

Troubling freedom: Migration, debt, and modern slavery

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Abstract

This article is concerned with the role of debt in contemporary practices of mobility. It explores how the phenomenon of debt-financed migration disturbs the trafficking/smuggling, illegal/legal, and forced/voluntary dyads that are widely used to make sense of migration and troubles the liberal construction of 'freedom' and 'slavery' as oppositional categories. The research literature reveals that while debt can lock migrants into highly asymmetrical, personalistic, and often violent relations of power and dependency sometimes for several years, it is also a means by which many seek to extend and secure their future freedoms. Financing migration through debt can be an active choice without also being a 'voluntary' or 'autonomous' choice, and migrants' decisions to take on debts that will imply heavy restrictions on their freedom are taken in the context of migration and other policies that severely constrain their alternatives. Vulnerability to abuse and exploitation is also politically constructed, and even migrant-debtors whose movement is state sanctioned often lack protections both as workers and as debtors. Indeed, large numbers of migrants are excluded from the rights and freedoms that in theory constitute the opposite of slavery. As argued in the conclusion, this illustrates the contemporary relevance of Losurdo's historical account of the fundamentally illiberal realities of self-conceived liberal societies. There remain 'exclusion clauses' in the social contract that supposedly affords universal equality and freedom, clauses that are of enormous consequence for many groups of migrants, and that also deleteriously affect those citizens who are poor and/or otherwise marginalized.

Keywords: debt, freedom, slavery, trafficking, temporality

1. Introduction

There are serious and urgent reasons to study the phenomena generally grouped under the heading 'forced migration' (Castles 2003), including processes and outcomes often referred to as 'trafficking'. However, there are equally important and pressing reasons to approach both the narrower concept of 'trafficking' and the wider concept of 'forced migration' with great trepidation. Both are concepts that reflect a more general tendency to imagine migration in terms of binaries—internal versus international; temporary versus permanent;

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legal versus illegal; coerced versus voluntary (King 2002). The forced/voluntary dyad has much wider currency (it is used in relation to e.g. labour, prostitution, and marriage), and has its origins in a liberal tradition of Western post-Enlightenment thought that tends to conceive of reality in terms of binaries or dualisms (Radin 1996; Prokhovnic, 1999). This tradition is centrally concerned with freedom as individual liberty, a form of freedom that is both imagined ‘as man’s natural condition’, and as the opposite of slavery (Prakash 1993: 143; Brace 2004).

Imagined as fixed and oppositional categories, freedom and slavery map onto other core dualisms of liberal thought, and work to produce accounts of the social world in which human beings are *either* free, in which case they are assumed to exercise self-sovereignty, *or* enslaved, in which case they are imagined as evacuated of agency and reduced to an object-like condition. In relation to migration, this generates a tendency to imagine migrants as divisible into on the one hand, those who were driven to move by forces beyond their control or who were forcibly moved for purposes of exploitation by ‘traffickers’; and on the other hand, those who exercised agency, choice, and control over their own migration, including those who entered into a partnership with ‘smugglers’ to make an unauthorized border crossing (Anderson and O’Connell Davidson 2003; Turton 2003).

This article is concerned with the role of debt in contemporary practices of mobility. It aims to show that the phenomenon of debt-financed migration troubles the liberal dyads that are widely used to make sense of migration, including the construction of ‘slavery’ and ‘freedom’ as oppositional categories, because although indebtedness can imply serious and extensive restrictions on freedom, it is also a means by which many people seek to extend and secure their future freedoms. People can actively choose to finance their migration through debt without this being a ‘voluntary’ and autonomous choice. Indeed, the migration policies pursued by states play a significant role in producing migrant indebtedness. Debt can be a feature of legal as well as irregular systems of migration, and migrant-debtors are no more guaranteed protection, rights and freedoms when they move under state-sanctioned systems than they are when their debt is incurred in the course of unsanctioned movement.

As argued in the conclusion, a consideration of the unfreedoms that can be associated with debt amply demonstrates the contemporary relevance of Losurdo’s (2011) historical account of the fundamentally illiberal realities of self-conceived liberal societies. There remain ‘exclusion clauses’ in the social contract that supposedly affords universal equality and freedom, clauses that are of enormous consequence for many groups of migrants, but that also deleteriously affect those citizens who are poor and/or otherwise marginalized.

2. Trafficking and smuggling as forced and voluntary illegal migration

Described as ‘a modern slave trade’ worth billions of dollars to transnational criminal groups, ‘human trafficking’ has figured prominently in policy debate on immigration since the 1990s, and has been a focal point for the activities of a wide range of INGOs, NGOs, charities, and political lobby groups. In the most general of terms, ‘trafficking’ is

understood to involve the movement of persons by means of coercion or deception into exploitative or slavery-like conditions, and from a human rights perspective, the disturbing aspects of this phenomena are its outcomes (violence, confinement, and/or exploitation) and the deception, coercion, and/or violence experienced during movement. However, 'trafficking' is also framed in international law both as a subset of illegal migration, and as a phenomenon distinct from 'smuggling'.

