

INDIAN MIGRATION AND EMPIRE

A Colonial Genealogy of the Modern State

RADHIKA MONGIA



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IN MEMORY OF MY PARENTS,

VED VYAS MONGIA (1927–1988) AND

USHA MONGIA (1932–2017)

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INTRODUCTION

The global monopoly of a system of states over the international movement of people seems an unremarkable fact in the present world. *Indian Migration and Empire: A Colonial Genealogy of the Modern State* analyzes how this came to be the case. In overarching terms, two questions frame this study: First, what histories can we chart of the increasing and incremental state control over migration that culminate, by the early decades of the twentieth century, in a state monopoly over migration? Second, what can these histories tell us about state formation, inter-state relations, state sovereignty, and modern subject constitution? I argue that since the state has not always held a monopoly over migration, investigating the historical circumstances and the historical human subjects that propelled it to do so yield crucial insights into the processes of modern state formation. In particular, as this work will delineate, such an investigation forces a reevaluation of the common distinction between the metropolitan/modern state and the colonial state and, instead, impels an approach that traces what I will call a *colonial genealogy of the modern state*.

Focused on an analysis of colonial Indian migration from the British Empire, this study traces a shift from a world dominated by empire-states into a world dominated by nation-states.¹ I begin in approximately 1834, with the abolition of plantation slavery in British colonies, which generated an acute demand for labor in the labor-intensive plantation economies.² This demand was met, in part, via the introduction of laborers from India. As early as 1835, the Court of Directors of the East India Company (in charge, at the time, of British administration in India) installed mechanisms of state control to monitor this massive movement.³ As such regulation lacked legal precedence, it occurred amid challenges to the authority and legality of the state in monitoring the movement of “free” subjects (as distinct from the “unfree” subjects of the African and other slave diasporas). While recognizing that “this practice [had] no foundation in any

existing law,” the state argued that the regulations were warranted in order to ensure the migration was “free.”⁴ Thus, this early state involvement in colonial Indian migration saw its genesis in facilitating and enabling the movement. Beginning with a trickle of thirty-nine Indian migrants who arrived in Mauritius in 1834, such state-supervised migration grew into a vast enterprise operating within a *logic of facilitation*.⁵ Under its aegis, more than 1.3 million Indians moved to various parts of the globe, including Mauritius, Réunion, Guyana, Trinidad, Jamaica, Surinam, Fiji, Australia, Tanzania, Kenya, Uganda, and South Africa.

However, until the late nineteenth and early twentieth centuries, the state monitored only the movement of indentured Indian labor and did not interfere with the much larger migration of those not participating in the state-defined and state-controlled indenture system.⁶ Within the history of colonial Indian migration, it is only with the increasing movement of non-indentured Indians to white-settler colonies like Canada, Australia, South Africa, and the United States, in the first two decades of the twentieth century, that we see persistent demands to extend state control to cover all types of migration to prohibit and restrict movement. These twentieth-century demands, and their eventual incorporation into a global regime of migration control, operated on a *logic of constraint*. In this study, I consider both the predominantly nineteenth-century migration of indentured Indian labor to replace—or, more accurately, to displace—recently emancipated slave labor in the British plantation economies, as well as the early twentieth-century movement of non-indentured migrants to white-settler colonies (specifically, Canada and South Africa).⁷ I focus on the emergence of certain techniques, technologies, and institutions for managing migration: the juridical labor contract, installed to distinguish indentured migration from the slave trade; the formation of a complex and gargantuan bureaucracy that deployed a range of management techniques for monitoring migration; the marriage license, required of “free,” non-indentured women to stake a claim to mobility; and the modern passport, instituted to control migration along the axis of racialized nationality. This book charts how these technologies and institutional forms emerged from a circuit of connections and contestations between imperial and colonial state formations; the expansion and segmentation of global regimes of capital; prevailing ideologies of race, gender, and sexuality; competing nationalisms; and complex reconfigurations in the meanings of “labor,”

“freedom,” “family,” and “marriage” in places as diverse as India, Britain, Mauritius, the Caribbean, Canada, and South Africa.

The debates attendant on the historical formation of these technologies were centrally concerned with such issues as the proper and legitimate purview of the state, the status of “free” subjects, the definition of state sovereignty, and the nature of inter-state relations. Indeed, my analysis demonstrates that the formation of colonial migration regulations was dependent upon, accompanied by, and generative of profound changes in normative understandings of the modern state. The analysis points, in other words, to a fundamental colonial genealogy of the modern (nation-) state, in *both* the metropolises and the colonies, or *globally*. It thus departs from what one can call a dispersal or diffusionist model of modern state formation. Unlike the claims of this model, wherein the modern (nation-) state takes shape in Euro-America and, over time, spreads outward, this book argues that the modern (nation-)state has a far more complex and complicated history, one whose coordinates and determinations are temporally and spatially dispersed.

The central chapters here are organized to illuminate the formation of key techniques and technologies for regulating migration. Studying migration by employing state technologies of regulation as the object of analysis allows one to consider patterns of migration often held distinct (for instance, indentured and “free” migration) within the rubric of one project. This approach also allows one to address the problems of methodological nationalism, which sees the national as the privileged site and scale for investigating migration and, thereby, misunderstands how definitions of the “national” are necessarily implicated in, and emerge from, non-national, cross-statal, transcolonial, and inter- and intra-imperial forces. Scholarship that considers different patterns of migration does so largely within the rubric of a comparative framework. My aim here is not to foreground a comparative analysis; it is, rather, to map the unique historical exigencies that propel certain modes of state control over migration, which come to be congealed in certain, significantly enduring, technologies. These technologies, I show, both embody and express critical moments in the making of—and transformations in—the modern state. With the larger objective of producing what I am calling a colonial genealogy of the modern state, this study illuminates significant aspects of colonial Indian migration, examines the place of migration in the transformation of a world dominated

by empire-states into a world dominated by nation-states, and explores how local particularities are both encoded in and help catalyze the development of global regularities in the consolidation of state control over mobility.

In the remainder of this introduction, I review some paradigms that shape migration research in relation to the state, outline what I mean by a “colonial genealogy of the modern state,” and, finally, provide an overview of the chapters that follow.

Migration/Nation/State: Analytical Paradigms

As with the human sciences more broadly, the analysis of migration has been framed (in terms both of providing an *orientation* for analysis and of serving to *enclose* and delimit the analysis) by a profound methodological nationalism. The framework of methodological nationalism works on a foundationalist and presentist logic, wherein the nation-state is divested of its historicity and peculiarity and invested, instead, with a dehistoricized and circular logic. In this way, the very notions—of nation, nationality, and the nation-state—most in need of explanation are both the starting and the end point of analysis. Thus, for instance, migration was customarily understood as the movement of people from one nation-state to another, and analyses, working with the paradigm popularized by the Chicago School, were largely configured to inquire into how migrants were assimilated, or not, into a “host” society understood as a preexisting national space. A corollary to the assimilationist paradigm, focused on assessing migration as a phenomenon of *immigration*, had been the lack of attention to understanding migration as, simultaneously and necessarily, also *emigration*.⁸ In recent decades, the implicit and explicit methodological nationalism that has dominated the study of migration has received sustained critiques from at least two quarters. One critique, associated with the influential work of cultural studies, has vigorously questioned notions of a fixed, stable culture or cultural identity, in general, and notions of unchanging, discrete national culture, in particular.⁹ Another critique has emphasized how the insular, territorial logic of methodological nationalism obstructs our ability to grasp the dense networks and circuits of connections between people, discourses, commodities, artifacts, ideas, and so forth, that extend beyond national-state borders. A “transnational” approach has been one

of the most significant innovations in addressing these limitations.¹⁰ Both critiques are important interventions that have significantly shaped recent migration research. While drawing on their insights, I aim here for a more radical historicization of the state as a territorially and demographically contained entity than is evident in these approaches. This task entails that we foreground the historicity of the regulatory categories that organize migration regimes and thus ensure that our “categories of analysis” do not uncritically duplicate—and thereby naturalize—the “categories of practice” deployed by the state.¹¹ In fact, what we can call a *methodological statism*—a position that naturalizes the state—is embedded in both cultural studies and transnational migration studies and, despite some fissures, remains pervasive in migration scholarship more broadly. With regard to cultural studies scholarship, analyses of the state have been largely absent, even when certain (national) state spaces are the central locus of concern. Though we have rich accounts of the (re)making of national cultures, a methodological statism enters by way of an assumption of a de-historicized, invariant, usually coercive state that frames and orients the analysis but is not itself subjected to examination. In the transnational approach, the problems of a methodological statism are more acute, if paradoxical. Given that its main objective is to inquire into processes and practices that cross the boundaries of the nation-state, the existence of the nation-state and the salience of particular understandings of borders between states are central to definitions of transnationalism and transnational migration.¹² By distinguishing between state space and social space, and focusing attention on the latter, what is lost is a historicization of how, when, and why borders between malleable states come to be congealed or of what events and processes produce borders as containing fixed territories and populations understood in specifically national terms.¹³ While a transnational approach is useful for understanding certain recent (trans)formations, it is not as helpful for historical inquiry since, in its reliance on the “national,” it introduces the problem of presentism in a particularly acute yet unacknowledged fashion. The problem is embedded in the very nomenclature: the formulation of the *transnational* obliges if not shackles us to assumptions of space, state, and subjectivity *already* conceived in *national* terms.¹⁴

