

Anti-Slavery and the War on Gangs: Colonialism, Racial Capitalism, and the State

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On 18th October 2023, Britain is celebrating its annual Anti-Slavery Day. Initiated by a private member's bill that became the *Anti-Slavery Day Act* in 2010, the day seeks to "raise awareness of the need to eradicate all forms of slavery, human trafficking and exploitation; and for connected purposes". In the weeks leading up to Anti-Slavery Day, various anti-trafficking organizations have put out calls for action. To give but one example, the charity Anti-Slavery International has advertised "five ways to fight slavery this Anti-Slavery Day". This includes a call addressed to the public to "campaign for change", "join the movement", "spot the signs", "fundraise for freedom", and "learn more" (by taking an [anti-slavery quiz](#)).

The hype that has marked the lead up to Anti-Slavery Day (as well as the day itself) is illustrative of a key message that has been put out in recent years: that "modern day" slavery is a heinous crime in need of urgent redress. In Britain, this message has gained particular traction since 2015 when the Conservative government enacted its *Modern Slavery Act*, a piece of legislation that the government at the time described as reflecting "the Government's determination that the UK lead the global fight against this evil."^[1] Since the enactment, politicians, high level government officials, and public figures have repeatedly expressed their commitment to eradicating this crime, with vast amounts of institutional resources, funding, personnel, and media attention being dedicated to this pursuit.

And yet, the government's story of saving "modern slaves" from their alleged unfreedom is not as straightforward as it might appear at first sight. For one, the term "modern slavery" is far from clear, having been mobilized by Western states at different moments in time to refer to a disparate range of phenomena. What is more, in Britain today, "modern slavery" efforts have given rise to a murky jurisprudence that ultimately entrenches deep-seated forms of racial and classed injustices. This, I shall argue, raises uncomfortable questions about the linkage between colonialism, racial capitalism, and the state—questions that should be at the heart of any critical engagement on "Anti-Slavery Day".

A Brief History of a Floating Signifier

The argument that "modern slavery" is not a clear or straightforward term has been made at length in the critical anti-trafficking literature (e.g. Anderson 2018; Brace 2018; Davidson 2010, 2015, 2016; Kempadoo and Shih 2022). There, scholars have investigated how liberal governments' efforts to define "modern slavery" as "human trafficking" have not only been historically specific but also had highly exclusionary effects. To explain this point, it is helpful to go back briefly to the original anti-slavery movement against transatlantic slavery traced out by Julia O'Connell Davidson (2016). From the mid-eighteenth century onwards, this movement sought to transform popular perceptions of the transatlantic slave trade as a legitimate state of affairs. By the end of the nineteenth century, European states considered the movement and trading of humans as chattel slaves to be so abhorrent that European colonial ventures in Africa became now framed as necessary moral interventions "to cleanse 'the dark continent' of barbaric practices such as slavery and slave trading" (O'Connell Davidson 2016: 59).

The colonial expansion that followed in the aftermath of the abolition of the transatlantic slave trade involved vast displacements of people across the

globe, such as through the “coolie system” of indentured labor with which European powers replaced slave labor in their plantation economies and powered the extractive industries. Yet, these new forms of enforced movement were never framed as illegitimate “traffic”. By contrast, movements that involved the independent mobility of people imagined as “dependent and unfit for full civil freedom (either on grounds of their race or their gender)” (2015: 60) were now singled out by Western abolitionists as objects of public concern. In late 19th and early 20th century Europe this included efforts to eradicate the “white slave” trade of European women and girls who were said to be trafficked across borders into prostitution (Day 2010; Irwin 1996), resulting in the 1949 *United Nations Convention on the Suppression of Trafficking in Persons and the Exploitation of the Prostitution of Others*.