The United Nations (UN) *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children* was adopted by the UN General Assembly in tandem with the *Protocol Against the Smuggling of Migrants by Land, Sea, and Air*, as part of the *Convention Against Transnational Organised Crime* in November 2000. The twinning of these protocols and their inclusion in this particular Convention makes sense from the vantage point of most state actors, since both 'trafficking' and 'smuggling' are considered to be criminal activities that violate the state's right and obligation to control its borders and determine who is admitted to its territory. Distinguishing between the two is a more difficult matter, however (Anderson and O'Connell Davidson 2003).

The UN Protocol defines 'trafficking' not as a single, one-off event, but a *process* that takes place over time (recruitment, transportation, and control) organized for purposes of exploitation. 'Exploitation' remains undefined, and the process of trafficking can be organized in a variety of different ways. Policy-makers and those NGO activists and academics who regard 'trafficking' as a meaningful concept typically emphasize two main sets of differences between it and 'smuggling'. The first is temporal. Trafficking is held to involve a relationship that continues subsequent to movement, whereas 'Smuggled persons are generally left to make their own way after crossing the border' (Australian Government AIC 2008). Or as Bales et al. (2009: 40) put it, 'In cases of trafficking, the act of smuggling is just a prelude to and conduit into enslavement'. Smuggling and trafficking are thus imagined as processes that may overlap in initial stages of movement, but that become clearly differentiated at the point of destination (Kyle and Koslowski 2011).

The second distinction between trafficking and smuggling is said to be that where the former is carried out with the use of coercion and/or deception, smuggling is 'a voluntary act' on the part of those smuggled (CPS 2012). This assumption of an either/or binary between forced and voluntary migration is reflected in the kind of obligations that states are deemed to have in relation to the two categories of migrant it produces. Though still limited, states' obligations towards victims of trafficking (VoTs) are more extensive than they are towards smuggled persons (Bhabha and Zard 2006). This hierarchizing of the rights of 'trafficked persons' over those of other categories of irregular migrants is often endorsed by anti-trafficking campaigners from NGOs and human rights lobby groups. For example, Sheila Jeffreys (2002: 1), a member of the Coalition against Trafficking in Women, states that:

Whilst smuggling of migrants can be seen as a crime against the state and involves a mutual interest between the smuggler and the smuggled, trafficking is a crime against the persons trafficked. Persons who are 'smuggled' are generally left to fend for themselves in their destination countries, having already paid off the smugglers. They have physical freedom and, if not apprehended, are able to search for a means to survival. Trafficked persons are usually in debt slavery to the

traffickers... 'Smuggled' people are not delivered to slavery in the same way. Trafficking is a human rights crisis for the trafficked.

As well as sharing the assumption that the social relationships generated by 'smuggling' end on arrival in the country of destination, Jeffreys fails to consider that, having been complicit in what is deemed to be 'a crime against the state', people's opportunities to fend for themselves are usually heavily restricted, and this, in combination with fear of losing their physical freedom and/or being deported if apprehended, can lead them to accept, and/or be unable to retract from, hugely exploitative, sometimes violent, employment relations and extremely poor working conditions. Meanwhile, her emphasis on debt as one of the key mechanisms by which traffickers secure control over their victims is found much more widely in dominant discourse on trafficking. However, as the following section will argue, closer inspection of the realities of debt-financed irregular migration undermines rather than sharpens the distinction between smuggling and trafficking.

3. Migration, debt, and the trafficking/smuggling distinction

Though the factors that underpin migration in the contemporary world are many and varied, international debt and the neoliberal policy measures with which it is associated forms part of the background context against which many people make the decision to migrate (see, e.g., Quintana 2004). Debtor governments also often have a strong economic interest in emigration, not least because remittances from migrants can substitute for social welfare that they are unable to provide. Recorded remittances alone received by developing countries in 2010 far exceeded the volume of official aid flows and constituted 'more than 10 percent of Gross Domestic Product (GDP) in many developing countries' (World Bank 2011).

Opportunities for legally authorized migration are limited, however, and in the context of ever more restrictive immigration policies and tighter border controls by migrant-receiving countries, the market for clandestine migration services has expanded and diversified (Kempadoo et al. 2005; Alpes 2011). Fees for such services are often very high and as a result, resort to clandestine migration services can lead a number of different forms debt to a variety of different third parties (see, e.g., Kwong 2002; Schloenhardt 2003; Marshall and Thatum 2005; Chu 2010; Stoll 2010; Furst-Nichols and Jacobsen 2011; Kagan 2011; Triandafyllidou and Maroukis 2012).

Such debts may be, but are not necessarily, owed to the individual(s) who provided the migration services. As Chin's (1999) study of Chinese migration to the USA shows, those who facilitate migration sometimes insist upon being paid immediately after the journey has been successfully accomplished. Yet those who pay off such fees on arrival are not necessarily free of debt. Chu (2010) describes the patchwork of loans from friends, relatives, and others at home and already abroad that Fuzhounese migrants to the USA often have to put together in order to access the huge lump sums necessary to finance their journeys, while Chin's study shows that extremely violent means are sometimes employed to press migrants' families back home into paying off the fees, leaving migrants under an intense

moral pressure to repay them by any means possible. Other research with Chinese migrant workers also confirms that large debts to family and friends who have paid travel facilitators in China can leave migrants vulnerable to forced labour in destination countries (Kagan 2011).

