comprehensive account of the parameters of the 1926 definition can be found in the Bellagio-Harvard Guidelines on the Legal Parameters of Slavery (2012), which state that:

> 'powers attaching to the right of ownership' should be understood as constituting control over a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person. Usually this exercise will be supported by and obtained through means such as violent force, deception and/or coercion'.

The guidelines also go on to argue that the exercise of powers attaching to right of ownership can be manifested in relation one or more of the following i) buying, selling or transferring a person, ii) using a person, iii) managing the use of a person, iv) profiting from the use of a person, v) transferring a person to an heir or successor, or vi) disposal, mistreatment or neglect of a person. On the basis of the exercise of these powers, slavery is characterized by either *de jure* or *de facto* possession amounting to 'control over a person by another such as a person might control a thing'.[13] This control is not simply physical, but can also extend to control over social identity (name, religion progeny and family) and legal personality (employment, marital or immigration status).

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[9] The relationship between the negotiations and the final text is considered in more detail in Quirk, 'Defining Slavery in All its Forms', Weissbrodt, *Abolishing Slavery and its Contemporary Forms*, and Jean Allain, 'The Legal Definition of Slavery into the Twenty-First Century', Jean Allain (ed.)*, The Legal Understanding of Slavery: From the Historical to the Contemporary*, (Oxford: Oxford University Press, 2012), pp. 200-209.

[10] Jean Allain, 'The Definition of Slavery in International Law', 52 *Howard Law Journal* (2009) pp. 239-275.

[11] For rough estimates of some prominent historical slave populations, see Joel Quirk, *Unfinished Business: A Comparative Survey of Historical and Contemporary Slavery*. Paris: UNESCO Publications, 2009).

[12] Joel Quirk, *The Anti-Slavery Project: From the Slave Trade to Human Trafficking,* (Philadelphia: Pennsylvania University Press, 2011), pp. 19-20.

[13] *Bellagio-Harvard Guidelines on the Legal Parameters of Slavery*, available at http://www.law.qub.ac.uk/schools/SchoolofLaw/Research/HumanRightsCentre/Resources/Bellagio-HarvardGuidelinesontheLegalParametersofSlavery/#d.en.286505.

There is much which could be said in relation the specific content of these guidelines.[14] In this particular context, I am primarily concerned with how slavery – as framed on the basis of the above criteria – intersects and/or overlaps with other categories of human bondage. As I previously observed above, international law not only provides us with a widely endorsed definition of slavery, it also provides us with a number of complimentary definitions and obligations. These include:

i) Forced labor (1930): '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''.

ii) Debt-bondage (1956): 'the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined'.

iii) Forced conjugal association, or forced 'marriage' (1956): 'Any institution or practice whereby: (i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of her husband is liable to be inherited by another person'.

iv) Human trafficking (2000): 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'.

It is not uncommon for individual cases of human bondage to satisfy the criteria associated with more than one definition, making it possible to speak of a particular case as constituting, for example, both forced labor and human trafficking.[15] It is also important to recognize, however, that slavery is widely regarded as carrying greater weight than other 'lesser' servitudes.[16] As we shall see below, this reflects a longstanding conception of slavery as constituting the apex of a hierarchy of exploitation and abuse, with other forms of human bondage occupying a lower rung on the scale.

It is here that I turn to the overarching concept of human bondage, which is here deployed as an analytical framework which loosely covers *all* of the practices associated with the range of different categories which have been identified above.[17] Within this framework, slavery operates as

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[14] For further analysis, see Jean Allain and Kevin Bales "Slavery and its Definition", *Global Dialogue*, 14, 2012, Jean Allain and Robin Hickey, 'Property Law and the Definition of Slavery', *International and Comparative Law Quarterly*, 61, 2012, in press, and numerous chapters in Allain, *The Legal Understanding of Slavery*.

[15] In a future version of this paper, I'd like to say more about the status of children, but for the moment this is not a theme which I am able to properly develop.

[16] The language of 'lesser servitudes' is taken from the *Bellagio-Harvard Guidelines on the Legal Parameters of Slavery*, but this general viewpoint also commands widespread support amongst many different audiences.

[17] For the purposes of this discussion, human bondage formally incorporates the various definitions found within the 1926 Slavery Convention, the 1930 Forced Labour Convention, Article 4 of the 1948 United Nations Declaration on Human Rights, the 1956 Supplementary Slavery Convention, the 1957 Forced Labour Convention, Article 3(a) of the 1999 Worst Forms of Child Labour Convention, the 2000 Trafficking Protocol, Article 7(c) and 7(g) (sexual slavery), of the 1998 Rome Statute, and Article 3 (2b),(2c) of the 2011 Convention Concerning Decent Work for Domestic Workers. This list can be expected to be subject to future revision, and there are some problems with the overall framing which I still need to sort through.

a discrete sub-category, while human bondage serves as overarching frame of reference which incorporates diverse combinations and manifestations of vulnerability, violent coercion, social subordination, psychological compulsion, and severe exploitation. As the term 'bond' implies, human bondage describes various forms of interpersonal attachment, which continuously bind one person to another on unfavorable terms which significantly restrict – but do necessarily completely curtail – their capacity to exercise personal autonomy (i.e. to make binding decisions regarding their working arrangements, physical integrity, sexuality, and personal relationships), their capacity to withdraw their service (i.e. to completely escape their bonds and pursue alternative lives and livelihoods), and their capacity to seek effective protection and assistance from external actors (i.e. to access viable sources of sanctuary and support). While exploitation invariably features in all forms of human bondage, not all exploitation amounts to bondage, since it is possible to be exploited through low wages (or even wages below market rates) without being subjected to direct compulsion or coercion (i.e. penalties for exit are chiefly limited to loss of wages). Slavery, forced labor, human trafficking, and many of the worst forms of child labor fall under the broader rubric of bondage, yet only a subset of cases of human bondage constitute slavery.