A chief reason for the confusing deployment of the national framework in migration scholarship relates to the fact that mass migrations have not

been an important element of influential treatments of the historical development of nationalism and the nation form.¹⁵ Rather than *assume* that a state monopoly over migration and a state organization of migration in national terms were teleologies simply waiting to unfold, we must examine *how* certain events in certain historical conjunctures produced a tight confluence between migration, nationness, and stateness as a contingent—if enduring—result. Rogers Brubaker’s distinction between developmentalist and eventful perspectives in thinking about nationhood proves useful here. Whereas the developmentalist literature “traces long-term political, economic, and cultural changes that led, over centuries, to the gradual emergence of nations,” an eventful perspective thinks of “nationness as an event, as something that suddenly crystallizes rather than gradually develops, as a contingent, conjuncturally fluctuating, and precarious frame of vision and basis for individual and collective action, rather than a relatively stable product of deep developmental trends in economy, polity, or culture.”¹⁶

The historical nationalization of migration is best grasped through an eventful perspective, where certain migrations, at particular moments, come suddenly to provoke the framing of identity in national and nationalist terms, or to catalyze the introduction of nationality as an institutionalized category into migration law, or to produce unforeseen eruptions of fervent nationalist claims. Historically, as we will see, the nationalization of migration has taken a piecemeal and uneven trajectory, pointing to the fact that processes of nationalization are “temporally heterogeneous.”¹⁷ These processes do not all work in tandem, do not all have the same intensity, and nationalization in one domain or in some state-territorial spaces does not entail, or foretell, nationalization in others. Given this temporal–spatial heterogeneity, while we might now speak of a thorough nationalization of migration on a global scale, the particularities of this nationalization do not all replicate each other and are unstable. Moreover, as I will demonstrate in chapter 3, an eventful approach permits an analysis of how gendered and sexualized determinations shape the nationalization of migration, an analysis that largely cannot be, and has not been, accommodated within developmentalist approaches.

Another important aspect of methodological statism that characterizes scholarship on migration is the assumption that controlling migration across putative state borders is a long-standing and noncontentious element of state sovereignty. Scholars of migration have noted that different

kinds of states, at different times, have sought to control the mobility of people, including what we call emigration and immigration, and that the axes for such control have varied widely.¹⁸ They have also noted that several states, such as the United States, that have seen a flow of migrants for centuries, attempted to develop comprehensive federal immigration laws only toward the end of the nineteenth century.¹⁹ Both past and current migration policies are increasingly scrutinized and debated. Scholars have also understood the extent and mechanisms of control, particularly on emigration, as yardsticks to classify state forms as, for instance, liberal or totalitarian.²⁰ In sum, several elements of state control over mobility have received attention. However, even as these different aspects have occupied migration scholars, they have tended, with some exceptions, to assume that such control is a defining, definitive, unchanging, and unchangeable element of (state) sovereignty, typically attributing this feature to the 1648 Treaty of Westphalia.²¹ In other words, the different policies, legislative actions, and mechanisms of control—over almost four centuries—are, if implicitly, understood as so many diverse “applications” of the “principles” or doctrines implied by the Treaty of Westphalia. As a result, the “nationalization” of sovereignty—in terms of how preexisting aspects of other state forms are remade in national terms and of how new, uniquely national, forms emerge—are only recently receiving attention.²² Such appeals to a Westphalian ideal of the state and the interstate system not only rely on an insufficient historicization of the state and state sovereignty in relation to migration. They also sidestep the issue of how—and if—the Westphalian ideal was globalized and if we might chart any relations between this ideal and colonialism.²³ More broadly, such a view is premised on the notion that the practices of governance and the institutions of the state have a fidelity to, can be deduced from, and are reflective of a set of principles or of treaties. In other words, this view conflates what Philip Abrams calls the “state-system” and the “state-idea.”²⁴ Rather than understand the state as a coherent, interpretatively stable set of principles that are put into practice and encoded in institutions, I focus on practices, techniques, and institutions to examine how they come into being and how they encode and remake principles *in particular historical conjunctures*. Thus, the state will emerge, in my analysis, as an unstable, historically changing entity, rather than as an entity that adheres to principles and fulfills static, definitional criteria.²⁵ Such a perspective will enable us to avoid the pitfalls of a methodological

nationalism that would suggest that migration has always been controlled in national terms and that state sovereignty embodies an inviolable right to exercise such control.

For instance, I will demonstrate in chapter 1 that, notwithstanding the 1648 Treaty of Westphalia, in the nineteenth century the British empire-state was beset with problems in legitimizing state control over Indian indentured migration that followed the abolition of slavery.²⁶ As we consider the debates, contentions, and legal conundrums attendant on legitimizing such control, which institutionalized migration under a state-authorized labor contract, we are forced to question the methodological statism within migration scholarship that has so readily adopted the state's own *current* claims about its inviolable authority in regulating migration.²⁷ Such an unequivocal principle, which would have substantially eased the legal difficulties of the British empire-state in regulating—albeit to facilitate—“free” Indian migration in the nineteenth century, was, however, unavailable at the time. Thus, the legitimization of control came not by way of an appeal to a principle that authorized such control, but by way of an appeal to the *exceptional* nature (that is, the civilizational deficit) of colonized subjects that warranted a *deviation* from the principle, or the prevailing norm, that did *not* authorize such control. Chapter 4 further develops the historical contours of transformations in understandings of state sovereignty and its relation to migration with an analysis of the debates, some seventy years later in the early twentieth century, regarding Indian migration to Canada. I demonstrate how prohibiting Indian migration was achieved through a new and novel understanding of *national* sovereignty incorporating the “principle” of “reciprocity.” In each instance, the shape of state control was justified via ad hoc arguments that spoke to the specificities of the precise historical conjuncture that obtained; such ad hoc resolutions to historically contingent circumstances would, over time and with repetition, come to be standardized and make anew the naturalized understandings of the relation between state sovereignty and migration control. It was not that a stable understanding of state sovereignty—a doctrine or a set of principles emanating from Westphalia and Europe—was simply “applied” or “dispersed” to the empirical “cases” at hand; rather, the matters at hand and the specificity of the empirical situation would catalyze debate, come to be embedded in the doctrine, and remake the “theory.” To challenge the dispersal model of state (trans)formation that informs dominant trends in

migration studies and enable us to apprehend the transactions—between principles/doctrine and empirical circumstances, between “theory” and “history,” between Europe and its Others—this study adopts frameworks more attuned to coproduction and co-constitution.