In other cases, migrants remain indebted to those who arranged their movement and/or enter into debt-based relations of indenture. This does not automatically imply they will be harmed or cheated in any way, for some of those who provide clandestine migration services are honest, decent, and fair in their dealings with the migrants they assist, and some employers honour the terms of contracts of indenture (Sobieszyczyk 2002). However, it can lead to highly coercive forms of exploitation. Thus, no matter who they owe money to, it can take months, or even years, for irregular migrants to repay debts incurred in order to migrate, during which time they may experience violence and physical confinement, as well as intense labour exploitation, as a consequence of their indebtedness.

Yet debtor-migrants who experience abuse and exploitation during the process of movement and at the point of destination are not automatically considered to be 'trafficked persons' by state actors. So, for example, explaining the difference between trafficking and smuggling, a US State Department factsheet states that:

Human smuggling is generally with the consent of the person(s) being smuggled, who often pay large sums of money . . . Smuggled persons may become victims of other crimes. In addition to being subjected to unsafe conditions on the smuggling journeys, smuggled aliens may be subjected to physical and sexual violence. Frequently, at the end of the journey, smuggled aliens are held hostage until their debt is paid off by family members or others . . . persons being smuggled may sometimes willingly enter into 'contracts' with the smugglers to work off a smuggling debt (US State Department 2006).

From the viewpoint of the migrant concerned, it does not sound as though there is much to choose between being 'smuggled' and being 'trafficked'. Indeed, this factsheet suggests that for the US State Department, the trafficking/smuggling distinction hinges more on questions about the intentions and *modus operandi* of the individuals who exploit and abuse migrants than on questions about the migrant's actual experience at the point of destination. And yet even when concern is funnelled down merely to the 'criminals' involved, the smuggling/trafficking distinction remains elusive. We are told that smugglers seek to profit from organizing movement, whereas in trafficking, the purpose from the beginning was 'to profit from the exploitation of the victim' (US State Department 2006). But in cases where the profit from arranging movement can only be secured when the migrant is subject to months or years of labour exploitation, then surely the purpose of the 'smuggler', just as much as the 'trafficker', is from the beginning to profit from the exploitation of the victim?

The US State Department's (2006) response to this is that 'fraud, force or coercion all play a major role in trafficking', whereas smuggled persons actively and willingly consent to their own exploitation. The improbability of any migrant giving informed consent to a 'smuggling contract' that will involve being raped, beaten, or held hostage goes unremarked. This aside, the idea that migrants give meaningful consent to arrangements that will involve their subjection to violent exploitation is contested by other policy-makers and

anti-trafficking campaigners who approach trafficking from a concern with human rights (as opposed to a narrow concern with immigration or crime control). They tend to argue that the term ‘trafficked’ should be extended to all migrants who end up in forced labour and slavery-like situations ‘no matter how people arrive in these conditions’ (European Commission 2004: 53), and regardless as to whether the individual(s) who exploit the migrant’s vulnerability at the point of destination are actively in league with those who arranged her or his travel.¹

But even those who approach trafficking as a human rights issue remain wedded to the idea of a clean distinction between the enslaved VoT, who has been reduced to a mere instrument of another’s will, and the free migrant, who exercises agency. And because human agency is typically read through the lens of gender and age, women and children (especially those working in prostitution) are much more likely to be described as VoTs than adult men. But here again, debt complicates matters. This is well illustrated by research on female Nigerian migrants in sex work in Italy, whose situation is often presented as an almost exemplary form of debt-induced ‘sex slavery’ (see, e.g., Kara 2010). Such women’s debt obligations begin when they enter into an agreement with a ‘sponsor’ to pay between US\$40,000 and US\$100,000 for safe passage to Europe out of their future earnings from prostitution. On arrival, they are closely controlled by a madam who provides room and board (the fees for which are often added to the initial debt), and supervises their entry into, and style of work within, street prostitution. Intimidation, and threatened and actual violence against migrants and their family members back home are used as mechanisms of control over the migrant-debtors (Cole and Booth 2007: 120).

Thus far, it sounds as though a clear-cut example of ‘trafficking’ is being described. However, research also shows that physical violence is not a consistent or universal feature of relations between these debtor-migrants and their creditors; that the women are not usually deceived as to the nature of the work they will be required to undertake to pay off the debt; and that the debt is normally worked off after between 1 and 3 years, at which point, the women are in most cases free from the control of their madam. Indeed, some women who have paid off their debts then proceed to work for a madam as a supervisor of other debtor-migrants, and eventually become sponsors themselves (Carling 2005; Cole and Booth 2007; Testai 2008).

The picture that emerges from research on the phenomenon is one in which violence and other forms of control are used primarily (though not necessarily exclusively) as a mechanism to enforce rapid debt repayment, as opposed to a mechanism for enforcing a chattel slavery-like relationship between creditor and debtor (Testai 2008). Since the madams who control migrant Nigerian sex workers in Italy do not run brothels that require a supply of labour in order to operate profitably, the migratory system being described here is not a means of recruiting and retaining workers for labour exploitation in establishments owned by the ‘traffickers’. Rather, madams facilitate their debtors’ entry into street prostitution, or coerce them into it, because street prostitution is the only (or most secure) way in which to quickly earn enough to repay the loan advanced to cover the huge fees charged for arranging movement. This vividly illustrates how difficult it becomes to operationalize the smugglers-intend-to-profit-from-movement/traffickers-intend-to-profit-from-exploitation distinction when debt is involved, and how irrelevant that distinction is from a human rights perspective.

