

Unfreedom in Labour Relations: From a Politics of Rescue to a Politics of Solidarity?

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Abstract:

In this introduction to the Special Forum we seek to explore the possibilities for challenging labor unfreedoms through exercising solidarity. We critique the prevailing framings and dominant politics of ‘combatting modern-day slavery’ – or what we refer to here as contemporary abolitionism. We argue that questions of coercion, control, and confinement are nonetheless increasingly pertinent to the analysis of contemporary labor relations and labor regimes. This leads us to reflect on how we might better conceptualise the many forms of unfreedom that are imposed on working people. We then explore the possibilities for a liberatory politics of solidarity that might challenge such unfreedoms. Finally, we summarise how the articles in the Special Forum engage with existing debates, and point us in new and fruitful directions for the task of confronting - intellectually and politically - the ways that contemporary labour relations are variously structured by unfreedoms.

This Special Forum seeks to explore the possibilities for challenging labor unfreedoms through exercising solidarity. In linking unfreedoms and solidarity, we distance ourselves from both the dominant framings *and* the prevailing politics of what we refer to here as contemporary abolitionism – that is, efforts to combat forced labor, human “trafficking,” and/or “modern slavery.”* As we will elaborate below, contemporary abolitionism has too often enforced an artificial separation between “modern slavery” and wider landscapes of exploitation and dispossession. Discursively built upon the image of helpless (or hapless) “victims” suffering at the hands of exploiters (Andrijasevic and Mai, 2016), dominant forms of contemporary abolitionism have further been characterized by a “politics of rescue” aligned with a white savior mentality (Kempadoo, 2015).

Over the past quarter of a century, the growth of contemporary abolitionism has been intertwined with a burgeoning literature on the topic. In contrast to the focus within much of this literature on compulsions to *enter into and/or remain at work*, we begin with a broader understanding of labor unfreedoms – one which includes but goes beyond these forms of compulsion. Labor unfreedoms for us encompass limitations on physical and/or labor market mobility (including obstacles to accessing work at all), as well as severe and/or multiple constraints on negotiating over the terms and conditions of work. From this perspective, examples of those experiencing unfreedoms would include logistics workers subject to new and intensifying forms of surveillance, workers who rely on employers for access to credit, those subject to increasingly punitive welfare regimes, and asylum seekers banned from employment. It might also include workers experiencing “everyday unfreedoms” – such as healthcare workers in the UK who have been fined for calling in sick, construction workers in the UK “blacklisted” for their union activities, or fast food workers in the US prevented from working at a different location due to “no poach” clauses in their employers’ franchisee contracts (McGrath, forthcoming). We believe that such an understanding of labour unfreedoms aligns with possibilities for building a politics of *solidarity* rather than a politics of *rescue*.

The remainder of this Introduction is structured as follows. First, we elaborate on our critique of contemporary abolitionism. Secondly, we explore what has been referred to as “the problem of freedom” (Holt, 1992) and reflect on possibilities for a liberatory politics of solidarity among people experiencing labor unfreedoms as well as others who would join forces with them. The final section summarises how the four Special Forum articles that follow engage with and contribute to debates over labor unfreedoms and solidarity.

Labor unfreedoms and contemporary abolitionism

The cause of contemporary abolitionism – at least in its hegemonic form – has been critiqued as paternalistic (Ditmore, 2015), carceral (Bernstein, 2010), and/or imperialist (Kempadoo, 2016). These are not simply allegations of insufficient progress. Rather, they point to ways in which contemporary abolitionism actively causes harm – to those falling outside of its narrow definitions of “slavery” or “trafficking,” but also to those classified as “victims” (Walters, 2020; Shih, 2014; GAATW, 2007). Contemporary abolitionism has also been challenged for reproducing racism through its use of a “whitewashed” version of historical abolitionism (Beutin, 2017; Kempadoo, 2015; McGrath and Watson, 2018; Quirk, 2012; Stewart, 2015; Trodd, 2013). Consequently, some scholars call for moving beyond the dominant criminal justice approach, formulating alternative paradigms to address “trafficking” and “slavery” (e.g., Shamir, 2012; Kotiswaran, 2019). Others