The idea that there were certain forms of “traffic” that constituted a morally distinct threat re-emerged in the late 20th century. Once more, Julia O’Connell Davidson (2016) points out, this was a time of heightened political and social change, as neo-liberal restructuring, the fall of the Communist bloc, and globalization had all precipitated an unprecedented movement of services, goods, and people on a global scale. Concerns over illicit “traffic”—now framed as “modern slavery”—re-entered international debates. While the debate initially retained its focus on sex trafficking, the issue became increasingly racialized as women from the global south and Eastern European countries were seen as the primary victims of cross-border sex trafficking (Anderson 2013). The ensuing *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons* reflected many of these concerns with sex trafficking.

Yet, the problem did not remain confined to public concerns over sex trafficking. In the years that followed, Western governments increasingly came to view human trafficking as part of a “much wider problem of transnational organized crime involving an array of illegal markets and forms of movement” (O’Connell Davidson 2015: 61). From the early 2000s onwards, various UN instruments parceled up human trafficking with people smuggling, money laundering, drug and gun running, and, following 9/11 also with concerns over global terrorism. Yet, by grouping different phenomena together, trafficking also became a “moveable feast”, opening the door to a discourse in which the movement of people across borders without state sanction became *per se* moralized as evil, justifying in turn ever tougher immigration and border policies and control (O’Connell Davidson 2016: 62).

Moving the Boundaries of Humanitarian Control into the Nation State

Britain had been a signatory of the UN Protocol from the start. However, human trafficking was low on the national agenda. But then 9/11 happened and Britain, like other Western nations, began to drive home an aggressive politics of immigration and crime control. Trafficking became a domestic concern, and found its way into a number of pieces of legislation. But it was not until 2013 that the influential right-leaning think tank Centre for Social Justice helped put the issue squarely on the government’s agenda. It published a report entitled *It Happens Here: Equipping the UK to Fight Modern Slavery* (The Centre for Social Justice 2013), which presented modern slavery as a grave crime and criticized the “leadership vacuum at the heart of Westminster”. The report recommended, amongst other things, consolidating the law on trafficking and strengthening both prosecutions and protection for victims of modern slavery in the process.

This fed directly into the *Modern Slavery Act 2015*. The legislation lays out a route to prosecution as well as a defense for exploited individuals who have committed certain offenses. Sections 1-3 of the Act define the offenses that fall under “modern slavery”, the maximum punishment for which is life in prison. Unlike the Palermo protocol, which treated slavery as a form of human trafficking, the offenses in this Act separate slavery, servitude, and compulsory labor, on the one hand, and human trafficking, on the other. What is more, s.45 of the Act offers a defense for those who are faced with criminal liability for a criminal act that they committed

because of their modern slavery or human trafficking experience. The defense does not apply to the most serious crimes (including to modern slavery offenses themselves) but it does apply, as we will see below, to drug crimes. Other parts of the Act include provisions relating to trafficking reparation orders and prevention orders.

The legislation did not remain in a political vacuum. In one of the most astonishing developments in British politics and the media over the past decade, “modern slavery” emerged as the number one domestic issue. If the parliamentarians enacting the *Modern Slavery Act* still had in mind the figure of the migrant who had been trafficked across national borders, then nearly ten years on, “modern slavery” has been discovered as a problem within Britain itself: it involves domestic citizens as much as migrants, who have been enslaved and trafficked for a variety of different purposes, including for sex, labor exploitation, domestic servitude, and “criminal exploitation” (Cooper et al. 2017). Frontline organizations, local government bodies, law enforcement, and courts across the country have received training to be better equipped in their new mandate to fight slavery on “home ground”, with commentators often emphasizing the need to pay particular attention to British victims (Keys et al. 2022).

This proliferation of “modern slaves” on home ground appears nowhere more clearly than in the case of “county lines”, the name given by the government to the illicit economy of Class A drugs of heroin and crack cocaine that is spreading from larger cities to rural, coastal market towns. First identified by the National Crime Agency as a “growing threat” in 2015 (National Crime Agency 2015), the issue of county lines has occupied more media and public attention than almost any other domestic issue. It is precisely those at the bottom rung of this drugs economy, typically young disenfranchised and often minority ethnic males working as “runners” whom the government now labels as potential “slaves”. Thus, the government’s mechanism for identifying modern slaves, the so-called National Referral Mechanism, has repeatedly attributed what it sees as a steep rise in “child slaves” to the issue of county lines. Conversely, recent years have seen the first prosecutions brought under modern slavery legislation against the alleged “slave masters” of county lines.

