BOOK REVIEW

STATELESSNESS AND CONTEMPORARY ENSLAVEMENT BY JANE ANNA GORDON (ROUTLEDGE 2019). 164 PAGES. PRICE USD $34.36. ISBN 9780367358549

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Although having gained a footing in international law, statelessness research is slowly developing into a cross-disciplinary area of scholarship and connections to other legal and human rights issues are becoming more and more apparent.[1] As one such overlapping topic, Jane Anna Gordon's new book *Statelessness and Contemporary Enslavement* looks at how statelessness and enslavement are related.[2] On the surface, they may seem like discrete and disparate phenomena, unfortunate anomalies in a world that is moving towards progress and modernity. However, as we will learn, they are much more closely associated than one may initially think. Gordon's aim is to delve directly into this thorny intersection. Her ambitious book explains how these two forms of extreme vulnerability and exclusion — statelessness and enslavement — are neither anomalies nor exceptions. They are deliberate processes and outcomes that were (and still are) embedded in the ways in which the international state system and global economic model of capitalism were developed and are maintained today. Rather than viewing statelessness as an isolated legal issue or enslavement solely as a human rights issue, Gordon studies statelessness and enslavement together because they tell us about the political processes that lead to both conditions. To Gordon, the forces that generate statelessness are the ones that also cause people to be at risk of slavery.

So, what exactly are these political processes? Towards the end of the book, Gordon asks how the 'vulnerability generated by contemporary political economic conditions [became] opportunities for highly lucrative profit-making'?[3] For her, the extraction of labour from vulnerable others, whose exploitation is normalised and made invisible, is reflective of our deeply unequal and precarity-generating systems of economic and political governance. In her view, these forces, which cause the dilution or the degradation of citizenship — that is evidently taking place — is key to understanding how we end up with statelessness and enslavement in the present.

Gordon does not exclusively study statelessness and enslavement to understand how we got to where we are today. She also argues that there is value in understanding the production of statelessness and enslavement because, through their understanding, we can begin to discuss how to make our political institutions more sustainable and equitable. She astutely asks:

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1 Maria Recalde-Vela, Sangita Jaghai and Caia Vlieks, 'The State of Statelessness Research: 5 Years Later' (2019) 24(2) *Tilburg Law Review: Journal on International and Comparative Law*, 139–41.

2 Jane Anna Gordon, *Statelessness and Contemporary Enslavement* (Routledge 2019).

3 ibid 103.

> once states emerge as the primary political unit through which one would seek expanded freedom or redress, where, what, and to whom does one turn when they have the opposite effect? Through what processes will these teeming numbers of people forge and secure the political institutions they need?[4]

Indeed, unpacking statelessness and enslavement in parallel provokes certain core questions. As Gordon points out, 'if the stateless magnify territorial questions of organized belonging, the enslaved demand consideration of contributions of labor as a basis for political standing'.[5] According to her, 'contemporary enslavement and statelessness remain uniquely valuable for thinking clearly about the aims of political life, including how we might conceive the relationship between laboring and public standing or belonging'.[6]

This ambitious book thus piques the reader's interest immediately in the introduction. Gordon argues that revisiting the fundamental concepts of consent and the state are integral to understanding how we can shape our future for the better.[7] Right from the start, it is intriguing for the reader to think about how a reconceptualisation and reinvigoration of consent and the state could offer us new tools to engage with the very material problems that statelessness and enslavement present. How will theoretical debates around belonging, citizenship, consent, freedom and states help us sort out the substantial problems that we have on the ground? Gordon's book, although grounded in political theory, is interdisciplinary and is useful for scholars and researchers who are broadly interested in statelessness and enslavement, but also belonging, citizenship, consent, freedom and the state. Her examples are global and span history.

A brief summary — without giving away too much — will show the reader the significance of this new book. In chapter one, Gordon explains how states and statelessness were created together. She identifies three modes of statelessness: by forceful incorporation into a state, by being pushed out of a state and when the concrete value of political membership is eroded. She outlines how statelessness can be both deliberate and unintentional, and that sometimes legal remedies do nothing to cure the lived realities of statelessness of marginalised and oppressed groups.[8] She writes that even if statelessness were to be bureaucratically and legally overcome, 'the ability to mobilize the rights thereby promised continues to require ongoing struggle against the very forms of discrimination that initially created obstacles to membership'.[9] These forms of discrimination are structural and very powerful. In this third mode, even people with full enfranchisement can become 'marked by degrees of statelessness' in some circumstances.[10] There is a connection here to the aggressive political economic norms that strip citizenship down to a bare minimum, rendering it effectively useless and meaningless. These aggressive political economic norms are revisited in the next chapter on enslavement.

