

A Global Alliance against Forced Labour? Unfree Labour, Neo-Liberal Globalization and the International Labour Organization

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The ILO is presently attempting to spearhead a 'global alliance against forced labour'. This article surveys the ILO approach to forced labour, recent theoretical debates regarding forced labour and recent empirical work on bonded labour in India. It argues that the ILO 'ghettoizes' forced labour, and that existing theories do not provide an alternative to this, as they focus on high-level ahistorical models. There is a need to develop specific analyses of the processes underlying both free and unfree labour relations in the present context, and their relation to neo-liberal globalization as well as country-specific conditions. The review of Indian case studies and of aspects of neo-liberal globalization points towards such an analytical approach.

Keywords: Labour, unfreedom, informalization, globalization, India

INTRODUCTION

Unfree labour has received an unusual amount of official attention during the last few years. Official commemorations of the abolition of slavery are very much in vogue. The UN declared 2004 to be 'International Year to Commemorate the Struggle against Slavery and its Abolition', and in the UK the bicentenary of the abolition of the slave trade act has been duly celebrated in 2007.¹ The continued existence of slavery and slavery-like practices has also received renewed official attention, including that of the UN Commission for Human Rights and its Working Group on Contemporary Forms of Slavery. Most notable among UN organizations is, however, the International Labour Organization (ILO), which has launched a campaign against 'forced labour', and, as part of this, has ventured an estimate of the extent of forced labour world-wide. For governments and the public in the developed world, the focus on illegal immigration and

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¹ In these celebrations there has been less focus on the fact that slavery was not abolished in the British Empire until 1834, except in India where abolition legislation was not passed until 1860.

cross-border trafficking in people has also led to a renewed interest in forced labour in relation to trafficking.²

The recent ILO report, *A Global Alliance Against Forced Labour* (ILO 2005a), represents the most coherent and most empirically informative international report on forced labour. This, and its intended policy implications, means that it deserves close scrutiny. The objective of this article is to provide that scrutiny, and, as part of this, to move towards a theoretically and empirically coherent analytical approach to unfree labour relations. Recent theoretical discussions relating to unfree labour will be surveyed, as will recent empirical literature relating to the most extensive and prevalent example of unfree labour in any country in the world: bonded labour in India. It will be argued that present-day unfree labour relations are best understood in conjunction with labour relations in general, neo-liberal globalization and country-specific conditions.

THE ILO ANALYSIS OF FORCED LABOUR

The International Labour Organization is the UN agency responsible for international labour standards, and is the only international organization pursuing labour rights issues at the international level. Its approach to labour issues is, by definition, consensual. Not only is it a UN organization, it also has a tripartite set-up, encompassing governments, employers and labourers; a set-up which is unique within the UN system.

During the late colonial period, the ILO was involved in the abolition of forced labour organized by the colonial state (ILO 2001, 10–11). This was followed by a lull in anti forced labour activities at an international level, especially during the last decades of the twentieth century. A labour rights programme did not sit well with neo-liberal globalization and the structural adjustment agenda of the international development community of the 1980s and 1990s. This development agenda went through a ‘correction’ in the late 1990s, as expressed through the new ‘post-Washington’ consensus, the UN-led Millennium Development Goals, and the World Bank led Poverty Reduction Strategy Papers (PRSP) approach to development (Saith 2004). This enabled the ILO to regain some ground, though still the relationship between labour rights and the PRSP approach is uneasy, and labour rights were not included in the final UN Millennium Development Goals – MDG (ILO 2004; Rogers 2007).³

² The international Trafficking Protocol of 2000 defines trafficking as ‘the recruitment, transport, harbouring or receipt of a person by such means as threat or use of force or other forms of coercion, of abduction, of fraud or deception’ ‘for the purpose of exploitation’. Exploitation includes, as a minimum, ‘the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs’ (ILO 2005a, 7).

³ ‘Labour issues’ were part of the precursor to the MDG, namely the ‘development goals’ agreed at the UN Social Summit in Copenhagen in 1995. Regarding the PRSP process, the ILO has lobbied for the inclusion of labour issues, and of the views held by labour unions, in that process, and has provided technical support for the inclusion of employment and labour issues into national PRSPs (ILO n.d.). Today, most of the important development agencies do pay at least lip service to labour rights inclusion in the process (see, for example, DFID 2004).

The ILO fight-back took place through a reformulation and refocusing of its efforts, centred on the 1998 ILO 'Declaration on Fundamental Principles and Rights at Work', following which the main ILO objective became 'decent work for all'. This has been pursued through a campaign for 'a fair globalization', internationally, regionally, sector specifically, and with regard to individual governments – see, among other texts, ILO (2002, 2003, 2004, 2006a, 2007a). Central to this were four 'core labour standards', namely: freedom of association and the right to collective bargaining; elimination of all forms of forced or compulsory labour; effective abolition of child labour; and the elimination of discrimination in respect to employment and occupation. Annual 'global reports' followed, each year covering one of the core labour standards. The 2001 and 2005 reports were on forced labour, and a general survey looking at the implementation of related ILO conventions was published in 2007 (ILO 2001, 2005a, 2007b). An ILO 'Special Action Programme to Combat Forced Labour' exists, and has published several survey-based reports within the field of forced labour.⁴

The ILO defines forced labour as work or service 'exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily' (2005a, 5). In other words, forced labour involves involuntary entry to the labour relation, and coercion to remain within it. This is the internationally, legally accepted definition of forced labour, as laid out by international (ILO) conventions. It covers various types of forced labour, including slavery, serfdom and debt bondage.⁵

The main ILO document on forced labour, containing its analysis of present-day forced labour and its strategy for its eradication, is the 2005 report 'A Global Alliance against Forced Labour' (ILO 2005a). This report seeks to create public awareness about the phenomenon of forced labour, through quantifying it. A similar strategy was used regarding child labour, a strategy that the ILO perceives to have been highly successful (ILO 2006b).

The 2005 report calculates that a *minimum* of 12.3 million people in the world work as forced labour. This is the first official estimate of the magnitude of forced labour world-wide, and it is emphasized that this is a minimum estimate.⁶ The main region for forced labour by far is Asia and the Pacific, with more than

⁴ Its website contains thirty-four mainly survey-based ILO supported publications on forced labour between 2001 and 2006.

⁵ The original international slavery definition is: 'Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.' To this was added 'practices similar to slavery', including debt bondage, serfdom, compulsory marital arrangements and sale of children into labour. It defined debt bondage as 'the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of these services as reasonably assessed is not applied towards the liquidation of the debt of the length and nature of those services are not respectively limited and defined'. Serfdom is 'the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate services to such other person, whether for reward or not, and is free to change his status' (ILO 2001, 11).

⁶ The methodology for the estimate ('double sampling' or 'capture-recapture') is in accordance with standard estimation practices and similar to that used in previous calculations of the number of child labourers in the world, and laid out in a separate paper (ILO 2005b).