Yet though this system of debt-funded migration is frequently described as 'trafficking' and 'modern slavery' by human rights and anti-trafficking campaigners, as Testai (2008) observes, the women involved do not always regard it in the same light. Sponsors are often viewed by migrants more as benefactors than as slavers. In fact, Testai found that debt appeared to the migrants she interviewed as something fairly ordinary, even if unpleasant. Her interviewees expressed a mix of feelings towards those who had assisted them in their migratory projects. In the words of one Nigerian woman:

The madam charges us too much money . . . 80 million lira (E40,000). All of them charge you a lot of money. But it's good that they brought us here. They helped us in a way. They are second to Jesus Christ (Testai 2008: 73).

The possibility that the women choose to honour the contract because it is a means to acquiring an end they desire is hard to marry with dominant discourse on 'trafficking as modern slavery', as evidenced by the following effort to do so:

Ironically, the strength of the Nigerian trafficking networks lies in the element of reciprocity between traffickers and victims . . . The victims' commitment to the pact makes it particularly difficult to combat this form of trafficking. In several European countries, authorities have 'rescued' women from their traffickers, but they return to prostitution to fulfil their obligations towards their sponsors (Carling 2005).²

How can the concept of 'trafficking', said to refer to a form of modern slavery, be reconciled with acknowledgement of any reciprocity in the relationship between 'trafficker' and 'victim' (or slaver and slave)? And yet to describe these women as 'smuggled' rather than 'trafficked' would be to accept that smuggled persons can be subject to exploitation just as violent, brutal, and protracted as that which is normally deemed to be the fate of 'VoTs'. The effort to accommodate these migrants' experience into the orthodox conceptual binaries of trafficking/smuggling, forced/voluntary migration, and slavery/freedom generates an oxymoron—we find ourselves looking at 'voluntary slaves' and 'free choice trafficking'. And as the following section will show, the concept of trafficking and that of forced migration are equally difficult to reconcile with evidence on the relationship between debt, unfreedom, and legally sanctioned labour migration.

4. Debt and legally sanctioned labour migration

Though trafficking is constructed in international law as a subset of 'illegal immigration', labour migration undertaken through legal channels can lead to serious restraints on workers' freedoms and lock them into vastly unequal relations of power and dependence. Indeed, the immigration policies of countries that depend heavily on migrant labour are often designed to deprive migrant workers of independent access to, and free movement within, the labour market. Aspiring migrants are frequently only given temporary authorization to work in the destination country, and, depending on the country and on the particular type of work permit they are issued, a variety of further restrictions on their rights and freedoms are imposed. They may, for instance, be legally denied rights to join trades unions, and excluded from employment legislation that provides other workers

rights and protections (Anderson 2013). The *kafala* system, a system of sponsorship used to regulate certain categories of migrant workers in Gulf Cooperation Council states and Lebanon (especially domestic, construction, and agricultural workers), that ties workers to the employers who sponsor their visas, is notorious for the extensive powers it affords the employer, and the heavy restrictions it imposes on migrant workers. Reports of violence (including torture, rape, and murder), exploitation, and other abuse by sponsors under this legal system are at least as plentiful as similar reports relating to those who sponsor irregular migration into sex work (HRW 2004, 2006; Mahdavi 2011).

The *kafala* system has been widely condemned and is actually frequently described by human rights activists as a form of modern slavery. But many migrant workers in other regions and countries (including North America and Britain) are also tied to their employers by immigration laws and regulations that require them to work at a specific job for a pre-specified employer for a fixed period (Baines and Sharma 2002; Anderson 2013). The purpose of such regulations is 'to ensure that migrant workers are temporally transient and spatially fixed' and that they cannot move freely in the labour market (Lan 2007: 258). In theory, such migrant workers are not legally bonded to the employer as they retain the right to quit. However, unless they do so for one of the limited reasons that will satisfy the immigration authorities, they will not be allowed to seek an alternative employer or be allowed to remain legally in the country.

Again, debt is of crucial significance for migrants' experience, especially when coupled with these restrictions. If quitting means being forced to return to the country of origin, the right to quit is meaningless to those who have heavily indebted themselves in order to migrate. Debt thus works alongside immigration regulations to lock migrant workers into relationships of personal dependency on employers who sponsor them. Human Rights Watch reports on migrant construction workers (HRW 2006) and migrant domestic workers to the Gulf region describe how they often feel trapped in abusive employment situations as a result of the recruitment-related debts 'they must repay to labor agents, subagents, banks, and moneylenders' (HRW 2007: 65). Many migrant workers across a range of sectors in Europe, North America, Australia, and Japan face the same problem. They have become heavily indebted to recruitment agencies in the course of legally migrating, and their debts, in combination with immigration regulations, generate a form of hyper-dependence upon employers and so vulnerability to various forms of abuse, violence, ill-treatment, and coercive practices (Baines and Sharma 2002; ILO 2005; Anderson and Rogaly 2005; Standing 2011).