We have naturalized the state at smaller and more mundane scales as well. It is, in fact, commonplace to study human movement in terms of state categories of regulation and legal distinction. When considered in a historical frame, perhaps the most important distinction is that between “free” and “unfree” movements. As with the division of migrants by nationality, the free/unfree distinction is embedded in migration scholarship. David Eltis points out that analyses “have not only been overwhelmingly country-specific, they have also focused exclusively on either free or coerced streams of migrants, at least insofar as transoceanic movements of people are concerned.”²⁸ Despite important exceptions, migration scholarship posits a demarcation between “free” and “unfree” migration—treating them as incomparable phenomena and studying them in isolation from each other.²⁹ Not only are free and coerced migrations thought to be unrelated; studying them in isolation from each other also produces a reified understanding of “freedom” as equivalent to consent embodied in a contract—the very understanding of “freedom” propagated by the state conjoined with discourses of political economy.³⁰ This assumption has largely restricted analysis of state regulation firmly within the sphere of “free” migration. As a result, despite the involvement of states in managing, facilitating, and, eventually, rendering illegal “unfree” and “semi-free” movements, such moments of state regulation are excised from histories and theories of state regulation of migration that have come to focus only on migrations termed “free.”³¹

Given this assumption, historians and theorists of migration are generally agreed that widespread state control of migration is a distinctly twentieth-century phenomenon.³² Two further presumptions ground this assessment: first, that the “origins” of migration regulations lie in Western Europe and the United States (and, to a lesser extent, in other white-settler colonies such as Australia and South Africa) and, second, that policies of restriction and prohibition are the defining elements of migration regulation; in other words, that states regulate migration primarily within a logic of constraint. These presumptions inform dominant paradigms of migration theory, which rarely consider patterns of migration in other regions

as the empirical material for formulating larger theoretical frameworks.³³ Indeed, the link between Euro-America and the focus on “free” migration is now so deeply lodged in migration theory that though historians working, for instance, on indentured Indian migration have repeatedly noted that it was a state-regulated and state-managed system, the implications of this distinctive feature have received little theoretical attention in terms of political theories of state formation.³⁴ Thus, while historians of colonial migrations have provided detailed descriptions of the manifold migration controls undertaken by a variety of states, they have not assessed these controls as profoundly intertwined with the historical development of, and transformations in, the modern state and inter-state relations.³⁵

While the free/unfree distinction is central to historical investigations of migration, as state categories for distinguishing forms of human movement have mutated and proliferated, the foci of migration research has moved in tandem, leading to studies organized according to these new categories. Like the state, research routinely distinguishes “political refugees” from “economic migrants,” “legal” migrants from “illegal(ized)” migrants, “highly skilled workers” from “guest workers,” “trafficked victims” from “international terrorists,” and so on, often with less than salutary effects.³⁶ Dwelling on this trend, Diana Wong interrogates the troubling proximity, indeed replication, between the categories that frame the migration *policy* agenda of Western “receiving countries” and the categories that have come to frame the migration *research* agenda of scholars.³⁷ Or, to use Brubaker’s formulation, there is an overlap between categories of practice and categories of analysis. Wong argues there is a “Northern bias” in migration research, which is replicated within research on and from the South; that, in fact, migration analysis is overwhelmingly framed from the perspective of Western “receiving countries.”³⁸ Thus, migration scholarship—though emerging from and concerned with different locales—adopts not the position of just any state; it has tended to adopt the position of certain states, revealing an enduring (neo)Eurocentrism.³⁹ Rather than understand modalities of state control over mobility as either peripheral to or a mere reflection and logical consequence of certain state formations, this study approaches the regulation of migration as an important site of state (trans)formation, globally.

A Colonial Genealogy of the Modern State

The last two decades have seen intensified discussion and analysis of the colonial state and its explicit or implicit other, the metropolitan state, most often simply called the modern state. Regardless of the locale or the kind of colonial formation under study, there is wide agreement that a distinguishing feature of the colonial state is the persistent recourse to instituting and institutionalizing differentiated legal regimes and political subjectivities.⁴⁰ If, over the course of the nineteenth and early twentieth centuries, the polity in the metropole would, in different measure and with different degrees of success, come to be seen as constituted by formally equal and equivalent citizens, the polity in the colony was riven with multiple stratified distinctions between the colonizer and the colonized.⁴¹ Depending on the particular historical conjuncture, the justificatory logic for such differentiation varied; however, one can discern at least two broad patterns with regard to the British Empire. In one iteration, despite an overarching universalist liberal ideology, the differentiations between metropole and colony and within the colonial world were defended on the grounds of the exigencies produced by the peculiar situations of the colonies and the practices of the natives. Partha Chatterjee has called this operation—wherein the colonial situation necessitates an exception to (otherwise) universally valid principles—“the rule of colonial difference.”⁴² Frequently, these exceptions were conceived as temporary suspensions in a teleological, social-evolutionary schema that, over time, would be eliminated.⁴³ In another iteration, universalist and universalizing claims recede, with the cultural difference of the colony itself justifying the need for unique principles and modes of governance to preserve and protect those differences.⁴⁴ But “difference” here is not conceived as incomparable, pure alterity; rather, the differences are nonetheless brought within the ambit of a comparative—and hence normative and hierarchical—Eurocentric framework.⁴⁵ Despite the differing rationales, in both iterations of colonial rule, which largely operated in conjunction, not only was the colony governed in ways distinct from the metropole; additionally, metropolitan subjects in the colony were treated differentially.⁴⁶ Thus, scholars have explored how practices and principles “imported,” “imposed,” or “diffused” from the metropolis would take a very different form and shape in the colonies, forms that have variously been characterized as “exception,” “distortion,” “incompleteness,” or “hybridity.”

However, a focus on the distinctiveness of the colonial state or on the fate of metropolitan principles and practices in the colonies leaves important aspects of both the colonial and the metropolitan state in shadow. The assumption of spatial–territorial segregation that subtends the distinction between the colonial state and the metropolitan state disallows an investigation into how “modern” forms and institutions of state had a developed life at colonial sites as well as how “colonial” forms were not spatially restricted to the colonies but were (and are) also part of metropolitan state logics. In other words, the colonial state and the modern state did not develop along two trajectories in isolation from each other. Rather, these coeval formations emerged as jarringly distinct, yet also uncannily similar, through complex *relational* processes, whose contours cannot be captured by understanding the colonial state through the modalities of exception, importation, imposition, or diffusion alone. More broadly, the tendency to attribute the emergence of certain principles, doctrinal propositions, forms of political thinking, and state institutions as autochthonous European inventions that are then applied (or not) to colonial settings misses a crucial part of the story: that such colonial sites were often central to the making of principles, the shaping of doctrine, and the emergence of state institutions and practice. This is not to say that a colonial dimension inhered equally or evenly in *all* aspects of European thought and practice regarding the state; nor is it to say that the vocabulary of importation, imposition, or diffusion is *never* useful in describing phenomena in the colonies. It *is* to say that the analytical and epistemological frames embodied in this lexicon are insufficient to understanding the making of the modern world and must be supplemented by a modality attentive to coproduction.

Departing from a framework that treats metropolises and colonies as distinct, unrelated entities, a growing body of recent scholarship has explored their densely intertwined character, investigating how colonial and imperial concerns shaped developments in the metropolises.⁴⁷ As a result, alongside more detailed examinations of various colonized sites, we are better informed on how empire shaped European political thought, on how practices in the colonies found their way back to the metropolises, or on how everyday life and cultural idioms in the metropolises were saturated by colonial–imperial thinking. Under rubrics such as the new imperial history, connected histories, transnational histories, and histories of the global, not only are the connections between metropolitan and colonial

sites being evaluated afresh; increasingly, there is more attention to the circulations and webs of connections between different colonies, as also studies organized through different analytical frames that emphasize regional or oceanic connections other than the Atlantic world, such as the Indian Ocean world or the Bay of Bengal littoral.⁴⁸

But investigations of the cultural and ideological traffic between metropole and colony often fall short of exploring the nuances of state formation, particularly in resisting approaches that do not assume its territorial closure. In fact, it is customary to study “the state” as a spatially specified and contained entity. I wish to emphasize that there is, without doubt, much to be learned from site-specific inquiries, and nuanced explorations of several important aspects of state formation and practice entail—indeed, demand—such a perspective. However, limiting analysis to such an approach makes it impossible to follow pathways that can describe state practices whose coordinates are not spatially bound or to analyze state forms that do not adhere to such territorial closure. Migration is one such domain and, as we will see, the regulation of migration is one of the primary mechanisms for the production of the state and of sovereignty as enclosing a fixed territory and a fixed population; for defining membership in political communities; and for consolidating the notion of state borders.⁴⁹ In other words, the regulation of migration is a central aspect of what John Torpey calls the “stateness” of the modern state.⁵⁰ In tracing a *colonial genealogy of the modern state* this book is specifically concerned with analyzing how the mechanisms and rationales that emerged in the regulation of colonial migrations are embedded in normative understandings of the modern state and how they inform, animate, and, often, are amplified in current migration regimes.⁵¹

