

CDDRL

WORKING PAPERS

Number 006

June 2012

PROGRAM ON HUMAN RIGHTS

***Shaming, State Power, and
Enforcement in the History of
Anti-Trafficking Efforts: African
Perspectives***

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Working Paper of the Program on Human Rights

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ACKNOWLEDGMENTS

Richard is grateful for the intellectual inspiration provided by Helen Stacy and the Program in Human Rights to develop and deepen his interest in human rights in Africa and to Nadejda Marques for helping to nudge inchoate ideas about trafficking and human rights into something more substantial. He also thanks Margaret Boittin for her comments on an earlier version of this paper.

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Introduction

The central problem in human trafficking since the first global efforts to abolish the slave trade in the late eighteenth century is the persistence of demand for unfree women, children, and men. Women and children have increasingly composed the largest share of trafficked people. Women and children can be forced into a wide range of work—from sex work and domestic labor to farm work and low skilled manufacturing—where their labor and their bodies are exploited by their owners and their clients. Women and children have distinctive social and cultural vulnerabilities that enhance their risks of being trafficked and exploited. Of the approximately 700,000 to 2,400,000 people trafficked annually across international borders today, 88% are women and children.¹ As long as profits from the exploitation of unfree women and children remain high and as long as patriarchy in its many forms entrenches women and children's vulnerabilities and seeks to exploit those vulnerabilities, trafficking will continue.

The history of human trafficking is thus closely linked to demand and to enforcement of anti-trafficking legislation. The failure of nation states and international organization to broadcast their power creates wide spaces for trafficking and exploitation of victims to persist.² During the nineteenth century, the colonial period in Africa, and the twentieth century, most states, imperial powers, and international organizations did not have the capacity to broadcast their powers to enforce their anti-trafficking legislation. Even in the few cases where such states and organizations could enforce their legislation, they were confronted their inability to make victims legible because traffickers easily disguised their victims as family members.³

In the context, then, of persistent demand and lack of enforcement, naming and shaming became the weapons of the weak groups, organizations, and individuals committed to ending the abuses of trafficking and human rights more generally. Naming and shaming play prominent roles in the international human rights arena precisely because of weak enforcement institutions. Naming and shaming also contribute to changing norms as the wider public becomes more aware of abuses within the status quo. Naming and shaming, however, have a long history and appear in many different cultures. Villagers in early modern Europe turned to *charivari* or loud music by marching, signing, and beating pots and pans around the house of a merchant who hoarded goods or charged too much.⁴ The Igbo women of southeastern Nigeria in 1929 sang and danced around the homes of village chiefs they accused of abusing their powers by conducting a census on women's

¹ UN Office on Drugs and Crime, *Global Report on Trafficking in Human*, Feb 2009, p. 10.

http://www.unodc.org/documents/human-trafficking/Global_Report_on_TIP.pdf. The annual number of human trafficked is a fraction of the estimated 27 million people considered modern slaves today. How many people are trafficked internally within states is unknown and often disguised as various forms of marriage and child labor practices.

² Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control* (Princeton: Princeton University Press, 2000). Herbst's concept of broadcasting power is useful in understanding the limitations of colonies, imperial powers, and international organizations in enforcing their laws, treating, and legislation.

³ Illegibility and the failure to understand how societies function on the ground is one of the core problems James Scott addresses in his *Seeing Like a State: How Certain Schemes to Improve the Human Condition have Failed* (New Haven: Yale University Press, 1998).

⁴ On Charivari, see especially, E.P. Thompson, "'Rough Music': Le Charivari anglais," *Annales. Histoire, Sciences Sociales*, vol. 27 (2) 1972: 285-312; Natalie Z. Davis, "The Reasons of Misrule: Youth Groups and Charivaris in Sixteenth-Century France," *Past and Present* 50 (Feb., 1971): 41-75.

property.⁵ Purposeful humiliation of rich farmers who exploited laborers and did not share their wealth was widespread in Southeast Asia.⁶ Public shaming works when actors are concerned about their reputations.

In some ways, the villages of early modern Europe, colonial southeast Nigeria, and mid-century Malaysia share commonalities with early twenty-first century international community. Reputations are important. Scholars who have examined enforcement of international human rights treaties have identified a “reputation effect” that promotes social conformity by pressuring states to ratify international conventions.⁷ Precisely because the monitoring and enforcement mechanisms for international human rights conventions are so weak, ratification offers governments strong incentives to ratify human rights treaties as “a matter of window dressing.” Hafner-Burton and Tsutsui conclude “because of strong pressure to ratify international human rights treaties and the relatively low cost of ratification, many governments ratify without the will or capability to align their domestic behavior with the provisions of the treaties.”⁸ In this context, international organizations like the UN Commission on Human Rights and international non-governmental organizations have turned to what Mary Robinson describes as “the generation of public pressure to advance human rights, and more specifically, advocacy designed to hold governments to account” by naming and shaming.⁹

