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## A Short Review of the Historical, Cultural, and Economic Contexts of Modern Slavery and Human Trafficking

**Abstract:** Throughout the world, any form of human ownership is illegal, yet millions of people are living in what could easily constitute modern-day slavery. The existence of this phenomenon is linked to the global economic trends, and modern-day slaves are nothing more than a short-term investment – cheap and disposable. Important factors contributing to the creation of these modern socio-economic dynamics – economic globalisation, rapid economic change in the world’s labour markets, enormous population expansion, social inequality and impoverishment – have a historical, geographical, and cultural context that forms the basis for understanding today’s global economy and its so-called grey area – modern illicit trade. Law Professor Dina Francesca Haynes emphasises ‘social dislocations, increasing pockets of poverty and legislative vacuums resulting from the collapse of old regimes’, which result in millions of people falling victim to illegal trade. This article will discuss human trafficking as a social phenomenon and as a criminal activity from the socio-economic and legal perspectives.

**Keywords:** human rights, modern slavery, organised crime, economy, globalisation

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## **Krajši pregled zgodovinskega, kulturnega in ekonomskega konteksta pojava sodobnega suženjstva in trgovine z ljudmi**

**Izveček:** Neodvisno od oblike neprostovoljne odvisnosti in navkljub dejstvu, da je omenjeno zakonsko prepovedano, milijoni ljudi po vsem svetu živijo v razmerah, ki bi jih lahko opisali kot sodobno suženjstvo. Pojav fenomena sodobnega suženjstva je povezan z globalnimi ekonomskimi premiki, ki posameznika obravnavajo kot poceni in nadomestljivo blago. Pomembni dejavniki, ki povzročajo tovrstno družbeno-ekonomsko dinamiko – globalizacija, hitre spremembe na področju trga dela, rast populacije, družbena neenakost in revščina – imajo zgodovinski, geografski in kulturni kontekst, ki predstavlja temelj za razumevanje globalne ekonomije in t. i. sive cone sodobnega suženjstva. Ameriška profesorica prava Dina Francesca Haynes razloge za porast fenomena išče v družbeni dislokaciji, nižanju praga revščine in t. i. zakonodajnih vakuumih, ki so posledica padca starih režimov. Krajši prispevek bo obravnaval t. i. pojav sodobnega suženjstva z družbeno-ekonomskega in pravnega vidika, ključnih za razumevanje pomena omenjene rastoče problematike sodobnega sveta.

**Ključne besede:** človekove pravice, sodobno suženjstvo, organiziran kriminal, ekonomija, globalizacija



## **Introduction**

Human trafficking is one of the most serious challenges to basic human rights. In an attempt to meet the challenge of trafficking, as a contemporary crime that feeds on the opportunities presented by increased possibilities for “international mobility”,<sup>2</sup> a legal regime

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<sup>2</sup> Piotrowicz, 2002, 265.

focused on anti-trafficking laws has been developing through the last two decades. Governments have appeared to somewhat recognise the growing importance of the trafficking issue, which is neither in decline nor is the prosecution of the traffickers or the protection of their victims guaranteed. Illegal migration is nonetheless a synonym for human rights violations, with millions of people being kidnapped, misled, sold, abused, and enslaved. The horrific enormity of this practice lies in its violation of the “essence of human personality”<sup>3</sup> and limiting of personal choice, which forms the basis for the human dignity for every individual. Concerns of violence and its relation to forced migration implicate the lived reality, danger, and vulnerability of the victims in question, as well as the criminal practices happening everywhere around us.

In the challenge of economic disparity and development of entrenched exploitative networks, there is a strong need to explore questions such as 1. which contextual factors are contributing to the rise of human trafficking, 2. how is the utilisation of people organised, 3. what are the necessary means for effective action in human trafficking and 4. are we witnessing the “twilight of civilization or chaos of globalization”<sup>4</sup>?

In order to fully comprehend the phenomenon of human trafficking and how we help to maintain it, it is important to understand it in all of its multidisciplinary cause/consequence relation. In this article I will try to explain the basis of human trafficking phenomenon through historical, anthropological, psychological, and social factors contributing to its creation and existence, as well as the existing legal structure, barriers to the enforcement of human rights in practice, and the reforms needed in order to bring the issue of

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<sup>3</sup> Gershuni, 2004, 134.

