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Crossing the Binaries of Mobility Control: Agency, Force and Freedom

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Abstract: This article draws on qualitative data on journeys to Europe or Brazil undertaken by adults and teenagers from Sub-Saharan African countries to develop a conceptual analysis of the blurriness of the lines drawn between supposedly different types of movement via referencing the conceptual binary of forced/voluntary movement (such as asylum, trafficking, smuggling). It questions the liberal model of 'agency' that is employed not just by state actors, but also by many antislavery, anti-trafficking, child rights, and refugee rights activists, to construct boundaries between different 'types' of people on the move. Conceptual divisions between refugees and economic migrants, trafficked and smuggled persons, forced and voluntary labourers, child and adult migrants, and the idea of 'modern slavery', deflect attention from the structures that limit the choices open to people on the move. This article argues that the voluntary/forced binary encourages a tendency to falsely conflate choice with freedom and works to preserve the illusion that human freedom is a defining feature of liberal democratic societies rather than working to universally protect the freedoms of actual living human beings.

Keywords: asylum; trafficking; modern slavery; mobility control; migration; agency; freedom; border regimes



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1. Introduction and Methods

Mobility is fundamental to human life and integral to freedom. Whether travelling short or long distances for leisure, work, family reunion, market exchanges, education, health care, research, or adventure, mobility is everywhere, and has always been an essential part of humankind's economic, social, cultural, and political life. To be able to move freely is a good (O'Connell Davidson and Howard 2015). In an inequitable world, it is also an unearned privilege (Carens 2015). To cognitively grasp this ubiquitous and necessary, yet multifaceted and unequal, aspect of human experience, people develop mental structures that divide mobility into mobilities, and differentiate between what are then taken as different 'types' of movement. These cognitive schemas and their categories and representations are not fixed but vary over time, across cultures, and according to the outcomes of political struggles over the control and unequal distribution of the freedom of mobility.

In the twentieth century, as the political world order shifted from empires into national states, the political separation of 'natives' and 'migrants' became core to the cognitive scheme popularly used to define, explain, and order human mobility in the global north (Sharma 2020). 'Natives' are pictured as sedentary and belonging to a certain geographical space, 'migrants' are imagined as defined by their movement across international borders, and as outsiders on the territories where they live, work, and consume. The mobility of the latter is imagined primarily through reference to the conceptual binaries of legal/illegal and voluntary/forced. In popular thought and political rhetoric, people who move either do so lawfully, or as criminals and 'illegal immigrants', and they either choose to move

and are the authors of their own journeys, or they are compelled to leave by irresistible forces. Both these binaries are highly moralised and contribute to a system of differential social judgements wherein some people on the move are positioned as victims deserving of protection and others stigmatised as undeserving criminals (Loyal 2014; Sayad 2004). It follows that, as Cresswell (2006, p. 4) puts it, 'Human mobility implicates both physical bodies moving through material landscapes and categorical figures moving through representational spaces'.

We are currently working on a project exploring marginalised groups' pursuit and practice of freedom in the contemporary world through the lens of the historical efforts of enslaved people in the Atlantic World to move 'closer to freedom' (Camp 2004). Within this project, we have been gathering qualitative depth interview data on journeys to Europe or Brazil undertaken by adults and teenagers from Sub-Saharan African countries and comparing these data against histories of enslaved people's marronage and fugitivity. To date, our research participants number 44 people from Eritrea, Sudan, Guinea Bissau, the DRC, Angola, Togo, Chad, Liberia, Cameroon, Benin, Uganda, or Cape Verde, who are now living in the UK or Brazil, and comprises 23 men and 21 women aged between 18 and 49 at the time of each interview. Migrant and refugee organisations that are partners in our on-going research provided us with entry points to access interviewees and we used snowball sampling methods to continue recruiting participants. All interviewees were in regular contact with local organisations working to support migrants and refugees.

Below, we use extracts from those interviews to illustrate conceptual points about the categories imposed on human mobility and on the experience of exploitation and violence in mainstream popular, political, and policy-based thought, and consider the intersections and (dis)connections between them. More specifically, we empirically illustrate the blurriness of the lines drawn between supposedly different types of movement through reference to the conceptual binary of forced/voluntary (concepts such as asylum-seeking, trafficking, and smuggling). We show that far from fitting neatly into either/or conceptual binaries and the classifications that spring from them, our interviewees' journeys zigzagged across representational territory, as well as through time and space. In this way, the article addresses the 'disjuncture between conceptual and policy categories and the lived experiences of those on the move' (Crawley and Skleparis 2017, p. 48; De Genova 2010; Sanchez 2015; Howard 2017; Stock 2019; Martins 2020).

The article then moves to interrogate the liberal model of 'agency' that is employed not just by state actors, but also by many antislavery, anti-trafficking, child rights' and refugee rights activists, to construct boundaries between different 'types' of people on the move. Although our interviewees experienced violence and were subject to exploitation during their journeys, they remained active agents throughout. We argue that conceptual divisions between refugees and economic migrants, trafficked and smuggled persons, forced and voluntary labourers, child and adult migrants, and the idea of 'modern slavery', contribute to and deflect attention from the structures that limit the 'space of possibilities' in which agents act (Bourdieu 1983). The voluntary/forced binary encourages a tendency to falsely conflate choice with freedom. In so doing, we conclude that this conflation works to preserve the illusion that human freedom is a defining feature of liberal democratic societies rather than working to universally protect the freedoms of actual human beings.