Naming and shaming works more broadly than merely stigmatizing and humiliating nations to conform to pledges they made. Naming and shaming also contribute to the development of new norms of political behavior. The process of changing norms of behavior relies on the conjuncture of new ways of thinking about social, economic, political, and cultural orders together with new mechanisms of dissemination of information.¹⁰ Enlightenment ideas about the individual responsibilities and the human community gained traction precisely because of the growing literacy in Europe and beyond and because of new economic instruments—long-term contracts and various forms of insurance—drew distant events and local communities together.¹¹ New norms about trafficking have entered the mainstream through new reports, speeches, books, documentary films, and the internet. Naming and shaming play a central role in the annual Trafficking in Persons reports, authorized by the US Trafficking Victims Protection Act of 2000, which ranks

⁵ Judith Van Allen, “‘Sitting on a Man’: Colonialism and the Lost Political Institutions of Igbo Women,” *Canadian Journal of African Studies*, 6 (2), 1972: 165-81; Misty Bastian, “‘Vultures of the Marketplace’: Southeastern Nigerian Women and Discourses of the Oug Umunwaanyi (Women’s War) of 1929,” in *Women in African Colonial Histories*, ed. Jean Alaman, Susan Geiger, Muisi (Bloomington: University of Indiana Press, 2002), 260-81.

⁶ James Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985).

⁷ James H. Lebovics and Erik Voeten, “The Politics of Shame: The Condemnation of Country Human Rights Practices in the UNCHR,” *International Studies Quarterly* 50 (2006), 868.

⁸ Emilie Hafner-Burton and Kiyoteru Tsutsui, “Human Rights in a Globalizing World: The Paradox of Empty Promises,” *American Journal of Sociology* 110 (5), 1378, 1402.

⁹ Mary Robinson, “Advancing Economic, Social, and Cultural Rights: The Way Forward,” *Human Rights Quarterly* 26 (2004), 2004. See also Morton Winston, “NGO Strategies for Promoting Corporate Social Responsibility,” *Carnegie Council on Ethics and International Affairs*, 2002.

¹⁰ See for example, Martha Finnemore and Kathryn Sikkuk, “International Norm Dynamics and Political Change,” *International Organizations* 52 (1998): 887-917; Rodger Payne, “Persuasion, Frames, and Norm Construction,” *European Journal of International Relations* 7 (1) 2001: 37-61; Harold Hongju Koh, “Why Transnational Law Matters,” *Penn State International Law Review* 24 (2005): 745-53.

¹¹ For a fascinating discussion on how ideas, new sensibilities, and new economic instruments changed norms, see Thomas Bender, ed., *The Antislavery Debate: Capitalism and Abolitionism as a Problem in Historical Interpretation* (Berkeley: University of California Press, 1992). This volume highlights David Brion Davis’s and Thomas Haskell’s arguments about the respective significance of these various influences on British popular perception of the slave trade and slavery as an explanation for why Britain abolished the slave trade when it did. In terms of “norm entrepreneurs,” Davis in particular charts how Quaker thinking about slavery provided the foundations for the new sensibility about the inherent humanity of African slaves and the inhumanity of the slave trade.

countries by tiers according to their conformity to the anti-trafficking legislation, prevention, and victim protection. Those at the bottom of the list are publicly stigmatized and humiliated.¹² The sections that follow examine how naming and shaming have played a crucial role in the antislavery, anti-trafficking, and human rights advocacy efforts in Africa from the late eighteenth to the beginning of the twenty-first centuries.

Antecedents: The Zong Case and the Emergence of the Anti-Slave Trade Movement

In 1781, Captain Luke Collingwood of the slave ship *Zong* failed to make anchor at Jamaica after a long voyage from West Africa carrying some four hundred and forty slaves. With water and provisions running dangerously low and with sickness spreading rapidly among his slave cargo, Collingwood ordered that the sickest slaves be thrown overboard. Over the next few days, the crew culled 133 of the sickest slaves. One managed to claw his way back on board, but the rest drowned. Water burial was commonplace at sea during the transatlantic slave trade, especially with mortality among slaves and crew ranging anywhere from 20% during the earlier centuries to 8% during the nineteenth century. What differed in the *Zong* case was that the ship's owners had invested in insurance against loss and in 1783, they sued to recover the losses.¹³

In the late eighteenth century, Britain did not yet recognize life insurance for death by natural causes. In maritime law, however, relatively new insurance instruments did cover loss to cargo, including human cargo. Owners of slave ships could thus insure against loss to the cargo because of rebellion, shipwreck, and loss to livestock and other chattel. The owners of the *Zong* sued to cover the loss of their investment in the living slaves thrown overboard. Chief Justice Lord Mansfield, who heard the appeal of the original verdict in favor of the plaintiffs, likened the slaves thrown overboard to horses. He supported the original decision.¹⁴

