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EMPIRE, LAW, AND ORDER MAKING AFTER THE ABOLITION OF SLAVERY:
THREE LABORING FIGURES IN INDIA

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ABSTRACT

This dissertation examines the governance of labor after the abolition of slavery in British India (1843-1947). I focus on Sindh in the Bombay Presidency, locating the dynamics examined within wider imperial processes of classification and order making. I investigate the emergence of conceptual and legal categories that mediated how the law and the state adjudicated the questions of free and unfree labor – “race,” the notion of the “free” contract, and the customary social relationship. These three *obscuring prisms* refracted imperial designations of both “slavery” and “labor,” constraining the extent to which the cultural signifier or analogy of “slavery” could be applied to censure exploitative labor relations. I trace the local and global iterations of these prisms through three laboring figures in India: the *shidi* – the term for African “slaves” and their descendants, the *coolie* – the formal contract laborer, and the *hari* – a category of landless, indebted sharecroppers in Sindh. In anchoring the analysis in these figures I traverse three moments of global significance: the 1830s when the British abolished slavery in her colonies, the 1920s when conventions on Forced Labor and Slavery were drawn up at the League of Nations and the International Labor Office (ILO), and the 1940s preceding colonial independence in South Asia. This dissertation argues that the inability to recognize and regulate unfree labor persists through today and explains this, in part, by providing an account of the imperial origins of the category of “labor.” The challenges of what we now call “modern slavery” and “bonded labor” are not failures of law, but rather stem from dynamics intrinsic to the world order forged by international institutions in the interwar period – embroiled as they were in their colonial entanglements and the epistemic limits of categories of colonial rule.

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INTRODUCTION: THROUGH THE PRISM – DARKLY

Race, Contracts, and Custom

The abolition of slavery shattered the legal conceit of the human being as property. Yet this moment was not an annihilation, but rather a fragmentation of this specific form of bondage into new and old laboring relationships – all offering partial reflections, without ever mirroring the world that abolition had broken. In the nineteenth century, powerful refracting discourses evolved to shape how the law managed questions of freedom and unfreedom in the aftermath of this event. In this dissertation, I argue that race, the contract, and the customary social relationship were all forms of what I call *obscuring prisms* of labor. These prisms diverted judgments about free and unfree labor, by casting shards of light on parts rather than the whole, one unfree subject versus another, distinctions instead of continuities. These categories organized one of the grandest questions of modernity: *who must be made to labor, and why?* These prisms emerged to direct the colonial state’s enormous task of categorizing labor and slavery in the first instance. However, they became so engrained in the commonsense and logic of colonial state-building and empire that they were seamlessly enshrined in the architecture of the twentieth century world order.

This dissertation explores how these processes occurred, by focusing on the governance of labor after the abolition of slavery. I explore the role of the particular set of ideas and moral concerns invoked by the signifier of “slavery” in anchoring debates over labor regulation and reform. I focus on the emergence of categories of laboring activity and the role of the law in demarcating the boundaries of these classifications. I trace the long arc of these dynamics, between the mid-nineteenth and the mid-twentieth centuries. This historical exploration is

situated within a broader body of work examining empire, histories of capitalism, and the power of categories in enabling capitalism to flourish in the aftermath of the abolition of slavery. Examining global histories of abolition reveals continuities of subjugation rather than triumphs of freedom, amidst intensified modes of labor coercion everywhere.

In this dissertation, I argue that abolition made available a vocabulary of critique of these very processes. By naming “slavery” as the thing to be abolished, the colonial legal and political apparatus also called into being a powerful language of critique. I explore how this critique was applied through several different genres: institutional recognition, legal analogy, and finally, its life as a failed metaphor for actors on the ground. I pay attention not simply to the general cultural deployment of slavery. Rather, I demonstrate how “slavery” provided a moral anchoring in debates over the proper place of the law in regulating economic and social transactions in labor. I argue that the legacies of slavery, capitalism, and abolition have been burdened by pinning their fortunes to critiquing the category of “free labor,” without interrogating the limitations of what forms of work were constituted as labor in the first place. I situate the problem within limitations not in definitions of slavery, but, perhaps more importantly, in definitions of labor. In so doing, I argue for a deeper analysis of empire as the invisible pretext for the constitution of labor, a core analytical category of modern thought.¹

I also use this work to add to a now burgeoning literature on racial capitalism. It was laboring bodies that carried the intrinsic power required to keep the system of global commodity production, wealth creation, and expansion of markets in motion. In this dissertation, I propose that we see abolition as a *racial* project – the left hand of global capitalism, if you will. This project was global in its scope and ambition, clearly distinguishing, ordering, and assigning roles to populations based on the exigencies of imperial labor demands and on cultural tropes reified

1. Kale, *Fragments of Empire*.

into biological and scientific truth. This dissertation provides an account of racial capitalism that speaks not of racialization, but rather of *racializations* in the plural. This distinction requires us to recognize that the spread of capitalism was predicated on both creating new and capitalizing on old forms of hierarchy and human difference. In other words, at all moments, “capitalism *is* racial capitalism.”² One must therefore pay attention to how the law created laboring and racial categories out of complex milieus of work, on the one hand – communal, factory, migratory, domestic, agricultural – and identity, on the other – caste, kinship, tribal, and myths of ritual status. These categories were constantly structuring the modes of economic exploitation that ensued in the colonial context. Therefore, it is imperative to speak of a series of racial projects that occurred on multiple scales.

Colonial India provides a particularly promising case for examining the dynamics of imperial labor and order making in a context that occupied “a pivotal position” in the nineteenth century global economy. Labor formations in India were truly staggering in their variety, and methods of labor subordination manifested in intense and often violent forms.³ These include subjugated untouchable labor, low-status kinship groups with tenuous claims to land, and new forms of coolie labor springing up on the Subcontinent on European-owned plantations. How were racial discourses bound up in colonial projects that circulated, rehashed, and reverberated back repertoires around the African worker, the Indian servant, and the Asian coolie? What role did these repertoires play in ranking human activity, and ultimately civilizational and moral worth? By tracing these processes, I examine how struggles in one corner of the globe influenced legal and political domination in another. Indeed, these connectivities and shared legacies were being pondered a century ago by W.E.B. Du Bois, who saw the effects of global capitalism, and

2. Melamed, “Racial Capitalism,” 77; Ralph and Singhal, “Racial Capitalism”; Leong, “Racial Capitalism.”

3. Washbrook, “Progress and Problems,” 58.

indeed the attainment of freedom itself, as a shared project for the “basic majority of workers who are yellow, brown, and black.”⁴

I explore these obscuring prisms through three categories of laboring subjects in India, from the vantage point of Sindh in the Bombay Presidency – “*shidis*,” “*coolies*,” and “*haris*.” I trace how first, global anti-slavery, and then the global labor movement, had built-in assumptions and blind spots that placed epistemic limits on state and legal interventions in labor. I move, therefore, from the “slavery question” to the “social question” as two coordinates that dominate our teleological account of the transition from slavery to freedom, but which leave out significant forms of social and human exploitation. Through the *shidis*, I show how, in the nineteenth century, “race” became the logic through which categories of labor were governed across the empire – but also became a privileged mode of rendering global forms of inequality visible.⁵ Debates around coolies show how the contract was first the absolute hallmark of freedom, before becoming the site of scrutiny both in local legal forums and in broader imperial debates about labor reform. Finally, the case of the *haris* demonstrates it was the customary social relationship that prevented designations of free and unfree labor from being made in the first place. These epistemic limits can be seen playing out in localized debates amongst revenue officers in colonial Sindh, as well as in the halls of the League of Nations and the International Labor Organization (ILO) during the interwar period. As the final chapter will show, the lacunae and biases of these categories were harbingers of the global economic order that was to come. The dynamics described here were the antecedents that provided the moral and conceptual blueprints for concepts that became the lingua franca of the global order. These categories fed into the

4. Du Bois, *Black Reconstruction in America*, 16.

5. The terms “Habshi,” “Shidi,” or “Kaffir” are commonly used to describe individuals or groups proclaiming their identity or sometimes displaying phenotypical features identifiable as originally from the continent of Africa.

formulation of “the informal economy,” the glorification of the “communal,” and the “Indian village” – forms that re-emerged as the target of attack by human rights movements towards the end of the twentieth century.

Through this work I offer an alternative reading of contemporary bonded labor regimes, deemed one of the most pressing human rights challenges of the twenty-first century. One frequently hears staggering numbers claiming that there are an estimated 15-18 million “bonded laborers” in South Asia today and that Sindh is one of the regions where this form of unfree labor exists in its most egregious form.⁶ In this dissertation I show how the Pakistani postcolonial state inherited a set of legal categories and obscuring prisms that shaped how actors viewed this problem until just a short few decades ago. Indeed, with some minor exceptions, “bonded labor” barely registered in political discourse in Pakistan until the 1990s, with the passage of the Bonded Labor (Abolitions) System Act.⁷ These occlusions and myopic ways of seeing were reinforced in a globalizing discourse around development, labor, and freedom that originated at the beginning of this century. Ironically, these institutional regimes are today called on to provide solutions. I argue that relying on explanations rooted in colonial land policies, multiple failed attempts at land reform, and the iron grip of rural elites on the organs of the modern state provides only a partial view of the structures that have created these conditions. Bonded labor does not emerge out of a failure of international law, of labor law, or of free labor, but rather has been built into the very architecture of all three.