2. Binaries and Categories of Mobility

The conceptual rules and administrative categories that states apply to supposedly different 'types' of migrants, authorising the movement of some while criminalising that of others, reflects and shapes, but imperfectly matches, the broader conceptual scheme that divides mobility into mobilities. The legal/illegal binary, for example, is straightforward in political rhetoric and the popular imagination, but immigration laws around the world do not actually construct a simple either/or line between legal and illegal movement. Instead, they produce an ever-proliferating profusion of legal statuses (Anderson 2013). These statuses generate a staggeringly complicated range of different terms upon which a

migrant may legally remain in a territory, terms with which any given individual can, at different moments in time, be fully compliant, semi-compliant, or non-compliant (Ruhs and Anderson 2006).

Immigration systems also subdivide authorised movement into various types according to its presumed purpose, for example, for family reunion, or to study, or marry, or undertake paid work, or to seek refuge from war or persecution. Further subdivisions are used to draw lines between people on the move based on their individual social identity, or assumed characteristics, or even their assumed intentions, producing categories such as ‘unaccompanied child migrants’, ‘highly-skilled labour migrants’, ‘transit migrants’, and so on. Such distinctions are not always widely known to those unaffected by them, and do not necessarily figure in public, media, and political debate on migration. The imagined division between ‘voluntary’ and ‘forced’ migration, by contrast, features prominently in such debate, as well as in policy discussion.

In the second half of the twentieth century, the conceptual binary between forms of human action that are voluntarily undertaken, and those that are coerced or forced, became central to most governments’ understanding of their international and domestic obligations in respect of the human rights of ‘migrants’. States that were signatories to the 1951 UN Refugee Convention acknowledged a duty to recognize refugees as people who had been compelled to leave their countries due to persecution on specific grounds but could simultaneously exercise a right to control and restrict the entry of migrants who had voluntarily left their home country in pursuit of particular ends (such as economic advancement, educational opportunities, family reunion, and so on). The same conceptual binary was reproduced in media and popular discourse on human mobility, where international migration was fundamentally conceived as either instrumentally motivated and actively chosen (to take up a job offer, for instance) or politically driven (people were forced to move by war, ‘ethnic cleansing’, or persecution, and had a right to seek asylum from such outrages). Academic researchers also frequently accepted this distinction, with migration scholars typically studying ‘forced’ and ‘voluntary’ movement as distinct phenomena (Turton 2003; Cohen 2006).

As noted above, the administrative categories used by states to classify individuals on their territories do not always align perfectly with the broader mental structures that differentiate between legal and illegal, and voluntary and forced mobility. Indeed, the details of immigration law and its categories are in constant flux, changing alongside shifts to broader social, economic, and ideological factors (Martins 2020). What constitutes ‘legal’ and ‘illegal’, as well as the social value or stigma that attaches to those representations, is historically and contextually variable (see Loyal 2014; De Genova 2002). The same is true of the voluntary/forced dyad. What counts as ‘forced migration’, its intersections with other phenomena, and the administrative categories associated with it, is not fixed but changes over time and according to context—the recent addition of ‘victim of trafficking’ to the classifications of ‘forced’ migrants is a case in point.

Despite gaps between the administrative and legal details and the broad brushstrokes of the popular and political scheme used to represent and understand mobility, the latter largely remains a product of state thought (Bourdieu 2014). Popular ideas about natives versus migrants, legal versus illegal, and voluntary versus forced migration emerge from, and only make sense in relation to, states’ efforts to restrict and manage human mobility by refusing entry to some and controlling the terms upon which those who are permitted to enter the territory may lawfully do so.

3. Blurring the Voluntary/Forced Binary: ‘Asylum’, ‘Trafficking’, and ‘Modern Slavery’

The voluntary versus forced dualism, and its associated binaries of agency/objectification and consent/coercion, has its roots in a tradition of liberal political thought that accords a fundamental role to contractual relations in the management of our political and economic lives (Pateman 1988). It is employed to differentiate between socially sanctioned or tolerated activities and relations, and those considered intolerable and wrong, as well as between

movement deemed to have been chosen and deemed to have been forced. People speak of voluntary and forced prostitution, labour, and marriage, for example, with the capacity to freely consent to and retract from contracts (formal or implicit) being taken to mark the line between freedom and unfreedom. Since liberal understandings of childhood frame children as lacking the capacity to make contracts, child prostitution, child labour, and child marriage as well as migration for any of these purposes are deemed 'forced' (O'Connell Davidson 2005).

From the late 1990s, the term 'human trafficking' started to be used to tether the voluntary/forced migration distinction to the conceptual division between 'voluntary' and 'forced' participation in sex work, labour, and marriage, and to that between adult/child. Connecting the idea of 'force' in other contexts to the idea of 'forced migration' made for powerful rhetoric. To underscore the evil of trafficking, political leaders described it as the modern-day equivalent of the transatlantic slave trade, a comparison that was, at the time, being heavily promoted by several antislavery NGOs. According to *Free The Slaves* (2014), for example, 'Human trafficking is the modern day slave trade—the process of enslaving a person'. Imagined in this way, 'trafficking' became an assault on the core values of liberal democratic societies (Miller 2006). 'Trafficked persons' or 'modern slaves' took the high seat at the table of 'forced migrants' deserving of sympathy and protection, and intense moral opprobrium was directed towards those deemed to be 'traffickers' or 'slavers'.