In the case of both legally sanctioned and irregular migration, then, the fees demanded by third parties for arranging movement and organizing employment often generate debt. Although public and policy debate on trafficking focuses on irregular migration, especially into prostitution, the potential for such fees to expose legally sanctioned labour migrants to the risk of abuse and exploitation is widely recognized by organizations and groups concerned with the rights of migrant workers. It is sometimes even referred to as 'institutionalized trafficking' (e.g., ILO 2011). In fact (and somewhat curiously given the position outlined in its 2006 factsheet on trafficking and smuggling), in 2007, the US Department of State even commented on the problem of debt bondage and involuntary servitude among some groups of migrant workers legally present abroad in its 'Trafficking in Persons Report', remarking on the 'intentional imposition of exploitative and often illegal costs

and debts on these laborers in the source country or state, often with the complicity and/or support of labor agencies and employers in the destination country or state' (cited in Plant 2008).

Attention to such illegal costs and debts highlights the artificiality of the legal/illegal migration dyad (the same migratory process may involve both legal and illegal elements, Sobieszczuk 2002; Anderson and O'Connell Davidson 2003). But it is also important to note that licensed recruitment agencies in migrant-sending countries and placement agencies in migrant-receiving countries can often perfectly legally charge migrants fees for brokering their migration (even though regulation sometimes includes a cap on some of the fees that can be charged to workers). And although licensed agencies may often ignore the legal caps on fees, basing prices instead on the gap between wages at home and those promised by migration, officially sanctioned recruitment fees in some countries are equivalent to 4 or 5 months' salary (e.g., for Thai, Laotian, and Cambodian workers travelling to work in the Gulf States, and 15 per cent of their wages are also withheld pending their return, UNDP 2009). In other words, it is not just illegal fees, but also legal costs imposed on labourers that can be extremely high. When coupled with compound interest on loans advanced to pay them, they too can mean that migrants are never able to repay their debt or find their remittances seriously eroded.

The market for the services of licensed recruitment and placement agencies, as much as the market for the services of those who arrange unauthorized migration, is in large part a by-product of the immigration regimes that seek to control and manage migratory 'flows'. In particular, it is produced by states' efforts to ensure that migrant labour is available 'as an instrument for adjusting the skills, age and sectoral composition of national and regional labour markets' (OSCE 2006: 12) (especially as an instrument to ensure a flexible supply of cheap workers for jobs that are unattractive to citizen workers), but at the same time to prevent the permanent settlement of migrant workers (especially those without personal wealth or recognized professional qualifications).³ These politically constructed markets turn migrants into debtors, which then leaves them vulnerable to exploitation, violence, and other forms of abuse, whether they have moved through legal or irregular channels. Indeed, far from the legal/illegal dyad mapping neatly onto a protected/vulnerable binary, research on migrants subject to the kind of legally sanctioned bondage described above suggests that running away from legal sponsors to work illegally in the informal economy is a strategy by which some migrants manage to secure greater personal freedom, and to pay off their debts and remit money to dependants, albeit under constant threat of detection and deportation (Lan 2007; Mahdavi 2011; Johnson and Wilke 2012).

The agency that is visibly expressed in the act of running away from abusive employers cannot be assumed absent at other stages in the process of this kind of migration. Indeed, although sometimes described as leading to 'modern slavery', legal systems of labour-import do not rely on physical coercion or even necessarily on deception to recruit migrants (although deception can and does sometimes figure in recruitment). Rather, as with illegally arranged migration into relations of indenture in prostitution (see Sobieszczuk 2002; Sharma 2003; Kempadoo et al. 2005), there is evidence that even people who are fully aware of the potential dangers of this kind of debt-financed state-sanctioned indentured labour sometimes decide to take the risks (Constable 1997; Gamburd 2000; Jureidini and

Moukarbel 2004). Again, the voluntary/forced and freedom/slavery binaries reduce such individuals to a contradiction in terms, making them appear as ‘willing slaves’.

5. Agency, life-plans, and temporality

In a discussion critical of the language of forced migration, David Turton (2003: 6) points out that the forced/voluntary dichotomy overlooks the fact that there are ‘elements of both compulsion and choice. . . in the decision making of most migrants’. Dominant discourse on ‘trafficking’ has been even more widely and heavily criticized for the way in which it refuses to recognize the agency of those whose experience it purports to describe, presenting them as naïve and malleable objects in need of rescue and protection, rather than subjects in need of rights and recognition (e.g., Kempadoo et al. 2005; Sharma 2003; Andrijasevic 2010).

Research evidence on debt-financed migration and unfree labour certainly makes far more sense if the migrants involved are envisioned as making and acting on rational decisions than it does when they are pictured as passive and non-agential, especially when weight is also given to issues of temporality. Discussing their research with Bolivian migrant workers in the garment sectors in Argentina and Brazil, Bastia and McGrath (2011: 11) observe that in the literature on migration, there has been a tendency to emphasize ‘movement across space to the relative detriment of developing an understanding of how migration is also a temporal strategy, involving an evaluation of past experience and a desire to achieve some improvement for the future’. For some migrants, they argue, the present—even when it includes the experience of unfreedom—becomes:

only the means to acquire and achieve a better future and as such, is relatively less important than the future, or is only as important to the extent that it provides the means for the realisation of one’s aspirations (or those of future generations) (Bastia and McGrath 2011: 11; see also Sobieszczyk 2002).