County Lines as Modern Slavery

As a lawyer who has also been trained as a social anthropologist, I have been doing long-term ethnographic and advocacy-based work in one of Britain’s marginalized social housing estates, a place I call Park End (Koch 2018). Built in the post-war decades to accommodate Britain’s industrial working classes, this estate—like many others—has been badly affected by industrial decline, neo-liberal restructuring, and most recently, the government’s austerity politics and public sector cuts (Koch 2018). In 2018, when I went back to Park End, I came across my first ever “slave”: Lee, the fifteen-year-old, white English son of a family I had become close to, had recently been arrested by the police for dealing Class A drugs. To my great surprise, rather than criminalizing him under the government’s pernicious “war on gangs” (Williams 2015; Williams and Clarke 2016), the police treated him as a victim of “exploitation” involved in county lines. He was not only spared from prosecution, but moved together with his family to a new house about an hour’s drive away where, the police reasoned, he would be free of the influences of his groomers.

Lee’s story provided the impetus for the multi-sited ethnography on the unfolding landscape of “modern slavery” in the case of “county lines” that I have been conducting ever since. This has taken me from the homes and streets of the estate, where I first came across this unfolding political and legal reality, to the institutional sites where “modern slavery” thinking is being rolled out, experimented with, and enacted in real time—including police stations, local authority offices, and Britain’s Crown courts where for the first time in history, slavery trials are heard. This research has shown me the commitment that professionals bring to the picture, as they see “modern slavery” as a genuine opportunity for protecting the most vulnerable, whilst also bringing to justice some of the worst criminals. As

one of the law enforcement staff involved in Lee's case put it, "it shifts policing culture from a simple 'catch and convict' towards drug dealers to recognizing the many shades of grey".

And yet, contradictions abound. There is the fact, for example, that interventions designed to safeguard rarely provide sustainable solutions: in a context where the reasons for getting involved in the illicit economy are militated by rampant inequality and decades of dispossession, short-sighted interventions fail to see that, in the words of one former dealer, county lines might be "a jobcentre[2] for the young". Lee, for example, went back to drug dealing almost as soon as he was moved to a new location where he found himself both bored and excluded from the education system. There is also the fact that the logic of safeguarding is often used as a conduit for surveillance (Wroe 2021). Those suspected of being involved in "county lines" (as either victims or perpetrators) find that their daily lives and relations become closely monitored through civil injunction orders, electronic tags, and "matrixes"—all of which further the pre-emptive policing, particularly of minoritized individuals, that was so central to the government's approach to "gangs" (Williams 2015).

The picture gets no simpler when we turn to the Crown Courts. I spent hundreds of hours in the courts, observing how slavery considerations are invoked either by prosecution or defense in cases involving county lines. This research shows that law enforcement often draw on highly racializing narratives of "county lines" that present images of urban—read Black—"gangsters" spreading to innocent—read white—provinces. What is more, defense lawyers find that clients who were found to be "modern slaves" by the NRM mechanism continue to be prosecuted. While this is not a contradiction in legal terms (as the NRM is a bureaucratic body that reaches its decision on the lower civil standard of proof), it speaks, in the words of one barrister, of a system that it "crying out for punitivism". For the same reason, defense lawyers can also struggle to run the s.45 defense.