* Contemporary abolitionism, which we critique here, should not be confused with ‘abolition geography’ that continues to inspire us and which has emerged out of decades of critical analysis of racial capitalism alongside grassroots solidarity and resistance (see Gilmore, 2022).

argue, though, that “modern slavery” is *necessarily* conceptualized as “exceptional” (O’Connell Davidson, 2015). Further, such demarcations are seen to justify more generalized capitalist oppression of workers (Lerche, 2007) and state structuring of labour exploitation (Hodkinson et al, 2021), often enabled through close relations between nation states and corporate capital (Rogaly, 2008).

What is seen as an appropriate and effective response to a problem is, of course, bound up with what that problem is imagined to be (see Doezema, 2010). While there are myriad definitions of forced labor, trafficking and/or “modern slavery” put forward by NGOs, governments, scholars and others, a few key international definitions serve to illustrate this point. The International Labor Organization’s 1930 Forced Labor Convention refers to work not taken up “voluntarily” or performed under the “menace of any penalty” while the United Nations’ 1926 Slavery Convention highlights the “powers attaching to the right of ownership,” and the United Nations 2000 Trafficking Protocol refers to “coercion,” “abduction,” “fraud,” “deception,” “the abuse of power or of a position of vulnerability” and the “giving or receiving of payments or benefits to achieve ... consent.”

Such definitions focus on particular aspects of labor unfreedom – and they have limits and contradictions[†]. The notion of *choice* is central to them, principally the choice of whether or not to *enter into* a labor relationship, and sometimes also the choice of whether to *end* that relationship. Threats, control, possession or ownership are framed as the negation of “choice.” Some definitions point to *the “purpose”* of denying choice, such as “exploitation” (in the UN Trafficking Protocol). From our perspective, a key flaw is that the definitions tend towards methodological *individualism* – referring, for example, to “a person” or “persons.” Their emphasis also tends to be on “negative liberties” (*freedom from restraint*) rather than on “positive liberty” (*the conditions which allow choice to be exercised*). Even here, contemporary abolitionism runs into trouble when individuals make what appears to be the “wrong” choice – such as engaging in sex work. One way that contemporary abolitionists navigate such tensions is noted by Cojocar, who writes of abolitionists’ use of “trauma coerced bonding theory” as “a new effort to reformulate the concept of false consciousness” (2016: 30). More broadly, as O’Connell Davidson puts it,

“The new abolitionists need to chart a path between two extremes, extending the boundaries of the meaning of the term “slavery” beyond chattel slavery, but preventing it from mushrooming out to incorporate any and all restraints on human freedom and well-being” (2015: 36).

Contestation over these definitions have led some to suggest that viewing unfreedom (or exploitation) as falling along a “continuum” may offer novel insights into what produces “slavery” –and that this might point towards alternative responses (Skrivánková, 2010; Barrientos et al., 2013; Fudge and Strauss, 2014). This perspective has gained significant traction (e.g., Boersma and Nolan, 2022). We, too, have attempted to engage in debates around how best to conceptualize labor unfreedoms – including a particular focus on acknowledging workers’ agency (Rogaly, 2008; Waite et al., 2015). We have suggested that there are different dimensions of unfreedom, for example (McGrath, 2013; McGrath and Strauss, 2015; see also Yea and Chok, 2018), and that the experiences of those subject to unfreedom might be better understood through a lens of “hyper-precarity” (Lewis et al., 2015).

Such interventions not only strive for analytical precision, but also seek to influence the contested politics of contemporary abolitionism. Greater attention to varied forms of “supply chain slavery” in recent years, for

[†] There are extensive debates about each of these terms and how they relate to each other which cannot be fully covered here (see: Chuang, 2015). The concept of forced labor has a slightly different genealogy, and therefore a somewhat different political history, but it has increasingly been subsumed within the category (and politics) of “modern slavery” in recent years (e.g., ILO, 2017).

example[‡], has partially mitigated the disproportionate focus on “sex slavery” within the field of contemporary abolitionism (Zimmerman, 2019). There have also been efforts within the field to engage with “victims” in a more ethical manner than is often the case (Rende Taylor and Latonero, 2018) and to shift away from problematic (visual) representations of “modern slavery” (Brady, 2019). Yet the “depoliticizing” nature of dominant approaches (Anderson and Andrijasevic, 2008) remains stubbornly persistent (Sharma, 2017; McGrath and Mieres, 2022).