I use here a Foucauldian notion of genealogy, directed toward producing an “effective history”: one that illuminates how things emerged and descended, in the form they did—not through the unfolding of a foregone teleology, but through chance occurrences, peculiar configurations, contingent forces.⁵² Indeed, as we cover the terrain of the regulation of colonial Indian migration we find that regulations were often made to address contingent exigencies, thus dispensing with any logical consistency that might ground a smooth legal order. As a result, at the heart of a legal regime and a bureaucracy striving for an ideal rule of law that rested on definitional clarity, unambiguous regulations, and systematic implementation lay a thicket

of ambiguity and a muddle of laws and rules such that the making of modern state formation took shape, in this instance as in others, in a manner that was arbitrary, ad hoc, but, in these ways, not unique.⁵³ In much the same way as Antony Anghie demonstrates that the so-called sovereignty *doctrine* emerged through a series of “improvisations” that spoke to particular historical conjunctures, the relations between migration and the state did not flow from pre-given principles; rather, they emerged in haphazard fashion in response to particular historical exigencies.⁵⁴ This work analyzes aspects of the particular circumstances, the complex debates, and the novel arguments attendant on state regulation of colonial Indian migration that, importantly, have come to be congealed in routinized technologies and unquestioned ideologies. In doing so, it traces the historically specific and shifting axes along which the state controls migration to illustrate how they are crucially linked to the production of historically specific subjects, to the formation of certain kinds of states, and to the generation of particular kinds of inter-state relations. In this way, what genealogy or effective history offers for serious consideration is the peculiarity and contingency of the present and, hence, the prospect that the present provides *no necessary* template for the future; it thus offers the possibility not of an apologia, but of a thoroughgoing critique of the present. In other words, the colonial genealogy of the modern state I chart here both facilitates an appreciation of the complexities of the historical contingencies that produced the present and provides an avenue for articulating futures that are not merely versions of, or smoothly continuous with, the past.

In concrete terms, this project is a critical assessment of the official archive, or the state’s account—one can call it the state’s memory, albeit patchy and partial—of Indian migration from about 1834 to 1917.⁵⁵ In the space of some seventy years, from 1834 to the turn of the century, indentured Indian migration would be authorized for some twenty countries on four continents. As a result, people who were variously called “Indians,” “East Indians,” “Asiatics,” “coolies,” “natives of India,” “Hindoos,” and so forth, would, over the years, arrive in such disparate locations as present-day Mauritius, Guyana, Jamaica, Trinidad, Réunion, Suriname, Guadeloupe, South Africa, Tanzania, Uganda, Fiji, Australia, and a host of other sites. In each case, state-regulated indentured migration was authorized as an *exception* to the then-prevalent, general principle of free movement. These authorizations, which occurred alongside the *lack* of regulation of

“really free, ‘free’ migration” (a paradoxical formulation, whose confounding complexity I attempt to explicate in chapter 1), would necessitate negotiations between all sorts of actors that included, but were not limited to, the French, British, Dutch, Portuguese, and Japanese empires, and various local princely states in India. Since the regulation of Indian migration, in the period I consider, is concurrent with the expansion of the state apparatus more generally, there is a massive, unwieldy archive whose constituent parts are strewn across the globe and, on average, runs to several thousand pages per year (excluding the loss or planned destruction of, perhaps, a bulk of the documents).

In other words, what we can call the conventional archive on Indian migration is vast; the difficulties of navigating the classificatory rationales of both bureaucratic and archival practice make it impossible to present an adequate picture of this “vastness” or to definitively master its contents. For instance, over the years, in British India alone, the matter of Indian migration would be the charge of a variety of different departments, whose contours were, in turn, in constant flux and indicate the complexities and vagaries of any definitive contemporaneous classificatory schema.⁵⁶ In addition to the varied departments of the Government of (British) India explicitly charged with the matter of migration, we can also find materials directly relevant to Indian migration in a host of other correspondence and communication at varied sites, concerning matters covering such seemingly disparate issues as sanitation, prisons, slave manumissions, maritime law, the formation of an international postal service, or the regulation of financial markets and exchange rates. Thus, to use archival parlance, the relevant fonds are no guarantee of an exhaustive compilation of even the partial, mutilated existing sources. But, and this is the more important point, given the contours of the conventional archive I have described, the particular period it traverses, the geographical scale of its concerns, the different authorities (empires and other states) it involved, when combined with other archives, including “secondary” sources and what is called “theoretical” discourse, offer a very rich corpus of materials for writing a colonial genealogy of the modern state that can account for its dispersed spatio-temporal determinations and multiple instantiations.

Trajectory of the Text

Chapter 1, “The Migration of ‘Free’ Labor: Contracting Freedom,” links together the seemingly disjointed events of the abolition of slavery in Mauritius and the Caribbean, the consolidation of colonialism in India, and the ascendance of liberalism in Britain to consider the first widespread incursions of the state in regulating the movement of “free” subjects in relation to Indian indentured migration. The chapter advances two central arguments: one, regarding the broader nineteenth-century transformations in contract law and understandings of freedom; the other, regarding a fundamental change these regulations embodied in terms of state sovereignty. Since indentured labor was transported to replace slave labor, the primary concern animating these early regulations was to ensure that the migration was “free” and distinguishable from the slave trade. The hallmark of state regulation of Indian indentured migration was the appearance of the state-authorized labor contract each emigrant was required to “sign.”⁵⁷ Indeed, so salient is the contract to this movement that the migrants themselves referred to each other as *girmit* or *girmitya*, terms derived from “agreement,” or contract.⁵⁸ However, Indian migration did not simply mobilize preexisting understandings of freedom or of the contract. Rather, as this chapter argues, the debates occasioned by Indian migration in the wake of abolition were one crucial site where we witness the rise of “consent” as a definitive element of “freedom,” which characterizes nineteenth-century transformations in contract law. Moreover, such state intervention, which required the management and oversight of private contracts as a prerequisite for migration, did not accord with prevailing understandings of the purview of state authority. It thus occurred amid acute contention, debate, and contestation regarding state authority and the very definition of state sovereignty. The chapter details these debates and outlines how state regulation of the movement of “free” labor was ultimately justified by recourse to what the documents call the “necessary ignorance” of the colonized subject. This “ignorance” covered over the paradox that the state intervened in “free” migration precisely in order to ensure that it was “free,” even as it effected a fundamental transformation in accepted understandings of the legitimate purview of the state. Indeed, these state interventions, which emerged from the particular nexus of abolition and the material imperative to provide cheap labor to the sugar-producing colonies, con-

stitute a critical moment in redefining the parameters of “free” migration and reformulating the limits of state authority and sovereignty. Traversing these important twin transformations—in the very meanings of a free labor contract and in state sovereignty—is the subject of chapter 1.