If, instead of freeze-framing the period in which debtor-migrants experience severe restrictions on their freedoms and focusing on that time period alone, we extend our view to include the actualities of their past experience and their future life-plans, and crucially, the limited alternative options open for living out those plans (to paraphrase Marx, people make choices, but not under circumstances of their choosing), it becomes much easier to understand the decisions they make.

Indeed, considered in this light, the decision-making process that leads an aspiring migrant to take on a huge debt in order to migrate (even knowing that it will have to be worked off under conditions and in ways that they would not otherwise choose, and even knowing that there is a risk of being cheated or worse), begins to look little different from that which leads middle-class citizens of affluent Western countries to take on huge debts in order to study at university, or to buy a house, or invest in anything else they regard as necessary to pursue their chosen life-plan (even knowing that in order to service and pay off the debt, they will have to temporarily accept restrictions on their freedom to do as they please, and that there is a risk of being unable to service the debt and that this would result in unpleasant consequences).

A critical difference between the kind of migrants from the developing world discussed above who massively indebted themselves to further a life-plan by migrating, and middle-class citizens of affluent Western countries who massively indebted themselves to pursue a life-plan, is that the former are very often wholly excluded from rights and protection both as workers and as debtors. This can be true of internal as well as international migrants, for internal migration is also often associated with indebtedness and its attendant problems, and formal citizenship does not necessarily translate into rights and protections as either debtor or worker. What does this mean for the slavery/freedom binary?

6. Binary troubles: political/economic, persons/things, subjects/objects

In liberal thought, the subject/object binary marks off human beings (who have both the right and the capacity to make political and economic contracts) from property (in which people have rights and are free to contractually exchange), or persons from 'things' (Kopytoff 1986; Radin 1996). The sovereign individuals of liberal thought have the right to liberty and equality. They possess free will and own commodities (including their own labour-power, which is imagined as a form of property in the person, a disembodied 'thing' that can be separated from the person and exchanged across a market), and their freedom and equality is posited and confirmed when they voluntarily contract to exchange their commodities (Sayer 1991). Economic and political life—or commodity exchange and personhood—are thus constructed as separate and yet mutually constitutive.

Debt (at least in the public realm of the market) is also framed as an object or 'thing' which can be precisely quantified, monetized, transferred, commodified, and traded (Graeber 2011), and creditor–debtor relations, like employment relations, are discursively constructed as impersonal, limited, and specific, contractual relations. In practice, however, both the wage-labour exchange and the credit-debt exchange sit uncomfortably with the binaries that are used to make sense of power relations in liberal societies. For as David Graeber (2011: 120) observes, though a wage-labour contract is, ostensibly, a free contract between equals, it is also 'an agreement between equals in which both agree that once one of them punches the time clock, they won't be equals any more'. Similarly, he argues, at the heart of debt is an 'agreement between equals to no longer be equal (at least for a time)', for 'During the time that the debt remains unpaid, the logic of hierarchy takes hold' (Graeber 2011: 120–1). Although it is assumed that the equality of creditor and debtor will be restored by payment of the debt ('A debt... is just an exchange that has not been brought to completion', Graeber 2011: 121), just as it is assumed that the equality of boss and worker is restored as soon as the worker clocks off, both the wage-labour and the credit-debt exchange entail the suspension (albeit on a temporary basis) of the self-sovereignty of political subjects, and so trouble liberal understandings of freedom.

Liberals condemn slavery as the illegitimate exercise of power over a sovereign self, and so deem that people cannot sell themselves into slavery. But since labour power exists only in the living self of the worker, and cannot be separated from the person who sells it (Marx 1954: 165), the wage labour exchange also actually entails a transfer of power of command

over the person of the worker. In waged work, as in slavery, the will of one person (the worker) is subordinated to that of another (the employer). Likewise, the credit-debt exchange is not a straightforward swap of one 'thing' for another 'thing'. Personal debt also transfers to the creditor certain claims and powers over the person of the debtor, for even though the 'thing' that is ostensibly commodified (the monetary loan) is separable from the person of the creditor, what is offered in exchange, namely the *promise* of repayment with whatever interest is agreed, is not ultimately separable from the person of the debtor (or her or his spouse or kin).

If we picture a situation in which there is no social protection against the labour and credit markets, so that the mass of people depend for their survival on agreeing to contracts in which their will is subordinated to that of another, and in which there is also no restraint on the demands that this other party can make on them for the duration of those contracts, then it begins to look very much as though the contract can establish in the public realm the very power relations it supposedly replaced—i.e., the kind of hierarchal, personalistic power relations that are associated with slavery. Equally, if we picture a situation in which human capacities and qualities (the capacity to perform labour, or to make and honour promises) are traded without regard for the consequences for the human beings in whom these capacities and qualities reside, then it seems we are imagining a context in which there is no principled opposition to the objectification of persons, and so a society that does not hold the liberty of the individual to be a core value or self-evident truth.