The *Zong* case would probably have gone unnoticed if Gustavus Vassa, also known as Olaudah Equiano, had not seen the small notice of the original trial published in the *Morning Chronicle*, and passed the information on to Granville Sharp. Sharp sat at the center of a dispersed group of deeply religious men in both the United States and England, who were disturbed about the inhumanity of the slave trade, but who had yet only an inchoate critique and ill-defined political agenda. The *Zong* case helped to galvanize this group into becoming the Society for Effecting the Abolition of the Slave Trade in 1787.¹⁵ When Equiano published his *The Interesting Narrative of the Life of Olaudah Equiano, or Gustavus Vassa, the African* in 1789, his discussion of the Middle Passage contained descriptions of slaves jumping overboard as well as the sustained cruelty and horrors of the voyage.¹⁶ Sharp and his fellow members of the Society for Effecting the Abolition of the Slave Trade used the *Zong* case and Equiano's narrative in publications, letters, and speeches to raise public awareness of the atrocities of the slave trade, to shame judges for their decisions and slave traders for their participation, and to pressure Parliament to abolish the slave trade. In taking these actions, Sharp, William Wilberforce, Equiano, and the members of the Society for Effecting the Abolition of the Slave Trade are what scholars now call "norm entrepreneurs" in their efforts to promote a new consciousness of the

¹² For an assessment on how well naming and shaming works as public policy, see Ray Pawson, "Evidence and Policy on Naming and Shaming," *Policy Studies* 23 (3/4) 2002: 211-30.

¹³ Robert Weisbord, "The Case of the Slave Ship 'Zong,' 1783," *History Today* 19 (8), 1969: 561-67; Jane Webster, "The *Zong* in the Context of the eighteenth Century Slave Trade," *The Journal of Legal History* 28 (3), 2007: 285-98;

¹⁴ Jeremy Krikler, "The *Zong* and the Lord Chief Justice," *History Workshop Journal* 64 (2007): 29-47; James Oldham, "Insurance Litigation Involving the *Zong* and Other British Slave Ships, 1780-1807," *The Journal of Legal History* 28 (3), 2007: 299-318.

¹⁵ Anita Rupprecht, "'A Very Uncommon Case': Representations of the *Zong* and the British Campaign to Abolish the Slave Trade," *The Journal of Legal History* 28 (3), 2007: 329-46; Srividhya Swaminathan, "Reporting Atrocities: A Comparison of the *Zong* and the Trial of Captain John Kimber," *Slavery and Abolition* 31 (4), 2010: 483-99.

¹⁶ Paul Edwards, ed., *Equiano's Travels: The Interesting Narrative of the Life of Olaudah Equiano or Gustavus Vassa, the African* (Oxford: Heinemann, 1996). See also Vincent Carretta, *Equiano, the African: Biography of a Self-Made Man* (New York: Penguin, 2005), 237-38 for the context of Equiano's encounter with the *Zong* case.

humanitarian crisis that the slave trade was. After nearly two decades of increasing public pressure Parliament voted to abolish the slave trade for Britain in 1806 to become law the next year.¹⁷ The Danes had abolished the slave trade already in 1803 and the United States voted to do the same in 1808. Over the course of the next three decades, Britain in particular sought to influence and force other European carriers of slaves in the Atlantic to abolish the trade for their respective citizens. Britain pursued the same aims in the Indian Ocean in the latter part of the nineteenth century. In many ways, the movement to abolish the slave trade was the first global humanitarian effort. And as such, it also reveals the challenges and strategies used by those promoting human rights and anti-trafficking that persist to this day.

There are at least three significant paradoxes to the abolition of the slave trade. First, despite the British efforts to invest the Royal Navy with authority to suppress the slave trade, more than 2.8 million slaves crossed the Atlantic from 1807, when Britain abolished the slave trade, to 1888, when Brazil prohibited the importation of new slaves.¹⁸ The British West African Squadron began operations in 1808 with two small ships to patrol the vast expanse of the south Atlantic. The Squadron grew significantly after the end of the Napoleonic Wars and with the establishment of a base in Freetown, Sierra Leone in 1819. The United States also contributed a few ships to the efforts to suppress the slave trade in the Atlantic. Between 1808 and 1860, the West Africa squadron captured some 1,600 slave ships and released about 150,000 slaves.¹⁹ These freed slaves were approximately .06% of the volume of slaves transported across the Atlantic in roughly the same period. Second, the abolition of the slave trade was not yet the abolition of slavery, which was to become another major effort to raise public awareness and pressure Parliament. The global business of providing indentured labor boomed after Britain abolished the slave trade in 1832 and provided an additional 8.3 million bonded laborers to supply the needs of plantation owners in the Atlantic, the Indian, and the Pacific oceans.²⁰ And third, the gradual decline of the transatlantic slave trade increased the use of slaves in Africa and the slave trades within the continent. As the flow of slaves into the Atlantic declined during the course of the nineteenth century, prices of slaves in Africa also declined, making slave owning increasingly attractive to African peasants and businessmen eager to supply “legitimate” African commodities to the world market. Slavery in Africa increased in part because of the weak development of alternative labor markets and because colonial conquest temporarily increased the flow of slaves in Africa.²¹