6. Kara, *Bonded Labor*, 3.

7. See Qureshi and Khan, *Bonded Labour in Pakistan*; Martin, “The Political Economy of Bonded Labour.”

Dimensions of Comparison: Three Laboring Figures

This dissertation traces dynamics of abolition, reform, and regulation over a period marked by three global events, each uniquely enshrined in their own right in the popular historical imagination. I start with British abolition in the 1830s and 40s, moving on to the spread of the global labor movement and labor legislation in the 1920s, and I end, finally, with a moment preceding colonial independence in 1947. I frame the events leading up to Partition as consequences of the logics that emerged in the interwar period, rather than focusing on the vast literature on anti-colonial struggles and self-determination that no doubt form a crucial backdrop for the analysis.⁸

Each figure I explore in this dissertation provides distinct analytical leverage for comprehending the governance of labor after the abolition of slavery and the specific function of the cultural and symbolic reverberations of “slavery” – both as an epistemic category and as an analogy/metaphor. By focusing on these three figures I explore this overarching question: what explains differences in the legal intervention and regulation of forms of labor over time? What role did the cultural and symbolic signifier of “slavery” play in debates over the limits and directions of these interventions? How did these available vocabularies constrain political action? What groups of people, and indeed entire geographical regions, had their histories shaped by being excluded from the categories I explore here?

These three figures are all to be read against the “wage-laborer” proper – the universal ideal type, against which racialized colonial subjects were measured. I set the stage for my examination of these three figures by first providing an account of the century that followed abolition. In the first chapter I examine the global logics of debates over slavery and freedom in

8. Shahani, “Sind and the Partition of India”; Ansari, ““Man May Plan.””

the nineteenth century, taking us to the twentieth century interwar period, when forced labor, native labor, customary labor, and once again slavery were being debated at the League of Nations and the ILO. Throughout this dissertation I call attention to multiple scales – globally synchronized definitions of free and unfree labor, India’s particular role as a site of “free labor,” and the diversity of labor regimes within India. I draw attention to resonances and connections between these global mechanisms of categorization and the ground realities within India, broadly, and Sindh, in particular.

In this chapter I shed light on a formative moment in the constitution of global governance structures of international law, particularly around labor. I examine debates amongst members of the Temporary Slavery Committee (1924-1926) and interactions with the International Labor Office (ILO) during the drafting of the Forced Labor Convention. I show how categories of labor were not merely “devised” in a simple, *realpolitik* way to serve empire. Rather, these discourses reflect the epistemic limits of what was utterable and imaginable, within the bounds and constraints of categories emerging out of encounters with colonial labor – encounters that were always constrained by the cultural reverberations of slavery.

First, I look at the case of the *shidis* in India. The colonial state discursively constructed this group as “African” and “other” – distinct from Indians. I demonstrate how the potential for abolition to rupture systems of bondage was therefore contained along “racial” lines. Many of the cases I examine here involve the trafficking of peoples in and out of India, bringing our attention not only to “race,” but also to gendered and mobile exchanges as particular sites of scrutiny. According to the colonial state, the shidi embodied the ultimate, natively-alienated figure.⁹ Shidis were therefore recognized as “real” slaves, demanding a specific legal and

9. See Patterson, *Slavery and Social Death*. Indeed, colonial agents appeared to arrive at the same definition of “slavery” as did Patterson over a century later.

administrative intervention, that of being “freed.” While this had the effect of racializing and otherizing populations that had called India their home for many generations, the real alchemy was to discursively render the vast majority of Indian regimes of servitude and bondage as already “free.” In exchange for their “freedom,” however, shidis were disembedded from their own social networks and channeled into wage labor and other precarious occupations. In addition, they were racialized with global imperial stigmas against blackness and permanently marked as ex-slaves. The struggles faced by the shidi community in constructing their historical legacy today bear the stamp of these larger imperial processes. In Sindh, “slave” was re-signified to refer to a specific legacy of dishonor, and the history of slavery in Sindh came to be read as the history of the shidis.

Once coded as “free,” further distinctions were drawn amongst Indian populations. Second, I examine the Indian *coolie*, or contract laborer.¹⁰ By exploring the coolie, we move away from the world of sorting between slaves and non-slaves, into the world of legal and political analogy. The coolie was constructed as a particular, racialized subject that required unique penalties under the law for failing to carry out the terms of their contract. The ability to enforce this contractual regime relied on both the quintessential fiction that Indian labor was free and the supremacy of the contract as a global signifier of this freedom. I argue that, in the first instance, the legal fiction of the contract enabled the state to enforce labor agreements for the benefit of the planter class in India. However, once we reach the 1920s, contract labor and the indenture system had become the target of international scrutiny. In this process, the abuses of the system that had been seen as justified in the name of free contract became the arsenal for

10. The term “coolie” is usually associated with Chinese indentured laborers, particularly in the United States, but the term was also applied to Indian indentured migrants in the Caribbean, Pacific, South and East Africa, and other colonial sites where Indians were brought to work as contract laborers. Within India, the term came to refer to a specific kind of migrating, wage-earning, contracted, and laboring subject.

labor activists and abolitionists looking to end both the international and internal Indian coolie trades. The coolie as a subject was thus constituted by, and positioned within, the category of “labor.”

Finally, in many ways this analysis culminates in my examination of the *haris* of Sindh, a group of sharecroppers that made up the vast majority of the workforce in this region of the Bombay Presidency. On the eve of Partition the *haris* were estimated to be somewhere between 65 to 85 percent of the Sindhi population. The hari movement arose to demand security of land tenure, tying land insecurity directly to invisible regimes of labor exploitation. This case powerfully shows the limits of the law’s role – either coercive or protective – in regulating labor. The timing of this social movement, when Sindh was ramping up cotton production for export on the world market, coincides with a moment at which it was vital for elites and the colonial state to maintain the *haris* as a docile and compliant labor force. This social movement attempted to deploy the metaphor of slavery to describe the relationship between the hari and the zamindar, a relationship that was entrenched in systems of caste/kinship-based labor and land control. The *haris* were constructed as subjects embedded in customary social relationships. Even though they were constantly shifting residence across the countryside and often changing landlords, the optic of custom was crucial to defining them as separate from regular labor. The result was to discursively align the *haris* with the domestic economy of the household, or the time-immemorial village unit, belying an empirical reality of being a mix of both migrant and attached labor.

The hari movement was ultimately a failure, as both Sindhi rural elites and colonial state agents crafted a narrative around “customary” regimes of service to reposition agricultural labor away from debates around forced labor, debt-bondage, slavery, or indeed, class conflict, although the hari movement insisted on *all four* of these labels. In this analysis I bring to the fore

vernacular, moral economies by focusing on the writings of activists within the hari movement. These works articulate a critique of capitalism, the zamindar, and the colonial state. Using metaphors and analogies with slavery and class conflict, the hari movement attempted, but ultimately failed, to leverage the symbolic universe of both of these global critical discourses. The movement's fluctuating emphasis on labor and land reveals the extent to which systems of social control were embedded in regimes of land tenure and how this reality did not match up to vocabularies of critique available. I see this centrality of land as a shared global legacy and as part of global processes of dispossession that become visible when viewed through the lens of racial capitalism. Freed slaves in the South were offered and denied their promised forty acres and a mule, while in Cuba ex-slaves were all too aware that their salvation and security lay in land – not in the “freedom” offered by the wage economy.

Through these chapters I explore the “fictional” and constructed nature of the legal categories of race, the contract, and custom through several geographical sites: borders/ports, the plantation, and countryside (see table 1). Yet as I profile each case, we see all three dynamics operating in tandem. “Race,” or an emerging concept of blackness, drove the selective “freeing” of shidis in the nineteenth centuries. However, this formed part of a broader set of racializing assumptions about a particular kind of customary relationship between shidis and Indians, namely, one of property that was rooted in violence, dishonor and natal alienation. In other words, through the tropes of natal alienation and otherness, the racialization of the shidis as “black” and distinct from Indians depended on assuming a specific social compact with Africans, rather than, say with an Indian or a Turkish slave.