Table 1. ILO minimum estimate of forced labour in the world, by form and region

	<i>State or military imposed</i>	<i>Private economic exploitation</i>	<i>Commercial sexual exploitation</i>	<i>Mixed</i>	<i>Total</i>	<i>Incidence per 1,000 inhabitants</i>
Asia and Pacific	2,186,000	5,964,000	902,000	434,000	9,490,000	3.0
L. America and Caribbean	205,000	994,000	115,000	3,000	1,320,000	2.5
Sub-Saharan Africa	70,000	531,000	50,000	13,000	660,000	1.0
Industrialized countries	19,000	84,000	200,000	58,000	360,000	0.3
Middle East and N. Africa	7,000	229,000	25,000	–	260,000	0.75
Transition countries	1,000	10,000	10,000	103,000	210,000	0.50
Total	2,490,000	7,810,000	1,390,000	610,000	12,300,000	
Each category, % of total	20.2%	63.5%	11.3%	5.0%	100.0%	

Source: ILO (2005b, 2).

Table 2. ILO estimate of regional distribution of trafficked forced labourers, by region of destination

	<i>Asia and Pacific</i>	<i>Latin America & Caribbean</i>	<i>Sub- Saharan Africa</i>	<i>Industrialized countries</i>	<i>Middle East and N. Africa</i>	<i>Transition countries</i>	<i>Total</i>
Trafficked	1,360,000	250,000	130,000	270,000	230,000	200,000	2,450,000
% of forced labour	14.3%	18.9%	19.7%	75.0%	88.5%	95.2%	19.9%

Source: ILO (2005a, 14).

three-quarters of all forced labourers, and with the highest incidence of forced labour (see Table 1). However, regarding rate of incidence, the Latin America and Caribbean regions lag not far behind. The incidence in the Industrialized countries, on the other hand, is only a tenth of that in Asia. This latter figure includes forced labour trafficked into the Industrialized countries (see Table 2).

Table 2 lists separately forced labourers who are also victims of trafficking (who are already included in the above categories ‘forced labour for commercial sexual exploitation’ or ‘forced labour for private economic exploitation’).

A number of important findings are clear from the figures. Firstly, regarding the different forms of forced labour as defined by the ILO, private economic exploitation is by far the most common (nearly two-thirds of all forced labour). This includes 'among other things, bonded labour, forced domestic work, or forced labour in agriculture and remote rural areas' (ILO 2005a, 10). In descending order, this is followed by forced labour imposed by the state, and forced labour for commercial sexual exploitation.⁷ There are also clear regional patterns. In the Industrialized countries forced labour for commercial sexual exploitation constitutes the bulk of the forced labour, whereas elsewhere private economic exploitation dominates, except perhaps in the case of the Transition countries, depending on what the 'mixed' cases are made up of. It is noticeable that in the industrialized world, the Middle East and the Transition countries, the majority of the forced labourers have been trafficked, while at the other end of the spectrum, in Asia and the Pacific region, trafficked labour is a minor part of the picture (15 per cent). At least 43 per cent of trafficked forced labourers are in 'commercial sexual exploitation' (ILO 2005a, 14).

Quantifying a phenomenon such as forced labour is important, both for scholarly reasons and for political advocacy related reasons. However, it also opens the way for disputes over numbers and methodology. The only earlier estimate of forced labour *globally* (by Bales 1999) is more than twice the size of that of the ILO minimum estimate (27.9 million against 12.3 million forced labour).⁸ Bales's estimate is based on a less strict methodology, but, nevertheless, only differs significantly from the ILO figure with regard to Asia, more specifically South Asia. For India alone, Bales puts the number of forced labour at 22 million people (ILO 2005b, 34–7). This is an issue which will be returned to below.⁹ Regarding the subcategories 'state or militarily imposed forced labour' and 'commercial sexual exploitation', the ILO figures are broadly in line with various earlier estimates (ILO 2005b, 34–7).

The ILO 2005 report also serves to provide a descriptive and analytical overview of forced labour across the world. These high-quality sections are based on commissioned studies and general academic literature. Regarding state or militarily imposed forced labour, the focus is, understandably, primarily on Myanmar (state/military) and China (prisons). Regarding private economic exploitation, the report highlights the changing nature of forced labour, with new forms emerging in modern commercial sectors of the economy, be it commercial

⁷ Forced labour imposed by the state includes 'forced labour exacted by the military, compulsory participation in public works, and forced prison labour'. Forced labour for commercial sexual exploitation 'includes women and men who have involuntarily entered prostitution or other forms of commercial sexual activities, or who have entered prostitution voluntarily but who cannot leave. It also includes all children who are forced into commercial sexual activities' (ILO 2005a, 10).

⁸ Bales's higher figures have been widely used, for example by anti-slavery organizations such as 'Anti-Slavery' and 'Free the Slaves'. Bales is director of 'Free the Slaves' and a trustee of 'Anti-Slavery'.

⁹ Comparisons are hampered by the fact that the ILO does not disaggregate any of its figures to country level. The reason for this is stated to be technical, but it is probably also political, so as not to offend any particular government. For technical reasons it also only provides a cumulated figure for trafficked forced labour by forms of exploitation, i.e. no such figures are provided for the regions.

agriculture, industries and even in export processing zones. A trend towards use of migrant labour from impoverished regions in such 'modern' relations is noted, in Latin America, South Asia and Southern Africa. Links between poverty and the occurrence of forced labour are pointed out, as is the prevalence among forced labourers of groups already discriminated against, for example low castes, religious minorities and indigenous people. Within the forced labour category, debt bonded labour dominates in many regions of South Asia and Latin America. In Sub-Saharan Africa, previous master-slave relations have been modernized but not been replaced with free labour relations in some regions, whilst in conflict and post-conflict areas, abductions followed by slave-like relations or enrolment as child soldiers are the main forms of forced labour.

Regarding trafficking and forced labour, the distinction made between these two categories is welcome. The frequent tendency to conflate trafficking and forced labour tends to take away the focus from the incidence of forced labour among non-trafficked migrants. Not everyone who is trafficked ends up as forced labour and concurrently non-trafficked international migrants may also become forced labour.

The ILO *analysis* of forced labour is however restricted. Obviously the ILO does not critique capitalism *per se*, but it nevertheless does state that it places today's forced labour in the context of the global economy, i.e. in relation to the specific characteristics of capitalism today. Disappointingly, however, of the report's 87 pages, only three are devoted to 'forced labour and the global economy' (ILO 2005a, 63–5). These three pages provide a brief list of core issues, but these are not pursued in a coherent, analytical manner. Some of the most important points made are the following. Trafficking for forced labour is labelled the 'underside of globalization'. Commodity chain links between global retailers, suppliers and labour contractors, leading to employment of forced labour at the end of global chains so as to compete on cheap and stable production are noted. It is stated that, in order to compete on the world market, employers in transition countries may make use of forced labour; and it is pointed out that deregulation of labour markets, downsizing of labour inspections and increased supply of migrant labourers all enable forced labour.

These issues are listed as stand-alone points, de-linked from a general analysis of globalization, let alone of capitalism. At first glance, it is unexpected that not more is done to link forced labour to present day capitalist development. Recall that an important part of the post 1998 ILO agenda has been to work towards a 'fairer globalization', and that this has been pursued with vigour and in some detail (for example, ILO 2004). Its reformist approach, seeking not to challenge capitalism but to reform it, is unlikely to succeed, but that is not of direct concern in the present context. The point made here is different: it is that, in the main ILO report on forced labour, little is done to link forced labour to present-day capitalist development, and to the general ILO strategy for decent work in this context.

As it turns out, this de-linking is in fact part of the ILO strategy. The strategy of the ILO is to isolate the 'worst forms of "un-decent labour"', so that these incidents can be dealt with in isolation, without challenging the overall system

that created the conditions for their occurrence in the first place.¹⁰ The focus is on dealing with what is seen as 'exploitation', namely forced labour, child labour etc. – standard 'free' labour relations, on the other hand, are not seen as exploitative.