If international law already comes with a number of widely recognized definitions, why have I decided to complicate things by adding human bondage to the equation? Part of the rationale behind this decision stems from a dissatisfaction with a longstanding tendency to de-prioritize – or tacitly normalize – various practices which are deemed (usually for political reasons) to have fallen short of the threshold associated with 'true' slavery. A good example of this widespread impulse comes from reports to the League of Nations in the 1930s, which make reference to 'natives living in ... a servile state bordering on slavery', 'quasi-slaves' 'mild forms for slavery', 'semi-slaves', 'household captives', 'domestic serfs', 'voluntary slaves', or 'so-called slaves'.[18] By using such language, colonial authorities sought to suggest that any residual problems were not urgent problems, and therefore did not require remedial intervention from the state. When slavery becomes the threshold against which all else is measured, practices which are held to have fallen short of this standard regularly end up being tacitly normalized or indirectly legitimated

However, there is also a further issue at stake here. With slavery now legally abolished throughout the globe, it is now extremely difficult to give sustained consideration to the parameters of *de facto* slavery without placing the intersection and/or overlap between different categories of bondage front and centre. There are still some corners of the world, such Mali, Mauritania and Niger, where longstanding slave systems have not yet entirely come to an end, thereby creating a clear-cut connection between historical slave systems and contemporary practices.[19] These are the exception, however, as the most common context in which discussion of slavery takes now place is in combination with other categories, such as debt-bondage, forced labor and human trafficking. As general rule, there is also no straight-forward connection between most of these contemporary contexts and earlier historical slave systems (although there may well be underlying similarities).

This contemporary intersection and/or overlap between slavery and human bondage can be approached in one of three main ways. One approach, which I have already critiqued above, involves expanding the definition of slavery so it becomes synonymous with all forms of human bondage. At the other extreme, we have a second approach which regards slavery as an entirely separate category, such that related practices such as debt-bondage and human trafficking may well be similar but they are not the same, and it is therefore inappropriate to combine them in any way. The

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[18] *Slavery. Report of the Advisory Committee of Experts: Second Session of the Committee*, League of Nations, C.159.M.113, 1935, Geneva (April 18th, 1935) 7, 10, 19, 23, *Slavery. Report of the Advisory Committee of Experts: Third (Extraordinary) Session of the Committee*, League of Nations, C.189(1).M.145. 1936.VI, Geneva (May 15th, 1936) 17, 19.

[19] See, for example, Lotte Pelckmans and Eric Hahonou, 'Citizenship struggles: Social movements and slavery in West Africa.', *Vienna Journal of African Studies*, (20), 2011, pp. 141-162, Baz Lecocq, "The Bellah Question: Slave Emancipation, Race, and Social Categories in Late Twentieth Century Northern Mali", *Canadian Journal of African Studies,* 39(1), 2005, pp. 42-67.

third and final approach, which I will expand upon in more detail below, maintains that we should expect to regularly encounter some overlap between categories in relation to a sub-set of individual cases, and that as a result there will continue to be occasions when it is legitimate to classify certain practices as slavery even though they may also fall within the remit of other categories of bondage. This is by no means a novel conclusion, since other scholars have reached similar conclusions on legal grounds. In the analysis which follows I aim to supplement and refine this overall approach by drawing upon a separate yet nonetheless related debate over the historical parameters of slavery. As we shall see, this overlap is by no means a new phenomenon – even when slavery was legal – and that there are consequentially solid historical grounds for favouring a 'blended together' approach. To help make this case, it is necessary to consider a number of different historical slave systems.

*The Iconography of Transatlantic Slavery*

Organized political opposition to slavery as a general institution emerged in response to the severe and systemic abuses that defined Transatlantic slavery over nearly four centuries. As is well known, this catastrophe began in (what became) Atlantic Africa, which experienced major transformations due to the political economy of enslavement that emerged due to rising European demand for slaves.[20] This in turn led to the horrors of the 'Middle Passage' to the Americas, which involved a concentrated period of severe suffering, trauma and death. African slaves who were fortunate enough to survive this transcontinental forced migration were then subjected to an extremely exploitative and abusive slave regime which was principally defined on the basis of racial difference and ruthlessly structured around economic interests and economic calculations.[21] As I have argued elsewhere, the emergence of organized political opposition to slavery was heavily influenced by these distinctive features, which set Transatlantic slavery apart from slave systems in other parts of the globe in a number of important respects.[22] From the late eighteenth century onwards, the severe abuses which defined Transatlantic slavery would come to be attributed to a clear-cut, highly exploitative, and racially defined institution which could also be legally abolished, and thereby ostensibly ended. The pioneers of organized anti-slavery generally had no problem identifying who the slaves were – or how they differed from non-slaves – because slavery was a clearly demarcated legal category with a venerable historical pedigree. Despite the fact that not all Africans in the Americas were slaves, the entrenched association between slavery and race also further ensured that slavery was widely viewed as a discrete, readily identifiable category.

This point of demarcation only became sharper with the uptake of anti-slavery propaganda, which presented slavery as an unconscionable evil which was outside 'normal' (i.e. legitimate) practices and institutions, and thereby imbued the divide between slave and non-slave with a strong emotional and ideological resonance. While there were many facets to the overall case against slavery, there would be two themes in particular which stood out: the *ownership of human beings* and *extreme dominion and exploitation*. These twin themes have been fundamental to organized anti-slavery from the outset, because they lay at the heart of arguments about what set slavery clearly apart from other practices and institutions. From an abolitionist standpoint, it was both the legal right to buy, sell and own other human beings and the extreme brutality, mortality,

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[20] See, for example, Joel Quirk and David Richardson, 'Europeans, Africans and the Atlantic World, c1450-1850', Joel Quirk, Shogo Suzuki and Yongjin Zhang (eds.), *Before the Rise of the West: International Orders in the Early Modern World* (London: Routledge, In Press), Phillip Morgan, 'Africa and the Atlantic, c. 1450-1820', Jack Greene and Phillip Morgan (eds.), *Atlantic History: A Critical Appraisal,* (Oxford: Oxford University Press, 2009), pp. 223-248.

[21] See, for example, David Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World*, (Oxford: Oxford University Press, 2006), and Robert Fogel, *Without Consent or Contract: The Rise and Fall Of American Slavery*, (New York: W.W. Norton, 1989).

[22] Quirk, *The Anti-Slavery Project,* pp. 24-29.

exploitation and debasement that defined various aspects of Transatlantic slavery which ultimately rendered slavery fundamentally unacceptable. This was in contrast to the pro-slavery position, which (amongst other things) viewed slavery as natural, or normal, with slaves being collectively treated at least no worse than segments of the white working class. While there were strengths and weaknesses to both of these perspectives, the remarkable success of organized anti-slavery over the course of the nineteenth century ultimately resolved this contest in favor of the abolitionists.