Table 1. Laboring figures

Dimensions of Comparison				
Category	<i>"Slave"</i>	<i>"Coolie"</i>	<i>"Sharecropper"</i> (<i>Hali, Hari, Haliya</i>)	<i>"Wage Laborer"</i>
Obscuring Prisms	Race	Contract	Custom	Free Labor
Indian/Sindh figures	Shidis	Makranis / Indian coolies	Haris	Non specific, universal category
Labels of Comparison	Slave	New Slavery	"Like Slavery" (from below)	Wage Slavery
Form of Comparison	Legal Recognition	Successful Metaphor / Analogy	Failed Metaphor / Analogy	Successful Metaphor / Analogy
Site	Ports / Borders	Plantation	Countryside	Factory
Racial Category	Black	Asian (South and East)	South Asian	White

A coolie was “free” and labor relations were non-interruptible because of the fiction of the contract. However the coolie was already a racialized subject: uniquely deserving of the harsh justice system of the plantation, irresponsible and unreliable without the threat of penal sanctions. Finally, the haris as a group consisted of multiple different caste and kinship lineages, many of which were low-caste and low-status groups. Therefore haris, too, were denied access to land first and foremost because of who they were. These discourses also mediated debates around debt, their moral culpability, and the value of their labor. This form of racialization, which we tend to talk about through the language of caste-based exclusion and labor control, resonates with global dynamics of making races and categories of labor, but in unique, local iterations. There was certainly nothing novel about these forms of kinship-based exclusions; I

argue, however, that capitalism operated by drawing from and exacerbating these forms of human distinction.

It is tempting to read these historical epochs through a narrative of progress – each moment eliminating the social ills that were left out of the moment before. Yet as this dissertation demonstrates, these movements were overlapping and incomplete, regressive on some dimensions even while celebrated on others. In “freeing” slaves, the colonial regime created new hordes of wage laborers while discursively constructing other racialized subjects – this time South and East Asian – as free. In eliminating the indenture system during a moment representing a string of victories for labor rights, newly created forms of labor subordination through land control were strengthened, blocking off one avenue of “freedom” for ex-slave groups and deepening the vulnerability of groups that had limited access to capital. And finally, the stigmas and legacies of both slavery and other forms of racialized exclusions prohibited full inclusion in the postcolonial state. Delimited definitions of labor cordoned off informal labor from direct contact with the formal labor reform, the state, and the scrutiny of the international community. Under racial capitalism bodies were thus sorted, categorized, and set along seemingly distinct pathways. Perhaps, however, as Du Bois observed a century ago, everyone was going to the same place – to join that “dark and vast sea” of human labor.¹¹

Global Histories and Sindh

What do we gain from tracing these three figures from the vantage point of colonial Sindh? Sindh is both exceptional and a typical representative of the dynamics I explore. Many of the methods deployed in Sindh to manage agricultural labor, public works projects, and the colonial

11. Du Bois, preface.

state's relationship with native elites were standardized scripts of colonial practice across British India. Sindh was annexed by Charles Napier, officer of the East India Company (EIC) in 1843. From then onwards Sindh was administered as an extension of the Bombay Presidency, one of the three major administrative divisions of British India – the other two being the Bengal Presidency and the Madras Presidency.¹² Located on the sleepy shores of the Arabian Sea, in the northwest corner of the Indian Ocean, few other provinces in British India have been as flippantly described as a “backwater” as Sindh.¹³ Colonial officers often expressed their distaste for the place by lamenting its arid landscape, the lazy and uninspiring people, and the general dearth of culture and sophistication. One frequently reads descriptions of Sindh such as the following: “In all the arts and sciences, in the domestic life, and in the knowledge of the most common and sacred compacts of civilized life, they are behind the natives of India.”¹⁴ Even today, Sindh has some of the most dismal economic indicators of any province in modern-day Pakistan. The idea that Sindh is steeped in backward feudal traditions, irrational mysticism, and a culture of blind subservience to hierarchy continues to shape the public imagination.¹⁵

12. Yet although formally part of the Bombay Presidency, Sindh remained administratively distinct. Reports produced by the Bombay Presidency were often titled with the addendum “including Sindh” or conversely “excluding Sindh.”

13. New York Times, “Peccavi Pun.” As many historians of India have told me, the only thing they know about Sindh is the joke that, when Sindh was annexed, Napier was rumored to have dispatched a communicate with the immortal line: “*pecavi*” – Latin for “I have sinned.” This quip was made in *Punch Magazine* in the nineteenth century, but also revived as bit of imperial trivia in the *New York Times*, calling it the “perfect pun.”

14. Pottinger, *Travels in Beloochistan and Sindh*, 22.

15. Tempest, “Spiritual Leader.” As one *Los Angeles Times* article noted in 1986: “A poor man here in Sindh province may drive a tractor. But he remains a virtual slave to the powerful feudal landlords, the waderas, who still thrive here. The wadera may tell the man whom he may marry and even dictate the names of his children. He may beat the man or even kill him.”

Sindh is perhaps best described as the proverbial “imperial frontier.”¹⁶ At the edge of the South Asian subcontinent and bleeding into the lower regions of Persian Balochistan, Sindh has historically been a migration hub, the crossroads between South Asian and Central Asian cultural zones. People in Sindh are known to speak several languages as a matter of course, including Brahui, Sindhi, Saraiki, and now Urdu. As H.T. Lambrick observed:

The province of Sind is remarkable in that its population has been modified by waves of immigration from every point of the compass.... But if Karachi’s population can be considered cosmopolitan, the population of the province is as remarkable for its variety of racial origin.¹⁷

Sindh was governed as an outskirt, away from industrial centers and plantation complexes that might constitute a starting point for scholars interested in histories of labor in India. Indeed, examining most accounts of the province, one gets the distinct impression that Sindh does not have a “labor history” to speak of. Yet it is for these very reasons that Sindh forces the social scientist to interrogate the mechanisms that obscure processes of labor subordination. There are, of course, countless histories of agrarian capitalism in India.¹⁸ Yet analyses that relate these histories to emergent imperial dynamics of slavery and abolition are relatively few. The majority of historical studies on slavery and bondage in India are concentrated in Bihar, or the Madras Presidency, amongst South Indian untouchable caste groups, or now Ceylon.¹⁹ Sindh is a rich case with which to examine distinct processes at work in maintaining subordination in a region where the vocabularies available to describe both

16. Manjapra, “Plantation Disposessions,” 382. Manjapra draws from Jamaica Kincaid’s use of “small place” to similarly describe the global countryside as the “aperture through which global processes emerged.”

17. H.T. Lambrick, *Notes and Tribes on Sind*. 1941, BL/MSS EUR208/8, 9, 10.

18. Bose, *Peasant Labour and Colonial Capital*; Habib, “Colonialization of the Indian Economy”; Breman, *Labour Bondage in West India*.

19. See Chatterjee, *Gender, Slavery, and Law*. Indrani Chatterjee’s work is perhaps an exception, as she performs a deep archival excavation of histories of slavery from “within” the Indian household.. See Indrani Chatterjee, *Gender, Slavery and Law in Colonial India*. Delhi: Oxford University Press, 1999.

slavery and processes of labor subordination were limited. Even as the colonial regime was committed to freeing “slaves,” ending “forced labor,” and managing rural debt, a myriad of justifications were deployed for *not* seeing labor in Sindh under these conditions.

There are many reasons why studying slavery in Sindh seems to take us away from the phenomenon of interest. First, colonial records naturally direct our attention to the above-mentioned regions. The Indian Law Commission’s reports on slavery in 1841 created institutional colonial knowledge around slavery and unfree labor in India. The details and cases described in the reports bring our attention to particular social formations, describing them as “slavery.” These documents, as discussed in more detail in the next chapter, provided a central and comprehensive repository of accounts of slavery in India written by colonial officers and British orientalist. Naturally, these documents focus on regions that happened to be under British rule at the time. It is important to note the power of these foundational documents in inscribing certain vernacular institutions into state knowledge, and into the archive, as *slavery*. Even while suppressed by state officials after abolition, the labels deployed in these documents were taken up by missionaries, abolitionists, and – today – anti-caste and bonded labor activists.

The second reason is that the plantation has become the predominant focus for scholars interested in connecting histories of labor India with debates over the transition of slave to free labor under capitalism.²⁰ On the subcontinent plantations were located in Assam, Travencore, and Ceylon. These sites inherited technologies of labor discipline and, indeed, the very capital that had been accumulated on the slave plantations of the West Indies. As Manjapra shows, capital generated from emancipation in the Caribbean made a “swing to the East” and was

20. Kumar, *Indigo Plantations and Science*.

reinvested into the East Indies, making it the new site on which to perfect the global plantation.²¹ Plantations were also sites of emergent modern forms of mass-scale commodity extraction and production, emulating the factory in form and emphasis on discipline and rhythms of work. The “industrial plantation” thus emerged as part of a “corporate capitalist enterprise, and the new, more highly integrated, conditions of its world market location, involving linkages with finance capital shipping, industrial processing and manufacturing.”²² The connections between India and the dilemmas of new world slavery and freedom are therefore anchored in the plantation complex. There were no plantations in Sindh.