<sup>4</sup> Popov, 2002, 1.

forced labour to the forefront. My aim is to explore on what historical grounds today's exploitation exists and how these organisations sustain and shape contemporary institutional conditions in order to benefit them and enable modern day slavery to flourish. My theoretical framework will draw mostly on socio-economic theories and existing European legislation and furthermore provide detailed theoretical propositions, based on insights from a wide range of relevant literature. The purpose is to shed a light on what is basically a well-seen and widely accepted form of slavery and elaborate on the internal and external capabilities of its persistence.

### **Understanding Modern Slavery: Economic Perspective**

Throughout history, different structural and organisational theories have tried to explain the “economy of exploitation”. Karl Paul Polanyi, a Hungarian economic historian, claimed that before the 19th century all societies were embedded, relying on the structure of society to direct a person's desire for social standing into channels that would benefit the group as a whole. The truth is somewhere in between: every economy, including our own, exhibits a certain amount of embedding in the social milieu. “Market activity,” writes Thomas Rawski, “does not occur in isolation but depends on institutions and it also reflects ideas and values. Marxist interpretation offers a historical explanation of economic classes, which have supposedly caused inequalities through dominant means of production. Different modes of production entail not only different forms of labour but different goals for individuals – the individual's desire to maximize profit.”<sup>5</sup>

Today, we have to take into consideration the context of informal-sector economic activity. Wage labour, as institutionalised

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<sup>5</sup> Schaps, 2004.

under today's market economic systems, is often referred to as wage slavery, with labour as a commodity and a form of economic exploitation as a consequence of capitalism. It is important to understand social and political intersections to comprehend social and political dynamics of the organised begging phenomenon; it is important to "deal analytically with questions of inter-subjectivity"<sup>6</sup>.

As with the international drug trade and the illicit arms trade, profit is the driving motive for human trafficking. Janie Chuang describes the act of human trafficking as "an opportunistic response to the tensions between the economic necessity to migrate, on the one hand, and the politically motivated restrictions on migration, on the other"<sup>7</sup>. Wheaton, Schauer & Galli look at the human trafficking market as a monopolistic competition consisting of many sellers and buyers dealing in differentiated products and explain how and why traffickers encounter very few barriers to entering the market when they see profit being made by other traffickers or exiting the market if they find they are not making a profit — the ease of entry and exit precludes a monopoly or oligopoly. Despite the large number of suppliers in the market, product differentiation (trafficked individuals with different personal attributes) allows monopolistically competitive sellers to have some control over the price at which they sell their products. Furthermore, they explain how and why the monopolistic competition model best fits the market for human trafficking. First, there are many sellers in the market; whether human trafficking is being organised by larger or smaller groups of criminals, the benefits exceed the costs so much that a willing cadre of traffickers is assured. Second, many buyers demand human trafficking victims for employment for a variety of reasons;

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<sup>6</sup> Shah, 2004, 807.

<sup>7</sup> Chuang, 2006, 140.

employing trafficked individuals is by nature exploitative, since in many cases the exploited person doesn't have the right to decisions regarding work. Third, the human trafficking market is, as authors describe it, characterised by product differentiation; differentiation is based on the type of sector a trafficked person is intended for.<sup>8</sup>

### **The Socio-Demographic, Industrial, Geographic, and Cultural Contexts of Human Trafficking in Europe**

Andrew Crane explains that the use of slaves is typically viewed as “an obsolete form of pre-modern labour practice that has been superseded by more legitimate and humane practices”. However, he argues, slavery is not simply a feature of economic history; it exists in various forms and contexts in modern business (traditional slavery, bonded and forced labour, human trafficking, etc.). Human trafficking, an important phase in the slavery business, has been said by the United Nations to be the fastest growing form of organised crime and one of the greatest human rights challenges. Slavery thus remains a viable management practice for many enterprises, despite being universally condemned as unethical and indeed criminalised in most jurisdictions and under international law.<sup>9</sup>

As thoroughly explained by Ahmet Içduygu, illegal migrations are a consequence of the failure of countries to develop a set of measures managing migration in an orderly manner, to provide an appropriate capability for protection and for dealing with disorderly movements, to provide an environment conducive to integration, and failure to engage in dialogue with other countries. But trafficking cannot be viewed simply in the context of migration, explains Svati P. Shah. Rather it is a violent act against individuals, a human

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<sup>8</sup> Wheaton & Schauer & Galli, 2010.