These twin themes of ownership and exploitation have long been closely associated with Transatlantic slavery in general, and slavery in the colonial Caribbean and southern United States in particular. This is not especially surprising, since this was the historical milieu within which organized anti-slavery first emerged, but this connection also has broader ramifications because of the way in which the iconography of Transatlantic slavery has dominated how the more general category of slavery tends to be conceptualized. This is captured by Cooper, Holt and Scott, who observe that:

> For North Americans, and perhaps others, the image of a sugar or cotton plantation in the early nineteenth century – with a labor force comprised of black slaves subject to arduous work routines and harsh discipline from white owners and overseers, living in 'quarters' sharply demarcated from the housing of those not enslaved is so powerful that it tends to stand in for the very essence of slavery. These images make it hard to tell a more nuanced and complicated story, wider in space and deeper in time, about a set of practices that can still be usefully labelled slavery.[23]

Another recent statement along similar lines comes from Joseph Miller, who argues that:

> The prevailing concept of institutionalised slavery in fact primarily represents abolitionist depictions of the US-antebellum South, with the enslavers as one-dimensional victims of similarly one-dimensional brutal masters … Without diminishing the domineering excesses that the vulnerability of the enslaved encouraged – or the rapes, psychological abuses, maiming, and deaths – these stereotypes have also inhibited academic understandings of slavery.[24]

This ethnocentric approach to slavery is strongest in the European world, but it also has broader social and political resonance in other parts of the globe, where many people are now more familiar with stylized images of Transatlantic slavery than the history of slavery in their own societies.

This connection between Transatlantic slavery and the twin themes of human property and extreme exploitation has also had profound consequences for efforts to conceptualize and classify both other historical slave systems and other forms of human bondage. Two interrelated dynamics can be identified here: i) comparative classification, and ii) slavery and hierarchy. The first of these dynamics is concerned with classification by way of relational comparison, in which status and severity of various forms of human bondage tends to be primarily assessed in relation to the extent to they are held to resemble (stylized images of) Transatlantic slavery (or sub-components thereof). As scholars such Igor Kopytoff and Ehud Toledano have observed, both past and present comparisons between Transatlantic slavery and other slave systems have most commonly been structured around narrow assessments of 'good' or 'bad' treatment, with the latter option being largely reserved for Transatlantic slavery, and the former being typically invoked to support arguments that other slave systems were less 'severe' than Transatlantic slavery.[25] These

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[23] Frederick Cooper, Thomas C. Holt and Rebecca J. Scott, *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies* (Chapel Hill: University of North Carolina Press, 2000), p. 6.

[24] Joseph Miller, *The Problem of Slavery as History,* (New Haven: Yale University Press, 2012), pp.1-2.

[25] Igor Kopytoff, 'The Cultural Context of African Abolition', Suzanne Miers and Richard Roberts (eds.), *The End of Slavery in Africa*, (Madison: University of Wisconsin Press 1988), 488, Ehud Toledano, *As if Silent and Absent: Bonds of Enslavement in the Islamic Middle East*, (New Haven: Yale University Press 2007) pp. 19-23.

comparisons have frequently been motivated by efforts to minimize the systemic abuses associated with specific historical slave systems, rather than by reasoned assessments of substantive practices.

Over the last two and a half centuries slavery has gone from being a 'normal' feature of human existence to an 'obvious' crime against humanity. This radical shift in attitudes has in turn resulted in various forms of historical revisionism, which have most commonly involved efforts to minimize or otherwise excuse the extent to which various nations, religions, or communities were previously involved in sanctioning and supporting slavery. Two main strategies can be identified here. First, we have a widespread tendency to bolster anti-slavery credentials by strong accentuating – and sometimes even inventing – historical opposition to slavery. This most commonly involves a conflation of opposition to the enslavement of the 'wrong' types of people with opposition to slavery as a general category, therefore manufacturing a robust anti-slavery pedigree which dramatically overstates the duration, breath and intensity of historical opposition to slavery. It is only on this basis that major religions such as Christianity or Islam can be regarded as being historically opposed to slavery. The impulse to overstate historical opposition amongst ones community also tends to be accompanied by a parallel tendency to contrast their 'strong' and 'early' opposition with the 'weak' or 'late' anti-slavery credentials of communities elsewhere.[26]

Secondly, we have a widespread tendency to attempt to minimize or excuse the systemic abuses associated with historical slave systems by offering stylized and self-serving comparisons between slave systems. These comparisons usually take one of two forms. On the one hand, we have comparisons which aim to minimize the severity of particular slave systems by pointing to 'worse', or 'greater' abuses elsewhere, thereby rendering the historical slave system in question more 'benign', or 'mild'. This approach is bound up in the aforementioned concept of 'good' treatment, and is most commonly found in relation to comparisons between Transatlantic slavery and parallel slave systems in other parts of the globe, but also persists amongst Spanish and Portuguese communities and colonies, where it is widely yet erroneously held their historical misdeeds in relation to Transatlantic slavery were much less objectionable than the slavery practiced in the United States.[27] On the other hand, we have comparisons which aim to excuse past abuses by pointing to the existence of historical slave systems in other parts of the globe. This approach is popular amongst audiences in Europe and North America, where the history of slavery in Africa and the Middle East has been repeatedly invoked in an effort to deflect or dilute criticism of their own dubious record in relation to Transatlantic slavery.[28] The basic logic here revolves around 'blame sharing', or 'burden sharing', with complicity in slavery being projected as widely as possible.


*Historical Slave Systems and Human Bondage: Separate and Stratified or Blended Together?*

It should be clear from the proceeding discussion that efforts to describe and delineate slavery are rarely objective or disinterested, but instead tend to be implicated in various agendas. One theme which is particularly important here is the relationship between slavery and hierarchy. Thanks in large part to the aforementioned success of anti-slavery activism from the mid-eighteenth century onwards, slavery has come to be widely regarded as the absolute worst form of exploitation and abuse imaginable, and thereby occupies a separate position at the apex of a much larger hierarchy, with other practices occupying lower rungs by dint of their 'lesser' severity. This hierarchical

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[26] Douglas Hamilton, Kate Hodgson and Joel Quirk, 'Imagining Slavery: Global Legacies and National Representations', Douglas Hamilton, Kate Hodgson and Joel Quirk (eds.) *Slavery, Memory and Identity: National Representations and Global Legacies*, (London: Pickering & Chatto, 2012), pp. 1-13.

[27] Marta Araújo and Silvia Rodríguez Maeso, 'Slavery and Racism as the 'Wrongs' of (European) History: Reflections from a Study on Portuguese Textbooks', Douglas Hamilton, Kate Hodgson and Joel Quirk, *Slavery, Memory and Identity: National Representations and Global Legacies*, (London: Pickering & Chatto, 2012).