Third, social hierarchies in Sindh were, and continue to be, read through a particularly “Muslim lens.” As Shahani notes, the “very idea of a Muslim majority province” that became such a contentious issue during Partition originated in Sindh. Missionaries and then anti-caste activists in India were morally committed to a particular discourse around caste, untouchability, and slavery.²³ The notoriety of the so-called slave castes of Southern India has galvanized a crucial and growing body of literature around how Indian forms of slavery were read by different actors.²⁴ These groups – the *pariah/pallar* castes, for instance – were not officially recognized as slaves by the colonial state after 1843, but they were seen as such by missionaries, sometimes by abolitionists, and sometimes by the sympathetic colonial officer. Other recent studies have

21. Manjapra, 370; Draper, “Helping to Make Britain Great.”

22. Valentine, Bernstein, and Brass, *Plantations, Proletarians, and Peasants*, 4.

23. See Omvedt, *Dalits and the Democratic Revolution*.

24. See Prakash, *Bonded Histories*; Kumar, “Slave Trade in Bihar”; Viswanath, *The Pariah Problem*; Mohan, *Modernity of Slavery*; Kumar, *Land and Caste in South India*; Sarkar, “Bondage in the Colonial Context.” For Bihar the most prominent example is Gyan Prakash’s history of the *kamias*, followed by several smaller studies on Bihar by Mukesh Kumar. For Southern India the most prominent studies are Rupa Viswanath, P. Sanal Mohan, and earlier studies by Dharma Kumar.

expanded the geographical canvas to Ceylon (modern-day Sri Lanka).²⁵ These “slave-castes,” possessing different vernacular names, histories, and experiences of subjugation, were often bought and sold with the land and were seen as the most impoverished groups in Southern India. Missionaries paid particular attention to converting and reforming these groups, “freeing” them from the fate of slavery.

Sindh’s unique status as an exception to the social dynamics of the greater subcontinent came to play a role in characterizations of the social order and fed into the logic of the new Pakistani state.²⁶ As Manan Asif writes, “Sindh was understood by the colonial historian to be the first region conquered by Muslims in 712 CE and hence the geography under longest Muslim political rule in Northern India.”²⁷ While the tribe or patrilineal kinship groups, such as the Syeds, Ansaris, Ghitchkis or the Junejos, may have exhibited some caste-like qualities, the assumption of Islamic egalitarianism, intergenerational fluidity, and the idea of Islamic ideology being free from notions of untouchability and caste have been dominant and pervasive. For instance, writing in 1834 James M’Murdo noted: “The western Hindu has for many centuries known no other government but that of Islam. Shut out from intercourse with their Indian brethren, and surrounded by Musalmans, the Hindus of Sindh have lost those fine feelings of caste and distinction which characterize the same race elsewhere.”²⁸ Indeed the Church Missionary Society, highly active in bringing attention to the evils of slavery and coolie labor in

25. See forthcoming Wickramasinghe, N., *Slave in a Palanquin*; Wickramasinghe, S.M., “The Abolition of Colonial and Pre-Colonial ‘Slavery.’”

26. See Shahani; Gazdar, “Class, Caste, or Race.”

27. Asif, “Quarantined Histories,” 2.

28. M’Murdo, “An Account of the Country of Sindh,” 231.

other parts of India, had almost nothing to report about Sindh.²⁹ In some of the earliest ethnographies after partition, anthropologists commented on the “troublesome” problem of leading families of Sindh insisting on referring to themselves as leading “castes,” even though “anyone familiar with Islam will understand at once” that Muslims do not employ “caste.”³⁰ Untouchability and similar forms of caste-based discrimination were seen as a predominantly Hindu problem. As a province seen to adhere to a peculiarly “Muslim” social structure, neither the vocabulary of “caste” nor, for a separate set of reasons, “race” was available to articulate forms of social hierarchy and domination in the rural economy. Instead the haris relied on class and slavery, while communal voices relied on Hindu versus Muslim.

On the surface, therefore, Sindh seems like a less-than-ideal place to examine the processes in which scholars of global abolition and its entanglements in capitalism are interested. Yet I argue that, by focusing exclusively on the plantation, the factory, or places where caste or racial violence seems most obvious, more discrete forms of social and labor control, both steeped in their premodern and capitalist variants, are lost. The extreme absence of vocabularies of resistance, as well as evidence of labor violence, are therefore what make Sindh the perfect canvas on which to examine the histories of unfree labor, against the grain. I take the absence of evidence *as the phenomenon* to be explained. Indeed, I start by allowing the voices of the hari movement of the 1940s to speak, and I read the cry that the haris were “like hapless slaves” against the discursive onslaught of the colonial state, which buried this reading of social relations. While the political texts I analyze from the hari movement surely have their own

29. Church Missionary Society, *Extracts from the Annual Letters of the Missionaries*, 235. I reviewed the published extracts of the letters collection of the Church Mission Society, housed in Oxford, from 1887-1910. A reverend Bell noted: “I sometimes wonder whether the fact of Sindh being the first part of India where the emissaries of the faith of Mohammed made good their footing, has anything to do with the grip his teaching has upon the minds of the people.”

30. Honigmann, “Education and Career Specialization,” 833.

agendas, limitations, and dramatizations of the hari-zamindar relationship, I see them as a necessary corrective. It is completely implausible to argue that violence did *not* exist between haris and zamindars; that household servitude was exceptionally benign; or that public works projects were performed out of nothing but good faith and willing agricultural labor.³¹ Furthermore, even as the colonial state ramped up its reading of Sindh as governed by logics of custom, Sindh was being transformed into capitalism's global countryside. With the intensification of cash-crop commodities such as cotton in the 1920s, these changes undoubtedly exacerbated pre-existing social hierarchies and created new kinds of unfreedoms.

Sindh - From Backwater to Capitalism's Countryside

After decades of being sidelined by the Bombay government, in the early twentieth century Sindh was selected as the site of a series of imperial cotton experiments. The Bombay government was eager to grow new strands of Egyptian and American cotton, and surveys had found that Sindh's soil had the potential for significant yields and vast areas of cultivation. Sindh was to be the "new Egypt." Comparisons between Egypt and Sindh had been made for decades, but it was only now that Sindhi soil became a viable option for large-scale agriculture.³² Here was the untapped countryside joining the global capitalistic economy, with state and capitalists alike pumping in money and resources to transform the landscape.³³

Sind with its light soil, its dry climate, and its permanent water supply – the Indus – offers advantages which are unsurpassed in any other part of India; In fact, Sind is the Egypt of India... Mr. Fletcher estimates the probably yield of the new

31. Rizvi, "Masters not Friends."

32. "Egyptian Cotton in Scinde," *The Manchester Courier and Lancashire General Advertiser*, January 5th 1869.

33. Beckert, *Empire of Cotton*.

cotton in Sind at one bale of 392 lbs, for every two acres, which is far in excess of the average yield of Indian cotton in the Bombay Presidency.³⁴

Sindh was thus entering the ranks of a global network of suppliers for the imperial cotton market. As Beckert tells us, “Between 1865 and 1920 several million sharecroppers, wage workers, and peasant operators in Asia, Africa, and the Americas began to grow the white gold for the spinning mills of Europe and North America.”³⁵ Part of this process involved visits by members of the agricultural department to the cotton cultivating regions of the American South, to compare varieties of cotton and to learn from the growing techniques of their much better equipped American brothers. For example, in 1912 G.S. Henderson, deputy director of Agriculture of Sindh, toured the cotton belt of the USA on the invitation of Upland American Cotton. Henderson noted the vast differences between the United States and India in terms of labor costs: “The cost of picking often comes to 1/5th the value of the cotton. In India cotton can be picked for 1/12th the weight brought by the pickers.”³⁶

The interest in cotton production in Sindh led to widespread support for the construction of the Sukkur Barrage. The Sukkur Barrage scheme was a large mega-structure dam project that would enhance the irrigational capacity of Sindh on a scale unparalleled in Sindh’s history. In order to grow the much sought-after, long-grained cotton, sustained access to water and irrigation was vital. Within a few decades, and with the help of the new lands made available by the Sukkur Barrage, the quality of cotton in Sindh improved exponentially. In 1935 the commissioner of Sind was excited to circulate a letter from the director of one the largest groups

34. “Cotton in India: Results of the Cultivation Trials,” *The Manchester Courier*, January 17th, 1905.

35. Beckert, 292.

36. G.S. Henderson, *Upland American Cotton, Being Notes on a Tour of the Cotton Belt of the USA*, Calcutta: Thacker Spink & Co. 1912.

of English millowners, who wrote that several tests “made at three different mills under commercial conditions show the Scinde grown cotton to be reasonably comparable with the pure strain, and indicat[e] quite clearly that the officials in the Scinde area should be pressed to persevere with this cotton, for which I am sure there is a large English market.”³⁷ This enhanced connection to global markets was no doubt a major factor in transforming the rural countryside and shaping the demands of actors.