The Zong case and the movement to abolish the slave trade demonstrate how state power, enforcement, and shaming were already intimately linked in the first global humanitarian effort. Public efforts by the Society for Effecting the Abolition of the Slave Trade to raise public awareness of the humanitarian problem of the slave trade and its use of shame to provoke action contributed to the British parliamentary vote to abolish the slave trade. Due to intense diplomatic efforts from 1815 on, Britain humiliated the major European and American nations to abolish the slave trade and prohibit its nationals from participating. In the rare cases when a slave ship was captured, the sanctions could be severe. After hearings at the various courts of the Admiralty, slave ships were confiscated, sold at auction, and slaves freed. Enforcement was virtually non-

¹⁷ For a recent statement of this history, see Adam Hochschild, *Bury the Chains: Prophets and Rebels in the Fight to Free an Empire's Slaves* (Boston: Houghton Mifflin, 2005).

¹⁸ The Slave Voyages Database records 2,893,466 slaves embarked in Africa for the Americas and 2,572,353 slaves disembarked in the Americas.

¹⁹ See Philip Curtin, *The Atlantic Slave Trade: A Census* (Madison: University of Wisconsin Press, 1969) and Leslie Bethell, “The Mixed Commissions for the Suppression of the Transatlantic Slave Trade in the Nineteenth Century,” *Journal of African History* 7 (1), 1966: 79-93.

²⁰ See Stanley Engerman, “Labor, Sugar, and Technology in the 19th Century,” *Journal of Economic History* 43 (3), 1983: 635-59 and David Northrup, *Indentured Labor in the Age of Imperialism, 1832-1922* (Cambridge: Cambridge University Press, 1995).

²¹ A. G. Hopkins, *An Economic History of West Africa* (London: Longman, 1973); Martin Klein, *Slavery and French Colonialism in West Africa* (New York: Cambridge University Press, 1998).

existent. Even the most powerful nations at the time could not effectively broadcast their power over the vast south Atlantic and thus enforce their laws.

Trafficking and Anti-Trafficking in Colonial Africa

The late nineteenth century Scramble for Africa took place within an increasingly competitive world market in which European nations states also competed for humanitarian stature. The various campaigns in Europe and the Americas to end the slave trade also led to the abolition of slavery itself. Spain abolished slavery in 1811, but not in its Caribbean colonies until 1886. The Independence movements in Latin America often coincided with abolition of slavery, with the exception of Brazil. Other nations in the Americas abolished slavery as part of constitutional reforms. The major event in the abolitionist movement was the British decision in 1832 to abolish slavery in its colonies, including its important Caribbean ones. The British model favored a gradual transition through a period of apprenticeship and offered compensation to slave owners for the loss of their property. Britain did not, however, abolish slavery in its protectorates, only in its formal crown colonies. The 1848 Revolution in France led to the abolition of slavery in the French empire—but as with Britain, not its protectorates—and the Thirteenth Amendment to the US Constitution approved during the American civil war ended slavery there.²² Slaves still flowed in huge numbers into Cuba and Brazil until Cuba abolished the slave trade in 1862 and slavery itself in 1886 and when Brazil abolished slavery in 1888. Planters in many British and French colonies where slavery was abolished turned to indentured labor from Africa and the Indian subcontinent among other sources as their new unfree labor. Some planters used indentured labor to undermine the nascent political and economic power of emancipated slaves.²³

The Scramble for Africa was deeply framed by the humanitarian impulse to end the slave trade in Africa and eventually slavery itself. The handful of European nations who met in Berlin in 1884–85 pledged to prohibit the export of slaves from Africa “on land and sea.” European imperial powers reiterated their commitments to end trafficking in slaves with the General Act of the Brussels Conference in 1890. Included at these conferences was the Congo International Association, which King Leopold of Belgium had organized as part of his broader humanitarian and imperial campaigns. Few of the new European imperial states actively pursued their pledges to end slavery and trafficking in their new colonies. Few had the capacity to broadcast their power in their new colonies. Britain perhaps made the most significant efforts, especially in the Indian Ocean with treaties with Zanzibar and Madagascar in 1875. Britain abolished slavery in the Cape Colony in 1832, since it was a crown colony. When Britain annexed Lagos as crown colony in 1861, it also extended abolition to its territory.²⁴ Similarly, when Britain annexed the Gold Coast in 1874 and when it extended a protectorate over Zanzibar in 1897, slavery was also abolished there.²⁵ Most colonies in Africa, however, were considered protectorates. Protectorates were inherently flexible institutions in which a superior power acquired the trappings of external sovereignty while guaranteeing internal sovereignty to indigenous authorities. Indirect rule was a widespread variant of the protectorate. The exact parameters of European authority in the protectorate remained vague and it changed over time. European colonial authorities sought to respect African indigenous authorities and customs but reserved the right to intervene if they considered customs to be “repugnant” to European civilization or good governance. This created wide latitude for

²² See, for example, Richard Roberts and Suzanne Miers, “The End of Slavery in Africa,” in *The End of Slavery in Africa*, ed. Suzanne Miers and Richard Roberts (Madison: University of Wisconsin Press, 1988).