This framing has proved useful both for the fundraising efforts of anti-trafficking and anti-slavery NGOs as well as politicians seeking to justify tighter border controls and more restrictive immigration policies (O'Connell Davidson 2022). However, behind the emotive hyperbole, the ties between 'forced migration' and other kinds of 'force' at the point of destination proved much more slippery. Indeed, 'trafficking' was a contested category from the start (Doezema 2010). Part of the problem is that 'exploitation,' similar to 'force,' is a moveable and relative concept (Moravcsik 1998), and goes undefined in the United Nations Protocol on Trafficking (UN 2000). Since the key elements of what might be deemed to constitute exploitation range along a continuum rather than existing as either/or options, the Protocol leaves open the tricky question of precisely how bad a worker's experience needs to be for the people who facilitated their movement to be viewed as 'traffickers', rather than as 'smugglers' or criminals offering illegal employment (Anderson and Davidson 2003). The same difficulty arises in relation to people below the age of 18, defined as 'children' in international law. For although the UN Trafficking Protocol states that their consent to movement is irrelevant, they still only qualify as Victims of Trafficking (VoTs) if they are recruited and transported 'for purposes of exploitation.' Drawing the line between children who are and are not VoTs thus also requires a series of judgements about what types and degrees of exploitation are acceptable, for which children and in which contexts, and there is no consensus on such matters (Bastia 2005; O'Connell Davidson and Howard 2015; Howard and Okyere 2022). The boundaries of the category 'trafficking' are thus blurry.

'Trafficking' was also a contested category because—as observed by many NGOs and activists concerned with the rights of migrant workers, including migrant sex workers—people who are subject to severe labour abuse have often moved by choice, rather than being kidnapped or coerced (Kempadoo et al. 2005; Thiemann 2016). Moreover, many migrant workers who end up subjected to forced labour moved through perfectly legal channels (Knowles and Harper 2009; Lima and Martins 2012). The voluntary/forced and legal/illegal binaries do not map tidily one onto the other but intersect in various ways. Yet trafficking entered into international policy debate as a matter of crime control, in particular, immigration crime. In 2000, the UN Convention Against Transnational Organized Crime was adopted by the UN General Assembly along with two new protocols: one on the smuggling of migrants and one on the trafficking of persons, especially women and children. In these protocols, 'trafficking' is defined as a wholly non-consensual process involving the recruitment and transportation of persons by means of deception or coercion

for purposes of exploitation, while ‘smuggling’ is said to be a mutually agreed arrangement between smuggler and smuggled person.

Mapping the categories of smuggling/trafficking onto the conceptual binary of voluntary/forced movement in this way meant viewing ‘smuggled persons’ as active agents complicit in a crime against the state, and ‘trafficked persons’ as passive, non-agential victims of a crime against the person. This had implications for the category of asylum-seeking. After all, who more actively and wholeheartedly consents to movement than a person who is attempting to escape threats to their own life? As Morrison (2000, p. 29) presciently argued more than two decades ago, from a human rights perspective, EU governments’ responses to trafficking and smuggling are part of the problem, rather than the solution, and ‘the direction of current policy risks not so much solving the problem of trafficking, but rather ending the right of asylum in Europe, one of the most fundamental of all human rights’. Since then, it has been repeatedly demonstrated that measures to clamp down on irregular migration, often enacted in the name of combatting trafficking and ‘modern slavery’, have had dire consequences for people entitled to protection under international law as refugees, as well as for others on the move. We return to this point later.

For now, the key point is that the blurry boundaries of and intersections between categories and binaries used to represent, explain, and govern mobility are disregarded in the mainstream discourse that legitimates and naturalises state control over human mobility. It continues to be widely assumed that people either make journeys voluntarily (‘economic migrants’) or are compelled to leave by forces outside their control (‘refugees’), that ‘economic migrants’ either move legally or illegally, and that the terms ‘trafficking’ and ‘smuggling’ describe distinct and isolable forms of human movement. Yet as many critical migration scholars have observed, the journeys and experiences of people on the move do not neatly fall on one side or the other of the voluntary/forced and legal/illegal binaries or slot easily into administrative categories. Moreover, because the journeys of those who move to escape precarious political and economic situations are rarely neat, quick, and/or linear passages from a point of origin to a pre-determined point of destination (Collyer 2012; Collyer and King 2016; Innes 2015; Kuschminder and Waidler 2019; Yildiz and Sert 2019; Schapendonk et al. 2020; Martins and Davidson 2021), individuals often move across blurred conceptual binaries and categories at the same time as moving through space and time (Cresswell 2006; Stock 2019). This was certainly the case for most of our interviewees. In the coming sections of this paper, we will draw from both migrant interviews and the extant literature to explicate these blurred boundaries.

4. Crossing State Categories

The policy division between those wishing to move to improve their economic situation and those forced to flee war or political persecution fits with the liberal model of the market as separate from the state and civil society, but not with the lived experience of those who move: ‘Even at the most obvious level, conflict zones are usually not good places for economic as well as political survival’ (Anderson 2013, p. 54). Moreover, what is classed as ‘economic migration’ is invariably shaped by political forces, both national and global. As Crawley and Skleparis (2017, p. 52) put it, ‘forced migration’ is discussed as a discrete phenomenon, but ‘underdevelopment, conflict, and by extension, economic and forced migration are closely linked’. Many of our interviewees’ decisions to leave their homes were made in response to both the economic and political realities of their lives. Their quests for a liveable life then took them on journeys that often took many years, and spanned what would appear as distinct forms of movement through the lens of the dominant conceptual scheme for understanding mobility.