Despite the advent of state-authorized contracts, a concern with “freedom” would haunt the system of Indian indenture for the near-century it was in existence. However, alongside the persistent concern with freedom that surrounded indenture, after about 1850 we witness a marked quantitative and qualitative shift in migration regulations: in tandem with the expansion of the state apparatus more generally, there was a proliferation of migration regulations monitoring every aspect of the movement. These changes are the subject of chapter 2, “Disciplinary Power and the Colonial State: The Bureaucracy of Migration Control.” Deploying a Foucauldian notion of disciplinary power (as distinct from sovereign power that organized contractual relations, discussed in chapter 1), this chapter charts the formation of a huge bureaucracy of medical workers, health inspectors, police officers, recruitment agents, em/immigration officers, and the like, which emerged from a complex web of transcontinental correspondence and negotiation. My approach and objective here differ from existing scholarship (including my own) that has offered rich accounts of legislative action and other measures that regulated Indian migration and organized the terms of life and labor at the destination colonies. Such work is indispensable to enhancing our understanding of the specificities of Indian migration to certain locales, of the particular contexts that produced one set of legislation and regulation rather than another, of the consequences of different measures, of the varied experiences of migrants, and, more broadly, of a social history of migration. But, in the main, such approaches do not help us grasp the *overarching* contours of a migration *regime*.⁵⁹ In this chapter, I examine varied state measures and emerging state logics both to analyze the processes through which a vast and complex migration bureaucracy took shape and to provide a profile of its architecture. The regime was characterized by the dense entanglements of “colonial” and “modern” forms, which were simultaneously instantiations of and catalysts for transformations in the state. This mammoth bureaucracy spawned an array of mechanisms for micro-managing migration whose function was not to ascertain that the emigrants were “free” but to monitor all manner of other variables—from the health and fitness of emigrants to the character

of recruitment agents, from the dietary scales on ships to the sleeping arrangements and exercise routines of emigrants. Unlike the contract, which had provoked intense debates on the very definitions of freedom, sovereignty, and the limits of state authority, these regulations did not provoke debates on the legitimate purview of state authority. However, despite the absence of such debates, this chapter analyzes how these changes, in fact, both embodied and reflected the widespread deployment of disciplinary power and constituted new relations between states and subjects.

A frequent misunderstanding in Foucauldian scholarship is that the proliferation of nonsovereign forms of power (such as disciplinary power, governmentality, or biopower) is accompanied with the disappearance, or certainly the retreat, of sovereign power.⁶⁰ Given that the contract was a central technology in the management of Indian migration, and it is perhaps the quintessential expression of sovereign power, it is foolhardy to ignore the operations of sovereign power within the regime of Indian migration control. Instead, it will be important to trace the *heterogeneity of power* and attempt to understand the relationship between the different modalities of power, particularly since such relationships might well work differently in the colonial field than in the field Foucault describes. However, despite the European context that Foucault theorizes, aspects of his analysis resonate deeply in non-European locales precisely since the logics of power, the formations of state institutions, the grammars of control, and the modalities that (re)organized the social—in short, what Dipesh Chakrabarty calls “the plural history of power”—were historically, or *empirically*, not segregated or limited to the geographical space of Europe.⁶¹ Indeed, in terms of this empirical unity, the thinking of Jeremy Bentham (central to Foucault’s elaboration of disciplinary power) and the Utilitarians informs developments both in Europe and in the colonies, especially India.⁶² However, the empirical and analytical unity of metropole and colony should not be understood to mean that the logics of power unfold similarly in all domains; indeed, this is rarely, if ever, the case. Working through the grids of similarity and difference, points of emergence, and patterns of circulation is thus a central aspect of my analysis, as I attend to the *imbrication* of sovereign and disciplinary power to provide a sketch of the overarching migration *regime* that took shape.

Chapters 3 and 4 turn to an analysis of non-indentured migration that, until the early twentieth century, had been largely unregulated by the

state. The specific nineteenth-century historical context of the abolition of slavery had precipitated state control of migration along the axis of freedom and within what I have called a *logic of facilitation*. Here, the state-authorized contract was explicitly instituted to *enable* the movement of indentured labor to plantation economies. The twentieth-century context of increasing racial anxieties in white-settler colonies would precipitate state control of non-indentured, or “more free, ‘free’ migration,” along the axis of nationality and within a *logic of constraint*. Thus, even as the global economy and “the economic forces behind migration grew increasingly integrated around the world,” migration streams were segregated and divided, based on racial criteria.⁶³ Premised on racial thinking and contravening a straightforward capitalist rationale, state regulations in the twentieth century would expand to cover a wider array of movement, even as debates over state sovereignty, the purview of state authority, and the relation between states and citizens/subjects would reemerge with renewed strength and take radically new forms. Charting these novel forms of regulation and legitimation, particularly the complex rationales and modes of displacement that shaped the formation of a decisively racialized migration regime, is the focus of chapters 3 and 4.

Chapter 3, “Gendered Nationalism, the Racialized State, and the Making of Migration Law: The Indian ‘Marriage Question’ in South Africa,” traces the emergence of a state-authorized marriage license to detail how an articulation between kinship, nationality, and religion become a central feature of migration control. The particular focus of this chapter is the controversy, between 1911 and 1914, surrounding the legal recognition of polygamous Indian marriage in South Africa. This controversy unfolded in the context of the formation of the Union of South Africa in the immediate aftermath of the South African (or Anglo-Boer) war and became tied to the celebrated *satyagraha* movement spearheaded by Gandhi, who then lived in South Africa. The specific nature of the articulation between the “marriage question” and *satyagraha* introduced into the calculus a densely gendered dynamic of Indian nationalism with enormous consequences for the terms of the resolution achieved. Aspects of these events in South Africa have received substantial attention in recent scholarship on a global history of migration control.⁶⁴ But, in the main, this work has focused on Gandhi’s involvement and experiences of racism, neglecting to consider the profoundly gendered dimensions of the events. My analysis

here seeks simultaneously to intervene in the historiography of Gandhian satyagraha in South Africa and highlight how race-based migration regulations emerged through a process saturated by the dynamics of a gendered nationalism.

With regard to indentured Indian migration, marriage was seen as an index of good health and sound morality and, for these reasons, largely served as a mechanism facilitating migration. However, with regard to non-indentured migration, marriage was activated as a central institution demarcating the difference between various religiously defined nationalities and functioned as a mechanism constraining mobility. With the newly formed South African state positioned as the representative of a coherent, religiously and racially defined white Christian nationality, migration regulations would increasingly demand that the kinship relations of migrants replicate the Christian nuclear family. Acute and complex questions about the fundamental liberal principles of tolerance and a respect for difference, the separation of church and state, and the demarcation of private and public spheres were resolved by recourse to new definitions of state sovereignty articulated to novel understandings of national security.⁶⁵ This linkage enabled vastly expanded notions of security that posited varied kinship relations as a threat to the social fabric of settler societies, thus requiring concerted defenses in the form of migration regulations. By charting the debates attendant on the emergence of the marriage license and its insertion into a regime of migration control, this chapter thus addresses the range of profound transformations that migration wrought upon state formations and inter-state relations that operated at the level of personal kinship affiliations. Currently, it appears that bonds of kinship, particularly monogamous, heterosexual marriage, constitute a chief modality for potential access to mobility; however, the history of the marriage license offered in this chapter demonstrates how the incorporation of marriage and kinship into migration regulations were directed, instead, at restricting movement and represented new axes of state intervention in controlling the mobility of people.⁶⁶

Occurring almost contemporaneously with the controversy over polygamous Indian marriage in South Africa was the controversy—half a world away—in Canada concerning the arrival of increasing numbers of “free” Indian migrants. Unable to prevent this movement within prevailing migration norms and regulations, Canada would become embroiled

in a protracted ten-year discussion and debate (from 1906 to 1917) with the Colonial Office in London and the Government of India, directed toward devising a resolution. These debates and the ensuing resolution are the focus of chapter 4, “Race, Nationality, Mobility: A History of the Passport.” This chapter undertakes the task of piecing together one history of the passport—the emblematic signifier of modern nationality and (differential) mobility that, *pace* what some herald as diasporic public spheres and hybrid identities, are nowhere in the process of dissolution. Instead, the chapter charts the development of the passport as a document forged to restrict the movement of Indians to Canada to argue, first, that the passport is a crucial mechanism for suturing together discourses of race and nationality; second, that such events as the movement of Indians (and others, especially Asians) to white-settler colonies necessitated the incursion of the state into all mobility, leading to what is now a truism, that (nation-) states must exercise a monopoly over migration practices; and, third, that given a technology such as the passport, modern migration produces nationality. In contrast to work that sees migration as disrupting the contours of national identity, this chapter suggests that migration helps *produce* nationality as a strong territorial attachment. Finally, the analysis here argues that colonial migrations, conceived in racial terms, were fundamental to effecting a transformation in understandings of state sovereignty and to generating a system of nation-states where control over migration is putatively held to be a defining feature of state sovereignty.