It is important to remember that the idea that economic and political life are separate is precisely that, an idea. In reality, 'States created markets. Markets require states' (Graeber 2011: 71), and states have always intervened in the creation and operation of markets in both labour power and credit. Indeed, the ways in which modern liberal states have historically intervened to create and regulate markets in the human capacity to labour reads as a veritable catalogue of illiberal practice. Even after the abolition of the slave trade and slavery that had formerly been sanctioned by liberal states, extensive legal restrictions were placed on the freedoms of 'free' wage labourers, as well as indentured workers, inhabitants of workhouses, and other groups both at home and in the colonies (Losurdo 2011; O'Connell Davidson 2010), restrictions that helped to ensure that labour power was commodified on terms favourable to the buyer.

But the market in labour power is also a site of political struggle, and as a consequence the terms and limits of the commodification of labour power vary according to the balance of class forces at a given moment in time. The organized labour movement has always strongly challenged the idea that labour can be treated as a commodity, and the political settlement that became the norm in welfare capitalist states in the post-World War II period reflected a partial acceptance of that view. It openly recognized the need for state intervention in market exchange processes (in the form of social security payments and the provision of public services), in order to strengthen the hand of worker citizens such that they were not forced to sell their commodity at whatever price and under whatever conditions the market dictated, and to reduce dependence on the labour market such that in childhood, old age, and periods of sickness, workers did not perish. Welfare states also intervened—to varying degrees—to moderate the commodity character of labour-power inside work, adopting policies that afforded (some) workers certain forms of protection

in employment (Papadopoulos 2005), thereby limiting employers' powers over workers once they had punched the time clock.

The balance of class forces has shifted. Since the 1970s, the pursuit of free and flexible labour markets through de-regulation and privatization policies has loosened the constraints on employers, and at the same time, the social protections from the labour market once provided by welfare states have been eroded and/or made even more directly conditional on participation in paid employment (Papadopoulos 2005). From the 1970s, the idea that access to credit, rather than social welfare, best protects the poor also grew in popularity (at least until the financial crisis of 2008). Certainly, over the past two decades, it has been cheap credit as much as, if not more than, welfare provision, that has enabled working-class citizens of many Western liberal democracies to house themselves, and 'to live the life of a civilized being according to the standards prevailing in the society' (Marshall 1949). Indeed, it could be argued that the combination of cuts to welfare spending and financial deregulation from the 1980s onwards left many people no way to live in their societies without becoming deeply mired in debt.

However, states have not *entirely* deregulated markets for labour power or for consumer credit. These markets remain embedded in a web of social, political, and legal constraints, and even if this web is increasingly configured in the interests of employers and creditors, it nonetheless still provides *some* protection for *some* workers and debtors. And citizenship is one of the core mechanisms by which such protection is mediated.

Kopytoff (1982: 221) remarks that ethnographically, the opposite of slavery in most societies has not historically been some notion of autonomy, but rather 'of citizenship, of civic belongingness, of attachment to structure rather than detachment from it'. To the extent that citizenship is consequential in contemporary liberal democratic societies for the type and degree of protection individuals can hope to enjoy against both the brutal logic of markets and the arbitrary authority of the state, a citizenship/slavery binary looks more convincing than the opposition between liberty and slavery posited by liberal theory. But I want to conclude by arguing that although this formulation is an advance on the freedom/slavery binary, even it does not completely capture the distribution of freedom and unfreedom in contemporary liberal societies.

7. Citizenship, migration, debt, and freedom: some conclusions

Anti-slavery campaigners often recognize that indebtedness is an important source of vulnerability for both documented and undocumented international migrants. What they pay less attention to, and what is entirely ignored in dominant discourse on trafficking, is that migrant indebtedness is in large part produced by the immigration policies pursued by states, and the systems of labour import and export they foster. Equally, the vulnerability of migrant-debtors (and this includes internal migrants) to exploitation and coercion is a political construction, reflecting either their lack of, or lack of access to, rights and protections.

Migrants do sometimes consent to enter into relations of debt that will entail very heavy restrictions on their freedoms. This article has sought to demonstrate that rather than presenting us with a puzzling contradiction in terms (voluntary VoTs or free-choice slaves), the experience of such migrants reveals the contradictions of the terms that are generally employed to classify and make sense of migration, and the political fictions they reflect and reinforce. In particular, it highlights a contemporary manifestation of what Domenico Losurdo (2011: 342) describes as the ‘exclusion clauses’ that have historically allowed liberal thinkers to insist on the individual’s natural rights to liberty, self-expression, and self-determination, while simultaneously denying many or all liberal liberties to slaves, indentured servants, workers, women, racial Others, colonized peoples, and so on.

Liberalism has proceeded, Losurdo argues, by constructing the ‘community of the free’ as a space wherein liberal liberties are sacrosanct. Initially, this space was open only to white male property owners who sought emancipation from the arbitrary authority of monarch or state, and claimed, among other things, the liberty to own and manage their property—including slaves, servants, wives, and children—as they saw fit. The Others, relegated to the ‘profane’ space beyond this community, had to engage in long and painful struggles for inclusion, for there is no spontaneous tendency within liberal societies to gradually extend rights to all alike. Nor has the process of extending rights been unilinear. Instead, what Losurdo (2011: 341) describes as a ‘tangle of emancipation and dis-emancipation’ is evident in the histories of liberal societies, so that, for example, the extension of suffrage in nineteenth-century European countries ‘proceeded in tandem with colonial expansion and the imposition of forced labour on peoples or “races” deemed barbarous or childlike’ (2011: 343).