This cocooning of the forced labour issue makes it relatively safe for governments and international organizations to deal with. It enables the ILO to run anti-forced labour programmes in collaboration with governments in several countries. However, the difficulties in rehabilitating forced labourers, not the least the difficulties in stopping them from returning to forced labour relations, indicate that such relations cannot be dealt with in isolation from the wider social and economic context. The ILO report shows, in some sections, that it understands this relationship, but that its very status as an international, albeit tripartite, organization means that politically this cannot be pursued (ILO 2005a, 80, 81, 83). The ILO may wish to raise a global movement against forced labour, but it has to be a limited movement. Certain aspects of modern capitalism are seen as abhorrent, whereas capitalism is not questioned. This means that the ILO Report depoliticizes forced labour issues, isolates them as an 'unnatural' element of capitalism, and avoids any politicization that could lead towards a general critique of capitalism.

Nevertheless, the rejuvenation of the ILO does lend international legitimacy to the struggle against forced labour, without which it is likely that even less action would be taken. Politically, what we have here is a contradiction between what is useful in order for the labouring classes to achieve a limited improvement of their *practical* position here and now, and what is useful in a longer term, strategic perspective. It would be a mistake not to acknowledge any practical benefits while critiquing the strategic perspective.

AN ON-GOING THEORETICAL DEBATE

This section explores the relation between forced labour and globalization and the underlying relationship between forced labour and capitalism. This will be done through concentrating on what the ILO labels 'forced labour for private economic exploitation'. This not only represents the largest chunk of forced labour today, but is also at the core of classical discussions regarding capitalism and forced labour. This does not mean that forced labour related to commercial sexual exploitation, or other types such as those related to trafficking, are unimportant. Within the limitations of this paper, however, it is not possible to cover these areas as well, in any meaningful way.

The discussion regarding forced labour and capitalism is here organized around existing debates between Tom Brass and a number of other authors, most notably J. Mohan Rao and Jairus Banaji. The focus will be on their differing theoretical positions, certain lacunae within their writings and the implications of this for

¹⁰ Of the 127 paragraphs in the report's section on 'global action to combat forced labour', only one relates to forced labour and 'fair globalization'. This paragraph states that targets for dealing with forced labour related to globalization are yet to be developed, and will follow in the four years following the report! (ILO 2005a, 85).

the study of forced labour today. This leads on to a discussion of the literature concerned with globalization and forced labour.

There are important similarities between Brass, Rao and Banaji. They all locate their work in relation to that of Marx, and distance themselves from liberal views that argue that labour relations such as bonded labour are free *and* equal, since they are freely entered, contractual relations. They all share the basic Marxist understanding that the sheen of equality provided by contracts covers the fact that all labourers are exploited through their production of surplus value. Exploitation is not something reserved for forced labour, and free labour does not exchange equal values through the exchange of their surplus value producing labour power for wages as liberal economists, and the ILO amongst others would have it.¹¹

Regarding the relationship between forced labour and capitalism, for Marx, commodification of labour power and, thus, free labour were essential to capitalism. The commodification is based on labour being doubly free: freed, or dispossessed, from the means of production, and free to sell his/her labour power to any capitalist who wishes to buy it. It is axiomatic for Marx that labour will be commodified and hence doubly free, in the above sense, under capitalism.

In the debate on free/unfree labour, Brass proposes that unfree labour and capitalism are compatible. A prolific writer on unfree labour in the 1990s (for example, Brass and van der Linden 1997; Brass 1999), Brass sums up most of his articles in his 1999 monograph. He argues that the creation of unfree labour is an essential part of modern capitalism. It represents class struggle from above, as labour is disciplined through being robbed of/losing the control of the sale of its own labour power, and labour power is thus cheapened. This is theorized in relation to the Marxist categories class-in-itself and class-for-itself, i.e. a proletariat defined solely through its relations to the means of production, and a proletariat which has gained proletarian class consciousness, respectively. Imposition of unfree labour relations from above is a means to halt the formation of a proletarian class consciousness, hence the term de-proletarianization. Brass explicitly argues that the phenomenon of de-proletarianization is not limited to the early stages of capitalism (Brass 1999, 12–14, 300).

Brass's theory provides a general and seemingly progressive framework for understanding present-day unfree labour relations. Empirically, he focuses mainly on debt bondage relations, where the labourer mortgages his/her future labour power against a loan from a creditor-employer. It allows him to argue that debt-based labour relations are unfree, irrespective of duration and ideological dressing. This enables him to conceptualize new forms of seasonal labour relations in capitalist agriculture in India as being unfree, as the relations involve the mortgaging of future labour power against loans.

The theory is not without problems, though. First, there is the issue of theoretical lineage. Brass claims that the deproletarianization theory is within the

¹¹ See Rao (1999a, 1999b) for a critique of the liberal understanding of free labour.

Marxist tradition, but he does not seek to address the obvious discrepancy between Marx's insistence on the *generalized* commodification of labour power in capitalism, and his own theory of decommodification and deproletarianization (1999, 151–8). In this respect it is hard to see much difference between Brass's position and that of Wallerstein and other world systems theorists who famously viewed accumulation through the sphere of circulation, and not the organization of the labour process and the class relations springing from this, as being at the core of capitalism, a point also implied by Rao (1999b, 108, 115).

Secondly there is the issue of extra-economic coercion. While Brass accepts the classical view that unfree labour relations are always based on non-economic coercion (if not they would not be unfree), in practice he disregards this, since coercive relations may be difficult to identify empirically. Instead, in practice, he claims that all labour relations involving an advance loan can be understood as unfree (Brass 1999, 10–13, 20–1). This proxy definition *de facto* denies the existence of labour relations not based on extra-economic coercion (and thus free), but involving advance payments.

Thirdly there is no placing of the theory into the historical context. Brass's theory operates at a high level of abstraction. His is a theory of a new aspect of capital's struggle to maximize surplus value extraction. It is a model for what could happen under capitalism, but it is not an explanation of actually occurring phenomena. Brass shows that various cases fit his model, but that does not amount to an explanation of causal relations (for example, Brass 1999, 160–3). In order to do this, he would need to theorize the historical conditions for the occurrence and development of deproletarianization. He does provide two clues: firstly, that deproletarianization is not limited to early phases of capitalism, and, secondly, that it occurs when class-for-itself consciousness is about to develop. He also applies his general theory to several specific case studies. This, however, does not amount to historical contextualization, and without such a grounding the theory does not contribute to an understanding of the development of unfree labour relations in specific historic contexts, such as, for example, neo-liberal globalization.

In some respects, Rao represents the opposite view to that of Brass. In two articles (1999a, 1999b), he develops the classical Marxian tenet that capitalism requires doubly free labour. He points out that 'free labour' is a nebulous concept. As with all class-based modes of production, capitalism rests on class-based non-economic coercion. It is only possible to distinguish between free and unfree labour if a distinction is made between this underlying class-based coercion, which in general is taken for granted, i.e. the 'given' coercion on the one hand; and 'non-given' coercion, i.e. coercion over and above the taken-for-granted coercion on the other. Such a distinction, Rao argues, can only be made in specific historical contexts.¹²

¹² The 'given'–'non-given' bifurcation has its own problems (Rao 1999a, 249).