[28] Marcus Wood, *The Horrible Gift of Freedom: Atlantic Slavery and the Representation of Emancipation*, (Athens: University of Georgia Press, 2010).

conception of slavery almost invariably comes into play whenever it becomes necessary to classify and evaluate all form of bondage, and not simply legal slavery. In much the same manner as comparisons between historical slave systems, relational comparisons between legal slavery and other categories of human bondage most commonly take the form of discussion and disputation over how particular cases should be ranked within this larger hierarchy. Efforts to minimize the ranking of a particular set of practices typically involve arguments that the practices in question are not 'true' slavery, but instead belong in some 'lesser' category, while efforts to maximize the ranking of said practices alternatively find expression in arguments that they are just as extreme as the worse aspects of slavery, and should therefore be classified as slavery, or 'slavery in all but name'.

This hierarchical conception of slavery is far too powerful and pervasive to be easily discarded or discounted. It can, however, be problematized and deconstructed. In order to think through the issues involved here, it is necessary to look beyond the iconography of Transatlantic slavery for guidance. As we have already seen, Transatlantic slavery displayed a number of features which distinguished it from many historical slave systems. First, we have the question of race, which was the dominant point of demarcation in the Colonial Americas, but was much less prominent (yet by no means always entirely irrelevant) in many other historical contexts, where master and slave often shared a common racial status, but were nonetheless separated on the basis of caste, class, ethnicity and/or ancestry.  The history of slavery within much of sub-Saharan Africa provides the most prominent example of this general theme, but there are also many comparable examples from the history of slavery in Asia.[29] Second, we have the question of economic interests and economic calculations as the primary driving force behind slavery. While all forms of slavery have economic dimensions, not all historical slave systems were dominated by economic interests to anywhere near the same extent as Transatlantic slavery and the plantation complex of the Colonial Americas. In a significant number of historical cases, the economics of slavery frequently saw resources being expended in the pursuit of other goals, such as prestige, consumption, religious or social obligation, and warfare or reproduction, rather than commercial enrichment. Instead of slavery being overwhelming directed towards economic goals, which was the case under Transatlantic slavery, the most common historical pattern involves a more diverse mix of economic and non-economic goals.

The economic structure of Transatlantic slavery also helped to ensure that slaves tended to be overwhelmingly concentrated at the bottom rungs of the prevailing social and economic order. This was not always the case in slave systems in other parts of the globe, where the lives and lifestyles of slaves varied significantly from materially well-off to wretched. While the latter was usually preponderant, there were often tremendous variations in the roles that different slaves performed, and thus corresponding differences in their relative level of material comfort and social standing.  One illustration of the analytical and political implications of this dynamic is provided by Toledano, who argues that the Ottoman responses to British pressure for the legal abolition of slavery within their empire during the mid-nineteenth century were significantly influenced by the political elite's attachment to kul-harem, or 'elite' slavery.[30] These slaves were housed in harems or worked as functionaries, soldiers or administrators. While these slaves undoubtedly experienced a significant amount of exploitation and vulnerability, their material circumstances can nonetheless be favorably contrasted with both black domestic slaves and parts of the general population. One of the main reasons political elite's resisted external pressures was that they considered Ottoman slavery

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[29] See, for example, John Thornton, *Africa and Africans in the Making of the Atlantic World, 1400-1800,* 2nd edition*,* (Cambridge: Cambridge University Press, 1998), David Northrup, *Africa's Discovery of Europe, 1440-1850* (Oxford: Oxford University Press, 2002), Indrani Chatterjee and Richard Eaton (eds.), *Slavery and South Asian History,* (Bloomington: Indiana University Press 2006), James L. Watson (ed.), *Asian and African Systems of Slavery*, (Oxford: Blackwell, 1980).

[30] Ehud Toledano, 'Ottoman Concepts of Slavery in the Period of Reform, 1830-1880,' Martin A. Klein (ed.), *Breaking the Chains: Slavery, Bondage and Emancipation in Modern Africa and Asia* (Wisconsin: University of Wisconsin Press, 1993), pp. 56-58. See also Y Hakan Erdem, *Slavery in the Ottoman Empire and its Demise, 1800-1909* (London: Macmillan, 1996), 6-17, 43-66, and Toledano, *As if Silent and Absent,* pp. 13-23.

to be comparatively 'benign'. Toledano argues that this assessment was largely built upon a conflation of kul-harem and domestic slavery, with their familiarity with the former blinding Ottoman elites to the miseries of the latter. These themes are also echoed by Kopytoff, who notes that the 'placement of a slave as 'politically and socially at a lower level than the mass of the people' would have surprised many a Grand Vizier or Janissary'.[31] While these 'elite' slaves enjoyed certain advantages in some areas, they also found it difficult to bequeath their wealth or status to their offspring, and like all slaves they were vulnerable to rapid reversals of fortune if their master decided they were expendable. Like many other slaves, they were also taken away from their families at a young age and inserted into an alien order in which they agency was extremely restricted. Whatever 'good' treatment they might have experienced should not be allowed to overshadow the fundamental injustice of the institutional arrangements that governed their lives.

A somewhat similar situation prevailed in much of South East Asia and India.[32] In his discussion of slavery in Thailand, Burma and (to a lesser extent) Cambodia, Anthony Reid argues that the 'ordinary man' faced three realistic alternatives in earning a living: bondage to the king as part of the corvee system; bondage to a monastery or religious foundation; or private bondage or slavery to the upper class. The first of these alternatives is said to have been the most onerous.[33] In India, to take another example, slaves often came from intermediate castes because particular roles were not meant to be performed by people of 'impure' standing. '[U]nlike slaves in the West, slaves in India did not necessarily belong to the lowest rung of society'.[34] Since these slaves were often symbols of status and consumption their level of material comfort and reflected social standing were in many respects superior to that of lower castes, who tended to be subjected to other categories of human bondage. Moreover, slaves in India also performed many different roles, being forced into service as bureaucrats, concubines, retainers, soldiers and sacrifices. These diverse roles could make it difficult to treat slaves as a homogenous group whose individual fates were primarily determined by their shared status. Intervening variables such as caste, work duties, vested authority and gender roles appear to have played a much greater role in determining the fortunes of slaves in places such as the Middle East, India, and South Asia than was the case with Transatlantic slavery. One of the major implications of these variations was that slaves did not always stand out as unusually or uniquely oppressed relative to other categories of human bondage in a number of historical settings.

It is here that the historical relationship between slavery in particular and human bondage in general becomes especially salient. As the above examples begin to make clear, legal slavery was frequently found alongside other categories of bondage, and it was not always or automatically the case that slavery was more severe, more exploitative, or more abusive. It is important to emphasize, however, that this does not mean that any form of slavery can be regarded as in any way 'benign'. Whatever their other differences, all slave systems throughout history have been marked by violent coercion, vulnerability, deprivation, social subordination, psychological compulsion, widespread exploitation, and routine sexual abuse. Other categories of human bondage that were practiced alongside slavery routinely shared broadly comparable traits. This does not render slavery 'benign', but instead suggests that severe exploitation, vulnerability and dominion regularly extended well beyond slavery. From this vantage point, the historical abuses that are commonly regarded as exclusive or distinctive to slavery are actually more widespread than has sometimes been supposed.