Arguably the most troubling picture emerges when we turn to the first prosecutions brought in recent years under the *Modern Slavery Act 2015*. The courts struggle to distinguish who should be treated as a "slave" and who should be a "master" where individuals across the victim/perpetrator binary typically share a similar upbringing, position in the illicit economy, and are often close in age. Once a conviction has been secured, however, the legal binary is absolute, turning some into abject victims in need of protection and others into Britain's new public enemy par excellence—the modern day slave master. As the first conviction secured in a jury-led trial showed (Gebrekidan 2022), here the three slave masters were themselves young Black men from Britain's disenfranchised housing estates—young men whose own family histories would have linked them to histories of colonialism and the transatlantic slave trade itself.

Towards a Critical Agenda for Anti-Slavery Day

This murky picture of "modern slavery" policies and laws has not escaped official attention. Commentators have begun to express concerns that policies are being misused (Setter and Baker 2018). And yet, portraying this as a question of implementation would commit the fallacy of technocratic rule: as Fatsis (2021) has recently reminded us, "mainstream thinking within criminology and legal scholarship more broadly treats crime as a matter of 'technocratic' evaluation rather than an issue of political contestation". Such depoliticizing portrayals not only expose contemporary criminology's misplaced belief in the possibility of neutral research, but they reduce our public understanding of a politics of crime to "a mere 'contest' between tactics and technique, thereby misleading us into thinking about crime and politics as an odd couple rather than as intimate bedfellows" (2021: 5).

Fatsis points out that crime is never neutral: it is rather a political resource, one that is mobilized by the state in its pursuit of a moral and political order. A long line of critical criminologists from Stuart Hall (Hall et al. 2013)

to contemporary work in decolonial scholarship has made precisely this point. Modern slavery is no different, of course. As my brief foray into the genealogy of the concept of “modern slavery” has shown, far from constituting a stable reference point—corresponding to an “objective” crime in the real world—modern slavery has been parceled up with disparate phenomena, including concerns over “white slavery”, popular fears of uncontrolled migration, and the case of “county lines” drugs dealing today. In each of these apparitions, “modern slavery” has not acted as a neutral fold but rather justified particular kinds of state interventions, drawing with it new forms of surveillance, punishment, or control. This is nowhere more evident than in the case of “county lines”, where the impetus to protect vulnerable individuals not only draws with it entrenched forms of racialized policing central to the government’s now failed “war on gangs” but also projects the image of a public enemy within.

As I argue elsewhere with my colleagues Patrick Williams and Lauren Wroe (Koch, Williams, and Wroe 2023), the tale of “modern slavery” helps to expose the workings of state power in contemporary Britain. Over four decades ago, Stuart Hall et al. (2013) argued that the category of the “mugger” appeared when the British post-war welfare state had come under attack, setting the conditions for the rise of a law-and-order state. Similarly, the British state today is in a deep state of crisis. We have seen more than ten years of austerity rule, multiple recessions, and rampant inequality (Koch 2018). This has resulted in widespread dissatisfaction with the government, as indicated in voter withdrawal, as well as more popular forms of uprising and protests, including those of Black Lives Matter and wider campaigns against the over-policing and under-protection of racially minoritized communities. It is in this climate that the British state has re-purposed the language of “slavery” not to address the demands made by recent movements to address the afterlives of colonialism and transatlantic slavery in Britain today but to further an ever-growing proliferation of “suspect” communities.

Where then does this leave us for Anti-Slavery Day?

At the very least, it pushes the need for critical questions—questions that take us beyond any simple “anti-slavery quiz”. One, we ought to question whose political agenda we are talking about when we are asked to “join the movement” against “slavery” on Anti-Slavery Day. What kinds of political projects are being legitimized in the name of saving “slaves”? Second, we ought to ask how the government’s “modern slavery” agenda eclipses other forms of entrenched historical injustice. How does the narrative of “criminal exploitation”, for example, silence legacies of racial capitalism and colonialism that are intimately tied to the structural dispossession of newly discovered “slaves” and “perpetrators”? And third, we ought to look for counter-narratives that move beyond the status quo. This means moving from the sites of institutional power back to the streets and homes where my research first began, foregrounding the voices of those who have typically not counted in the official narrative on “slavery” today.