²³ See especially the case in Guyana analyzed by Walter Rodney, *A History of the Guyanese Working People, 1881-1905* (Baltimore: The Johns Hopkins University Press, 1981).

²⁴ Kristin Mann, *Slavery and the Birth of an African city: Lagos, 1760-1900* (Bloomington: Indiana University Press, 2007).

²⁵ For a fascinating new approach to the issue of the end of slavery, see Trevor R. Getz and Liz Clarke, *Abina and the Important Men: A Graphic History* (New York: Oxford University Press, 2012).

European colonial powers to tolerate African customs from slavery to forced marriages; it also provided wide latitude to intervene when it suited them or when they were pressured to do so.

The anti-slave trade and antislavery veneer of European motivations to claim African territories coincided with significant demand for African raw materials, including gold, diamonds, but also vegetable oils, cotton, rubber, and a host of other tropical commodities. Global demand for African commodities encouraged Africans to enhance their capacities to produce these commodities. Since the early nineteenth century, as the suppression of the slave trade gradually curtailed slave exports from Africa, a robust demand for slaves in Africa expanded. African societies had long used slaves in a range of ways and both domestic and market oriented slavery was common.²⁶ As Africans increased output of commodities for international and regional consumption during the course of the nineteenth century and as the prices for slaves in Africa declined because of the reduction in Atlantic demand, Africans increasingly invested in slaves. In many parts of Africa, the late nineteenth century witnessed increased slave use and the expansion of the market oriented production. Increased use of slaves in Africa thus bumped up against European humanitarianism and pressures on European colonial powers to end slavery.

Anti-trafficking and the assault on slavery in Africa resonated with European popular sentiment on how the “civilizing mission” of empire supported humanitarian concerns, many of which were also expressed in religious terms. Christianity and commodity production were seamlessly conjoined with the rhetoric of imperial anti-trafficking efforts. At least during the Scramble, empire was popular in the metropolises even if parliamentarians worried about the costs of conquest. Popular enthusiasm for empire waned as the glory of military conquests gave way to the drudgery of building colonial states. European popular sentiment for empire remained a crucial component of domestic politics. In the absence of robust civil society in colonial Africa, pressures from European masses were crucial to reform colonial rule.²⁷

Such was the case with the abuses of the Congo Free State at the beginning of the twentieth century. The Congo Free State had emerged out of an ostensibly non-governmental Congo International Association, which had sponsored exploration and antislavery missions to the Congo basin. The Congo International Association was recognized at the Berlin West Africa Conference as the sovereign power over the Congo basin. Once recognized, the Congo International Association quickly morphed into the Congo Free State with Leopold at its ruler. Noise of abuses in the Congo relating to the collection of wild rubber had been heard through reports from missionaries and British consuls, but King Leopold was able to deflect these stories precisely because he had a well established reputation as a leading humanitarian. It was ultimately the work of journalists (E.D. Morel), novelists (Joseph Conrad and Mark Twain), Protestant missionaries (William Sheppard), and official British consular officials (Roger Casement), supported by British commercial interests eager to tap into the trade of the Congo, that brought public attention to the accusations of massive colonial abuses. In 1904, Morel, Casement, and others with the support of British commercial interests established the Congo Reform Association, which tirelessly shamed Leopold and the Belgian parliament publicly. One year later, the Belgian parliament opened an investigation into the alleged atrocities that eventuated in Belgian

²⁶ Paul Lovejoy, *Transformations in Slavery: A History of Slavery in Africa* (New York: Cambridge University Press, 2012).

²⁷ The classic statement is Mahood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacies of Late Colonialism* (Princeton: Princeton University Press, 1996) ; there were exceptions, British imperial practice permitted supplication to the Privy Council, which sometimes involved African subjects visiting London and engaging the popular press. The Aborigines Protection Society could also press the British public into putting pressure on Parliament to reform colonial practices. The French public could be mobilized by metropolitan groups, such as the Ligue de Droits de l’Homme, about humanitarian abuses in the colonies.

acknowledgement of the widespread abuses in the Congo and the annexation of the Congo as a colony in 1908.²⁸