This historical overlap and/or intersection between slavery and other categories of bondage has provoked a number of different responses. One approach has been to question the applicability

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[31] Igor Kopytoff, 'Slavery', *Annual Review of Anthropology* 11 (1982), p. 224. See also Richard Hellie, *Slavery in Russia 1450-1725*, (Chicago: University of Chicago Press, 1982), pp. 15-21.
[32] Gwyn Campbell, 'Introduction: Slavery and other forms of unfree labour in the Indian Ocean World', Gwyn Campbell (ed.), *The Structure of Slavery in Indian Africa and Asia*, (London: Frank Cass, 2004), xi, xx-xxvi.
[33] Anthony Reid, 'Introduction: Slavery and Bondage in Southeast Asian History', Anthony Reid (ed.), *Slavery, Bondage and Dependency in Southeast Asia* (St Lucia: University of Queensland Press, 1983), pp. 18-21.
[34] Howard Temperley, 'The Delegalization of Slavery in British India', Howard Temperley (ed.), *After Slavery: Emancipation and its Discontents* (London: Frank Cass, 2000), p. 179.

of Western notions of 'slave' and 'free' to a variety of other historical contexts. An influential example of this approach in the case of slavery in Africa comes from Kopytoff and Suzanne Miers, who argue that 'Westerners considering 'slavery' in African societies must discard their own concepts of ownership, property, and the purchasing of people'. They instead conclude that it is more appropriate to view 'slavery' in terms of kinship, lineage, and 'rights-in-persons'. From this standpoint, the history of 'slavery' in Africa can be best understood in terms of an elaborate social hierarchy, in which 'the kinsman, the adopted, the dependent, the client and the 'slave' abutted on one another and could merge into one another.'[35] A further example along similar lines comes from Gwyn Campbell, who argues that the history of slavery in the Indian Ocean World becomes clearer:

> if Western notions of a division of society into free and slave, and of slaves as property, are replaced with a vision of society as a hierarchy of dependency in which 'slaves' constituted one of a number of unfree groups from which menial labor was drawn to perform services both productive and nominally unproductive. It was a reciprocal system in which obligations implied servitude to an individual with superior status, to a kin group or the crown, in return for protection.[36]

The basic idea is that slavery is not so much a hard and fast category as a Western construct which has been clumsily imposed on non-Western institutions organized on different lines. This overall argument in turn has further applications to the history of the legal abolition of slavery, where it is likely that the 'slavery' that European colonial rulers legally abolished in many parts of Africa and Asia in the nineteenth and early twentieth century was partially a construct of their own invention.

This line of argument does not suggest that there were no underlying similarities at work here. The fact that slave trading regularly took place across cross-cultural lines strongly indicates, at the very least, that different systems shared enough features in common to be mutually intelligible. It is at this juncture that a significant difference of opinion amongst historians of slavery and abolition comes into focus. While scholars such as Miers, Kopytoff and Campbell point to a variety of historical settings where they maintain it is difficult to extract 'slavery' from human bondage more generally, other scholars have continued to make the case for slavery as a separate category. The main point at issue here is variation, with the 'blended together' approach maintaining that the language of 'slavery' ends up being stretched to breaking point due to underlying historical differences, while the 'separate and stratified' approach maintains that variations between slave systems are not of a sufficient order of magnitude to overshadow a common underlying core which can be invoked in order to clearly distinguish slavery from other forms of human bondage.

Perhaps the most influential example of the later approach comes from Orlando Patterson. One of Patterson's most important contributions has been to complicate the widely held notion that slavery can be easily or straight-forwardly defined in terms of property, or chattel. For Patterson, attempts to define slavery exclusively in terms of proprietary claims are fundamentally misguided, since such claims can also apply to other practices and institutions, from serfs to professional athletes.[37] According to Patterson, the capacity to sell someone to another is not sufficient as a marker of slavery, as non-slaves have frequently been sold, while some slaves were protected against sale. Patterson favours a different solution to this dilemma, offering instead a sociological approach in which slavery is defined as 'the permanent, violent domination of natally alienated and generally dishonored persons'.[38] This multi-faceted approach can be divided into three main strands:

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[35] Igor Kopytoff and Suzanne Miers, 'African 'Slavery' as an Institution of Marginality', Suzanne Miers and Igor Kopytoff (eds.), *Slavery in Africa – Historical and Anthropological Perspectives*, (Madison: University of Wisconsin Press, 1977), p. 11.

[36] Campbell, 'Introduction', pp. xxii-xxiii.

[37] Orlando Patterson, *Slavery and Social Death: A Comparative Study*, (Cambridge: Harvard University Press, 1982), pp. 21-27.

[38] Ibid., p. 13.

i) an exceptional level of personalized control, ii) social and genealogical isolation, and iii) distinctive forms of socio-political dishonour. From this standpoint, slavery is as much a social as an interpersonal status, as interactions between master and slave are bound up in broader relations between slaves and societies. The key ingredient here is 'social death', where slavery is said to be defined by the social and institutional segregation of slaves within the prevailing political order, paving the way for severe forms of coercion and control. 'Social death' plays a particularly important role in Patterson's argument, because it provides his main rationale for distinguishing between slavery and other forms of human bondage. Whilst exploitation, subordination and abuse are inherent in all forms of human bondage, only slavery is said to also include natal alienation.

Not all scholars regard 'social death' as a clear-cut alternative to property. There have also been a number of efforts to bring the two together, with the basic idea being that slaves are 'socially dead' because they are property, and property because they 'socially dead'.[39] One recent variation on this overall approach comes from Benedetta Rossi, an expert on slavery in Africa, who argues that

> Slavery refers to the individual or communal ownership of another person or group, whereby 'ownership' is understood to reflect culturally specific meanings ... In the case of slavery this commonly includes rights over the productive and reproductive capacities of slaves, rights over any assets they may own or use, and rights over their offspring ... what makes it possible for a human being to be enslaved is her or her outsiderness, a trait that may refer to real external origins or to ideological characterisations of slaves as intrinsically ... *other* than free. The slave as the institutionalised outsider stands outside the laws that protect members of society from extreme exploitation. Slave status is a 'bracketed' status. It stands for a condition of abuse from which all humans are supposedly shielded, *except for the slave.*[40]

The depiction of slaves as 'institutionalised outsiders' at least partially addresses one of the main weaknesses of the 'social death' formula, which is that 'social death' has been revealed to be more of an institutional theory or aspiration than an accurate description of substantive practices.