If notions of “slavery” and “trafficking” tend to obscure more than they reveal, and efforts to combat “trafficking” and contemporary “slavery” may do more harm than good (Quirk et al., 2020; Laurie and Richardson, 2020), this presents a dilemma – because questions of coercion, control, and confinement appear to be increasingly pertinent to the analysis of contemporary labor relations and labor regimes. Indeed, works revisiting the carceral logics through which labour relations are constructed (Sharma, 2021; Cassidy et al., 2019) are pertinent here, based in part on an historical understanding that “proletarianization as a process required the buttressing shoulders of imprisonment and unfree labor” (Martin, 2018: 200). This calls the dominant criminal justice approach of contemporary abolitionism into question even further. The motivation for this Special Forum arises from our interest in whether attempts to construct a politics of solidarity (on which more below) may help lead us out of this dilemma.

One effect of the focus on individual relations noted above – at the expense of structural relations and state actors – is to allow capitalism to be posited as a *solution* to “trafficking” and “slavery” rather than its cause (Bernstein, 2018; Bernstein, 2014; McGrath and Mieres, 2021; see Arora and Stephen, 2022 for a “Defense of Capitalism”). Marxist conceptualizations of unfree labor (see Rioux et al. for a recent review) are therefore particularly relevant, and some Marxist scholars have argued that capitalism (rather than criminality) can and does produce unfree labor (Brass, 1999). Further, while most definitions of forced labor, trafficking, and “modern slavery” tend *not* to define *free* labor, Marxist analyses of unfree labor both define and problematize “free” labor itself. From a Marxist perspective, free labor is premised not only on the ability of workers to commodify their own labor power, but on the underlying forms of dispossession which require workers to sell their labor in the first place. (*Unfree* labor in this interpretation is therefore “doubly dispossessed” – as “unfree” workers are both “freed” from the means of subsistence, but further unable to commodify their own labor power.) This is a very different understanding of *both* free and unfree labor than that found in much of the recent literature on “modern slavery.” Nonetheless, it remains a binary understanding.

Marxist conceptions of labor more generally (whether free or unfree) should themselves be interrogated in relation to the forms of work they tend to exclude (Monteith et al., 2021). This has implications for our understanding of labor unfreedoms as well as for envisioning the scope of labor struggles. Here, we can turn to a number of traditions which engage critically with Marxist thought, namely: feminist scholarship on work, gender and social reproduction (Cruz, 2018; Mezzadri, 2016; Mezzadri 2017); Global Labor History (van der Linden and Rodríguez García, 2016; Sarkar, 2018); and racial capitalism (Khan, 2021; Schling and Rogaly, forthcoming; Bhattacharyya, 2018). In all of these, we find analyses of labor beyond “standard” waged work – ones which produce visions of labor and unfreedom that go beyond simple dichotomies of free or unfree.

A major premise for this Special Forum therefore is that there are varied forms of freedom and unfreedom which might be experienced (to different degrees) by all workers. Holt’s (1992) historical work on “the problem

[‡] See also Hatton 2020 who advances a more expansive understanding of what falls within the category of “coerced” labor.

of freedom” in Jamaica, for example, provides a detailed and compelling example of the continuity of labor unfreedoms in the wake of the historical abolition of slavery in the British Empire. As Sarkar puts it, struggles over freedom and unfreedom are not exceptional, but, on the contrary, are a *regular feature* of capitalist labor relations (2018; see also Rogaly, 2021). What then are the prospects for a politics of liberatory solidarity within such landscapes?