In Chapter Two, Gordon starts off with two compelling questions:

> What do practices of enslavement look like in a time where talk of democratic norms is so widespread? How is it that societies that would never proudly claim to

4 ibid 128.
5 ibid 126.
6 ibid 130.
7 ibid 132.
8 ibid 4.
9 ibid 5.
10 ibid 2.

> produce vulnerability or encourage forced labor, in fact, through their laws and policies do precisely that?[11]

Gordon finds that enslavement, like statelessness, is not a radical exception both historically and in the present. She notes that its absence would be more of a radical change rather than its existence. By extending back to Homeric Greece, pre-imperial Rome, Mesopotamia, Assyria, Babylon, Egypt, imperial Islam and other contexts, Gordon highlights the continuity of slavery practices. She documents how the concept of slavery was long accepted, and that in the past, slaves were distinguished by their foreignness.[12] What is different about enslavement today? In the contemporary enslavement model, profitability is higher, and the relationships are not as long-lived; labour is casual, and people are treated as dispensable and disposable. Legal ownership is avoided. Due to these characteristics, Gordon argues that it 'bears a greater resemblance to pre-Euromodern colonial slave trading' rather than the transatlantic slave trade because people are trafficked and enslaved within their place of origin, by people of the same ethnic, religious backgrounds and/or by the same gender.[13] She notes, 'the multinational, multicultural, and multiracial nature of contemporary slave trading, if anything, more closely resembles pre-transatlantic versions, particularly those of the Roman and varied Islamic empires'.[14] To her, 'vulnerability [today] … reflects a more complex and idiosyncratic combination of multiple factors, including but not limited to poverty, race, ethnicity, sex, immigration status, class, caste, and age'.[15] Gordon acknowledges, however, that vulnerability to enslavement is still largely racialised.

In an attempt to define slavery as distinct 'from other forms of domination and conditions of unfreedom', Gordon goes on to describe the different definitions of slavery that scholars have developed.[16] Some scholars take up a definition of slavery that focuses on it as a state of being in which an individual gets entrapped, while others see it more as a social system. She notes that the International Labour Organization uses 'forced labour' as an umbrella term equivalent to 'contemporary slavery', defining it as labour provided under threat. She further distinguishes slaves from wage slaves. In contrast to waged labour, slaves are misled and have no choice to leave. Gordon also differentiates between trafficking and slavery when she points out that trafficking is not an individual aberration, an act committed by an individual sadist.[17] Thinking about it as a consequence of economic imperatives, she largely perceives trafficking and enslavement as outcomes of the economic and political systems of governance in which we find ourselves.

These different definitions help to estimate the number of people who are enslaved today. Beyond quantifying enslavement, Gordon finds that enslavement is likewise revealing of today's neoliberal, geopolitical economic circumstances. Contemporary enslavement is reflective of the 'simultaneous and interrelated underdeveloping and overaccumulating in an already highly unequal global

11 ibid 42.
12 ibid 65.
13 ibid 46.
14 ibid 61.
15 ibid.
16 ibid 49.
17 ibid 124.

economy undergoing new processes of reintegration'.[18] Ultimately, Gordon finds that slavery and slave-like conditions are a result of related phenomena. The global pursuit of finance capital eliminates measures that were historically put in place to protect collective labour and democratic practices.[19] Everywhere, collective bargaining and protections are being eroded, and pay and safety requirements are limited — conditions which she argues resemble those of enslavement. As an example, she threads the needle between the need for temporary labour that guestworker programs fill and tendencies towards enslavement. These programs:

> shore up an illusion that the state can effectively manage global human migration through the imposition of law and order, this is a clear example of a government, through policy, creating particular exceptional jurisdictions within which people labor in conditions that, even if actively sought out, resemble those of enslavement.[20]

In using this example, she shows how slavery continues to be profitable, as it enables profiteers to transfer business risks onto the people who can do nothing about these risks and must absorb them if they want the 'job'. Gordon argues this is one of the crucial reasons why slavery persists today and in the form that it does.