Eduardo, a Guinea-Bissauan interviewee now living in London, left Guinea-Bissau in 1998 aged 17 to escape civil war. He first crossed the border to Senegal and stayed in a refugee camp there for two months. His father had been Portuguese and his sister, who was also in the camp, had documents to prove her right to enter Portugal. They persuaded the authorities to allow Eduardo to accompany her when she was transferred to a refugee

camp in Portugal. Once in Portugal, his sister was freed, but Eduardo was confined in the camp while he sought to regularise his situation:

I needed my documents and my father's birth certificate . . . to be able to prove that he was also Portuguese. But there was no way to get the documentation because of the conflict in Guinea . . . I waited in the camp for six months. The feeling of waiting is very strange . . . Your whole life changes, out of nowhere, and then you are stuck in a place, unable to get out, eating the food that people take there to help you, as charity, not knowing what happened to your relatives and friends, and not being able to go after them, to leave. And you don't know how long you're going to be there for. I had to get out, so I decided to run away, with a friend. We fled to Fátima, which was 7 km away from the camp. I then started living and working illegally.

According to the dominant conceptual scheme for imagining mobilities, Eduardo's reasons for leaving Guinea-Bissau made him a 'refugee', and he entered Portugal legally. But his decision to escape the restrictive limbo of the camp took him into the conceptual territory of an 'illegal migrant'. Without documents to live and work legally, people in Eduardo's situation are vulnerable to labour exploitation. Wallace, another Guinea-Bissauan interviewee, had travelled first to Portugal in 1989 after his father was assassinated for political reasons. He arrived on a tourist visa but overstayed and became 'illegal', despite probably having grounds for an asylum claim. He explained that he supported himself through construction work. The work was poorly paid, but at that time:

they didn't ask for your ID or visa . . . so it was the Africans and Brazilians who accepted the work. Working there was very difficult. My friend . . . for example, lost his arm on the job. It was cut off at work, just next to me. It was horrible. They exploited us a lot. You would work and write down on paper how many hours you had worked that day. Then at the end of the month the boss would come and say, you have worked 20 days, when you had actually worked 23 days, it was on paper. But, we had to keep quiet, accept what they wanted to give us and leave. And then, when we went home, we had to give part of the money, which was already too little, to those who had provided accommodation, so almost nothing was left for you.

If the employer who exploited, cheated, and endangered Wallace and his co-workers had used deception or force to recruit labourers in Guinea-Bissau and arranged their travel to Portugal for the purpose of such exploitation, the process would be cast as 'trafficking'. But as Wallace had organised his own travel, and it was the threat of destitution rather than physical violence from the employer that led him to consent to the arrangement, through the lens of the liberal voluntary/forced binary, he was 'free'. It is true that policy-makers and anti-trafficking campaigners who approach trafficking from a concern with human rights rather than a narrow concern with immigration or crime control tend to argue that the term 'trafficked' should be extended to all migrants who end up in forced labour and slavery-like situations 'no matter how people arrive in these conditions' (European Commission 2004, p. 53), and regardless as to whether the individual(s) who exploit the migrant's vulnerability at the point of destination are actively in league with those who arranged her or his travel. However, even those who approach trafficking as a human rights issue remain wedded to the idea of a clean distinction between the enslaved VoT, who has been reduced to a mere instrument of another's will, and the free migrant, who exercises agency. In addition, because human agency is typically read through the lens of gender and age, an adult male like Wallace is unlikely to be regarded as a 'real' victim.

In addition to being exploited, cheated, and endangered by their employers, both Eduardo and Wallace faced racism and hostility in their everyday lives in Portugal. Each of them decided to continue their journey and move on to Spain, where again, they continued to experience exploitation and racism. Eduardo described the constant racist police harassment he faced in Spain as follows:

If the police saw a black man walking down the street, they would stop and often humiliate you. Every five minutes a policeman stopped us on the street, it was impressive. In Madrid, if an African stepped on the street, the police stopped him. I left home, they stopped me. When I arrived at the metro station, they stopped me again. I took the metro, got off at another station, stopped me again. I often thought of making a hole in my asylum application document, putting it on a necklace and hanging it around my neck . . . because it was horrible, every five minutes they stopped you to ask for documentation, stopped, humiliated, so it would be easier if I carried a necklace, a sign saying that I had a document, so they wouldn't stop me all the time.

Eventually, both Eduardo and Wallace decided to move on to the UK, in the hope that their lives would be more livable there.

Other interviewees' positions in the dominant conceptual scheme used to imagine mobility were also ambiguous and shifted throughout the course of their journeys. Amani, now living in the UK, was brought up in a small village in the Darfur region of Sudan which has been affected by a series of conflicts since 2003. He explained that in 2016, when he was 15, his family's situation was desperate. They were often without food or water, there was no money for him to attend school, and there was no work. He decided to leave:

I knew nothing about Europe, the idea was to go to Libya, because in our country everyone used to say that Libya was to place to go to make some money and help the family. But when we arrived in Libya, man, we arrived in hell. I don't even know how to describe it. Some armed men found us and took us to a building, like a prison, and threw us in a small room there full of people. They were pointing the guns at us, saying they wanted money or they were going to kill us. We had no money. They started beating us, doing everything they wanted to us. This man was smoking, and he came and put out the cigarette on me, on my arm, and told me to not scream otherwise he would shoot me. I had to stand the pain quietly. We were sharing this dirty place, without a toilet, so we had to do all our necessities there, the room was smelly, dirty, full of bugs biting us.

As the armed group that deprived him of liberty had not organised his movement from Sudan for the purpose of exploitation, and instead kidnapped him after his arrival in Libya, their actions do not conform to international legal definitions of 'trafficking'. Nonetheless, Amani endured a period of complete violent domination. Eventually, he was released, meaning he was in desperate need of paid work to be able to survive. He and his Sudanese friend found work as a kitchen porter and a car washer. In addition to experiencing poor working conditions for little pay, they lived in terror of being kidnapped by armed groups again or detained as an illegal migrant by the authorities:

We had to hide all the time when we were on the streets. You leave for work very early, and you need to use different routes to work so no one sees you, we covered ourselves, walked fast.