Rao takes the classic Marxist view that while during early phases of capitalism unfree labour may be present, in mature capitalism free labour will have replaced unfree labour. In the long run, capitalism and unfree labour are not compatible. Existence of unfree labour relations means co-existence between capitalism and pre-capitalist modes of production. In the long run, such social formations will be less economically effective than those where proper capitalist labour relations exist (commodification of labour and, conditioned on that, generalized competition and capitalist accumulation), and will lose out. Brass, by contrast, appears to claim that unfree labour is beneficial to capital in the long run, a position he takes without addressing the obvious contradiction inherent within it.

Regarding debt bondage, it follows from Rao's focus on non-economic coercion that he does not view this relation as necessarily unfree. Such a relation would be free if the labourer were free to leave the relation after the end of the contract, i.e. after having paid back the loan/advance through delivering his/her labour power. Regardless of whether this would happen after one season or several years, this would be a free labour relation. An advance payment does not in itself amount to extra-economic coercion, and neither does tying in *during* the contract, which in fact is a normal condition of a contractual relation.

Where Brass argues that debt bondage signifies unfree labour, Rao states this is the case only under specific, semi-feudal circumstances. Where semi-feudal power relations at local level exist, this may involve the 'fusion of political power and economic wealth' to the extent that, in reality, the local ruling classes routinely would exercise non-economic coercion to maintain labourers in debt bondage labour relations, resulting in unfree labour relations. Rao nevertheless accepts that bonded labour relations, even when not unfree, involve abysmal conditions for the labourer. He argues that (free) bonded labour relations tend to be highly unequal, and often based on monopoly – but that does not make them unfree. Further, they are also based on the absence of restrictions in property rights, expressed through the ability of creditors to continue to reclaim the debt of debt bonded labourers beyond what in the developed capitalist world would have been the point of bankruptcy. So, both Rao and Brass view bonded labour relations as an outcome of class relations where the balance of power is tilted heavily against the labourers. For Rao, in mature capitalism, it is just that: labour relations in the context of a very skewed balance of power. For Brass, however, it is always a process of deproletarianization/unfree labour.

Banaji (2003) makes a number of points similar to those of Rao, not the least regarding the relativity of 'freedom' under capitalism. Nevertheless, his analysis takes a different path. Banaji's argument is based on a distinction between total social capital and individual capital.¹³ At the level of total social capital, he states, capital accumulation cannot be based on generalized unfree labour. However, at

¹³ A basic error in Brass's argument, he suggests, is that his analysis solely takes place at the level of individual capital (Banaji 2003). Brass denies this, and shows how aspects of his analysis implicitly make this distinction (Brass 2003). Banaji's analysis nevertheless gains from having made this distinction explicit.

the level of individual capital, it is the drive for surplus value (accumulation) that defines capitalism, not the presence/absence of 'free' labour. He suggests that at this level capital may be working through a multiplicity of forms of exploitation, based on but not limited to free wage labour: (a) exploitation of peasant family labour, (b) 'more-or-less coerced/more-or-less free' forms of wage-labour' and (c) unfree labour (2003, 80, 83).

This clearly goes against 'canonical' Marxism. However, Marx also did not foresee the prolonged survival of the peasantry as petty commodity producers in the face of continued polarization processes. Readers of this journal will be familiar with the theorization of this phenomenon, not least by Bernstein (e.g. Bernstein 1994).

Banaji's argument gains strength through the parallel made with the issues regarding the peasantry. It would need to be stressed though – and Banaji does do this, but not consistently – that capitalism means, by definition, generalized free labour.¹⁴ As Banaji puts it, 'the "sale" of labour-power for wages is mediated and possibly disguised in more complex arrangements'.

Compared to Brass's position, Banaji's understanding of forced labour succeeds better in theoretically contextualizing forced labour within capitalism, not the least because it deals head-on with the contradictions involved. However, as with Brass, Banaji provides an a-historical model, and, compared to Rao, he avoids dealing with the problem of the impact of forced labour on the dynamism of capitalism, an issue which is important also for the long-term viability of forced labour under capitalism.¹⁵

The absence of historical analysis is also noteworthy in 'popular' books on forced labour. A number of recent books deal with the full spectrum of forced labour. Bales (2004, 2005) and Sage and Karsten (2006) deploy terms such as 'global slavery' and 'new slavery', and state that trafficking is a 'dark underworld' of the 'global economy', but none of them provides an analysis of the globalization aspect, nor of why 'new slavery' has emerged. Instead, these books are descriptive, liberal accounts of various forms of forced labour, life histories, and the international legal, institutional and advocacy-related environment.

One paper by Bales (2006), though, argues that slavery has increased since 1945, as the price of 'slaves' (by which he means all categories of forced labour, including chattel slaves, bonded labour and serfs) has fallen compared to the centuries before, and the profits of slave-owners have increased, due to (a) population growth, (b) global increased economic disparities and impoverishment in the developing world, linked to changes in the global economy and (c) the absence of rule of law in many countries. It is problematic to infer any kind of

¹⁴ For example, he does not make a distinction between slavery before the world dominance of capitalism, and during capitalism (Banaji 2003, 81).

¹⁵ A final contribution to the discussion around Brass's position is that of Surinder Jodkha (2004). Jodkha finds that Brass's theory might be correct in principle, but that an objective theory cannot be applied to the subjective reality in the way that Brass does. Jodkha's concern has some similarities to what here has been termed the non-historicization inherent in Brass' model, but, as should be clear by now, the argument presented here is that the theory in itself is also problematic.

causal relationships from this kind of multi-variable statistical analysis, but the focus on profitability is interesting and deserves to be taken further. It resonates with the general view regarding the role played by unfree labour/highly unequal labour relations held by the texts just discussed, namely that such relations increase levels of exploitation.¹⁶

The only recent book dealing explicitly with forced labour and globalization is an edited volume by van den Anker (2004). It argues explicitly that globalization has caused increased levels of 'slavery', as increasing poverty has made some groups of people more vulnerable to slavery. However, the empirical basis presented for this claim is weak: it is supported by a number of examples, but only one, from India, is clearly based on proper empirical research (van den Anker 2004, 22–8).

At the general level, we are back where we started: it is the ILO figures on forced labour which stand out. They show that forced labour (which with the above discussion in mind may be reformulated as forced labour/highly unequal labour relations) *is* common in some countries, though far less so in the most developed capitalist countries. This indicates that there *is* a need to relate forced labour to differences within capitalist development. Little has been done to this effect, though. This is clearly so in the theoretical texts reviewed here, as they are more concerned with the overall relationship between capitalism and unfree labour relations than with establishing an understanding of the role played by these in specific historical contexts.

UNFREE LABOUR IN INDIA

Bonded Labour Relations

A discussion of bonded labour in India is likely to be useful, both in relation to theoretical issues and regarding issues relating to the historical development of forced labour and capitalism. It is commonly accepted that India has the highest number of unfree labourers of any country in the world, and much of the theoretical debate regarding unfree labour draws on evidence from India.

In India, the phenomenon of debt bondage is at the core of the unfree labour discussion. Here, debt bondage and related labour arrangements will be discussed in some detail, followed by the issue of the relationship between bonded labour and forced labour. Bonded labour is well researched in India. Recent publications include ten ILO-funded case studies (2002–6), an ILO-funded bonded labour in India literature review (Srivastava 2005), as well as several major academic works.