The strengthening of labor subordination was deeply connected to simultaneous processes of land dispossession that resulted from capitalistic transformations in Indian agriculture. Gupta highlights the different systems of recruitment for the tea, coal mine, and jute mills in India.³⁸ Sugata Bose’s seminal work on *Peasant Labour and Colonial Capital* demonstrates the embeddedness of the peasant economy within larger processes involving recalibrations and the transformation of global capital circulation.³⁹ Van Schendel further suggests that we think about the “agrarian system,” and take into account the deep interconnections between plantations and cash crop production, on the one hand, and the industrial work required to sustain these economies, on the other.⁴⁰ Likewise, in Sindh, cotton was being produced for the global market on small holding farms that presented as idyllic traditional customary units, but were in fact deeply connected to increased capital investment in mills, ginning factories, and a concurrent demand for wage labor. What is clear from these studies is the close relationship between these delimited sites of industrial and capitalistic

37. Letter to Lord Brabourne, Government House, Poona from the Lancashire Cotton Committee, Manchester, 23 July 1935. In “American Seed Cotton Grown in Sind, Opinion of the Questions of the Group of English Mills,” RCCS/28300.

38. Gupta, “Structure of the Labour Market in Colonial India.”

39. Bose, *Peasant Labour and Colonial Capital*.

40. van Schendel, “What Is Agrarian Labour?”

production and the wider Indian agrarian economy that was experiencing the pressures of increased revenue demands, famines, and an aggressive regime of labor recruitment for Indians. The haris, therefore, knew all too well that, in this insecure environment, land was tantamount to freedom.

Critiques of “Freedom” under Capitalism

In order to understand the particular labor regimes that emerged in India, it is necessary to situate these forms of unfree labor within a larger debate about capitalism, slavery, and the role of empire. The imperial project of exploiting the resources and labor of non-European peoples was indispensable to the processes of primitive accumulation on which capitalism’s initial growth relied.⁴¹ Indeed, sociologists are discovering anew the central role of empire in constructing our foundational modern institutions.⁴² Scholars have compellingly demonstrated the role of the slave trade in accumulating unprecedented amounts of wealth.⁴³ While exact estimates and timelines of peak profits continue to be matters of debate, it is undeniable that the commodification of Africans was part of the engine that drove this global machine – the capital that made capitalism, if you will.⁴⁴ The British Empire played a central role in setting the stage for these emerging global markets, creating the scaffolding for the circulation of raw materials, manufactured commodities, and, of course, bodies. Empire and the legal institutions that it

41. Hobsbawn, *Industry and Empire*, especially 32 - 45; Findley and O’Rourke, *Power and Plenty*.

42. See Hammer, “Decolonizing the Civil Sphere”; Bhambra, “Historical Sociology, International Relations, and Connected Histories.” Recent turns in the sociology of empire and global historical sociology have brought attention to this, but these connections have a much older genealogy.

43. Williams, *Capitalism and Slavery*; Blackburn, *The American Crucible*, 3.

44. The apt title of Julia Ott’s seminar on race, capitalism and slavery.

erected in order to create the conditions of possibility for this system were thus inextricably entangled with one another.

While there is less argument over the fact that the slave trade may have reaped soaring profits in the first instance, debates rage on about the continued role of slave labor versus free wage labor in providing “limitless dynamism and autonomy to the capitalist market.”⁴⁵ Some scholars insist that slavery was incompatible with capitalism, with its reliance on expensive and inefficient methods of extracting value out of human bodies. The abolition of slavery is thus offered as a rational, economic calculation driven by the rise of free market economic thinking. This ideology prized the notion of individuals laboring under free conditions, maximizing spending power, and working out of desire or the threat of starvation, rather than the threat of the whip.⁴⁶

In 1807 the British Empire abolished the slave trade. In 1833 the legal status of slavery as an institution was abolished across Britain’s colonies. In a single day over a million souls were “called from social death to life” – never mind that this resurrection would continue to be haunted by the racism and violence of its past.⁴⁷ Indeed, a robust set of literatures continue to critically challenge our account of the world that lay beyond abolition.

First, scholars of the so-called “second slavery” school, focusing on Brazil, the American South, and Cuba, have shown that slave labor was in fact an entrenched feature of the modes of production required to drive the engine of global modernity. They have argued that “the traffic in

45. Blackburn, 109.

46. See Drescher, *Econocide*; Davis, *Inhuman Bondage*; Davis, *The Problem of Slavery*; Eltis, *Economic Growth*. This was the view famously advanced by Eric Williams, that slavery had reached its natural limits. This idea has been seriously questioned by scholars such as Drescher, Davis, and Eltis. Eltis states that “if there was a natural limit to slavery, it was certainly not in view at any point in the nineteenth century” (14).

47. See Drescher. *Abolition*, 265. I draw this pithy assertion from Drescher.

slaves – legal, illegal or internal – was the motor of the development of the new zones of the second slavery, even as slave trading operated under new logics and strategies.”⁴⁸ Slavery was, therefore, entirely compatible with capitalism, and there could be no illusions about the ability of unfree labor to carry the burden of ever-increasing production demands.

Second, in line with insights from the second slavery school, but emerging from a separate constellation of concerns and questions, scholars of Indian Ocean, South Asian, and African systems of slavery have always maintained a critical posture towards triumphalist narratives of British abolition. To begin with, scholars have documented that slave-trading in the Indian Ocean reached unprecedented heights in the mid- to late nineteenth century.⁴⁹ Studies go further to point out that these intensified systems of violent raiding, kidnapping, and trafficking were in fact driven by demands for labor on plantation economies springing up along the coast of East Africa, the Arabian Peninsula, and, of course, India.⁵⁰ The plantation was a unique historical formation oriented towards production for the global economy and defined by brutal labor regimes that were required to extract maximum labor from the backs of human beings, while keeping production costs down.

Third, even while accepting that abolition represented the end of the legal conceit of human beings as property, scholars have shifted attention to the world that lay beyond slavery. Frederick Cooper, for instance, calls this the “intractable beyond” and directs us to refocus our attention from the legacies of slavery to the problems of freedom. Saidiya Hartman similarly urges us to think about how vocabularies of freedom engendered new forms of bonded labor,

48. See Tomich, and Zeuske, “Introduction, the Second Slavery.” Here, they argue that “second slavery represents a crisis of colonial slavery, but not the crisis of slavery as such” (94).

49. See Harms, Freamon, and Blight, eds., *Indian Ocean Slavery*.

50. See Cooper, *Decolonization and African Society*; Austen, “The 19th Century Islamic Slave Trade; Alpers, “Flight to Freedom.”

creating what she terms the “double bind” of freedom – “freed from slavery and freed from resources, emancipated and subordinated, self-possessed and indebted.”⁵¹ Therefore, even while new slaveries were emerging across the globe, the institutional and legal configurations of freedom were seized by a different set of problems, racializations, and failures. As Africans were kidnapped and sold to work on East African plantations, ex-slaves in the Caribbean were given their legal freedom only to be told that they now had to work for their same masters, as apprentices or as wage laborers. In the same moment tens of thousands of “free” Indian coolies were entering binding contracts to be shipped across the ocean to take the place of slaves on the plantation. The continued racialization of Africans in the reconstruction-era South punctuated claims to full citizenship in the new world that lay beyond slavery, just as imperial projects continued to deny political freedom, equality, and quite often, the humanity of subjects in the colonies. Indeed, as scholars of liberalism and empire have cautioned, it is vital to pay attention to how the “categories of emancipation” – such as freedom, free labor, labor, and the law – “turn into categories of colonial rule.”⁵²

Imperial Classifications of Race and Labor

The authority to classify constitutes a key index of state and imperial power. I take seriously the recognition that multiple actors, often putting forth competing visions of empire and demonstrating serious commitments to its ideals, formed part of the field that constituted the imperial project. In this, I follow Krishan Kumar, Frederick Cooper, and Anne Stoler,

51. Hartman, *Scenes of Subjection*, 115; Holt, *The Problem of Freedom*.

52. Mukherjee, *India in the Shadows of Empire*; Mehta, *Liberalism and Empire*.

understanding the strands and rifts of empire as crucial components of the imperial project.⁵³ The dynamics I discuss here harken back to Foucault's "dividing practices," forever reminding us that bodies are the subject of political and discursive conscription and that institutional structures create "truth" exceeding the particular intentions of single actors.⁵⁴ Power operates through discourse, and classification discourses ascribe meaning to populations that rapidly shed their telltale signs of having emerged in contexts of extreme power differentials.

Here I pay attention to two simultaneous and interlinked processes of classification: imperial-level classifications of global populations, on the one hand, and geographically-specific state processes of classification, on the other. In recent years sociologists have become increasingly interested in imperial projects of classification, paying attention to the cultural and racial logics that directed how the colonial state interacted with subject populations. Steinmetz looks to cultural discourses as an explanation for alternative forms of colonial rule in three different German colonial possessions, while Wilson shows how British conceptions of "likeness" versus "otherness" of Indians directed land tenure policy in India.⁵⁵ More recently the field of Global Historical Sociology (GHS) has broadened the canvas of analysis, probing the multiple scales on which empires operate. The agenda put forth by Go and Lawson's makes explicit the concern for not only connections broadly, but also the transnational and global dynamics of "order making."⁵⁶

53. Kumar, *Visions of Empire*; Cooper and Stoler, eds., *Tensions of Empire*.

54. Foucault, *The Order of Things*.

55. Steinmetz, *The Devil's Handwriting*; Wilson, "From Reflection to Refraction"; Norton, "Classification and Coercion."