The theory of 'social death' maintains that slaves were segregated, dishonoured and stripped of ancestry and kinship, yet scholars of slave resistance have demonstrated that slaves developed numerous outlets and avenues for reasserting their humanity and establishing familial and social ties (albeit ties that tended to be fragile and qualified). However much slave owners and their state supporters may have proclaimed that slaves were 'socially dead', the actions of the slaves themselves frequently indicated otherwise.[41] According to Rossi, slavery can be best understood in terms of a distinctive set of institutional arrangements, which slaves throughout history may well have resisted and complicated in various ways, but which were nonetheless structured on fundamentally different terms to other categories of bondage. The main emphasis is on the form of the institutional arrangements involved rather than the complications inherent in their practical manifestations. In her view, this means that when institutionalised slavery was legally abolished slavery effectively came to an end: '[i]n normative contexts where slavery has been abolished, the illegal enslavement of people does not imply the existence of slavery as an institution'.[42]

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[39] See, for example, Martin Klein, *Slavery and Colonial Rule in French West Africa*, (Cambridge: Cambridge University Press, 1998), pp. 14-15.

[40] Benedetta Rossi, 'Introduction: Rethinking Slavery in West Africa' in Benedetta Rossi (ed.), Reconfiguring Slavery: West African Trajectories (University of Liverpool Press 2009), p. 6-7.

[41] See, for example, Edward Alpers, Gwyn Campbell, and Michael Salman (eds.), *Slavery and Abolition, Special issue, Slavery and Resistance in Africa and Asia*, 25:2, 2004, Ann O'Hear, *Power Relations in Nigeria: Ilorin Slaves and Their Successors*, (New York: University of Rochester Press, 1997), pp. 4-20.

[42] Rossi, 'Introduction', p. 7. Rossi makes certain provisions for legal pluralism as the basis for the continuation of institutionalized slavery in the aftermath of legal abolition, but this exception is narrowly constructed.

As I have already intimated, this complicated relationship between form (i.e. slavery as an institutional and sociological category) and substance (i.e. slavery as a lived experience) has been central to efforts to conceptualize and classify slavery and human bondage in the aftermath of the legal abolition of slavery. When slavery was legal, the content of the institutional arrangements which were involved provided the most obvious foundation for efforts to define and demarcate slavery. Now that slavery has been legally abolished, we are left with the more difficult question of the status and dimensions of slavery in the absence of straight-forward institutional markers. In order to answer this question, both scholars and activists have continued to make use of relational comparisons and hierarchical rankings, with slavery frequently being reduced to a simplified placeholder for the absolute worst form of human bondage imaginable, and stylized images of Transatlantic slavery providing a foundation for efforts to assess the status and severity of more recent examples of human bondage. As we have seen, this overall approach rests upon an unduly narrow conception of slavery, in which Transatlantic slavery stands in for slavery as a more general category. Once other historical slave systems become part of the conversation, a different set of benchmarks and relationships come into focus, with slavery blending into other categories.

*The Aftermath of the Legal Abolition of Slavery*

The legal abolition of slavery has often been presented as an historical endpoint, fostering a misleading impression that the passage of anti-slavery legislation marked a decisive break with the past. This sharp periodization is also reflected in a widespread tendency to organize popular histories of anti-slavery around a series of transformative dates – such as 1833 in Britain or 1888 in Brazil – which in turn are celebrated as key moments when slavery ostensibly ceased to be an ongoing concern in specific jurisdictions. These complacent narratives have helped to conceal a variety of complex and enduring issues. Instead of signalling a conclusive end to the problems at hand, the legal abolition of slavery usually signalled (at best) a qualified reconfiguration of entrenched socio-economic cleavages, with former slave-owners and their sympathisers aiming to defend their previous prerogatives and investments, and slaves and ex-slaves seeking to carve out new options and opportunities in the face of continued opposition. These protracted contests over the boundaries of freedom and coercion have also been further complicated by various forms of government intervention, with public officials attempting to reconcile their anti-slavery obligations with a variety of economic interests and ideological agendas. Framed in these terms, the legal abolition of slavery can be best understood as a qualified first step, rather than a decisive endpoint.

The main point at issue here is an enduring divide between legal injunctions and substantive practices, or legal abolition and effective emancipation.[43] In order to evaluate post-abolition practices, we must first unpack the practical ramifications of 'freedom from slavery' in the wake of legal abolition. The familiar juxtaposition between slavery and freedom is particular unhelpful here, because it establishes a binary opposition between two sharply demarcated categories. Taken to its logical conclusion, this polarized (and often highly ideological) formula tacitly suggests that transition from one category to the other involved a fundamental break with the earlier status quo. This can end up concealing underlying continuities between pre- and post-abolition practices. When it comes to the practical dimensions of the 'freedom' associated with legal abolition, it is necessary to take into account a number of countervailing factors. In thinking about these issues, it is important to emphasize that '[l]egislation before and after abolition did not compensate the slaves … for their past exploitation, economic or otherwise'.[44] This meant that most former slaves had relatively few resources (i.e. land, money, or social capital) from which to fashion new lives in the aftermath of

[43] Joel Quirk, 'Ending Slavery in all its forms: Legal abolition and effective emancipation in historical perspective', *International Journal of Human Rights*, 13:4, 2008, pp. 529-554.
[44] Stanley Engerman, 'Slavery, Serfdom and other forms of Coerced Labour: Similarities and Differences,' *Serfdom and Slavery - Studies in Legal Bondage*, Michael Bush (ed.) (New York: Longman, 1996), p. 38.

legal abolition.[45] It is also clear, moreover, that the experience of long-term enslavement could also have enduring psychological and sociological consequences, creating complex patterns of personal deference and self-subordination which could also further constrain post-abolition activities.

This suggests that a more qualified view of freedom is required. To help make sense of the issues at stake here, it is necessary to make a further distinction between two quite different models of freedom. In the first model, freedom can be understood in terms of individual autonomy, or 'freedom from constraint'. The legal abolition of slavery officially removed one set of institutional constraints, yet opportunities for autonomous action continued to be constrained by a combination of institutional regimes, social and gender hierarchies, the (mal)distribution of resources, and established patterns of behavior. In the second model, freedom can alternatively be understood in terms of isolation, uncertainty and vulnerability.[46] Presented in particularly stark terms, this can be framed in terms of 'freedom to starve'. This second understand of freedom offers a valuable insight into why former slaves in many countries sought to renegotiate their terms of service from within the social and economic orbit of their (former) masters.[47] Severing all ties with the life that they had known often represented a drastic and rather uncertain step for many slaves and former slaves.