¹⁶ The paper also provides a correlation analysis, covering all countries in the world, estimated incidence of 'slavery' (forced labour), and 76 economic, social and political indicators. The main result is that low levels of slavery correlate with high GDP per capita, a high human development index and low levels of corruption, something which resonates with the distribution of forced labour across the world which the ILO arrived at.

Table 3. Bonded labour in South Asia

	<i>India</i>	<i>Pakistan</i>	<i>Asia and Pacific</i>
Government	251,000	5–7,000	–
Independent estimates	20 million	2.5–7.5 million	–
ILO estimate	–	–	5,964,000

The ILO estimate is for the category ‘private economic exploitation’, which includes bonded labour.

Source: Anti-slavery (2001); ILO (2005b, 2).

The number of debt bonded/unfree labourers in South Asia is disputed between independent organizations and governments (see Table 3).¹⁷ Bonded labour is mainly found in Pakistan and India, especially since Nepal outlawed bonded labour in 2000, followed by a relatively effective rehabilitation campaign.¹⁸ The ILO figure covering the most comparable ground (six million forced labourers related to private economic exploitation, in the whole of Asia and the Pacific, but with the bulk of cases relating to South Asia) is in-between non-official figures and government numbers.

One reason for the discrepancy between the figures is that they measure slightly different things, revealing, in the process, different concerns. The ILO takes a position close to the analytically stringent view held by Rao: that, for a labour relation to be unfree, it must involve coercion. To receive an advance/loan in lieu of labour yet to be performed does not equal unfreedom. In the absence of evidence of threats, means of coercion or other violent acts, some short-term relations which others might classify as bonded labour have not been counted as unfree by the ILO (ILO, personal communication, 2007).¹⁹ The Indian government’s definition of bonded labour is outlined in and around its 1976 legislation banning bonded labour. It states that debt bondage, combined with wages below the statutory minimum wage, constitute forced labour (it reasons that force must be required in order to compel labour to work for such low wages) (Lamba 2007). The independent estimates tend to equate debt bondage with forced labour. However, where the Indian government tends to stick to

¹⁷ The independent estimates of the incidence of bonded labour in India and Pakistan are based on extrapolation of surveys of selected regions, and undertaken by reputable organizations. The Pakistan surveys were funded by the ILO, while in India, one was organized by the Indian State Government of Tamil Nadu, and another by the Gandhi Peace Foundation and the National Labour Institute (Anti-Slavery 2001).

¹⁸ Forced labour is still an issue in Nepal, but at a much lower level than was previously the case (Shrestha et al. 2003).

¹⁹ On the other hand, the ILO states explicitly that although brick-kiln contracts are seasonal and short-term, many cases were treated as forced labour, because of the reported evidence of threats, violence and lack of freedom (ILO, personal communication, 2007).

long-lasting debt bondage relations, the independent estimates include shorter, i.e. seasonal, relations. This is quite similar to Brass's looser definition of bonded labour.

It is commonly accepted that, in India since the 1950s, there has been a move away from traditional debt bondage, while new types of bondage, consistent with the capitalist economy have emerged. During colonial times, landowners used to employ one or more male bonded labourers on a permanent basis, as well as their wives, to undertake core agricultural tasks as well as certain household chores. These bonded labourers were predominantly from the lowest ranking, at that time untouchable castes and tribes, as were most other agricultural labourers. They tended to be bonded, not the least through debt, for significant numbers of years, sometimes for a lifetime; and hereditary relations, including hereditary debt relations, were common.

From the 1950s onwards, the occurrence of classical bonded labour declined dramatically. This was related to land reforms, new agricultural production methods, increased availability of non-agricultural occupations for rural labourers and some increase in the political power of the lower castes, not least through the introduction of universal suffrage. Today lifelong year-round agricultural bondage is mainly found in the least developed pockets of the Indian countryside, including the so-called 'tribal' belts, i.e. areas which are outside the purview of mainstream economic and social development. The continued existence of this kind of bonded labour has been reported recently in the states of Andhra Pradesh (Subrahmanyam et al. 2003; Chakravorty 2004), Karnataka (Mani 2002), Orissa (Nayak 2003), Uttaranchal (Jain 2005) and Uttar Pradesh (Ruthven and Kumar 2002). For studies from the 1990s, see Srivastava (2005).

The development away from classical bonded labour relations has been charted most thoroughly by Breman, for example (1974, 2007). Breman is probably the foremost scholar on bonded labour and related issues in India, having undertaken fieldwork-based research in West India for more than 40 years. Breman argues convincingly that already during colonial times bonded labour shed the vestiges of patron-client relations, relations which used to include certain, modest, benefits for the labourers. Towards the latter part of the colonial period, this was replaced with hard-nosed modern economic relations, more exploitative than those that previously existed. When, during the decades following Independence, most classical bonded labour relations ceased to exist, rural employers turned to new, for them more effective labour relations, often involving migrant labour, instead of employing the ex-bonded labour as free labour (Breman 1990, 1999). The breakdown of classical bondage has been charted in other parts of India as well, for example in Bihar (Jha 2004), Uttar Pradesh (Lerche 1999), Andhra Pradesh (da Corta and Venkateshwarlu 1999) and Haryana (Jodhka 1994).

In many parts of rural India, more-or-less free labour relations have developed within agriculture, with the main labour-related strategy of the employers being to restrict employment of labour as much as possible, through moving away from labour-intensive economic activities (for example, Kannan 1999; Lerche 1999; Rogaly et al. 2001; Srivastava 1999). However, especially where labour is required in numbers, be it in capitalist agriculture or in rural or semi-rural industries,

bondage has often been modernized into a relation which aptly has been termed neo-bondage by Breman (1994 [1978, 1979]). Often this involves seasonal migrant labour, the incidence of which has increased during the last decades. The migrant labour force tends to be more effectively exploited, through longer working hours, lower wages (lower in terms of wage in relation to workload, and sometimes also in absolute terms) and less labour unrest (see, for example, Prakash 2007; Breman 1996; Guerin 2007). It is estimated that around 30 million labourers, or between 6 and 7 per cent of all Indian labourers, are seasonal migrants (Srivastava 2007; Srivastava and Sasikumar 2003). Most of them work in the unregulated or informal economy which, in 1999–2000, provided employment for between 86 per cent and 93 per cent of Indian labourers (depending on method of estimate) (NCEUS 2007, 24–5).

Neo-bondage involves the tying in of prospective labourers through loans/advances given during the lean season before the start of the (mainly) seasonal employment relation. During the employment period against which the labourer has pledged his/her labour power, the labourer may only be paid a minimum allowance, while the overall payment is settled at the end of the seasonal employment. This compels the labourer to stay in the employment relation after the advance has been paid off. Depending on the size of the original advance, and on the extent to which the employer has manipulated the payment accounts during the employment period – which is often the case – the labourer may in fact leave with little pay, or, maybe, with a debt that needs to be repaid through next year's seasonal work. This kind of labour relation has been identified within agriculture (Brass 1999), sugar cane harvesting and processing (Breman 1990; Guerin et al. 2004), rice mills (Marc et al. 2007), construction (Olsen and Murthy 2000; Picherit 2007), brick kilns (Prakash 2007; Breman 1996; Guerin et al. 2007), stone quarries, mines (Lahiri-Dutt n.d.), weaving (De Neve 1999, 2005), *bidi* (cheap cigarette) making, fish processing, silver works, mat weaving, salt pans and other areas (for an overview see Srivastava 2005).