<sup>9</sup> Crane, 2013.

rights violation, an economic and development issue, and a crime in which traffickers are the only perpetrators.<sup>10</sup>

From a socio-economic point of view, poverty probably plays the most important role, since it creates a fertile context for labour exploitation of the worst kind. Modern day slavery is recognised by United Nations as a consequence of the fact that millions of people live in extreme poverty. Such a context enables slave recruiters to use persuasion, coercion, and deception to secure and enslave potential labourers. An important role is played by the previously mentioned social phenomenon of relative poverty, important because it indicates trafficking routes; slavery will more likely occur where poverty in one geographic location is perceived to be considerably more extreme than in another and where relocation is possible through an intermediary. International Labour Organization studies show that potential migrants with poorer socio-economic background are more likely to become victims of trafficking than others. Poverty also means unemployment, especially structural unemployment, a consequence of lack of appropriate skills, job positions, and a lack of alternative employment options, and deception about the actual circumstances of the working arrangement.<sup>11</sup>

There are several factors that contribute to slave industry; labour intensity, value distribution, elasticity of demand, legitimacy, and regional clustering. Most modern slavery will occur when labour intensity is high, where there are opportunities to reduce the main costs and where there is limited potential to capture value. This suggests that it is important to go beyond economic rationality when explaining the influence of the industry context on the adoption of modern slavery practices, like organised begging. Such illegitimate

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<sup>10</sup> Hughes & Denisova, 2001.

<sup>11</sup> Crane, 2013.

practices are more likely to persist in low-legitimacy industries, because organisations involved in these industries operate beyond legislative regulations. The incidence and persistence of modern slavery will also be influenced by the geographic context, resulting in retreats to the informal sector and institutionalisation of slavery through forced migration and locked-in low-price labour, which can also obviate the need for technology development, economies of scale, and other cost reductions that might take place in the formal economy. Second, as Crane explains, geographic isolation can also have important regulative and cultural-cognitive effects that help to institutionalise slavery; having little or no contact with other communities can provide insulation from law enforcement, support groups, and trade unions that might otherwise help protect individuals' interests. Furthermore, isolation can contribute to a normalisation of slavery practices among participants, thus reducing the likelihood of resistance. Physical, political, or psychological distance from the usual home place of enslaved workers has the effect of establishing control, heightening dependence, and preventing escape; psychological distance is likely to provoke a greater sense of alienation among modern-day slaves. Slavery is most likely to persist where informal institutional rules and norms provide an accommodative culture, including traditions, entrenched inequalities, and religious beliefs that form culturally specific norms.<sup>12</sup>

## Conclusion

Common anthropological belief is that trafficking is a phenomenon deriving from long cultural practices of exploitation, rooted in almost every segment of history we know. Even in the beginning of mankind there were fights for power, which resulted in the “survival

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<sup>12</sup> Crane, 2013.



of the fittest". Throughout the previously mentioned evolution of social systems and consequently, forms of exploitation, the monetary society redefined the meaning of exploitation. Contemporary trafficking operations treat everything like a commodity, replaceable and reusable, a phenomenon that is highly complex and involves a wide spread of people.

Although they reflect the past, contemporary forms of trafficking differ from earlier practices of human exploitation due to modern transportation, financial, and travel systems, as well as modern forms of communication. Although people were trafficked in the previous communist states, there were ideology of equality and therefore stricter controls and more conservative social values, which limited trafficking to a smaller sector. Today, social economic transformations and central government controls have declined and the global communication system has taken over as the main tool for the growth of trafficking.

Human trafficking is a growing subject in international human rights conferences, where the dominating question is how to effectively implement legal international documents that would help limit this problem, not regarding the fact that there are current laws and legal problems contributing to the maintenance of this phenomenon. European migration politics is based on the politics of exclusion and labour cuts; furthermore, there is a gap in the legislation aimed at helping immigrants/victims of trafficking. Recommendations in terms of proposed activities should be oriented towards a mass information campaign, based on the human rights aspect and decriminalisation of victims, focused on potential victims and the general public; towards establishing a shelter to accommodate victims of trafficking; towards programmes/initiatives for the integration of victims who are staying in the country; towards programmes/initiatives for assisted voluntary return and

reintegration; towards specific legislation and witness protection schemes for victims involved in legal proceedings; towards information and awareness-raising activities (training, information dissemination); towards capacity-building activities (training for authorities, dealing with victims of trafficking and the wider public) and towards continuous research activities on the trafficking of human beings.<sup>13</sup>

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<sup>13</sup> Zavratnik Žimic, Kavčič, Pajnik & Lesjak-Tušek, 2003.

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