The early twentieth century also witnessed revived antislavery efforts in French and British Africa. In French West Africa, internal legal reform over the colonial legal system that prohibited metropolitan and native courts from recognizing the legal status of litigants (including slave status) converged with the massive exodus of slaves starting in 1905 and led to a formal decree prohibiting the “alienation of a person’s liberty” or new enslavement. While these changes did not abolish slavery per se throughout French West Africa, the prohibitions on recognizing the legal status of slaves and the end of new enslavement effectively meant that masters had no more legal powers over their slaves. In Northern Nigeria, the British abolished new enslavement without emancipating slaves, thus encouraging a “slow death to slavery” as those currently enslaved died or were manumitted by their owners.²⁹ British policy abolished new enslavement and declared that children born after 1901 were free. Largely ignored by British colonial policy was the situation of slave women. Many slave women in the period after 1901 were “sold” as wives or concubines, a practice that persists to this day in the Republic of Niger (see below, pp. 17-18). In many African colonies, European officials argued against moving too quickly against African customs, including slavery, precisely because of its social and economic importance and for fear of provoking African resistance. Colonial officials therefore did as little as possible to implement colonial anti-trafficking policies unless forced to do so. Even then, few had the capacity to do so.

Following decades of relative quiescence regarding European popular sentiment about colonial humanitarian abuses following the Congo scandal and World War I, empire returned to the agenda with the establishment of the League of Nations, the International Labor Organization, and especially the League’s Temporary Commission on Slavery. With its founding in 1919, the League of Nations became a crucible for the development of a dense web of international treaties regarding human trafficking. The league’s 1926 Convention to Suppress the Slave Trade and Slavery helped formulate an international legal definition of slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” The convention also called on the signatories to bring about “progressively and as soon as possible, the complete abolition of slavery in all its forms.”³⁰ The League has been criticized for its lack of effective enforcement mechanisms, but it was not completely toothless.³¹ The Commission on Slavery called for reports and investigations into claims of alleged persistence of slavery within European colonies. The call for these reports often resulted in a flurry of activity up and down the colonial administrative ladder as, for example, the Ministry of Colonies in Paris called for investigations into the reports of human trafficking in French West Africa in the 1920s.³² While members of the Commission were often reluctant to publicly shame member states into producing their reports, the League as a whole used public shaming as a

²⁸ Adam Hochschild, *King Leopold’s Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (Boston: Houghton Mifflin, 1998).

²⁹ Paul Lovejoy and Jan Hogendorn, *Slow Death to Slavery: The Course of Abolition in Northern Nigeria* (Cambridge: Cambridge University Press, 1993), especially chapter 8, “The Persistence of Concubinage.”

³⁰ There is a lively debate between Kevin Bales, who argues that the 1926 convention proposed a broad interpretation of slavery in all its forms and Jean Allain, who argues that the signatories advanced a much narrower definition based on the right of ownership. See Kevin Bales and Peter T. Robbins, “No One Shall Be Held in Slavery or Servitude: A Critical Analysis of International Slavery Conventions,” *Human Rights Review*, 2(2), 2001: 18–45 and Jean Allain, *The Slavery Conventions: The Travaux Préparatoires of the 1926 League of Nations Convention and the 1956 United Nations Convention* (Leiden: Martinus Nijhoff Publishers, 2008).

³¹ Susan Pederson, “Back to the League of Nations,” *The American Historical Review*, 112 (4), 2007: 1091-1117.

³² Richard Roberts, “The End of Slavery “Crisis” over Trafficking, and the Colonial State in the French Soudan,” in *Trafficking in the Wake of Slavery: Law and the Experience of Women’s and Children*, ed. Benjamin N. Lawrance and Richard Roberts (Athens, Oh: Ohio University Press, 2012), 65-85.

tactic to force Ethiopia to renounce slavery and the slave trade as a condition of its admission into the League.³³

Even more effective in putting pressure on colonial administrations to reform abuses were new forms of documentary reporting, which further opened colonial practices to wider scrutiny and debate and which effectively employed naming and shaming.³⁴ Especially important for French Africa were André Gide's *Voyage au Congo* (1927) and his *Le retour du Tchad* (1928), which focused primarily on French Equatorial Africa, and Albert Londres's *Terre d'èbène (la traite des noirs)* (1928), which covered both French West Africa and French Equatorial Africa. Gide's travels were initially framed as part of a novelist's engagement with exotic Africa but quickly turned political as he was confronted with evidence of quotidian abuses of colonial officials and bosses of the concessionary companies. Gide vigorously rebutted challenges to his accounts, further intensifying public attention to colonial issues. In contrast, Londres had a public presence as a reporter and foreign correspondent for several Parisian papers. Gide and Londres contributed to a sense of imperial crisis in the late 1920s and contributed to a flurry of public debate and scrutiny concerning colonial conditions, including labor abuses and slave-like conditions. Demands for periodic reports on colonial efforts to suppress slavery and the slave trade and journalists continued to bring unwanted attention to Portuguese and Italian colonies as well.