Men and women and children may all be bonded. In some sectors such as brick kilns, rice mills and the construction sector, where different aspects of the production process may be covered by different family members, family bondage is common. It is nevertheless the male head of the household who represents the family unit, and who receives the advance and the payments. The extent to which wives are participating of their own free will is bound to vary, along with the generally male-dominated decision-making pattern within the labouring households. In other sectors, such as *bidi* making and fish processing, women labourers form the bulk of the bonded labourers (Srivastava 2005). Da Corta and Venkateswarlu's (1999) case study from Andhra Pradesh shows how wives were forced to take over the debt bondage obligations of their husbands as these found better-paid work.

Children are also bonded by their parents, to work in their own right against an advance to their fathers. This is common in, among other places, the silk industry, the outsourced carpet industry in North India and on hybrid cotton seed farms in Andhra Pradesh (Srivastava 2005; Venkateswarlu 2003).

Caste relations are also an issue. The vast majority of bonded labourers continue to belong to the lowest, ex-untouchable, caste groups and tribes. The social oppression and political powerlessness of the ex-untouchable groups is one of the social structures that has become part and parcel of Indian capitalism. Without this social and political division, enabling neo-bondage both at the individual (poverty and powerlessness) and societal level (powerlessness), neo-bondage might well have been less widespread. At the societal level, since debt bondage is prohibited, it requires a degree of collusion by the authorities to operate. In States politically dominated by strong landowning groups, such as Haryana and Gujarat, employers have no reason to fear government restrictions (Bremner 1999; Lerche 1995). In Andhra Pradesh (Rustagi 2004) and Tamil Nadu (Guerin 2007), where somewhat more populist regimes tend to rule, case studies show how employers have bought impunity through donations to political parties.

Entry into debt bondage is generally not due to extra-economic compulsion. The classic ILO convention on forced labour operated with a definitional double clause of coerced entry *and* extra-economic constraints upon exiting. Most observers and agencies, including the ILO itself, now only focus on the exit clause, or accept that extra-economic coercion at either end of the labour relation makes it unfree. This also means that the always largely irrelevant debate, in an Indian context, regarding the 'tricking' of labourers into debt bondage has now been rendered fully superfluous.²⁰ In India, male labourers enter into neo-bondage due to *economic* compulsions, and they tend to do so with open eyes, well aware of the pay and conditions which await them, as they follow in the footsteps of others from the same village and caste group. They do so because, in income terms, in spite of the extremely low pay, and in spite of the extreme conditions of work, this is the best option available to them (Bremner 1996; Guerin 2007; Lerche 1999; Ruthven and Kumar 2002). Female bonded labourers, and children, may or may not enter the relationship voluntarily, see above.

In most cases, it is the availability of the advance payment that is the most important factor. The labourers view the advance offered as a necessity. Case studies quote labourers stating that they would not work if no advance were given (Guerin 2007; Picherit 2007). The advance sees the labourers through the lean season before the start of the job, and also provides the security that a job will actually be available to them at the end of the migratory journey.²¹ As a rule of thumb, labourers want as large an advance as possible, although it has been noted that some labourers are careful to avoid advances that will tie them in for more than a season. It is common that the advance increases the greater the

²⁰ The Thorners (1962) were instrumental in introducing the 'double' clause into the Indian context. In fact the 'trickery' debate still lives on at the margins, as a recent contribution by Villanger (2006) shows. The sidelining of this debate is useful also in that it enables a discussion of the subjective consciousness and choices made by the labourers, since they no longer are deemed incapable of understanding the debt bondage labour relation they may enter.

²¹ The advance may be up to Rs 20,000, which, for example, is more than half the full pay for a season's (six to eight months') work in a brick kiln (Guerin et al. 2007).

number of family members (i.e. wife and children of the male labourer) that join in, since the input of labour will be higher (Chakravorty 2004; Guerin et al. 2007).

It should be noted that advances are commonplace also in 'free' employment relations in India. Most labourers will ask for an advance. This may be due to their economic predicament, and also because such advances provide an incentive for employers to keep the labourers in employment. Case studies also show that employers are acutely aware of the advantage for themselves of bonding labourers for several years. It ensures a dependable workforce, both in terms of the workforce actually being there, and in terms of the docility of the workforce. Labourers know this as well, hence the strategy by some to avoid long-term tie-ins (De Neve 2005; Guerin et al. 2007; Picherit 2007). Most, however, are not in a position to take such precautions since they do not earn enough to provide themselves and their family with a decent living, without taking loans. For many, loans are necessary simply to survive the slack season. With 27.5 per cent of the population living below the Indian poverty line (*Economic and Political Weekly* 2007, 1067) (which is set at the near-absolute minimum calorie intake, i.e. around 12 rupees or US\$0.26 per day in rural areas (Guruswamy and Abraha 2006), this is unsurprising. For others, what is required for a 'decent living' may be over and above the calorie minimum of existence, and include the cost of life cycle rituals etc. Informal debts are rampant among poor people, and labourers will often have multiple debts, to family members, money lenders and to employers (Chakravorty 2004; Dhan Foundation 2006; Mani 2002; Nayak 2003; Picherit 2007). A recent case study of neo-bondage found that the labourers concerned viewed an advance from an employer as the preferred option, compared to other types of loan, since such a relationship offered a possibility of paying off the debt (Guerin et al. 2007).

In most cases reported, the debt bonded labour relation is organized through jobbers or contractors, who will provide the advance, organize the migration and be the manager at the workplace. The jobbers will be working for one or more employers, or for a main jobber, who will fund, or part-fund, the advances, and rely on them to deliver labourers. The jobbers allow the actual employers to divest themselves of some of the risks of the production process, letting the jobber carry a part of the cost of the advances, and the responsibility of finding work for 'his' labourers should the expected end-employer decide to shift to other jobbers.

Labourers are often in long-term debt relations to their jobber. The labourers are bonded to the jobber, not the end-destination employer (Bremner 1990, 1994 [1978, 1979]; Guerin et al. 2007; Olson and Murthi 2000; Picherit 2007; Srivastava 2005; NCEUS 2007). The poorer a labourer is, and the less alternative employment opportunities there are, the more likely it is that long-term debt bondage will prevail. Some recent case studies document a trend towards increased long-term debt bondage (Guerin 2007; De Neve 2005; Picherit 2007). Sometimes, however, labourers manage to avoid long-term debt bondage. Guerin (2007) shows how, in Tamil Nadu, brick kiln labourers from a better-off village, with more

alternative job opportunities, tended to avoid long-term debt, while those from a village with no other income earning options ran up large debts. Long-term debts and casual labour relations may also alternate over time. Picherit (2007) argues that among construction workers in Andhra Pradesh, over a decade or so, some labourers would complete a cycle of bonded and casual labour relations, paying off debt after being debt bonded for several years, only to return to debt bondage after some years as casual construction workers.

Jobbers tend to be from the area of origin of the migrant labourers, and form part of the power relations built into the local social order, for example in kinship relations, caste hierarchies and relations, and village hierarchies, ultimately based on a latent threat of violence. This enables them to enforce loan- or advance-based labour relations over several years.