The epilogue to this project, “In History: A Colonial Genealogy of the Modern State,” consolidates the implications the histories traced in the previous chapters raise for our understandings of the relationships between the colonial state and the modern state. It elaborates on the analytical and epistemological approaches one might adopt to understand these relations and shows that today a colonial dimension is inherent in the modern state globally. Those designated as “migrants” are now the naturalized subjects of a differentiated legal regime within the same territory—the definitive and distinctive feature of colonial state formations. In other words, produced out of the histories I narrate is a modern world that can sustain colonial formations globally—not merely in terms of *inter*-national differentiations, but also in terms of *intra*-national differentiations. In offering a colonial genealogy of the modern state, it is such imbrications and enduring legacies this book seeks to reveal.

NOTES

Introduction

1. Well into the twentieth century, though the world was *dominated* by empire-states, they did not cover all possible state formations, admitting of a medley of other forms like kingdoms, city-states, fiefdoms, nation-states, among others. The empire-states, moreover, were a complex political form composed of a range of subpolities. Currently, the nation-state takes several different forms, including theocracies, liberal democracies, monarchies, and so on. For elaborations on the notion of the “empire-state,” see Burbank and Cooper, *Empires in World History*; Mongia, “Race, Nationality, Mobility”; Mongia, “Interrogating Critiques of Methodological Nationalism.” For another account that foregrounds the inescapable centrality of colonialism to the formation of a world composed of nation-states, see Kelly and Kaplan, *Represented Communities*.

2. Slavery in India was understood as qualitatively distinct from plantation slavery and was not legally abolished until 1843. For the complexities surrounding British understandings of, and responses to, slavery in India, see Chatterjee and Eaton, eds., *Slavery and South Asian History*; Major, *Slavery, Abolitionism and the Empire in India, 1772–1843*. See also the extensive report, *Letter from Government of India, February 1841*; *Report of Indian Law Coms., January 1841, on Slavery in E. Indies*, Parliamentary Papers (House of Commons) 28, no. 262 (1841).

3. For a detailed account of the sovereign and other powers vested in (and divested from) the East India Company, see Stern, *The Company-State*. By the early nineteenth century, the British Parliament had wrested away many of the company’s earlier powers. On the related notion of “quasi sovereigns,” see Grovogui, *Sovereigns, Quasi Sovereigns, and Africans*.

4. Secretary of State for the Colonies to Law Commissioners, India, May 25, 1836, quoted in Edward Lawford, Solicitor to the East India Company, to David Hill, June 12, 1838, *Papers Respecting the East India Labourers’ Bill*, 2, IOR.

5. Statement showing the number of Coolies introduced into the Colony from Calcutta, from August 1, 1834, *Despatches from Sir W. Nicolay on Free Labour in Mauritius, and Introduction of Indian Labourers*, Parliamentary Papers (House of Commons) 37, no. 58 (1840), 41.

6. For details on the quantitative scale of these movements and an important corrective to the conventional wisdom that grossly underestimates Asian migration in the nineteenth and early twentieth centuries, see McKeown, “Global Migration, 1846–1940”; McKeown, *Melancholy Order*, 43–65. For a more recent overview, see Lucassen and Lucassen, eds., *Globalising Migration History*. For details on the distinction between the indenture system, which organized migration to the plantation economies that I examine here, and the *kangani* and *maistry* systems of migration from India to a variety of locales in South East Asia, Burma (Myanmar), and Ceylon (Sri Lanka), see Sandhu, *Indians in Malaya*; and Jain, *Racial Discrimination against Overseas Indians*.

7. On the lack of practical efforts in post-emancipation societies to ensure a transformation in the material condition of former slaves to the condition of freedom, see Holt, *The Problem of Freedom*; and Lowe, *The Intimacies of Four Continents*.

8. Recent attempts to address this oversight include Green and Weil, eds., *Citizenship and Those Who Leave*; and Moses, *Emigration and Political Development*. For analyses of the impact of Indian emigration on politics in India, see Sinha, “The Strange Death of an Imperial Ideal”; Sinha, “Whatever Happened to the Third British Empire? Empire, Nation, Redux”; and Charu Gupta, “‘Innocent’ Victims/‘Guilty’ Migrants.”

9. Some of the significant work here includes Stuart Hall, “Notes on Deconstructing the ‘Popular’”; Stuart Hall, “Cultural Identity and Diaspora”; Gilroy, “*There Ain’t No Black in the Union Jack*”; Gilroy, *The Black Atlantic*; Clifford, “Traveling Cultures”; Clifford, *Routes: Travel and Translation in the Late Twentieth Century*; and Appadurai, *Modernity at Large*. For an important cultural studies exploration of “Indianness,” which examines, in particular, its iterations in Trinidad, see Niranjana, *Mobilizing India*.

10. Some of the important work here includes Basch, Glick Schiller, and Szanton Blanc, *Nations Unbound*; Glick Schiller, “Transmigrants and Nation-States”; Portes, Guarnizo, and Landolt, “The Study of Transnationalism”; Pratt and Yeoh, “Transnational (Counter) Topographies”; and Levitt and Glick Schiller, “Transnational Perspectives on Migration.”

11. On the problems with using “categories of practice” as “categories of analysis,” see Brubaker, *Nationalism Reframed*. Relatedly, see also Cooper’s discussion of “indigenous” and “analytical” categories in *Colonialism in Question*.

12. The centrality of state-space to definitions of transnational migration and transnationalism is evident, for instance, in Nina Glick Schiller’s important work that is worth quoting at length. She writes: “I employ the word transnational to discuss political, economic, social, and cultural processes that extend beyond the borders of a particular state, include actors that are not states, but are shaped by the policies and institutional practices of states.” Or, again: “Transnational migration is a pattern of migration in which persons, although they move across international borders and settle and establish social relations in a

new state, maintain social connections within the polity from which they originated. In transnational migration, persons literally live their lives across international borders. That is to say, they establish transnational social fields.” See Glick Schiller, “Transmigrants and Nation-States,” 96. Her definitions here are dependent on relatively stable understandings of the state, a position that cannot then account for transformations, including its “nationalization.”

13. For a discussion of how migration regimes become a centralized, federal matter, with inter-state borders as the chief locus of concern, see McKeown, *Melancholy Order*.

14. Among others, Ralph Waldinger and David Fitzgerald have pointed to the anachronism embedded in the term *transnationalism* and noted that social identities might well not be organized in national terms. See Waldinger and Fitzgerald, “Transnationalism in Question.” On the latter point, see also Markovits, *The Global World of Indian Merchants, 1750–1947*. Scholars of transnationalism are, of course, aware of the problems posed by this anachronism; their attempts to address it, however, have not been satisfying or consistent. For instance, in responding to Waldinger and Fitzgerald’s charge of the anachronism embedded in transnationalism, Glick Schiller and Levitt point to the literature within transnational migration studies that documents how migrants, to the United States for instance, came to identify as “nationals” from their “nation-state of origin” as a result of the discrimination they faced. Left uninterrogated is *why* and *how* racial discrimination is resolved by way of, and sutured to, identity conceived in national terms: the issue explored by cultural studies scholars I have briefly addressed above. Also problematic is the formulation of “nation-states of origin” that assumes, rather than explains, states conceived in national terms. See Glick Schiller and Levitt, “Haven’t We Heard This Somewhere Before?”

15. The issue is not substantively addressed in a range of landmark studies, including, for example, Anderson, *Imagined Communities*; Gellner, *Nations and Nationalism*; Chatterjee, *Nationalist Thought and the Colonial World*; Smith, *The Ethnic Origins of Nations*; Hobsbawm, *Nations and Nationalism Since 1780*.

16. Brubaker, *Nationalism Reframed*, 19.

17. Sewell, “Three Temporalities,” 263.

18. See, for example, Salter, *Rights of Passage*; Green and Weil, eds., *Citizenship and Those Who Leave*; McKeown, *Melancholy Order*.

19. See, for example, Calavita, “U.S. Immigration and Policy Responses.” It is worth pointing out that the 1882 U.S. Chinese Exclusion Act is a significant piece of this centralization of migration control.

20. Currently, barring *emigration* is seen as an index of a totalitarian state; barring immigration, common in liberal and nonliberal polities alike, is simply seen as the legitimate purview of the state. Quite the reverse understanding of the liberal state—as one that did not prohibit *immigration*, but might well prohibit *emigration*—prevailed in the nineteenth century.