56. Go and Lawson, eds. *Global Historical Sociology*.

Some scholars of racial capitalism have shown how global structures of economic exploitation were built on logics of racial differentiation that emerged from the crucible of Atlantic slavery. Atlantic slavery is thus argued to be the original site at which categories of “race” and “labor” became inextricably linked in the modern imagination. The mass enslavement of Africans both drew upon and strengthened the logic of biological and natural otherness, relying on narratives that dehumanized Africans and other native populations encountered.⁵⁷ This project extended out, encompassing the multitudes of populations encountered by European imperialism. As scholars have increasingly shown, empire was a space against which white, black, Indian, Native American, and Asian were constructed out of the complexity of human lived reality. Encounters with these populations prompted colonial agents, missionaries, and legal authorities to “generate new forms of colonial knowledge and emergent practices of racial governance.”⁵⁸ As Cooper notes, abolition “did not break the association between race and labor, but in some ways deepened the racialization of the labor question in the British Empire.”⁵⁹ It is by taking heed of the fact that these processes involved the re-signification of race, blackness, slavery, and labor that I am able to argue that it was abolition, rather than slavery, that was a significant racial project in India.

These classifications had profound implications for global legal and administrative management of colonial populations. The spread of British legal codes, legislation, and procedures was a crucial dimension of imperial power in the nineteenth century. Scholars such as Hay and Craven have further brought attention to labor as a particularly salient site, where

57. Blumenthal, *Enemies and Familiars*.

58. See Mawani, *Colonial Proximities*; Lowe, *The Intimacies of Four Continents*; Lake and Reynolds, *Drawing the Global Colour Line*; Jung, *Coolies and Cane*.

59. Cooper, Holt, and Scott, *Beyond Slavery*, 287.

colonial regimes were actively restructuring social relationships across imperial spaces.⁶⁰ Sue Peabody masterfully traces how Indians and Africans occupied distinct legal identities, and therefore possibilities for freedom, as they moved through British and French legal regimes.⁶¹ Studies have described the economic frameworks that expelled or “framed out” certain practices that “undermined the foundational concepts of capitalism” – such as slavery – in order to legitimate the hegemony of the “free market.”⁶² These decisions were made based on racial logics. After the abolition of slavery, India provided a seemingly endless supply of cheap bodies, both to be imported out of India through the indenture system and to be exploited locally, as capitalists and plantation owners moved their business into the Subcontinent. These exchanges were made possible through the sanctity of the legal contract. It was ideologically crucial that the circuits of laboring peoples that flowed along the sinews of empire were legally considered nominally “free.”

In this dissertation I fold these insights – about how the colonial state sorted between these global circuits of imperial labor and the racial categories that directed these interventions – back inwards. Specifically, I direct our focus to how these currents were inscribed in the legal and administrative apparatus of colonial India. Turning to the level of the British colonial state in India, these global repertoires were imbricated in classification schema that had been developed in India. To acquire knowledge of, categorize, and sort people was a crucial part of accruing symbolic state power. Drawing insight from contemporary social theory, we know that states

60. Hay and Craven, eds. *Masters, Servants, and Magistrates in Britain and the Empire*; Benton and Ford, *Rage for Order*. Tofaris, “A Historical Study of the Indian Contract Act.” Hay and Craven, for instance, argue that abolition marked the beginning of a period of proliferation of global legal mechanisms to control labor. This period was marked by the following: first, the rendering of the employment relation into one of private contract, second, the provision of summary enforcement for these contracts, and third, legal punishment for the uncooperative worker.

61. Peabody, *Madeleine’s Children*; Peabody, *There Are No Slaves in France*.

62. Matthew, *Margins of the Market*.

hold considerable power “to impose the legitimate definition of the divisions of the social world and, thereby, to make and unmake groups.”⁶³ In *National Colors* Mara Loveman examines mundane processes of classification such as the census in Latin America, with its claim to neutrality and the authority of science. Loveman shows how these state-level projects have a “dual relationship to reality,” both reflecting and exerting an influence on populations under the gaze of the state. By paying attention to the role of the colonial state we are better equipped to understand that the “micropolitics of racial classification and identification, inclusion and exclusion, required understanding the macropolitics of nineteenth and twentieth-century nation making and state building” and, I would add, empire.⁶⁴

The project of building symbolic state authority was carried out in the context of a world “on the move.” It is for this reason that borders and migratory regimes were particularly salient spaces of identity construction, as I show in chapter two.⁶⁵ Mongia points out that the British imperial state’s regulation of migratory or Indian indentured labor was a site of unusual intervention and regulation and links this growing control to processes of state building.⁶⁶ The British in India contended with multidirectional currents of peoples – merchants, scholars, saints, religious networks, criminal tribes, rebels, nomadic groups, and “pirates,” on the one hand, and then a whole variety of coerced and free labor from servants, wage laborers, coolies, women trafficked for sex and marriage, and of course slaves, on the other hand. In order to manage this diversity, and to successfully regulate these flows, the colonial state worked tirelessly to insert

63. Bourdieu, *Language and Symbolic Power*, 122.

64. Loveman, *National Colors*; Sielemann. “Governing the Risks of Slavery.”

65. Reyes, “Port of Call”; McKeown, *Melancholy Order*, 54. See for instance, Reyes’ discussion of ports as a particular site of importance.

66. Mongia, *Indian Migration and Empire*, 26-30; Guterl and Skwiot, “Atlantic and Pacific Crossings”; Sell, “Asian Indentured Labor.”

peoples into classificatory regimes that helped to distinguish between kinds of individuals: pirates and merchants, scholars and rebels, friends and enemies. These categories were a vital part of rendering populations subject to regulation – in short, making them legible.⁶⁷

Law played a crucial role in managing populations internally, as it did across imperial sites. In the words of James Fitzjames Stephens, the British political philosopher who also served as the British Viceroy's Council India in the 1870s: "Our law is in fact the sum and substance of what we have to teach them."⁶⁸ English imperial law was not only a justification, but also a mechanism for ordering societies and consolidating rule.⁶⁹ It is this capacity to constitute the "givens" in social life – Indian-ness and blackness, certainly, but also the very category of labor – that drives this exploration.⁷⁰

The category of "labor" both emerged from and was repressed through these classification processes. Aditya Sarkar traces the spread and limitations of growing state regulation around the factory as the site where "the labor question" emerged in India. He shows how "factory law spelt out a schedule of immunities and putative obligations that feebly governed the everyday practices of industrial employment."⁷¹ This complex bureaucratic regime was populated by inspections, commissions of inquiry, and unique levels of state oversight. Boundaries that emerged as crucial in the twentieth century, such as informal and formal labor, were therefore a "historically produced distinction, with law functioning as the crucial regulatory

67. Scott, *Seeing Like a State*; Hevia, *The Imperial Security State*; Cohn, *Colonialism and Its Forms of Knowledge*. The literature on state classification is voluminous, but I take several studies as exemplary in defining my own approach.

68. Quoted in Hussain, *The Jurisprudence of Emergency*, 4.

69. McClure and Saxena, "Introduction: Law and Legality in Modern Indian History," 368.

70. Loveman, "The Modern State and the Primitive Accumulation of Symbolic Power," 1675.

71. Sarkar, *Trouble at the Mill*.

device for the separation of the two spheres.”⁷² This dissertation aims to provide a historical reconstruction of this kind, by looking at how these crucial distinctions emerged through legislation around the plantation and by examining the specific legal conceit of the labor contract.

Customs and the Law

In his oral testimony before the Royal Commission of Agriculture in 1927, Dilmuradkhan Bahadurkhan Khoso was asked his opinion of the laws in place to protect the cultivator in Sindh. In response he declared: “As we say in Persian: only a *diwana* will go to a *diwani!*”⁷³ This statement raises an important question, urging us to interrogate the nature and reach of colonial law in Sindh. Given the dominance of arguments about Britain’s “sprawling” empire of law, what does Sindh tell us about the nature and limits of this regime?⁷⁴ What role did the law play in coercing or regulating labor? Scholars have long told us that the space outside of state legal institutions was not an “empty box of lawnesses,” but was, in fact, “full of law.”⁷⁵

The case of India is the ideal site on which to investigate this question; it demonstrates a complex terrain where colonial, Hindu, Muslim, Parsi, and an endless variety of local norms and rules governed social life. That the Sindhi countryside was a “hybrid legal space” is clear. Islamic epistememes that circulated across the Indian Ocean governed the lives of slaves, the expectations of manumission, and the expectations of economic maintenance even after

72. Ahuja, “Produce or Perish,” 45.

73. Royal Commission on Agriculture, Minutes of Evidence.

74. Benton and Ford; Hay and Craven, eds.

75. Benton, *A Search for Sovereignty*.

abolition, while panchayats regulated Hindu affairs.⁷⁶ In addition, the countryside was governed by reciprocal norms and obligations between artisans, landlords, and cultivators. It is to this uneven terrain that the colonial state's gaze turned, as the question of free and unfree labor lurked in the background. The category of labor emerged amongst these complex regimes of reciprocal norms and obligations.