Long-term debt bonded labourers do not always see themselves as unfree. They compare themselves to the traditional bonded farm servants, and point out that they are free to change jobber (provided the new jobber will take over any outstanding debt), something which may happen fairly regularly (Guerin 2007), and that they engage in negotiations with the jobber regarding the size of the advance. They also have some opportunity to leave the relationship by simply not paying back the loans – or simply not turning up at the onset of the employment period (Breman 1996). This probably depends upon how closely the labour–jobber relationship is tied in with other power relations.

The official classification of work undertaken through jobbers or labour contractors is ‘contract labour’. Contract labour is widespread. An estimated 10.7 million labourers in construction alone are contract workers, comprising 83 per cent of all construction workers (NCEUS 2007, 74). NCEUS also finds that all labourers in the unorganized brick kilns sector are contract workers (estimates regarding number of brick kiln workers vary between 500,000 and 4 million (Prakash 2007, 1–3), and that contract work is widespread in unorganized sector activities such as stone quarrying, *bidi* rolling, rice shelling and construction (NCEUS 2007, 74). It is easy to see how one may reach a higher number than that proposed by the ILO regarding the incidence of bonded labour in Asia. With it appearing that the majority of all the estimated 30 million seasonal migrant labourers are being organized by jobbers, with advance payment by the jobbers as standard practice alongside evidence of debt bondage across numerous sectors, relations involving debts clearly exceed the ILO minimum estimate.

There are also cases of debt bondage which do not involve jobbers. This is particularly the case where no migration is involved, i.e. where employers are in a position to enforce debt-related employment pledges through local power relations. The old-style year-round debt bondage in agriculture, where it exists, tends to be of this kind.

Milder forms of possibly unfree relations are also noted. Other types of interlocked relations than debt-labour relations occur in agriculture, for example sharecropping conditioned on the acceptance by the sharecropper of labour service duties; performance of some unpaid labour throughout the year in order to be given work during the harvest season; free labour services in exchange for access

to grazing land/fodder for a milch animal, etc. (Lerche 1999; Rawal 2006; Srivastava 2005). At the other extreme, much harsher unfree relations are also reported. Some involve the actual confinement of the labourers in the work location, be it a brick kiln, a rice mill or a stone quarry, sometimes under armed guard. Such conditions have been reported from the 1980s onwards, and still exist, for example in some types of rice mills in Tamil Nadu (Marc et al. 2007).

The above outline of the workings of bonded labour and other related labour relations in India points towards a particular interpretation of the free/unfree divide. All the relations involve some degree of unfreedom/inequality over and above that characterizing standard 'free' labour relations, but the analysis would lose its nuances if these relations were collapsed into one undifferentiated category, be it 'unfree labour' or 'unequal labour relations'. Guerin's distinction between milder and harsher forms of bonded labour points towards a continuum from more-or-less free labour relations, to fully unfree relations; i.e. degrees of unfreedom, and/or of inequality underlying the labour relations. A categorization operating with such a continuum instead of a bi-polar definition better reflects the character of the labour relations discussed. The overall implications of this approach to free/unfree labour relations will be returned to below. First, however, the Indian example will be completed by locating the labour relations within the general Indian social and economic context.

India's 'Low Route' of Development, and Labour Relations

India's development trajectory has been summarized as a 'low route' of development, based on cheap labour, and not leading to a 'social democratic' development pattern based on high productivity, and a well-educated, well-skilled and well-paid labour force, as experienced in the so-called 'developed world' and to some extent also in many of the newly industrialized countries (Banerjee 2005, 35–8; Srivastava 2007). Harriss-White and Gooptu point out that the four most distinctive features of Indian capitalism are (a) a dominant unorganized sector, contributing more than 60 per cent of GDP; (b) work being mainly unskilled, enabling use of casual labour and flexible employment relations; (c) the absolute poverty of the informalized labourers (36 per cent of the population were below the official poverty line in 1993–4 (*Economic and Political Weekly* 2007, 1067)) and (d) while work is unregulated by the state, it is highly structured, to the detriment of the creation of a unified working class, especially by social institutions such as caste and gender (Harriss-White and Gooptu 2000, 90).

Since 1975, the year of the emergency declared by the then Prime Minister Indira Gandhi, Indian employers and governments have been on the offensive in their attempt to discipline the labourers and restructure production to achieve the maximum of flexibility and a docile and cheap workforce. Government support for the private sector, anti-union policies and activities by companies weakened organized labour, and the more overt liberalization government policies from the early 1990s onwards have strengthened the anti-labour hand further. Since 1980, the number of person-days lost in the organized industry due to lockouts

has outnumbered the loss due to strikes, and organized labour has seen its bargaining power reduced to what has been called concession bargaining, where restraint in wage demands is promised in return for maintenance of jobs or creation of new jobs (Banerjee 2005, 123–5; Datt 2002; Harriss-White and Gooptu 2000, 107).

Government policies have favoured encouraging flexibility and informalization (Harriss-White 2003) which have taken place across the formal sector (Harriss-White and Gooptu 2000, 90; Ghosh 2002). One example of the informalization process is the textile industry, where industrial restructuring and specific government legislation for the sector has moved to favour the small-scale power-loom sector. Textile production moved from the formal towards the informal sector, i.e. to workshops outside the realms of labour legislation, and most often also beyond the reach of the unions, with the loss of hundreds of thousands of formal sector jobs (Breman 2004, 143–5). A study from south India shows that the rise of the small-scale power-loom industry not only led to lower paid jobs in the informal economy, but, in this particular case, also to debt bonded labour relations for the power-loom workers (De Neve 2005).

Overall, unorganized sector employment as a share of total employment was constant from 1977/78 to 1990/91, and grew during the 1990s: from 92.2 per cent to 93 per cent (NCEUS 2007, 24). During 1999–2005, actual employment in the unorganized sector grew by 4.7 per cent annually, while actual employment in agriculture grew at less than 1 per cent annually, and actual employment in the organized sectors decreased (Planning Commission 2006, 72). These changes in employment pattern also involved increased seasonal migration. No reliable government figures are available regarding seasonal migration, which, as stated previously, is estimated to involve now approximately 30 million labourers each year. While seasonal migration has a long history, case studies indicate that much of present-day migration patterns took shape in the 1960s or later, including migration of agricultural and rural labourers from Bihar and east Uttar Pradesh, to the Green Revolution states of Punjab and Haryana, and migration to the sugar cane fields in Gujarat (Ansari 2004; Breman 1990; Olsen and Murthy 2000; Srivastava and Sasikumar 2003).

The Indian ‘low route’ of development has been enabled by the poverty and powerlessness of a major section of the labouring classes. Indian employers in the informal economy have always relied on extremely cheap labour. This has been facilitated by the government, which has increased its support for such a development strategy since the 1970s, and only accelerated this process since the liberalization of the 1990s. In this context it is hardly surprising that minimum wages are very low and very often not adhered to. Minimum wages are set at different levels in different states, and different industries, and not all industries are covered. In some cases they appear to have been set so as to reflect the actual wages in a given industry, even when this may be below survival rates. It has been calculated that 69.4 per cent of all casual labourers are paid below a notional national minimum wage, set to be equivalent to a minimum physical survival rate (Guerin 2007; NCEUS 2007, 83–8).

Debt bondage organized through jobbers is one step further down the line of the cheap labour strategy. This is also facilitated by the collusion of governments, and by the desperate poverty of the labouring classes. The role of caste in power relations and employment relations, i.e. the continued oppression of the ex-untouchable castes and tribes, is likewise a major facilitating factor.