Solidarity and freedom

If, as outlined above, a central problem of the contemporary abolitionist approach is a “politics of rescue” which discursively creates the roles of victim, exploiter, and heroic liberator, then we believe examining the possibilities for solidarity offers an alternative starting point. Solidarity has sometimes been defined as the collective action of a (pre-constituted) group to advance their common interests. In other words, solidarity is based on existing similarities of group members, and is by definition exclusionary. Featherstone, however, extensively challenges this notion of solidarity as based on “given, already-formed identities,” to argue that identities are *actively produced* through relations and practices. If identities are socially and relationally constructed, then they can be *shaped by* group formation and collective action (rather than preceding and determining group formation). Featherstone thus positions solidarity as “generative” and “transformative” (2012: 16-24; 37).

Solidarity can also be distinguished from humanitarianism or charity (Kelliher, 2018: 5), particularly in contemporary usage. While Kolers makes this distinction on the basis of “deference” (2012), Kelliher proposes an historical approach to understanding “cultures of solidarity”, which, while acknowledging elements of deference, also draws attention to the importance of relations of “mutuality” -- for “deference often seems to assume, and seeks to mitigate, an imbalance between those providing solidarity and the group receiving support. It implies that solidarity flows from the relatively privileged to the comparatively disadvantaged” (Kelliher, 2021: 15-16)[§].

Building on Featherstone’s work on solidarity from below, Kelliher highlights how solidarity is further characterised by efforts to change the underlying relations which cause suffering, rather than merely alleviating such suffering in the short term. This is not to deny that solidarity practices include efforts to alleviate suffering (and are central to the negotiation of power differentials within relations of solidarity). Spade argues that “radical collective care” is in fact a required element for building solidarity – because it “exposes the failures of the current system and shows an alternative,” allows those most affected by such failures to participate in efforts to change them, and builds the capacity of social movements (2020: 137).

Whether an act constitutes charity, rescue or solidarity is therefore contextual – and in some instances, humanitarian actions are themselves criminalized (Tazzioli, 2021; Tazzioli and Walters, 2019). Progressive cultures of solidarity are also understood to be “on the side of social justice” (Beck and Brook, 2020: 4), although this is clearly in the eye of the beholder. Finally, they are understood to involve working across class, race, national and other “boundaries” (Mohanty, 2003: 145; see also Tormos, 2017) in order to address intersectional axes of oppression (Kelliher, 2021: 17). To the extent that a key *aim* of such cultures of solidarity is to forge respectful and equitable relationships across difference, then, they would be incompatible with a “politics of rescue.”

[§] This is also developed in work exploring discourses of migrant “hospitality” and “welcome” that often tend to assume a “guest” should be grateful for any support and solidarity provided by a host (Derrida, 2000, Lewis & Waite, 2019).

Solidarity is, of course, an ideal – and working out relations of power, oppression and privilege through practices of solidarity necessitates navigating varied tensions and contradictions. Questions such as who represents particular groups in solidarity with each other and whether there may be others excluded from relationships of solidarity are recurrent. Those of us who seek to engage in practices of solidarity may fail to live up to the ideal, or we may even enact forms of exclusion through our efforts (Featherstone, 2012; Roediger, 2016). The contributions in this issue reveal a number of complexities, limitations and challenges in relation to solidarity.

This brings us back to thorny question of what constitutes freedom(s) and unfreedom(s). In line with critical scholarship that challenges dominant understandings of “modern slavery,” we acknowledge the importance of attending to “positive” as well as “negative” freedoms in order to enlarge the scope of choices which can be made. We also seek to focus on the ways in which conditions might be transformed rather than only the ways they can be escaped, and to conceive of freedom as *collective* rather than solely as *individual*. Even so, we must reckon with the notion of freedom itself. As Green et al. state, “the modern notion of individual, self-possessive freedom came into being against the backdrop of the ubiquity of slavery” and is thereby “tethered to histories of repressive violence” (2020: 3). Or as Lowe reminds us, drawing on the work of Saidiya Hartman (1997) and others, “slavery founded the conditions of possibility for liberal society to emerge” (2015: 12) and “it is precisely by means of liberal principles that political philosophy provided for colonial settlement, slavery and indenture” (2015: 9). O’Connell Davidson thus locates the notion of “modern slavery” within a centuries-long tradition of “tell(ing) liberal subjects who they are by showing them what they are not” (2015:24). As Stovall points out, workers often come to understand themselves as “free” only in relation to others who are less free – and this is deeply racialized (2021). In this reading, not only does anti-trafficking echo the early 20th century discourse of “white slavery” in relation to notions of white womanhood, but anti-slavery also echoes a longer history of recurrent protests against “white slavery” (and “wage slavery”) with regard to white manhood (Roediger, 2007: 65-92).