The latter half of the nineteenth century presented a distinct set of relationships between colonial and customary law. On one hand, this period was characterized by the unprecedented spread of colonial courts into the countryside, the rationalization of legal procedure, and the modernization of the legal infrastructure.⁷⁷ This phase is often associated with the influence of the English utilitarians such as Henry Maine and Macauley, who tried to create in India what had failed in England – a systematic legal code.⁷⁸ The Indian Penal Code perhaps best demonstrates this impulse, categorizing forms of criminal activity into discrete sections, thereby attempting to organize human activity into lists of legible and interpretable offenses. This utilitarian moment saw increased interest in the codification of legal categories and procedures and the creation of new, efficient, and accessible structures to adjudicate disputes over land, inheritance, debts, and contracts.⁷⁹ On the other hand, however, scholars have tended to see the post-First War of Independence (1857) era in India as one of retreat, with the crown replacing the interventionist impulse of the EIC, enhancing the authority of traditional and customary law. This policy, very

76. See Bishara, *A Sea of Debt*; Khan, *Slavery in Islam*; Cooke, "After Annexation," 54.

77. See Washbrook, 654. In many ways this contradiction is consistent with Washbrook's famous characterization of the colonial legal system as "Janus-faced," in that, on one hand, the law facilitated amoral, modern, commercial transactions, while on the other hand, it simultaneously "entrenched status" and identity as the basis for rights.

78. Wright, "Macauley's India Law Reforms."

79. Eric Stokes. *The English Utilitarians in India*; Koskenniemi, "Expanding Histories of International Law." Scholars such as Koskenniemi recenter attention on the spread of laws and institutions that facilitate or exist as obstacles to efficient trade policy, as part of the "wider" question of international law.

much associated with the writings and thoughts of Henry Maine, manifested in a policy of bolstering the authority of native elites.⁸⁰

The narrative of the global proliferation of imperial law seems to contradict this trend in colonial approaches to native law. However, as numerous scholars have shown, in codifying “tradition” this merely represented a separate mode of intrusion into the “private” realm. As Sturman argues, this retreat policy paradoxically “rendered debates on custom a key terrain for the extension of state power and for new forms of individual and community self-fashioning.”⁸¹ And, as Bernard Cohn reminds us, tradition and custom were constituted in a colonial field of power.⁸² The colonial state’s approach to custom distorted, refracted, froze, erased, and repressed both religious and local norms through codification. As Bhattacharya shows, by the late nineteenth century defining custom had moved away from a world of ancient texts to more lived practices of custom that were dependent on local informants but retained their textual nature, represented from pundits to village elders.⁸³ These arguments call for greater attention to the materiality of customary law, and how its power is enhanced when rendered into the legal compendium, the district settlement record, or legal precedent.

It is important to distinguish my argument from the vast body of literature that looks at the reality of customary law as an empirical object and examines its relationship to prevailing state institutions and law. Rather, I am interested in the role of custom as a discursive category of colonial discourse that intentionally avoided a stable referent. What is striking in my sources is

80. See Dirks, *Castes of Mind*; Derrett, *Religion, Law and the State in India*; Mantena, *Alibis of Empire*; Chanock, *Law, Custom, and Social Order*.

81. See Sturman, “Custom and Human Value.”

82. Cohn, “Law and the Colonial State in India.”

83. Bhattacharya, “Remaking Custom.”

the lack of concern for verifying or codifying the particular practices under discussion. “Custom” appears in debates about labor, not as an ancient, time-immemorial system of rules, but as a rather empty concept, which stands out in a way for its lack of specificity. The assumption was “if customs are presumed to be timeless and unchanging, then present practice was itself evidence of the antiquity of custom.”⁸⁴

The legal pluralism literature brings our attention to how subjects “inhabit a world of multiple normative communities” and the plurality of webs of norms governing subjects’ lives at any given time.⁸⁵ We might ask how and why subjects “forum shopped” between different legal bodies or traditions – for example, the panchayat, or biraderi/tribal elders, pointing to colonial courts as merely one option among many. This literature also brings our attention to the fact that “there were dialectical systems of law beyond the formal world of the legislature” that were taking our attention away from the monopoly of state institutions and instead seeing state and non-state laws as co-constitutive.⁸⁶ These questions prompt a deep exploration into the lifeworlds of normative and alternative legal regimes outside of colonial law; they require attention to the variety of forms these may take. This would lead to a consideration of how custom interacted with state law to define another “layer” mediating state-society relations.

My question however, is a different one. I focus less on the status of these lifeworlds and more on the observer, as well as how the creation of custom as a category obscured the ability to see internal customary social relations first as unfree labor, but second, as labor at all. I recognize the epistemic violence that the codification of custom unleashed onto colonial

84. Bhattacharya, “Remaking Custom,” 42.

85. Berman, “Global Legal Pluralism”; Merry, “Legal Pluralism.”

86. McClure and Saxena, “Introduction”; Sani, “State Law and Legal Pluralism.”

societies, but here I suggest that it also corrupted the vision of the colonial state and the entire apparatus of liberal actors who were meant to monitor and keep the state in check. Custom was thus an obscuring prism that corrupted sight, and it is these “cataracted” apprehensions of reality that were carried into the League of Nations and international law.

The insight we gain into the world beyond colonial law, and indeed beyond the realm of state codified custom, comes from reading the works produced by the hari movement itself. In reading texts by leftist intellectuals who supported the haris movement, which I will analyze in more depth in the fourth chapter, what emerges is a clear vocabulary of legitimate and illegitimate expectations between haris and zamindars; these are invoked, in turn, to critique the immoral actions of the zamindars. As Masud wrote in the *Hari Committee Note of Dissent*, “Any new custom can be started by [the zamindar] as their word is law.”⁸⁷ These alternative moral economies breathe life into the empty category of custom, as deployed in colonial discourse in Sindh. These articulations differed from the amassed knowledge of colonial officers, revenue collectors, and magistrates about the crop-sharing system, about the rent agreements, and about social relations between classes that rested on the concept of the *rawaaj-e-aam*, or time-immemorial tradition. In fact these texts are a clear indictment of the colonial construction of custom mediating relations between haris and zamindars and their failure to capture the “true” corruption of the social contract that was occurring in real time.

Furthermore, I argue that the problem of the “immoral custom,” or the “repugnancy principal,” makes it important to pay attention to how custom codified spheres of activity in different ways. Custom did not cover social space evenly. Codifying and adjudicating customary laws around inheritance, marriage, widowhood, and other family and religious law matters,

87. Masud, *Hari Report, Note of Dissent*, 8.

colonial courts demanded “proofs” of custom.⁸⁸ The law relied on the authority of compilations of customary or religious laws to certify the validity of certain customary claims. In conceptualizing the relationship between the hari and the zamindar in this way, I am not arguing that the relationship *in total* was outside of the law. Indeed, debts between haris and zamindars were routinely scrutinized by the courts, rent demands were often adjudicated based on the zamindar’s customary right to the produce of the land, and land disputes were settled by recourse to a specifiable body of custom. Yet it was the labor obligations, in the interstices of these categories/social arrangements – some regulated by custom and some by contract – that remained discrete, between the lines, and mostly invisible. These two conflicting impulses of global law, sprawling yet delimited, can only be adjudicated empirically and with reference to specific, emerging spheres of activity.

As Bhattacharya shows, after heated debates over the “custom” of *begar* (customary unpaid labor) in Punjab, the regime decided not to codify these customs into law, even into a set of laws that they could label as customary. When it came to questions about the numerous categories of activity that were cognates of labor (impressed labor, forced labor, *begar*, *cherr*), investigations were notably thin. Not only did this mean not regulating this custom, but it was also an explicit warning against capturing this custom in written form – the materiality of custom was therefore the danger, opening the possibility of scrutiny. The problem of the “repugnancy principal” or the “immoral custom” was used to alter the terrain around certain practices deemed unacceptable, such as *sati* and, of course, slavery.⁸⁹ However in a post-abolition landscape where the British regime pinned its reputation on, and accumulated moral capital through, its promotion

88. Mallapalli, “Escaping the Grip of Personal Law in Colonial India.”

89. See Chanock; Merry, “Legal Pluralism”; Sturman, *The Government of Social Life*, 157-158; Chatterjee, *Gender, Slavery, and Law*.

of free labor, labor was a problem area. The modus operandi of colonial regimes across South Asia and Africa was to bolster the authority of colonized elites by propping up local customary institutions and inscribing symbolic state authority into these institutions, but with certain questions this was particularly difficult – such as with slavery and labor.