Though their employers were exploiting them, Amani said it was better than not being exploited since employment provided them with 'some money and some protection in Libya'. It was whilst working in this way that Amani heard about better opportunities in Europe and was introduced to a mobility facilitator (or 'smuggler'), a Sudanese man, who arranged his boat journey across the Mediterranean.

Amani's experience traversed the conceptual binaries of forced and voluntary. He made an active choice to leave Sudan, paying smugglers to arrange his travel, but for reasons that were simultaneously political and economic; he was held against his will and violently controlled, but his captors used torture to extort money from him rather than to force him to labour; he was subsequently subject to labour exploitation, but he chose the work rather than being directly coerced to perform it under threat of some penalty; he was not legally present in Libya and to escape dire conditions and threats to his life and wellbeing in Libya, he made an unauthorised sea crossing to Italy. Bilal, another Sudanese

interviewee who arrived in Libya as a 14-year-old, was held and tortured by different armed groups three times. He finally found a Sudanese shop owner who helped him by providing employment as a cleaner and allowing him to live in the shop. Bilal managed to save enough money to pay for the Mediterranean crossing. But soon after setting out to sea, the boat he was in was stopped by a Libyan Military patrol and returned to Libya:

They put us in a prison, for 2 months. I was in a small room with 20 other people. They interviewed us, asking why we went to Libya. I said it wasn't safe in my country, they started beating me, aiming the gun to my head, and saying I was lying. They were beating us all the time. I saw many people being killed there, in front of me. After 2 months there, they started making me work in different places. They never gave us money and they rarely gave us water, and gave us a little bit of food once a day.

Again, Bilal moved from Sudan for both political and economic reasons, and his experience in Libya included voluntary and forced labour. Even though he was a victim of very serious crimes in Libya, he was regarded as a criminal by the Libyan authorities who apprehended him as he sought to flee the country, and he was held captive for a fourth time. Indeed, regardless of whether they went to Libya with the notion of working there, or with the intention of crossing to Europe, all 13 of our interviewees who took this route were immobilised in Libya for a period, ranging from a month to 3 years. All of them reported experiences of imprisonment, forced labour, and/or torture at the hands of private militias or the authorities, or both. But their stories also testify to the diversity of the actors present in the facilitation of mobility, not all of whom were violent, and some of whom were fellow migrants (Sanchez 2020). Nor did the violence end when they made it to Europe. Abdul told us:

I thought I would find freedom in Italy. But when we got off the boat, Italian guards came to us asking what we were carrying with us, making us put our hands up so they could check us out, like criminals . . . the guards took us to a kind of military base, with soldiers, they locked us up there, like prisoners. They would bring us food and give it to us through a hole in the door . . . I wanted to leave that place, but it was impossible to run away. I was a minor [16 years-old] at the time, and they separated me from my friend, who was not underage. They sent him to another camp. One day, they said they were going to take our fingerprints. A Sudanese guy told me to not allow them to do that, otherwise I would have to stay in Italy . . . I said I didn't want to do it. The guard said, 'you have no option, but ok, because you are a minor, I will come back to you'. Then he went to the next guy in the line, who also said he didn't want to register himself there. The Italian officer took him to a room, in front of us, and they started beating him with a big electric stick, they were shocking him. They held his hand and took his fingerprints. Then he turned to us and asked, 'who is next?'

Abdul and other interviewees who crossed from Libya to Italy escaped and continued through France and eventually to the UK, crossing onto the conceptual territory described by the UK Home Secretary Priti Patel as 'effectively economic migrants' (Taylor and Rajeev 2021), as they did so.

Abdul, Amani, and Bilal were all under 18 years of age when they left Sudan. According to the UN Trafficking Protocol definition of 'trafficking', their consent to movement and to paid work was therefore irrelevant. This might lead some to argue they were 'victims of trafficking', despite the fact no criminal individual or gang orchestrated their movement from Sudan 'for the purpose of exploitation'. However, we interviewed others aged 18 and above who had identical experiences of violence and exploitation on their journeys to Europe via Libya. Moreover, some interviewees crossed the conceptual threshold between 'child' and 'adult' during their long journeys. Namazzi, a 42-year-old Ugandan woman who now lives in Brazil, is a case in point.

At the age of 15, Namazzi was snatched from her father's village by Joseph Kony's Lord's Resistance Army (LRA) rebels, who held her for 10 years, subjecting her to sexual and labour exploitation and using violence to prevent her escape. During this time, she became a 'bride' to one of the LRA soldiers:

it wasn't a normal marriage, I became his wife because I needed protection . . . They were raping everyone anyway, so I would at least be with someone that could protect me there.

She gave birth to four children by this man. Eventually, she managed to flee the rebels and cross into Congo, taking her two daughters with her (she had to leave her two sons, and later found out that they were killed when they tried to run away). The Congolese authorities returned her to Uganda, where she found her father and attempted to build a new life. This was extremely difficult, however, for as numerous studies have shown, those who returned to villages in Northern Uganda following abduction by the LRA experienced heavy stigmatization and exclusion (Macdonald and Kerali 2020). Now, as an adult who had been a rebel's wife, Namazzi was socially perceived as a 'criminal' more than a victim. After two years, her rebel 'husband' found her, and demanded that she and her daughters return to him. Her father said no. Her 'husband' killed one of her uncles and threatened to kill the entire family if she did not return. Namazzi and her parents fled to Kenya, but he pursued and found them:

I didn't want to go back to that life, it was like torture . . . My dad talked to him, and he said, "ok, give me the children, I want my children". It was very difficult, but we decided to give him the children then, otherwise he would never stop and kill us all. He took the children, but he kept sending people to attack me. Kenya was not safe.