21. Such exceptions include Torpey, *The Invention of the Passport*; McKeown,

Melancholy Order; and Mongia, “Historicizing State Sovereignty.” Attributing the legitimacy of state control over mobility to the 1648 Treaty of Westphalia is vigorously assumed and advanced by, for instance, James Hollifield. See “The Emerging Migration State.” It is reiterated by Alejandro Portes and Josh DeWind, who make it into a foundational, definitional matter and write: “By definition, states seek to regulate what takes place within their borders and what comes from outside.” In this view, not only are borders natural, naturalized, self-evident, and static; investigations into the specificities of “what” precisely comes from “outside” and the variability of state forms are also rendered irrelevant, replaced by a continuist, untroubled history that traverses centuries. See Portes and DeWind, “A Cross-Atlantic Dialogue.” Aristide Zolberg, via appeals to the Westphalian ideal, also takes this position, though, by my reading, his detailed work on U.S. migration policy and on innovations such as “remote control” (the varied practices of attempting to shape emigration in other states) points in the direction of, precisely, changes in sovereignty. See Zolberg, “Matters of State” and *A Nation by Design*.

22. Étienne Balibar’s discussion of processes of “nationalization” is useful here. Arguing against teleological histories of the nation-state, in which a range of “qualitatively distinct events spread out over time, none of which implies any subsequent event” are interpellated and arranged as specifically prenatal, Balibar suggests that we attend to how “*non-national* state apparatuses aiming at quite other (for example, dynastic) objectives have progressively produced the elements of the nation-state or . . . have been involuntarily ‘nationalized’ and have begun to nationalize society.” See Balibar, “The Nation Form,” 88.

23. For the moment, I will leave aside the issue of how, much like Weber’s “ideal types,” the Westphalian *ideal* does not have rigorous empirical coordinates, a matter that is relevant not only to how we understand this ideal’s relation to colonized sites but also to formations in the heart of the metropole—or to colonizing sites. Indeed, a growing body of recent scholarship is concerned with debunking the “myth of Westphalia.” See, for instance, Teschke, *The Myth of 1648*; Osiander, “Sovereignty, International Relations, and the Westphalian Myth”; Kayaoglu, “Westphalian Eurocentrism in International Relations Theory.”

24. Abrams distinguishes between the state-system, “a palpable nexus of practice and institutional structure centered in government and more or less extensive, unified and dominant in any given society,” and the state-idea, a set of notions “projected, purveyed and variously believed in in different societies at different times.” In his view, to not reify the state, there are two approaches research might adopt. First, rather than study “the state” we might direct our attention to the specificities of the state-system and the state-idea. Second, studies might understand that “the state” is historically constructed and, thus, historicize it. My approach here combines elements of both approaches. See Abrams, “Notes on the Difficulty of Studying the State (1977),” 82.

25. I return to this issue at more length in the epilogue.

26. Britain or, more accurately, England, was not a signatory to the Treaty. This raises an important set of historical and theoretical issues regarding our current presumptions of, and appeals to, the reach and operability of the “Westphalian system.”

27. This claim and its consequences are increasingly contested by some scholars and by organizations such as No One Is Illegal. See, for instance, Anderson, Sharma, and Wright, eds., “No Borders as a Practical Political Project.”

28. Eltis, “Seventeenth Century Migration and the Slave Trade,” 90.

29. For an analysis of more recent migration regimes that attends to the relation between “free” and “unfree” migration intertwined with racialization, see Sharma, *Home Economics*.

30. Departing from the trend of seeing free and coerced migrations as unrelated, Eltis analyzes seventeenth-century migration to the Americas from England alongside the English slave trade from Africa. He shows how they were intertwined, with extraeconomic factors—such as racial and gendered ideologies—crucially shaping both English migrant flows and the African slave trade. Eltis, “Seventeenth Century Migration and the Slave Trade.” Even as there is vigorous debate over whether a certain migration stream was free or coerced, there is less explicit engagement and debate on what constitutes “freedom,” and its obverse, “unfreedom” or “coercion.” The debates are most vociferous in discussions of “semicoerced” systems such as indenture. I discuss this issue at length in chapter 1.

31. Premised on this approach, scholarship has tended to siphon off the study of slavery and the slave trade as unique and exceptional processes, unrelated to other forms of movement.

32. See, for instance, Mullan, “The Regulation of International Migration”; Leo Lucassen, “The Great War and the Origins of Migration Control in Western Europe and the United States (1880–1920)”; and Caestecker, “The Changing Modalities of Regulation in International Migration within Continental Europe, 1870–1940.”

33. For instance, the essays in the important collection *Controlling Migration: A Global Perspective*, ed. Cornelius, Martin, and Hollifield, all deal only with Euro-American material, save one essay concerned with new migration regulations in Japan. A similar focus marks and mars Bocker et al., eds., *Regulation of Migration*.

34. This is the case with the major work on colonial Indian indentured migration. See, for instance, Tinker, *A New System of Slavery*; Tinker, *Separate and Unequal*; Look Lai, *Indentured Labor, Caribbean Sugar*; Northrup, *Indentured Labor in the Age of Imperialism, 1834–1922*; Emmer, ed., *Colonialism and Migration*; Carter, *Servants, Sirdars, and Settlers*; Allen, *Slaves, Freedmen, and Indentured Laborers in Colonial Mauritius*; Bose, *A Hundred Horizons*; Metcalf, *Imperial Connections*; and Kumar, *Coolies of the Empire*.

35. The recent work of Adam McKeown, with which this study shares im-

portant resonances, is a significant exception to this trend. Placing Asian, particularly Chinese, migration in a global frame, McKeown is concerned to show how “the story of the national centralization of identities and mobility control is ultimately part of the much larger story about the creation of an international system of states and the modern citizen.” McKeown, *Melancholy Order*, 90.

36. Nandita Sharma has analyzed the processes that generate the category of “migrant worker” (as distinct from “worker”), posing as just an empirical descriptor, which now pervades policy and research objectives, popular understandings, as well as activist agendas. See Sharma, “On Being *Not* Canadian” and *Home Economics*.

37. Outlining the astonishing ascendance of the notion of “trafficking,” articulated to “illegal immigration” and “organized crime,” within the ambit of migration *policy* agenda of “receiving countries,” Diana Wong demonstrates how this trinity of concerns has come to shape migration *research* agendas not only in Western “receiving countries,” but even in locales, such as Malaysia, where the symbolic—let alone literal—impact of such configurations is at best tenuous. See Wong, “The Rumour of Trafficking and the Management of Migration Studies.” In an early article, first published in 1960, Frank Thistlethwaite noted how transatlantic migrations from Europe were largely ignored by scholarship in Europe, while given much importance in “receiving countries.” In other words, migration scholarship, particularly with its focus on settlement and related issues, has shown a persistent tendency to approach the phenomena as one of *immigration* and from the perspective of certain “receiving countries.” See Thistlethwaite, “Migration from Europe Overseas in the Nineteenth and Twentieth Centuries.”

38. Other feminist scholars, such as Ratna Kapur, Kamala Kempadoo, and Nandita Sharma, have elucidated a similar argument. See Kapur, “Cross-Border Movements and the Law”; Kempadoo, “Victims and Agents of Crime”; and Sharma, “Travel Agency.”

39. Alfred W. Crosby offers the term *neo-Europe* to refer to Europe’s many white-settler colonies. In using the term (*neo*)*Eurocentrism* I draw on his conceptualization to refer to Eurocentrism, conventionally conceived, and to the latter’s extension and embrace in neo-Europe. While (neo)*Eurocentrism* is more an epistemology and an ideology than a geographic descriptor (as Crosby’s work testifies), it nonetheless emanates with greatest force from Europe and neo-Europe. See Crosby, *Ecological Imperialism*.

40. Important treatments of the colonial state include Guha, “Dominance without Hegemony and Its Historiography”; Chatterjee, *The Nation and Its Fragments*; Mamdani, *Citizen and Subject*; Comoroff, “Reflections on the Colonial State, in South Africa and Elsewhere”; Steinmetz, *The Devil’s Handwriting*; Steinmetz, “The Colonial State as a Social Field”; Chatterjee, *The Black Hole of Empire*; and Mamdani, *Define and Rule*.