In spite of this, we do not wish to abandon ideas of freedom entirely. Radically different visions of what freedom looks like and how it might be achieved – often framed in the language of *liberation* – have always competed with (neo)liberal conceptions. In his work on the “Black radical imagination,” Kelley outlines some of these “freedom dreams” and points to the need to build on them in order to “imagine ... what it means to fully realize our humanity” (2002: 198). We follow Kelley’s emphasis here on the importance of attending to the visions of those experiencing unfreedoms in beginning to imagine what liberation might look like and how to bring it about. We therefore proceed cognizant of the tensions inherent in rejecting – or employing – the notion of freedom:

“... many of the struggles we would wish to engage with are not only carried out in the languages of liberty, equality, reason, progress and human rights – almost without exception, they must be translated into the political and juridical spaces of this tradition. We must reckon present contests over the life and death of the ‘human’ are often only legible in terms of the spaces still authorized by liberal political humanism” (Lowe, 2015: 41).

This makes “freedom,” like solidarity, “uneasy” (Roediger, 2016) – and indeed, the pieces in the Special Forum dwell in this uneasy space.

The articles in this Special Forum

Each of the contributions to the Special Forum examines unfreedoms, solidarities, and the relations between them – and in very different ways. The contribution by Reid-Musson et al. (2022) perhaps troubles both

freedom and solidarity to the greatest extent. The widespread forms of precarity, hazards and unfreedoms that characterize commercial agricultural work in the US – particularly for migrant children – form the backdrop of their analysis. They examine proposals from US Department of Labor in 2011 to extend labor protections, particularly prohibitions on hazardous work, to young workers in commercial agriculture. The proposals were dropped in the face of strong opposition, and it is this opposition the authors take as their object of analysis, using public comments on the proposal as their data set. Conceptualizing solidarity as a “form of identification” that both includes and excludes, they identify a “regressive solidarity” (2022: 2) which helped to prevent the rule changes from being implemented. Specifically, they find in the narratives of the submissions an agrarian imaginary valorizing a racially coded work-family ethic based in “mythologies of settler colonialism” (2022: 4). Through this imaginary, the narratives discursively normalize a level of health and safety risk, “while making unfree labor relations invisible” (2022: 5). Given that “liberal concepts of freedom ... animate the agrarian work ethic,” the authors demonstrate how both freedom *and* solidarity can be mobilized *against* social justice and instead serve to reinforce the precarity and unfreedom faced by workers.

Siegmann and Sathi (2022)’s ground level analysis reveals the varied and contextual nature of unfreedoms experienced by tea plantation workers in South India. The authors draw on the notion of “plantation patriarchy” in a context where the Plantation Labor Act formally regulates wages, working hours, education and healthcare. Their contribution examines how the labor of daily social reproduction as well as *intergenerational* social reproduction generates gendered unfreedoms, and how these dynamics demonstrate the “futility of the liberal criterion of free and informed choice” (2022: 7). Poor quality schools on the plantation estates are a powerful barrier to intergenerational mobility within a landscape of ethnic and caste hierarchies. In order to cover educational expenses for children to attend better schools and learn English as a pathway to mobility, workers rely to a significant extent on loans from employers and advances on their retirement funds. These, perversely, tie them to the estate. Siegmann and Sathi follow through on their analysis of gendered unfreedoms to explore how women also rely on communal chit funds as a form of resilience. Beyond this, they analyse the *Pembilai Orumai* (Women’s Unity) strike of 2015 to show how resistance was gendered and how social reproduction formed a basis of solidarity. The links made between unfreedom and solidarity in this contribution show how through women workers’ resistance, the gendered realities upon which unfreedoms are produced can be transformed into a powerful foundation for solidarity.