Namazzi's family explained their situation to a priest in Nairobi who said he could help Namazzi to escape:

We first thought of Europe, I have a cousin who lives in Ireland, but he said it would be very difficult to get a European visa. Then he thought of Brazil. I didn't know anything about Brazil, but the priest said it was easier . . . to get a visa for Brazil. This was in 2009. The priest sorted everything out . . . paid for my passport, for a tourist visa, he bought me the tickets, everything. My kids were already with his father, so I said, "ok, I will go".

Namazzi entered Brazil with a tourist visa but made a successful asylum claim based on the story outlined above. Though she had legal status in Brazil, she faced constant hostility and racism, and could not earn enough to rent her own place or to study. Other migrants from African countries told her that life would be easier as a refugee in the U.S., and a friend put her in touch with smugglers who could take her there. In 2010, Namazzi embarked on a long and risky journey through central America and Mexico. She witnessed people dying en route and she was held for a period of time in an immigration detention centre in Nicaragua but managed to escape and continue her journey. When, after 18 months, she finally arrived in the U.S., she was apprehended and forced into a detention centre:

They asked for my passport, took me to a small room and did a short interview there. I told them my true story, said everything about the Kony rebels. But I didn't know that the U.S does not accept anyone that has been part of a rebel group. I thought telling the truth would be good, as in Brazil it quickly worked and people interviewing me even cried when I told them my story. I thought I just had to tell the truth. It was a massive mistake. I became a suspect. The FBI came and started interviewing me, asking everything about the rebels, the leaders, the camps. Then I started fearing a lot. If they decided to deport me, it would be my end. The same story that made me a victim in Brazil made me a criminal in the U.S. They denied my request. They held me there, in the detention

centre, for eight months. The Ugandan consulate then released my papers and replied to the U.S letter for deportation. That was horrible.

Back in Uganda, the only possibility she could see for survival was to return to live with the father of her children. He again subjected her to violent abuse, and she became suicidal. She contacted friends in Brazil who said they had saved all her documents and told her to come back. Her family saved the money for a ticket to return.

Namazzi's long, circuitous, and painful journey began with a sudden and extremely violent dislocation. It was set in motion by events that conform closely to international legal definitions of 'child trafficking', and her experience meets the criteria that antislavery NGOs state constitute 'modern slavery'. But by the time she escaped, she had traversed the boundary to adulthood, and was now perceived by many as a 'criminal' accomplice of the rebels who abducted her. Her movement to Brazil and subsequently to the US was a continuation of her efforts to escape the fate that befell her as a child and secure a livable life. As she moved physically from Brazil to the US, she crossed the conceptual boundary between 'legal' and 'illegal' immigrant. Since the US had at that time designated the LRA a 'terrorist group', and since its immigration laws exclude anyone who has assisted or been a member of any 'terrorist organization' from protection as a refugee, she also crossed the representational line between 'refugee' and 'terrorist'. For a second time in Namazzi's life, she was forcibly moved and once again found herself in the powers of the man who raped and violated her as child. This time, it was the US authorities, not rebel soldiers, who delivered her into that condition.

In summation, our interviewees' stories reveal journeys that crisscrossed conceptual binaries and administrative categories, each involving a complicated mixture of the elements that in popular and policy discourse are assumed to define the condition of 'the refugee', 'the economic migrant', 'the smuggled person', 'the victim of trafficking', 'the forced labourer', 'the modern slave', 'the criminal', and in Namazzi's case even 'the terrorist'.

5. Consent, Choice, and Agency

In liberal thought, contracts are celebrated as the principal basis for human association in modern free societies (Pateman 1988; Mills 1997). Through the lens of contract, consent marks the moral boundary between democracy and dictatorship (and within this, between legitimate punishment and illegitimate persecution), between rightful exchanges of property and theft, between employment and enslavement, between sex and rape, between marriage and forced marriage, between smuggling and trafficking, and so on. Consent is equated with agency to produce a vision of a world in which people are either contracting subjects, willing and consenting selves who act voluntarily based on their own choices, or abject passive objects and victims, forced to submit to the will of another. Some campaigners even describe 'modern slaves' and victims of trafficking as having lost their agency along with their freedom (Bales 2004; Freedom Fund 2018). The problems with this conceptual framework are very clearly illustrated by our interview data.

Only three of our interviewees were forced to leave their homes by individual(s) who exerted direct personalistic power over them, such as holding a gun to their heads and physically compelling them to move. The rest decided to relocate based on their assessment of the likely impact of political and economic forces that were threatening their opportunities for material survival, and/or unravelling the conditions that made it possible to lead a livable life or envisage a future. Even those who were physically removed from their homes, such as Namazzi, made decisions to escape their captors and made them during their subsequent journeys. Our interviewees were not like objects of flotsam and jetsam, swept up and carried off by a tide. They were active, human subjects and agents, and when they tell their own stories, their focus is on the choices they had to make as such. These choices were sometimes grotesquely awful. When Amani was tortured, for example, he was given a choice between screaming out in pain or being shot. The self-control required not to cry out when a cigarette is stubbed out on your arm is hard to

even imagine, and the fact that a 15-year-old was able to exercise such control is a testament to the power of his will. When he speaks of the experience, it is to describe what he did as a human actor, not what happened to a passive object: 'I had to stand the pain quietly', he says.