For the vast majority of slave-holders, the legal abolition of slavery represented an unwarranted attack upon a legitimate and highly valuable institution. The characteristics and consequences of this perspective are usefully summarized by Robert Ross, who observes that 'Slavery was not abolished anywhere as a result of the slaveowners collective munificence but was always imposed upon them by some outside force. The slaveowners reaction was to attempt to minimize the consequences of emancipation and to re-establish, as far as possible, the status quo ante.'[48] As I have already intimated, these efforts to uphold the status quo typically involved both economic interests and ideological agendas, and were supplemented by various forms of state intervention which regularly resulted in the continuation/reconfiguration of other categories of bondage. Many different issues could be raised here, but in this particular context I will briefly focus upon three main themes that help to illustrate larger trends: i) slavery post-legal abolition, ii) forced labor for the state, and iii) debt-bondage. In all of these cases, there were changes in institutional form, yet there continued to be a sub-set of cases where the substance of slavery remained intact.

In the context of this discussion, the first of these themes is chiefly concerned with the 'slow death' of slavery in most parts of Africa, Asia and the Middle East. Over the course of the late nineteenth and twentieth centuries, the legal abolition of slavery was proclaimed in many colonial territories, such as the Gold Coast (Ghana) (1874), Egypt (1895), Sudan (1900), Nigeria (1901), Kenya (1907) and Sierra Leone (1928), along with territories which were not directly colonized, such as Thailand (1905), Nepal (1926) and Iran (1929), Saudi Arabia (1962) and Oman (1970).[49] It would be misleading, however, to take these dates as marking a definitive end to slavery. Colonial administrators turned to gradualist models which were designed to bring about gradual change while minimizing disruption and dissent. The most popular model was pioneered by the British in India, and involved renouncing slavery as a legal status. In theory, this allowed slaves who were dissatisfied with their circumstances to leave, or otherwise renegotiate their terms of service, because their masters could no longer rely upon the state to uphold their prerogatives. Officials

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[45] See, for example, Roger L. Ransom and Richard Sutch, *One Kind of Freedom: The Economic Consequences of Emancipation*, 2nd Edition (Cambridge: Cambridge University Press, 2001), pp. 14-39.

[46] See Orlando Patterson, *Freedom* (United States: Basic Books, 1991).

[47] See, for example, Martin Klein, 'Introduction: Modern European Expansion and Traditional Servitude in Africa and Asia,' Martin Klein (ed.), *Breaking the Chains: Slavery, Bondage, and Emancipation in Modern Africa and Asia* (Madison: University of Wisconsin Press, 1993), p. 25, Kopytoff and Miers, "African 'Slavery' as an Institution of Marginality,' pp. 69-76, Rossi, 'Introduction'.

[48] Robert Ross, 'Emancipation and the Economy of the Cape Colony,' Michael Twaddle (ed.), *The Wages of Slavery: From Chattel Slavery to Wage Labour in Africa, the Caribbean and England* (London: Frank Cass, 1993), p. 131.

[49] Patrick Manning, *Slavery and African Life, Slavery and African Life: Occidental, Oriental, and African Slave Trades*, (Cambridge: Cambridge University Press, 1990), p. 154, Miers, *Slavery in the Twentieth Century*, p. 342.

were not required to take a pro-active approach to liberation, but instead placed the onus upon slaves to signal their discontent. Supporters of this model tended to downplay the influence of countervailing forces, such as the limits of political authority, the psychological, sociological and religious dimensions of enslavement, the role of local institutions supportive of slave-ownership, and even the regular return of fugitives by state agents. When slaves continued to serve their masters this was disingenuously presented as a personal 'choice' which could be chiefly attributed to the 'benign' character of 'domestic' slavery, rather than a lack of alternatives or effective surveillance.

This gradualist approach ensured that slaves consistently played a decisive role in forging new lives and lifestyles. This is captured by Patrick Manning, who observes that '[i]f the slave trade in Africa was suppressed mainly through the actions of European conquerors, the actual freeing of slaves was primarily an achievement of the slaves themselves'.[50] In most cases, this involved a protracted process of low-key contestation, which could span decades, or even generations, and typically resulted in a renegotiation of both master-slave and slave-society relations. This often meant that the fortunes of individual slaves varied markedly, based on whether or not it was feasible for them to relocate or remain, or to pursue legal emancipation or instead reach some kind of informal accommodation. Slaves who remained with their masters often established new terms of service, but at varying rates and on varying terms. Slaves who relocated to new locations could end up forging new communities, returning to their place of origin, or being caught up in alternative forced labor schemes that were comparable to the enslavement that they had sought to escape. There were also a minority of slaves, however, who experienced little or no change in living conditions. While the institutional arrangements regulating slavery gradually faded away, not everyone experienced the dissolution of these arrangements in the same way or to the same extent. Human bondage persisted in various forms, with a subset of cases continuing to constitute slavery.

State sponsored forced labor reached cataclysmic proportions in the aftermath of the legal abolition of slavery. Colonial officials consistently presented coercive labor practices as an unfortunate necessity, which stemmed from acute labor shortages, urgent public requirements, and the need to moderate the inherent limitations of 'native' peoples. The language of regrettable necessity proved to be highly malleable. In the early years of colonial rule, it was regularly invoked to justify the widespread use of forced labor on public works, such as railways or porterage, where mortality rates tended to be scandalous and wages poor or non-existent, but there were also many occasions where private interests and private actors played key roles here, such as the chartered Mozambique Company.[51] Forced labor also regularly featured during times of conflict, including both localized wars of colonial conquest and the larger tumult of the two world wars.[52] During the First World War millions of Africans were forced into service using crude coercive techniques. As porters, African laborers transported great burdens considerable distances for meager rewards. Tens of thousands died on the battlefield, and of disease, starvation and exhaustion. As conscripted soldiers, Africans fought on fronts in Africa, western Europe and the Middle East.[53] As a general rule, these burdens fell hardest upon slaves or ex-slaves. This usually involved either i) fugitive slaves being

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[50] Ibid., p. 161.

[51] See, for example, Jonathon Derrick, *Africa's Slaves Today* (New York: Schocken Books, 1975), pp. 159-166, Suzanne Miers, *Slavery in the Twentieth Century*, (Walnut Creek: Altamira Press, 2003), pp. 135-136, Eric Allina, 'Modern Slavery and Latter-day Pawns under Colonial Rule in Central Mozambique', Joel Quirk and Darshan Vigneswaran (eds.), *Slavery, Migration and Contemporary Bondage in Africa*, (Trenton: Africa World Press, 2012).