She ends the second chapter on two ideas: that enslavement is anti-political and that an abolitionist democracy can potentially show us the way forward. Gordon points out that slavery severs all political relations. Enslavement is anti-political because slaves are denied complete entry into politics and the public domain. Relatedly, those who espouse abolitionist democracy view democracy and slavery as two sides of the same coin. The point is that democratic institutions can be wielded to 'interject a counterweight to tendencies toward oligarchy that would undo the public terrain as a distinctive sphere in which we wage ever incomplete struggles against unfreedom'.[21]

Chapter three treats consent. By returning to the Western classics of Hobbes, Locke, Rousseau, Plato and Aristotle, and then later in the chapter turning to authors such as Walzer, Howard, Butler, Schwartz and Alcoff, Gordon spiritedly encourages us to reconsider and reinvigorate the concept of consent because it inspires us to reject the 'radically anti-political spirit of the now'.[22] The concept of consent also compels us to think about alternatives to our current political economic circumstances — circumstances that lead to statelessness and enslavement. Statelessness and enslavement are vacuums; the opportunity for consent is largely or entirely absent under both conditions. For Gordon, failing to discuss or entertain the notion of consent means that we are, perhaps unwittingly, nurturing 'an anti-political ethos that does not need and should not receive our support.[23] By looking at consent (and/or its absence), we can expose 'how contemporary forms of power are undemocratic, why resources for effectual expression remain unequally distributed, and why a "free market" is not synonymous with a free society'.[24] We must consider consent, because with it, we are able to look to alternative practices and make genuine departures from our

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18 ibid 73.
19 ibid 60.
20 ibid 72.
21 ibid 79.
22 ibid 101.
23 ibid 82.
24 ibid 97, quoting Joseph Schwartz, *The Future of Democratic Equality: Rebuilding Social Solidarity in a Fragmented America* (Routledge 2008) 71.

current mode of being. These practices are essential to counter hegemonic types of power and thus can truly democratise politics.

Chapter four considers the widespread production of lucrative vulnerability. The term, unsurprisingly, refers to how 'vulnerability generated by contemporary political economic conditions [can be turned] into opportunities for highly lucrative profit-making'.[25] In laying out this chapter, Gordon first maps out the key counterarguments against the use of the term slavery in modern-day settings. The four main counterarguments are based on legal positivism, racial–ethnic exceptionalism, technical idealism and an anti-statist critique. In elaborating these countervailing points, Gordon shows that slavery and capitalism are not contradictory, and that slavery and democracy are not contradictory. Rather:

> political progress that translated into expanded, if still highly imperfect, substantive enfranchisement was linked to competing conceptions of the nature of the polity in ways that must force us to consider the challenges of securing such progressive developments in the absence of a countervailing hegemonic foe.[26]

In her view, there is always an offsetting or counteracting force. To have means that there are necessarily have nots. To be free means that unfreedoms exist. She writes, '[i]n a world like our own, is anything that is made available to everyone something that offers much?'.[27] Gordon argues that we must not look at states and institutions of government as only violent and oppressive. Instead, we must look at them as instruments that can be exercised and wielded by the people.

The conclusion, chapter five, is a call to action. In this chapter, Gordon compels us to return to the state. Freedom and enslavement are two faces of the current global political economic system. As noted above, Gordon finds that freedom is not a natural condition interrupted by political institutions. So, political measures inform and infuse economic ones. Envisioning these measures requires fresh political mechanisms rather than their abandonment. We cannot be anti-statist; otherwise, inequality, unfreedom and enslavement will continue to grow. Ultimately, Gordon believes that we need renewed forms of political identity, both smaller and larger than the state, that can mobilise shared resources. For her, these new forms would include processes of becoming that deepen relationships among people and territory. As she points out with numerous examples, there are already communities around the world that are mobilising the conditions conducive to consent and self-determination, and we must look to them for guidance.[28] She rallies against antipathy and challenges us to remain steadfastly political, rather than tossing them out wholesale, in order to transform our states for the better.

To finish, Gordon teaches us that the study of statelessness and the study of slavery as two conditions of extreme vulnerability inform each other in critical ways. Gordon's book thereby creates room for collaboration in research across disciplines as well as for solidarity on the ground. This book inspires us to seek out these connections and to continue to build new ones in order to make our societies and institutions fairer.

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25 Gordon (n 2) 103.
26 ibid 30.
27 ibid 34.
28 ibid 132.