Likewise, Namazzi faced agonising choices—to remain with LRA rebels with all of her children or escape with just two of them; to allow her 'husband' to take her daughters, or risk him murdering her and her parents and taking the girls anyway; to stay in Kenya with her parents or leave alone for Brazil. Amari and Namazzi remained agents in the sense that, as conscious human beings, they had to choose, moment by moment, a course of action. But having agency is not the same as enjoying liberty or autonomy. Our data demonstrate that agency, choice, and consent do not amount to freedom, and yet they are central to the categories of 'asylum', 'trafficking', and 'modern slavery' that are used to divide people on the move into deserving and undeserving cases. Subsets of people who are represented as having experienced threats and suffering so extreme as to expunge their agency are singled out for protection and rights. However, because it is a fiction that agency can ever be erased, these categories operate as 'floating signifiers' (Hall 1997; Davida 2015), allowing for contestation about who really qualifies as a victim.

Since the deserving object of humanitarian intervention is socially imagined as passive and non-agential, women and children, whose grip on their own wills is understood to be already fragile and tenuous, are more likely to qualify than men, who are typically regarded as by definition authors of their own destinies. In the case of 'refugees', those who wait in refugee camps in the global South are understood as more passive, and therefore more 'authentic' than those who, like Eduardo, manage to move on (Hyndman and Giles 2011). Women who have made an active choice to engage in sex work are less likely to be considered VoTs, even when they are subject to the same degree of violence and exploitation as those who were tricked into sex work (Kempadoo et al. 2005). The self-activity of people who climb aboard flimsy dinghies to cross the Channel is presented as evidence that they are 'economic migrants' not 'refugees', and so on. Even those who closely fit dominant representations of the non-agential victim at one moment in time can shift onto symbolic territory that is regarded in a wholly different light as they move through time and space.

Since people on the move (with the exception of young children) are conscious agents, not passive objects, all journeys proceed based on choices. For the privileged few, the choices may be between almost equally attractive options, while for others, the choices are more disagreeable, and may even be between extremely unpleasant and frightening alternatives. By obscuring the commonality of choice and decision-making, the voluntary/forced binary deflects attention from questions about the forces that shape and narrow the space of possibilities in which different groups of agents must act. In so doing, this obscuration helps to mask the structural factors that force people to choose between options that are not of their choosing. It perpetuates the fiction that economic pressures are somehow less coercive than physical force or imprisonment (hence the distinction between 'economic migrants' and 'refugees', and hence the fact that dull economic compulsion does not feature in the list of forces deemed by the UN Trafficking Protocol to nullify a person's consent to exploitation). It also veils the global political inequalities reflected in and intensified by border regimes.

6. Border Regimes, State Sponsored Violence, and Forced Immobility

The organisation UNITED for Intercultural Action has documented the deaths of more than 40,555 refugees and migrants between 1993 and 2020 that are attributable to the restrictive immigration policies of the EU (UNITED 2020). State actors are also directly responsible for deaths resulting from "push back" actions. A recent Guardian report found that EU member states used illegal operations to push back at least 40,000 asylum seekers from Europe's borders in 2020, using methods that led to the death of more than 2000 people. Documenting illegal pushbacks in the western Balkans, the Border Violence Monitoring Network found abuse and disproportionate force was present in nearly 90%

of testimonies, including examples of migrants being whipped, robbed, stripped naked, and sexually abused by members of the Croatian police (Tondo 2021). Reports of equally appalling violence by US border patrol officers are also common, and there are also reports of deaths following deportation proceedings (HRW 2020, 2022).

Efforts to prevent unauthorised migration have also helped to produce the very phenomena that political leaders decry as ‘modern slavery’. The horrific abuse that our interviewees and many thousands more like them experienced in Libya offers a clear example. From the 1990s, to prevent people crossing the Mediterranean to Europe from North Africa, the EU decided to ‘externalise’ its border controls by linking aid and financial support for North African states to the implementation of measures to suppress irregular migration (Andersson 2014). The EU thus began entering into ‘partnerships’ with governments that were known to have appalling records regarding the violation of migrants’ human rights. In the 2000s, EU states bankrolled Gaddafi to support their efforts to prevent ‘illegal immigration’ (Migreurop 2005), and today, they are partnered with a Libyan state widely regarded as failed or failing for the same reason. In so doing, the EU has instigated migration enforcement and control practices that:

through the creation and imposition of further and more complex barriers to mobility have elevated the levels and kinds of risks faced by people on the migration pathway (migrants, those facilitating their journeys, and the many others they come in contact with in the course of their trajectories). They have also fostered the emergence of often unequal and abusive interactions among these actors that put human lives at risk. (Sanchez 2020, p. 2)

When evidence of the violations of migrants’ rights resulting from such policies come to light, the EU’s response has been to condemn those who smuggle and traffic migrants (the terms are used interchangeably), and to further intensify its efforts to suppress irregular migration. In Libya, this has included the mass repatriation of migrants to their home countries, financed by the EU and organised by the International Organization for Migration, even though such interventions are profoundly unwelcome to most of the people concerned. However, the EU and individual member states have also provided financial, material and technical assistance to the Libyan Coast Guard (the force that stopped Bilal’s boat from leaving Libyan waters and arbitrarily detained him), empowering it to intercept migrants and return them to detention centres in Libya where they are subject to cruel, inhuman, and degrading treatment in violation of international law (HRW 2019). The risks faced by Namazzi during her journey from Brazil to the US, and her period of detention in Nicaragua, were the result of similar externalisation policies pursued by US administrations attempting to restrict movement across its southern border (Zaiotti 2016).