A different convergence of non-government influences in the 1930s contributed to another flurry of public pressure and administrative investigation into slave-like conditions in French West Africa. The Depression reduced African peasants' incomes from sales of commodities and reduced demand for seasonal agricultural labor. Colonial states kept capitation taxes steady; some actually raised the rates to make up the shortfall in customs payments on imports and exports. Peasants sometimes resorted to pawning their household members, most often daughters. Based on evidence he received from a Catholic missionary in Upper Volta, in 1934 French Senator Gustave Gutherot wrote to the minister of colonies about these "sales" of people. Two years later, evidence surfaced from the Guinea district of Labé that the district administrator put pressure on the village chief to force indigent villagers to pay their taxes through the "sales" of their daughters. In all, around 74 girls were exchanged in Labé in 1936. The nascent French women's movement joined with the Catholic Church in putting significant pressure on the colonial ministry to investigate these so-called sales.³⁵ Indeed, when the Popular Front came to power in 1936, it led to significant (although stillborn) reforms in colonial policies regarding the condition of women, women's consent in marriage, and trafficking.³⁶

The Popular Front collapsed in 1938 and shortly thereafter Europe was drawn into World War II. As the war ended, the United Nations was born within a renewed global awareness of human rights abuses throughout the world. The UN embarked on a wave of treaties prohibiting yet again slavery and trafficking and cementing an international web of human rights instruments.

Naming, Shaming, and the Persistence of Trafficking in Postcolonial Africa

The decolonization of Africa was far more rapid than most imperial powers anticipated. In the process, newly independent states inherited fundamentally weak institutions of governance and deeply flawed legal systems.

³³ Suzanne Miers, *Slavery in the 20th Century: Evolution of a Global Problem* (Walnut Creek, CA: Altamira Press, 2003).

³⁴ J.P. Daughton, "Behind the Imperial Curtain: International Humanitarian Efforts and the Critique of French Colonialism in the Interwar Years," *French Historical Studies* 34 (3), 2011: 503-28.

³⁵ Martin Klein and Richard Roberts, "The Resurgence of Pawning in French West Africa during the Depression of the 1930s," *African Economic History* 16 (1987): 23-37.

³⁶ See Marie Rodet, "Genre, coutumes et droit colonial au Soudan français (1918-1939), *Cahiers d'études africaines* 187-88 (2007): 583-602 and Suzanne Miers, "Contemporary Forms of Slavery," *Canadian Journal of African Studies* 34 (3) 2000: 714-747.

The most significant inheritance, however, was the independent African state's inability to broadcast its power. This meant that many of the same failures to enforce legislation and treaties persisted into the postcolonial period. Slavery and trafficking remained prominent in many parts of the continent. Indeed, trafficking in women and children in Africa and from Africa remains a significant part of the international circuits of unfree people in the world. Most of such trafficking remains unnoticed precisely because of the weak instruments of state power and its incapacity to enforce international treaties and domestic legislation. Naming and shaming thus remains a central part of the efforts to suppress slavery and trafficking in Africa in the twenty-first century.

In 1999, Kevin Bales, president of the non-governmental organization Free the Slaves, published *Disposable People: New Slavery in the Global Economy*. *Disposable People* was a major statement of the worldwide scale of what Bales terms the "new slavery," in which owners are less interested in the long-term investment in slaves than in quick profits that can be made from using and abusing the slaves' bodies and labor. Bales estimates that there are some 27 million slaves in the world today. Bales's estimate expands the classic definition of slavery to include bonded labor of all kinds, in which ownership of the slave's person is not central; control over her or his labor is. These new slaves are forced to work in brothels, mines, factories, restaurants, in cities, rural areas, and in homes as domestics without pay and under the threat of violence.³⁷

Mauretania features prominently in Bales's book in part because scholars estimate that as many as twenty percent of Mauretania's population are slaves or casted descendants of slaves who continue to work for their former masters. Slavery persists in Mauretania despite colonial prohibitions against slavery in 1905 and postcolonial abolitions in 1981 and most recently in 2007. Mauretania's most recent abolition was almost certainly stimulated by the public shaming of that nation by Bales and European public media, including BBC, the *Christian Science Monitor*, and *Paris Match*. Slavery and trafficking persist because of the demand for unfree labor and because of the state's weak capacity to enforce its legislation.

Shaming of a different sort was directed recently against the Republic of Niger. Despite the fact that Niger's constitution outlaws slavery and the revised criminal code of 2003 recognizes slavery as a criminal act, Anti-Slavery International estimates that some 43,000 slaves still live in Niger. Moreover, Niger has not prosecuted any slavery cases, which effectively means that the state condones the practice. In 2008, the Community Court of Justice of the Economic Community of West African States (ECOWAS) issued a judgment against Niger for failing to protect Hadjitou Mani Koraou from slavery. In many ways the Koraou case bumps up against the tensions between "customary" practices of slavery that are often disguised as marriage and both domestic and international laws prohibiting slavery. Indeed, the Koraou case originated in a lower Nigerien court judgment against Koraou's former master and current "husband," which was overturned on appeal, and a new judgment was issued against Koraou for bigamy. Koraou proved in court that she had indeed been purchased and then transferred to another person under the guise of marriage. Koraou's owner was exercising his right of ownership in making this transfer without her consent. In her case before the ECOWAS court, Koraou argued that the Nigerian state, its judiciary, and its police had failed to address the issue of her slavery and thus failed to offer her the protections required by national and international law. The court found in Koraou's favor and held that the Nigerian state violated its positive obligation to suppress slavery within its jurisdiction, that it thus failed to protect her from slavery, and further