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[1] Modern Slavery: How the UK Is Leading the Fight (Home Office 2014) (https://assets.publishing.service.gov.uk/media/5a7d5f6c40f0b60aaa294080/Modern_slavery_booklet_v

[2] Jobcentre is the name of the government office responsible for distributing benefits.

Bibliography

Anderson, B. 2013. *Us and Them? The Dangerous Politics of Immigration Control*. Oxford: Oxford University Press.

Anderson, B. 2018. "Let Language Not Betray Us": *Immigration, Enforcement and Modern Slavery*. Lecture delivered at the University of Oxford. <https://www.rsc.ox.ac.uk/news/let-language-not-betray-us-immigration-enforcement-and-modern-slavery-annual-elizabeth-colson-lecture-2018>.

Brace, L. 2018. *The Politics of Slavery*. Edinburgh: Edinburgh University Press.

Cooper, C., O. Hesketh, N. Ellis, and A. Fair. 2017. *A Typology of Modern Slavery in the UK*.

Davidson, J. 2015. *Modern Slavery: The Margins of Freedom*. Basingstoke: Palgrave Macmillan.

Davidson, Julia O'Connell. 2010. "New Slavery, Old Binaries: Human Trafficking and the Borders of 'Freedom'." *Global Networks* 10(2):244–61.

Davidson, Julia O'Connell. 2016. "De-canting 'Trafficking in Human Beings', Re-centring the State." *The International Spectator* 51(1):58–73.

Day, Sophie. 2010. "The Re-emergence of 'Trafficking': Sex Work between Slavery and Freedom." *Journal of the Royal Anthropological Institute* 16(4):816–34.

Fatsis, L. 2021. "Policing the Union's Black: The Racial Politics of Law and Order in Contemporary Britain." Pp. 137–50 in *Leading Works in Law and Social Justice*. London: Routledge.

Gebrekidan, S. 2022. "He Never Denied Selling Drugs. But Britain Says He's a Slave Master, Too." *The New York Times*, November 27.

Hall, Stuart, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts. 2013. *Policing the Crisis: Mugging, the State and Law & Order*. London: MacMillan.

Irwin, M. 1996. "'White Slavery' as Metaphor: Anatomy of a Moral Panic." *Ex Post Facto: The History Journal* V.

Kempadoo, Kamala, and Elena Shih. 2022. *White Supremacy, Racism and the Coloniality of Anti-Trafficking*. Taylor & Francis.

Keys, A., C. Barlow, C. Murphy, and A. McKee. 2022. "A Review of Modern Slavery in Britain: Understanding the Unique Experience of British Victims and Why It Matters." *Journal of Victimology and Criminal Justice* 1–17.

Koch, Insa. 2018. *Personalizing the State: Law, Politics and Social Welfare in Austerity Britain*. Oxford: Oxford University Press.

Koch, Insa, Patrick Williams, and Lauren Wroe. 2023. "Why County Lines, Why Now? Racism, Safeguarding, and Statecraft in Contemporary Britain." *Race & Class*.

National Crime Agency. 2015. *County Lines, Gangs and Safeguarding*. London.

Setter, C., and C. Baker. 2018. Child Trafficking in the UK 2018: A Snapshot. www.ecpat.org.uk/Child-Trafficking-a-Snapshot.

The Centre for Social Justice. 2013. *It Happens Here: Equipping the United Kingdom to Fight Modern Slavery*. London.

Williams, Patrick. 2015. "Criminalising the Other: Challenging the Race-Gang Nexus." *Race & Class*, 56(3).

Williams, Patrick, and Becky Clarke. 2016. *Dangerous Associations: Joint Enterprise, Gangs and Racism. An Analysis of the Processes of Criminalisation of Black, Asian and Minority Ethnic Individuals*. London.

Wroe, Lauren Elizabeth. 2021. "Young People and 'County Lines': A Contextual and Social Account." *Journal of Children's Services* 16(1):39–55. doi: 10.1108/JCS-10-2020-0063.

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