41. This was not a Manichean division of colonizer versus colonized, evenly distributed across the colonial field. For a discussion of the uneven, jagged na-

ture of colonial worlds, in terms of larger state structures such as sovereignty, see Benton, *A Search for Sovereignty*, and, in terms of domains such as intimate relations and everyday practices of rule, see Stoler, *Race and the Education of Desire*. See also Mawani, *Colonial Proximities*.

42. Chatterjee, *The Nation and Its Fragments*, 16–22. Giorgio Agamben notes that “necessity” is the first rationale for a state of exception. See Agamben, *State of Exception*.

43. For important treatments of the evolutionary temporal sequencing that attends a colonial logic, taking the varied forms of the civilizing mission, developmentalism, or modernization, see Fabian, *Time and the Other*, and Chakrabarty, *Provincializing Europe*. For an elaboration of developmentalist thinking in British liberal thought and the necessary tutelage natives required to be schooled into full political subjectivity, see Mehta, *Liberalism and Empire*.

44. Karuna Mantena distinguishes the two as universalist and culturalist forms of imperial ideology, respectively, with the latter gaining ground from the late nineteenth century. See Mantena, *Alibis of Empire*.

45. For discussions of an implicit or explicit comparative dimension in colonial thinking and the production of hierarchy, see Mongia, “Historicizing State Sovereignty”; Chatterjee, *The Black Hole of Empire*; and Mantena, *Alibis of Empire*.

46. For a textured account of this differential treatment, see Kolsky, “Codification and the Rule of Colonial Difference” and *Colonial Justice in British India*. See also Liu, “Legislating the Universal.”

47. There is now a large and growing body of literature pursuing such research. Important work in this vein includes Burton, *Burdens of History*; Stoler, *Race and the Education of Desire*; Cooper and Stoler, eds., *Tensions of Empire*; Catherine Hall, *Civilizing Subjects*; Stoler, ed., *Haunted by Empire*; Hall and Rose, eds., *At Home with the Empire*; Ballentyne and Burton, *Empires and the Reach of the Global, 1870–1945*; and Lowe, *The Intimacies of Four Continents*.

48. See, for instance, Subrahmanyam, “Connected Histories”; Subrahmanyam, *Explorations in Connected History*; Hofmeyr, “The Black Atlantic Meets the Indian Ocean”; Hofmeyr, “Universalizing the Indian Ocean”; and Amrith, *Crossing the Bay of Bengal*.

49. For an extended elaboration of the production of political communities and the citizen/migrant distinction in the contemporary world, see Bridget Anderson, *Us and Them*.

50. Torpey, *The Invention of the Passport*.

51. I am aware that my formulation has evocations of Gyan Prakash’s discussion of the “colonial genealogy of society.” Prakash’s discussion characterizes the colonial state as one premised on force and coercion and as distinct from the state as it developed in the metropolis. For Prakash, following Ranajit Guha, “the defining feature of the colonial state was its externality.” While not abandoning the coercive aspects of the colonial state, by “a colonial genealogy of the modern

state” I wish to foreground the entanglements, rather than the distinctions, between the metropolitan/modern state and the colonial state. Such a perspective, as I will elaborate in the epilogue, enables us to grasp the colonial dimension inherent in *all* modern state formations. See Prakash, “The Colonial Genealogy of Society.”

52. Foucault, “Nietzsche, Genealogy, History.”

53. A key element of British rule was the legitimizing function of the “rule of law” that was consistently distinguished from the illegitimate, arbitrary rule thought to characterize “Oriental despotism.” For a discussion of this duality, see Hussain, *The Jurisprudence of Emergency*, 35–68.

54. Anghie, *Imperialism, Sovereignty and the Making of International Law*.

55. The state’s memory—or the official archive—is patchy and partial for a host of reasons, ranging from what was deemed worthy of archiving to the deterioration and loss of documents. For a discussion of how silences enter the archive, see Trouillot, *Silencing the Past*. For a meditation on the relationship between the archive and memory, see Derrida, *Archive Fever*.

56. Thus, in India, over time, the matter of migration came under the purview of the following different departments and branches (in turn, under constant reorganization): the Department of Home Affairs (until 1871); the Emigration Branch of the Department of Revenue, Agriculture and Commerce (from 1871 to 1879); the Emigration Branch of the Department of Home, Revenue, and Agriculture (1879–81); the Emigration Branch of the Department of Revenue and Agriculture (1881–1905); the Emigration Branch of the Department of Commerce and Industry (1905–20); the Emigration Branch of the Department of Commerce (1920–21); the Emigration Branch of the Department of Revenue and Agriculture (1921–23); the Overseas Branch (1923–32); the Lands and Overseas Branch (1932–38); the Overseas Section (1938–41) of the Department of Education, Health and Lands (which held the portfolio from 1923 to 1941); and the Indians Overseas Section of the Department of Commonwealth Relations (1944–49). In what we now know as “India,” the Department of Commonwealth Relations was designated the Ministry of External Affairs on August 29, 1947, exactly two weeks after formal Indian independence.

57. Since most migrants were illiterate, their thumbprint served in lieu of a signature.

58. This usage was particularly common for indentees to Fiji. See Lal, *Girmitiyas*.

59. Exceptions to this trend include Hugh Tinker’s classic study, *A New System of Slavery*, and, more recently, Rachel Sturman, “Indian Indentured Labor and the History of International Rights Regimes.” My approach, however, differs from these studies.

60. This misunderstanding informs, for instance, John Comoroff’s attempt to analyze and characterize the colonial state. While recognizing its analytical significance, he understands the “capillary” form of power (i.e., disciplinary power)

as displacing other forms of power. See Comoroff, “Reflections on the Colonial State, in South Africa and Elsewhere.” For a critique of how sovereignty has become a “residual category” in much Foucauldian scholarship, see Singer and Weir, “Politics and Sovereign Power.”

61. Chakrabarty, *Provincializing Europe*, 15.

62. On the impact of utilitarian ideas on British rule in India, see Stokes, *The English Utilitarians and India*. For a discussion of Foucault, the panopticon, and colonialism, see Martha Kaplan, “Panopticon in Poona.”

63. McKeown, *Melancholy Order*, 44.

64. For instance, McKeown, *Melancholy Order*; and Lake and Reynolds, *Drawing the Global Color Line*.

65. This can be understood as part of what Mrinalini Sinha has called the “imperial-nationalizing” conjuncture that sought to rethink and remake empire as composed of different nationalities. Sinha, “Premonitions of the Past,” 825.

66. While monogamous, heterosexual marriage offers a potential avenue for mobility, this is not to deny the complex—and differentially applied—scrutiny, policing, and evidentiary apparatus that surrounds the verification of marriage. For an account that points to such scrutiny, as also the means migrants use for subverting state mechanisms, see Kim, “Establishing Identity.”

Chapter 1: The Migration of “Free” Labor

Epigraph: Despatch from Lord Stanley, Secretary of State for the Colonies, to Sir Lionel Smith, Governor of Mauritius, January 22, 1842, *Correspondence Relative to Indian Labor in Mauritius*, Parliamentary Papers (House of Commons) 30, no. 26 (1842): 31.

1. Prakash, “Colonialism, Capitalism, and the Discourse of Freedom,” 10.

2. Liberal doctrine had garnered for itself a large portion of the credit for the abolition of slavery and it is generally held that liberal and religious humanitarian abolitionist thought and activity, primarily within Britain, were responsible for the abolition of slavery. Eric Williams, in his book *Capitalism and Slavery*, disputes this thesis, arguing, rather, that abolition owed more to economic imperatives than to humanitarian and philanthropic motives. For what Williams discerns as the ambivalences and hypocrisies of those involved in abolition, see, especially, chap. 11. Williams reserves substantial scorn for William Wilberforce, heralded as the chief spokesman for, and architect of, abolition. Williams’s work is the object of substantial controversy. See, for instance, the essays in Solow and Engerman, eds., *British Capitalism and Caribbean Slavery*.

3. Andrew Sartori has recently noted that much scholarship on liberal political thought ignores one of its important dimensions, namely, political economy. I am sympathetic to his suggestion that a more robust history would “consider the long and complex relationship that liberal political thought has maintained with political economy.” *Liberalism in Empire*, 22. Sartori seeks to produce a