In the first of two case studies presented by Montange (2022), increased federal immigration enforcement created a labor shortage for employers in the shellfish, cranberry and tourist industries in the Washington state county where she undertook fieldwork. Describing an impressive array of activities undertaken by a local grassroots alliance to support those affected by immigration enforcement, she notes that employers’ involvement in these efforts marked a “tenuous, informal confluence of interests” amongst “advocates, employers and migrants” (2022: 2). Likening this to the sanctuary movement, she notes that “the aim is to preserve the prior order of vulnerability tied to im/mobility, rather than to reimagine or reconfigure” this order (2022: 9). She then moves to discuss the H2A temporary work visa program, which some employers in the county had begun experimenting with. The program requires employers to pay for transport, provide them with housing, and pay at least a stipulated wage. The H2A visa ties workers to the employer; it has been characterized by abuses and has therefore been described as “close to slavery.” She quotes one local employer who articulates “the investment in workers ... as justification for the control that comes with it” (2022: 10). Moving to another Washington county, she narrates a story of a berry picker’s tragic death, a rare instance of worker protest associated with it, retaliatory firing of the workers who protested, the fact that the remaining workers were reportedly locked in, and an eventual legal victory for workers. She argues that

“efforts to protect workers from unfreedom do not necessarily entail restoring workers’ mobility power” and calls instead for a “reimagined politics of solidarity that centers the freedom to move” and encompasses “the abolition of multiple forms of unfreedom” (2022: 12-13).

Finally, Portes Virginio et al. (2022) examine the Brazilian state’s antislavery initiatives refracted through the experiences of 40 (domestic and international) migrant workers “rescued” from slave labor in the state of Mato Grosso. They note that such efforts have gained international acclaim and are informed by “popular actions against slavery” but also show how the former are “framed within liberal assumptions ... pinned to western and highly individualized notions of modernity, liberty and emancipation” in contrast to the latter, which, “inspired by anti-colonial liberation movements, have distinct understandings and practices of self-emancipation” (2022: 1). While they depict the right wing, authoritarian turn undermining previously instituted policies to combat slave labor, extend labor standards and expand social protection, the authors also point to the fundamental weaknesses of these earlier policies – evidenced by repeated “rescues” of some workers from slave labor. The authors understand “contemporary slave labor” as marking an “intersection ... between land and labor within historical and ongoing structures of subordination” (2022: 4)– which is not an “exception,” but rather reflects a wider landscape of inequalities, injustices, precarity and dispossession. They show how a program offering workers training to understand their legal rights and develop professional skills is geared towards (a more advantageous) reinsertion into the labor markets from which they were rescued – and how this fails to acknowledge that “gaining access to land is ... the key aspiration of approximately 60% of ‘rescued workers’” (2022: 13). They build on this theme to highlight how “rural workers’ ... resistance to slave labor” is in fact “tied to new social constructions via land occupation and agrarian reform” (2022: 13). In a variant of Montagne’s call, they therefore insist on a “liberatory solidarity” that defends and strengthens “indigenous communities’ and workers’ collective power to define the terms of their own freedom” (2022: 6).

Taken together, the contributions to this Special Forum provide timely and vital reflections on the interplay between unfreedoms and emergent solidarities in different contexts – animating Gilmore’s reminder that freedom is not a mere principle but a place (2017: 227). Problematizing unfreedoms as well as solidarity, depicting the varied ways in which these may take shape across contexts, and exploring the actual and potential relationships between them, the contributions provide no easy “solutions.” We firmly believe, however, that the dilemmas and tensions opened up through the contributions to the Special Forum point us in new and fruitful directions for the task of confronting - intellectually and politically - the ways that contemporary labour relations are variously structured by unfreedoms.

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