³⁷ Kevin Bales, *Disposable People: New Slavery in the Global Economy* (Berkeley: University of California Press, 1999, second edition 2004); Bales has developed his arguments in several other books, including *The Slave Next Door: Human Trafficking and Slavery in America Today* (Berkeley: University of California Press, 2009) and *Ending Slavery: How We Free Today's Slaves* (Berkeley: University of California Press, 2007). See also www.freetheslaves.net for more information on this work of this NGO. Antislavery International is the more venerable British NGO that has used naming and shaming since its inception in 1839.

that in failing to discharge its obligations to protect the victim, the state and its agents had therefore acted in such a manner as to tolerate if not accept the practice of slavery.

The Hadijatou Mani Koraou v Niger judgment is historic on several levels. First, it is the first slavery case ever to be heard by the ECOWAS court and one of the very few judgments issued by that court on human rights abuses generally. It was also the first case to be heard about slavery in Niger. It also reveals both the mechanisms and the weaknesses of regional courts in the pursuit of human rights cases. And finally, the court awarded compensation (\$21,500) to the victim.³⁸ It is unclear, however, how much effect this case and the work of the ECOWAS court will have on forcing Niger and its judicial and police as well as the other West African member states to act forcefully to eradicate slavery and trafficking in the region. At the very least, Niger was shamed internationally by this judgment.

Perhaps the most effective international naming and shaming effort is a mandated part of the United States State Department's annual Trafficking in Persons reports. Running parallel with the United Nations efforts towards producing the Trafficking Protocol (also known as the Palermo Protocols), the United States Congress passed the Trafficking Victims Protection Act of 2000. The TVP act created the Office to Monitor and Combat Trafficking in Persons, housed in the State Department and charged with establishing and monitoring bilateral and multilateral treaties aimed at fighting "against human trafficking, partnering with foreign governments and civil society to develop and implement effective strategies for confronting modern slavery."³⁹ The Office pursues policies, partnerships, and practices designed to protect victims of trafficking, prevent trafficking, and prosecute traffickers. To accomplish its goals, the Office produces annual country studies assessing how well the country is accomplishing these goals, ranks countries on three tiers on their "minimal" progress in these areas, and as potential enforcement, rewards countries or threatens to withhold non-humanitarian development assistance.

Anne Gallagher argues that "Whatever one's view on their value and impact, there can be no doubt that the TIP reports have radically altered the terms of any discussion on compliance with the international law of human trafficking." States have taken seriously this annual assessment and they seem to care deeply about the outcome, in part because of the potentially "serious consequences" that will be publicized. Gallagher worries, however, the aggressive US approach may compromise the legitimacy of the international anti-trafficking regime.⁴⁰ Moreover, with its emphasis on prosecution, prevention, and only marginally on protecting the victim, the TVP act does not address the demand side of the problem of human trafficking and therefore does not confront the central problem.

Conclusion

The examples drawn from efforts to end slavery and trafficking in Africa and efforts to abolish the transatlantic slave trade reveal how important changing norms and popular pressure can be in shaping public policy. Changing public policy does not automatically translate into changing social practices. Changing social practices need to confront often deep-seated cultural values that have been joined with economic interests to extract as much value from human labor and bodies as possible. Norms need to be changed. Naming and shaming strategies have contributed to promoting policy change. We can hope that naming and shaming will also contribute to changing norms, since the abolition of the slave trade demonstrates that such

³⁸ See Jean Allain, "Hadijatou Mani Koraou v Republic of Niger, Judgment No. ECW/CCJ/JUD/06/08," *The American Journal of International Law* 108 (2), Apr 2009: 311-17; Helen Duffy, "Hadijatou Mani Koraou v Niger: Slavery Unveiled by the ECOWAS Court," *Human Rights Law Review* 2008: 1-20.

³⁹ <http://www.state.gov/j/tip/about/index.htm>

⁴⁰ Anne T. Gallagher, *The International Law of Human Trafficking* (New York: Cambridge University Press, 2010), 480-86.

change is possible, although it may take a long time of persistent domestic and international pressures to succeed.

Although naming and shaming have long been weapons of weak groups, non-governmental organizations, and international organizations, they do contribute to pressures on states to ratify and occasionally enforce legislation and treaties designed to end trafficking and other human rights abuses. However, given most states' relatively weak capacity to broadcast their power and the ease in which traffickers can disguise victims as family members, the only effective long-term strategies involve ending the demand for unfree people (prevention) and increasing the risks to traffickers (prosecution). Public campaigns of naming and shaming will continue to play important roles in these strategies to end human trafficking.