In short, the current regime of national state control over human mobility is designed for the purpose of excluding “unwanted” people (Sharma 2020). In order to immobilise such people or compel them to move to places that they do not wish to go, global North states have developed a global and extremely violent system of militarized borders, pushbacks, deportations, repatriation schemes, refugee and internment camps, detention centres, and prison islands where human rights, freedoms, and dignity are routinely and horribly violated. However, the use of such force by liberal democratic states is not included in popular or policy debate on ‘forced migration’. Regarded as necessary to state sovereignty and security, it is bracketed off from the conceptual binary between those forms of human action that are voluntarily undertaken, and those that are coerced. Yet the violence of immigration regimes is the central force shaping the experiences of people such as our interviewees. Sudan shares a border with Egypt as well as Libya, and there are cheap flights from Egypt to the UK and EU countries, flights that are taken daily by (mostly white) Europeans. However, this safe route was closed to children like Amani, Bilal, and Abdul and to adults in similar situations. As Wallace observed, the EU’s border externalisation policies are reaching far into the African continent, restricting and denying people the right of locomotion:

Africans are being stopped in Africa already. They have to pay a lot of money, they are exploited, raped, and put their lives at risk crossing the desert and the sea. It would be easier and cheaper to take a plane straight here [to the U.K]. But you can't do it. You can't leave Africa without a visa, and of course, people can't get visas precisely because they are African.

The problem for our interviewees was not that they had 'lost' their agency and been transformed into passive objects controlled by the will of others. It was, above all, that the choices open to them as active subjects were heavily and systematically constrained by the current hugely unequal and heavily racialised global system of national-state control over human mobility. We conclude with some reflections on what this tells us about the idea of freedom as a defining feature of liberal democratic societies.

7. Discussion: Liberalism, Freedom and Unfreedom

When leaders of the so-called 'free world' make speeches about their commitment to combatting 'trafficking' and 'modern slavery', and to offering sanctuary to those escaping rights violations in illiberal societies, they stress that freedom is a core value of liberal democratic societies. At the level of rhetoric, the voluntary/forced binary is mapped onto a division between liberal free market polities and despotic states. Discussing the illusions that make it possible for liberals and libertarians to believe that capitalist societies are free societies, G. A. Cohen (1981, p. 206) observed that:

One explanation is a tendency to take as part of the structure of human existence in general, and therefore as no 'social or legal constraint' on freedom, any structure around which, merely as things are, our activity is organised. In capitalist society the institution of private property is such a structure. It is treated as so given that the obstacles it puts on freedom are not perceived, while any infringement on private property itself is immediately noticed. Yet private property pretty well is a distribution of freedom and unfreedom . . . To think of capitalism as a realm of freedom is to overlook half its nature.

The current regime of national state control over human mobility is another structure taken to be simply a given feature of human existence. The right claimed by states to control their territorial borders is so naturalised that despite their cruel and deathly consequences, the obstacles liberal democratic states place on freedom of movement, and the force used to prevent certain people from entering their territories and to expel them from these territories, its inequities go largely unperceived. In contrast, any infringement on state controls over borders is immediately noticed and causes much ire and angst. To think of liberal states as a realm of freedom is again to overlook half of their nature.

The categories of 'forced migration', 'trafficking', and 'modern slavery' help to maintain the illusion that freedom is a core value of liberal societies, despite the highly illiberal and often lethal powers exercised over those constructed as 'migrants', since they apparently afford remedies and protection to individuals who have been deprived of their natural rights and freedoms. Yet whilst political leaders in the Global North have been making impassioned declarations about their commitment to aiding 'genuine' refugees and combatting the 'scourge of trafficking and modern slavery' over the past two decades, they have simultaneously been enacting laws and policies that further restrict the freedoms of, and choices open to, economically and/or politically marginalised groups. Around the world, in the name of combatting 'trafficking' and 'modern slavery', legal restrictions have been placed on women and children's freedom of mobility, sex workers have been indiscriminately rounded up and forced into 'rehabilitation', border controls that already led to massive loss of life have been further strengthened and extended, and non-state sanctioned mobility has been further criminalised.

The bordering practices of the EU, UK, and US heavily restrict the freedoms of our interviewees and others like them. As Harsha Walia (2021) argues, borders are the product of histories of violent territorial expansion, settler-colonialism, and slavery, histories that also produced racism. Today, borders and racism operate to maintain a form of neo-colonial

global apartheid. Through Europe's colonial ventures, freedom and unfreedom were distributed along racial lines, and mobility emerged as a relational concept. The mobility of the colonisers relied on the immobility of those they colonised and enslaved (Brace 2015). The unequal and highly racialised distribution of freedom continues. Our interviewees happened to have been born in Global South countries impoverished by histories of colonialism and empire, with entitlement only to passports amongst the weakest in the world. The choices open to them were massively restricted by the accident of their birth.

Whether by state actors or NGOs, the use of the voluntary/forced and agent/victim binaries to privilege a minority of people on the move as 'refugees', 'victims of trafficking', and 'modern slaves' deflects attention from the forces that truly condition the possibilities open to mobile individuals in their efforts to achieve a liveable life, namely racism and the unequal global system of national-state control over human mobility. The binaries and categories of mobility thus do more to preserve the illusion that human freedom is a defining feature of liberal democratic societies than to protect the freedoms of living human beings. Those who are concerned with the latter need to align with no-borders and migrants rights activists rather than uncritically reproducing these state categories and binaries.

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