[52] David Killingray, 'Labour Exploitation for Military Campaigns in British Colonial Africa,' *Journal of Contemporary History* 24:3, 1989, p. 483, David Killingray and James Mathews, 'Beasts of Burden: British West African Carriers in the First World War,' *Canadian Journal of African Studies* 13:1/2, 1979, p. 6.

[53] Alice Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford: Stanford University Press, 1997), pp. 143-173, Klein, *Slavery and Colonial Rule in French West Africa*, pp. 216-219, 233-235, Killingray, 'Labour Exploitation for Military Campaigns in British Colonial Africa,' p. 490.

forced into service, or ii) slaves being dispatched by their masters to satisfy quotas, or call ups.[54] Once again, we have significant changes in institutional form, but the substance of at least *some* of the cases falling under the rubric of forced labor can also be credibly defined in terms of slavery.

Forced labor for the state was not the only form of human bondage which intersected with slavery in the aftermath of legal abolition. Another key example here is that of bonded labor, or debt-bondage. Debt and slavery have been closely related throughout history. In many historical slave systems, a failure to repay debts was a key route to legal enslavement.[55] It was also not uncommon for slavery and bonded labor to be practiced alongside each other, with external observers frequently finding it difficult to tell the two apart. This relationship became a sensitive issue following the emergence of organized anti-slavery. During the nineteenth and early twentieth century, bonded labor was regularly flagged as a potential problem, yet this stance was often undercut by (politically motivated) assessments that it was a 'lesser' category to slavery.[56] This assessment provided a window which political and economic elites in a number of jurisdictions were quick to exploit as an attractive alternative to – or rebadging of – slavery. The most important case here is that of India, where bonded labor remains a major problem to this day. When slavery was legally abolished in India, bonded labor acquired new importance. According to M.L. Bush

> Bonded labour thrived in colonial India. For it to do so, only minor shifts and adjustments were required. Thus, with slavery abolished in 1843, ex-slaves were transformed into debt bondsmen. Domestics were now seen as bound to their masters and therefore obliged to serve them. Agricultural workers were now seen as bonded to the land by the debt they had incurred from their masters generosity.[57]

As with other the other examples considered above, there are clear differences in institutional form between legal slavery, its legal abolition, and debt-bondage, but these differences did not necessarily translate into corresponding changes in the substance of the practices involved. While not all examples of debt-bondage amounted to slavery, it is difficult to dispute that that the two categories nonetheless blended together on a number of occasions.

These examples offer some of the strongest examples of the intersection between slavery as a specific category and human bondage as a more general frame of reference. I have primarily focused on the aftermath of legal abolition because it helps to to clarify the broader stakes at issue, as we have identifiable slave populations whose fortunes can be evaluated following legal abolition. It is important to emphasize that these intersections between slavery and other categories predates legal abolition, but it subsequently acquired additional importance in its aftermath. This importance chiefly stems from the fact that slave owners and others turned to other institutional arrangements as a substitute for – and sometimes a cloak under which to conceal – slavery. It is also important to recognize, moreover, that all these practices were tacitly normalized or partially excused on the grounds that they fell short of the threshold associated with 'true' slavery, thereby offering a further example of the often counterproductive influence of hierarchical rankings. In the decades that followed, all kinds of serious problems persisted under the veneer of legal abolition. As I have argued elsewhere, the main issue here should not be whether or not these practices are identical to legal slavery, but instead whether or they share sufficient features in common with slavery to be rendered illegitimate as a result of previous anti-slavery commitments.[58] Here, as elsewhere, slavery cannot be treated as separate and stratified, but needs to be viewed as an aspect of a larger whole.

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[54] Klein, *Slavery and Colonial Rule in French West Africa*, pp. 74-75, 128-131, 152-153, Roberts and Miers, 'The End of Slavery in Africa,' pp. 43-44, Manning, *Slavery and African Life*, p. 165.

[55] See, for example, Campbell, 'Introduction', xiii-xiv, xvii, Hellie, *Slavery in Russia 1450-1725*, pp. 33, 41-44.

[56] See Indrani Chatterjee, "Abolition by denial: The South Asian example," Gwyn Campbell (ed.), *Abolition and its Aftermath in Indian Ocean Africa and Asia* (New York: Routledge, 2005), pp. 152-153.

[57] M.L. Bush, *Servitude in Modern Times*, (Cambridge: Polity Press, 2000), p. 216.

[58] Quirk, 'Ending Slavery in All its Forms', p. 532.

*Concluding Remarks*

The definition of slavery invariably has both analytical and political dimensions. Over the last two-and-a-half centuries, many ruling elites have sought to define slavery in the narrowest possible terms in order to minimize the parameters of their official anti-slavery obligations. This impulse was particularly apparent in the nineteenth and early twentieth centuries, where a minimalist approach to the definition of slavery was regularly invoked in order to legitimate other coercive labour regimes, such as debt-bondage and forced labor for the state, and to informally facilitate the continued enslavement of some elements of pre-existing slave populations following legal abolition. Many governments continue to employ variations on this theme. Faced with criticism of their failure to combat ongoing forms of bondage, their first impulse is to insist that the practices in question are not slavery, but belong in some other category. On the other side of the coin, we have the impulse to expand the boundaries of slavery to indiscriminately incorporate a wide range of problem areas.

  This paper has sought to chart a path between strategic minimalism and rhetorical inflation. Strategic minimalism holds to an unduly narrow approach to the definition of slavery, while rhetorical inflation reduces slavery to a placeholder for virtually all forms of exploitation and abuse. While international law now provides us with a number of widely endorsed definitions and obligations in relation to slavery and human bondage, further historical guidance is required in order to make sense of points of intersection between these two overlapping frames of reference. As we have seen, conventional models with treat slavery as a separate and stratified category are frequently unhelpful and incomplete. Firstly, they sidestep widespread historical intersections between slavery and other categories of human bondage, both pre- and post- legal abolition. Secondly, they are predicated upon a series of relational comparisons and hierarchical rankings which have promoted to an impoverished conception of the historical dimensions and diversity of slavery, and also indirectly provided a foundation for longstanding and ongoing efforts to minimize and excuse many different forms of human bondage on the grounds that they fall short of 'true' slavery.  In order to better understand the relationship between slavery and human bondage, it is necessary to look to both the form and the substance of a given set of circumstances, and to recognise that *de facto* slavery continues to be blended together with a series of related categories.