The development pattern is also a reflection of the characteristics of capital and regulatory framework in India. Harriss-White suggests that the 'intermediate classes' are the politically dominant classes in India (2003). While aspects of this approach might be disputed, it does highlight the fact that a fully hegemonic capitalist class in a classic sense does not exist in India (see also Kaviraj 1988). Specifically for the case of the informal economy, Breman argues that the composition of capital in this area serves to further debt bondage. Informal economy producers are often themselves dominated by traders, who supply raw materials and buy their products. Access to markets is controlled by the traders, making the conditions for the actual producers less secure. This leads to a risk-minimizing strategy among producers, a strategy that includes subcontracting and the avoidance of investment in machinery, and reliance on jobbers (Breman 1996, 123). A 'low route' of development is the result. A recent case study from South India supports this argument. It shows how, in the local rice mill industry, the liberalization of rice mill licensing laws in 1999 led to an increased dominance of paddy merchants in the mill sector, squeezing the profits of some of the mill owners and putting pressure on them to exploit their labourers, who were already kept in confinement, even more. However, rice mill owners with available capital had been able to choose a different strategy, selling directly to markets, investing in more effective technology and using free, non-bonded and better-paid labour in the production process (Marc et al. 2007).

The extent to which, and how, the structure of capital in the informal economy influences investment patterns and labour regimes needs further investigation. Until now the main picture is one of producers and regulators working together in order to maintain the existing 'low route' strategy, but examples such as that of the rice mill above do point to the possibility of a more productive strategy, not based on the extreme conditions of bonded labour.

It is difficult to say if the 'low route' of development in India has involved an increase or a decrease in bonded labour relations. What is certain is that while the old-style, year-round, intergenerational bondage relations have lost their overall importance, the development of new bonded labour relations, and other labour relations involving degrees of unfreedom, compatible with capitalism, has been facilitated.

INDIA AND THE INTERNATIONAL CONTEXT

Development in India should be viewed in its international context. The introduction of anti-labour policies in India coincided with the deep capitalist world crisis of the 1970s, and its solution through the termination of what Silver and Arrighi called the 'development-friendly regime of the preceding thirty years in

favour of a capital-friendly international regime'. For developing countries, this brought with it the 'resurgence of a labour-*unfriendly* regime' (italics in original). It is this US-induced new international regime, and not specific 'repressive Third World elites' that is the main cause of 'any observable *worsening* in the(ir) working and living conditions over the last 20–30 years' (Silver and Arrighi 2001, 56, 61).

No general studies link the impact on the labouring classes of what others call neo-liberal globalization to that of unfree labour (for general studies, see for example, Kaplinsky 2005; Munck 2004; Kiely 2007). This is not the time or place to enter into the general debate regarding neo-liberal globalization. Suffice it to state that while disagreements exist regarding whether or not in the long run capitalism may lead to 'canonical' capitalism across the world, the empirical evidence is that this is not on the cards in the foreseeable future, or at least as long as neo-liberal globalization rules. In spite of the industrialization of East Asia and now China, overall, industrialization in the developing world has been stagnant since 1960, especially due to decline in Latin America and stagnation primarily in Sub-Saharan Africa. A recent study of 46 developing countries at different stages of industrial development between 1980 and 1998 showed that twenty had had rapid export growth, but twenty-three had experienced a degree of deindustrialization (Kiely forthcoming). For the labouring classes, the main pattern is that of global fragmentation (Bernstein 2004), shaped by initial conditions and the means and ways in which they have been incorporated into the global economy.

The anti-labour activities of Indian capital, and government, from the mid-1970s onwards, are best seen as part of the new international labour-unfriendly regime, or neo-liberal globalization. It is no coincidence that the informalization process in India gained renewed impetus in the 1990s, when India moved into its present liberalization phase. The specific way in which India is incorporated into the international political and economic system provides its capital and government with an unusually high degree of room for manoeuvre, but this has been used not to oppose but rather to promote anti-labour policies. The *specific* reasons why the new labour-unfriendly international regime led to the proliferation of neo-bondage to an extent not seen elsewhere in the world (with Pakistan as the only possible exception) include issues such as the power and character of its ruling classes, and include possibly the issue of the specific character of capital in the informal economy, and the specific Indian combination of extreme poverty, engrained structural inequality and oppression of sections of the labouring classes, and the availability of labour through their release from agriculture.

The Indian case provides pointers towards an analysis of the specific relationship between neo-liberal globalization and unfree labour in Latin America, Sub-Saharan Africa etc. It is difficult to see how unfree labour could develop without the presence of at least some of the balance of class power, and deprivation, characteristics uncovered in India, but the exact combination, and their interaction with the international labour-unfriendly regime is yet to be investigated.

Earlier it was shown how the different theorizations of unfree labour by Brass, Rao and Banaji were tied in with how each of them understood the

relationship between capitalism and unfree labour, and capitalism itself, while they were less concerned with the understanding of unfree labour in specific historical contexts. The latter issue has been dealt with above, and it is now time to return to the issues of the relationship between capitalism and forced labour.

Brass ignores the contradiction inherent in his view that capitalism and unfree labour are immediately compatible. His position is made more difficult by the claim that it is in keeping with that of Marx, when Marx in fact saw free labour as a core aspect of capitalism. Opposed to this, both Banaji and Rao acknowledge the problematic relationship between 'canonical' capitalism and unfree labour.

Empirically, unfree labour is mainly of importance in some developing countries. For Rao, this would either be due to an (extended?) phase of early capitalism/semi-feudalism here, or due to the fact that these relations were not unfree but, in fact, were free labour relations based on extreme inequality and monopoly. As Rao acknowledges might be the case, the evidence from India points towards the existence of proper unfree labour relations. The implication is that India and, by extension, possibly most of Latin America etc. are semi-feudal social formations. While this standpoint is internally coherent, it does not contribute towards an understanding of the dynamics that drive the labour relations, if it is accepted that these dynamics are inherently capitalist, and presently related to neo-liberal globalization.

Opposed to this, Banaji's proposal is that capital is working through a multiplicity of forms of exploitation, of which unfree labour is but one. This allows for an analysis of the dynamics leading to the existence of today's unfree labour relations, in a world driven by capitalist dynamics, but where, in many parts of the developing world, anything like 'canonical' mature capitalism is not likely to be achieved, at least not in the foreseeable future. On the other hand, in mature capitalist formations, the evidence suggests that unfree labour is generally a fringe phenomenon, implying that unfree labour would tend to disappear (along with the peasantry) where mature capitalism develops.

However, when looking at the level of historical specific analysis, none of the above theories provide much by way of analytical clarity or insights. There is a need to move away from unhelpful dichotomies, and acknowledge the fluidity of the actually occurring levels of unfreedom. There is also a need to build a fully-fledged historically specific analysis of unfree labour relations and their relation to neo-liberal globalization, building on the work of those such as Breman who have already contributed towards such an analysis in an Indian context.

Returning to the ILO forced labour report, the difficulties inherent in the overall ILO 'decent work' approach should be clear from the above analysis of neo-liberal globalization. It should now also be clear why the analysis of forced labour cannot be separated, ILO style, from the analysis of the processes generating the development of all labour relations. Such shortcomings of the ILO approach were to be expected. It is more problematic that the alternative, general analytical approach on offer is so weak.

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