Many groups of migrants, especially irregular migrants, in contemporary liberal democracies are similarly subject to an ‘exclusion clause’ which leaves them standing outside the ‘sacred space wherein the rules of the limitation of power’ obtain (Losurdo 2011: 309). Migrants are frequently subject to state practices that, if applied to citizens would be regarded by liberals as tyranny. In addition to the restrictions placed on migrant workers that were discussed above, migrants can be subject to arbitrary detention, deportation, forced destitution, forced separation from children, and denied access to health care, housing, education, justice, welfare, and work (De Genova 2002; Madziva 2010; Anderson 2013). The vulnerability of those who are at high risk of abuse and exploitation as workers and as debtors is in large part produced by state policies that deny them access to basic social rights.

In principle, citizens have access to legally sanctioned and regulated markets for credit, and even though the system favours creditors, ‘Bankruptcy law . . . is a controlled way of relieving borrowers of a portion of their debts and enables them to rehabilitate themselves financially’ (Kammer 2011: 2). And although citizens may sometimes turn to unsanctioned creditors, their contracts with those who operate outside the system that regulates personal lending are not legally enforceable. The law offers protection from ‘loan sharks’ to those citizens who are in a position to seek it. In contrast, migrants legally present in a foreign country do not necessarily have access to cheaper credit from banks and building societies, nor do they always enjoy full protection as debtors, even from debts they incur in the foreign country (e.g., bankruptcy proceedings can affect immigration status in some countries). For irregular migrants, the price of seeking protection against even the most

violently unreasonable of creditors will usually be deportation, generally back into a context where they have no protection against their creditors.

For all of these reasons, struggles against 'state practices that are able to legally . . . discriminate against people on the basis of nationality' (Sharma, 2003: 62) are vitally important. However, though there is an urgent need to challenge states' differential treatment of 'citizens' and 'migrants', this has to be part of a much wider struggle for political transformation if it is to help extricate us from the tangle of emancipation and dis-emancipation Losurdo identifies. For despite its consequence in terms of providing some protection against markets and the 'arbitrary will' of the liberal state, citizenship itself is differentiated. It is gendered, aged, classed, and raced, and those who enjoy citizenship in the formal sense do not always enjoy equal access to its privileges and protections (Lister 1997; Pateman 1998; Puwar 2004). Again, these differences are highly visible in relation to debt.

The citizens who are already marginalized are those least likely to be able to access cheaper and well-regulated sources of credit, and the same groups also typically experience particular difficulty accessing legal advice and protection in relation to both sanctioned and unsanctioned debt (Mitton 2008). This means that they are also the groups most likely to be subject to the extremely ugly expressions of coercive power that can be exercised over citizen debtors, even from actors within legally sanctioned and supposedly regulated systems of debt collection (see, e.g., CAB 2007; McVeigh 2009).

Debt is not an inherently bad thing, indeed, it is arguably the very basis of human sociality (Dienst 2011; Graeber 2011), and even the kind of monetized debt discussed in this article is not necessarily a force for ill—access to credit can allow people to effectively pursue their chosen ends, and does not automatically lead to their oppression. But the freedoms and unfreedoms it implies do not map neatly onto the sanctioned/unsanctioned debt or the citizen/migrant binary. The migrant who borrows from an unauthorized but honourable lender to travel, work, and remit money home to build a family house may end up in a better situation than the working-class citizen of an affluent liberal state who takes on a mortgage to purchase a shoddy and over-priced starter home, then finds herself unable to either sell it or maintain her loan repayments.

It is possible to hold or acquire formal citizenship without also gaining admission to 'the community of the free' (and by the same token, this privileged community occupies a largely transnational space—it is not only, nor even always primarily, by dint of their nationality or citizenship that they are able to arrogate the liberties they enjoy, Anderson 2013). Universal rights and freedoms cannot be secured sequentially through efforts to emancipate specific groups of excluded Others, such as slaves, VoTs, or forced migrants. Ultimately, the political struggle has to be against any and all 'exclusion clauses', and for a redistribution of material resources such that nobody is in a position where the best hope of enjoying an effective power to act in the future is to surrender basic freedoms in the present.

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Notes

1. And in fact, there is no consistent approach even within a single state—other US Government publications on ‘trafficking’ suggest that where a creditor exercises any control over how a migrant repays a debt (or indeed even demands repayment of a legally unenforceable debt), the migrant-debtor should be regarded as a VoT (e.g., USDHHS 2011).
2. And the propensity of ‘modern slaves’ to refuse the gift of ‘freedom’, and run from their rescuers back to their ‘slavers’ has been observed elsewhere, see Soderlund (2005).
3. See Lan’s (2007) compelling analysis of how Taiwan’s adoption of a quota system that regulates both the numbers of migrant workers and their distribution in selected occupations and industries, leads to a very lucrative market in brokering migrant labour, and one that results in migrant workers becoming deeply mired in debt.

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