The conceit of Indian labor as free was symbolized by the legitimacy of the contractual regime that emerged to regulate and enforce work agreements. First, I argue that contracts were, in the first instance, a means of legitimizing violent and de facto coercive regimes of labor, under the guise of consent and voluntarism. Yet the contract, I argue, conjures the state. The legal regime that bound workers to plantations has become the site of much scholarship, often cited as evidence of the law as emissary of the state thesis, proof of colonial law as “lawfare,” that is to say, as primarily a vehicle of colonial violence and oppression.⁹⁰ In contrast, other scholars have pointed to the growing autonomy of the law, as much more than a simple device of capitalists or state-building projects.⁹¹ By highlighting powerful dualities at play, I explore in detail how the imperial legal regime was certainly violent and coercive, but by relying on the fiction of the free contract to legitimize these regimes, it allowed the labor and the indenture systems to emerge as potential sites for new judicial, abolitionist, and international community activism around labor rights. Furthermore, the contract conjures the category of labor itself, first by allowing coercive enforcement, but ultimately eliciting scrutiny of the terms of the labor contract. In tracing these categories I use Sindh as a negative case, exploring the idea of a place with no labor history. I

90. See Kolsky, *Colonial Justice in British India*; Baxi “The State’s Emissary.” Kolsky and Baxi are prominent voices focusing on law and violence in India.

91. Sharafi, *Law and Identity in Colonial South Asia*; De, “Emasculating the Executive: The Federal Court and Civil Liberties”; Sharafi, “The Semi-Autonomous Judge in Colonial India”; Comaroff, “Colonialism, Culture, and the Law.” Sharafi and De demonstrate the potential for the colonial legal institutions to emerge autonomously from colonial state interests, for instance by looking at the how Indians began to embed themselves in the legal profession as lawyers and judges.

use my comparison between figures to explore the imperial origins of one of modernity's foundational categories, in the same vein as Kale, Hammer, and Go: that of labor.⁹²

There were, at the same time, entire swathes of laboring populations that remained unclassified, where the law did not intervene in the relationship between master and servant, either to *coerce* or to *protect*. These subjects provided neither free nor unfree labor – in fact, they weren't even categorized as something in between these two poles – but rather occupied a unique status in a realm where the state could *defer* judgments about labor relations. In a period when designations of free and unfree had stakes, and to govern was to categorize, this absence is significant particularly significant in light of state-building imperatives to render populations legible. I build an argument about “custom” as a means to stymie the emergence of relations between haris and zamindars as a “labor” question in courts. So by contrast to the contract, custom, too, conjures the state, but on different terms. In my case, though, contracts invited the state to back all kinds of debt contracts, while custom repelled both the state and the law's inquiries into laboring relationships, specifically.

Enshrining Categories in the Interwar Period

For much of the twentieth century the League of Nations has been synonymous with failure. The early withdrawal of the United States, its inability to stop the rise of Nazism, and of course the fact that instead of achieving a “lasting peace,” the League preceded the bloodiest war in human history are all good reasons for taking this view. However, scholars today have revisited the League, excavating fresh insights into the singular importance of this institution and the interwar years, more generally, in defining the twentieth century. Susan Pedersen has been most prolific

92. See Kale.

in instigating this revival, arguing that, despite its failure in the realm of international security, the League of Nations is a crucial site on which to study the “shifting boundaries between state power and international authority.”⁹³ The ILO has also become the subject of renewed interest in recent years. Scholars have pointed out that the ILO was a counterrevolutionary force that sought to curtail the growing strength of the global labor movement after the Bolshevik revolution. Despite these debates, the role of these institutions in creating what has become our modern economic order has inspired much scholarly attention.⁹⁴ International organizations, in general, played a pivotal role in defining the modern world, and they provided the stage on which actors from the global South, as well as ex-colonial powers, envisioned their projects of “world-making.”⁹⁵

Scholars have cynically argued that colonial powers sought “loopholes” and used the ILO to justify extractive labor policies.⁹⁶ Yet Anghie reminds us that these years represent a pivotal “attempt to create a set of techniques that were uniquely devised for the specific purpose of transforming backward, non-European societies into modern societies.”⁹⁷ It was in this context that “well-meaning” doctrines meant to tutor colonial subjects in a journey from freedom to free labor were carved out. Others have pointed out the importance of this moment in inspiring “a rich and participatory culture of political protest” in Britain, which fed into the founding

93. Pedersen, “Back to the League of Nations.”

94. Pauly, “The League of Nations”; Clavin, *Securing the World Economy*.

95. Getachew, *Worldmaking After Empire*; Iriye, *Global Community*.

96. Maul, “The International Labour Organization.”

97. Anghie, “The Evolution of International Law,” 43; Anghie, *Imperialism, Sovereignty, and the Making of International Law*.

doctrines of the League and shaped the political culture in Britain.⁹⁸ Indeed, it was not only colonial officers who had these limited repertoires, but racial tropes were reproduced in petitions to the League by churches, women groups, and other civil organizations. The active participation of this multitude of actors further advances my claim that this moment represented a concretization of global categories. That work in the colonial world had to be governed by a set of special provisions for native labor, that wage work was the future of freedom, and that natives weren't ready labor legislation and reform were underlying assumptions of this moment.

Britain assumed center stage at the League. British officers quickly settled into their roles as veteran experts. As the self-imagined workshop of the world, “with the history of British anti-slavery cited as evidence of the empire’s role in generalizing humanitarian norms,” Britain seemed destined to take on the task.⁹⁹ The members of the League of Nations were clearly idealists, rather than simply imperialists looking to extract resources and decimate colonial nations. We will see this in the agonized drafting and redrafting of typologies of slavery and its analogies in Lugard’s personal notes and in George Maxwell’s unrelenting thirst to get to the bottom of what slavery “really meant” by vociferously gathering accounts from across the globe, both of which I will examine closely. Pedersen explains of these efforts, “They believed in their civilizing mission, in their right to rule. And for the next dozen years, no one better articulated their principles and honed their practices than Lugard.”¹⁰⁰ Yet in this dissertation I show that these concepts of civilization were highly shaped and constrained by a myriad of racial ideologies. While the League certainly represents a moment of inclusion in the international

98. McCarthy, *The British People and the League of Nationalism*.

99. Pedersen, *The Guardians*.

100. Pedersen, *The Guardians*, 107.

world order, this was, in the final analysis, a racialized inclusion. As Getachow asserts, “The Wilsonian moment is thus best characterized as a counterrevolutionary moment, and the hierarchical world order of the League of Nations carried the imprints of these origins.”¹⁰¹ These two ways of seeing the world were not mutually exclusive, but in fact colonial powers had already trained themselves to see the world through the obscuring prisms with which this dissertation is concerned.

This moment was also, much like imperial projects of the nineteenth century, a “multilayered quest for order.”¹⁰² The emerging legal and laboring categories that I trace as they unfolded within India signified an empire-wide consensus that had reverberating impacts throughout the colonial world. Remarkable consistencies can be traced in the logics deployed in discussing “impressed” or “forced labor” in Sindh and discussing native labor in British African colonies. Colonial officers carried these assumptions and discourses with them as appointees on the most influential committees at the League of Nations and the International Labor Office (ILO). Discussions at the League and the ILO were thus deeply embroiled in colonial labor policies.

The Slavery Convention has often been examined by scholars who make the point that “slavery” was defined in such a narrow and restrictive way that it left the vast majority of unfree labor regimes untouched.¹⁰³ This literature does not look at the interplay between slavery *and* labor as two kinds of global languages of critique dominant at this moment, which would provide a more nuanced explanation about how they interacted to produce very particular kinds of

101. Getachew, *Worldmaking After Empire*, 40.

102. Laqua, “Transnational Intellectual Cooperation.”

103. Miers, “Slavery: Question of Definition”; Allain, ed. *The Legal Understanding of Slavery*.

interventions and oversights. When it came to colonial dominions, there was a particular problem in applying the universal labor standards that the ILO was convened to address. The specific teleology – from slavery to wage labor – needed a third intermediate category. The ILO therefore created specific regulations and mandates when it came to native labor, the most important of which were the prohibition of forced labor and the regulation of contract labor.

I show how the Slavery Convention (1926), the Convention on Forced Labour (1930), and the Contracts of Employment (Indigenous Workers) Convention (1939) represented closely-related but distinct projects. Working in tandem, they produced a peculiar set of mandates for intervention and non-intervention. What remained un-interrogated in this moment, therefore, were internal hierarchies and labor regimes. Challenges to internal systems of bound labor and hierarchy were once again, almost a century later, restricted to anti-“slavery” interventions.

In fact, I go further to argue that the rhetorical commitment to ending forced labor was made feasible by keeping customary and indigenous labor systems intact. Studies on colonial Africa illustrate how labor performed for chiefs and other “customary” networks were drawn on to bolster colonial labor needs.¹⁰⁴ In the chapter on the haris I show how, in analogous ways, internal forms of bound/hierarchically arranged labor and debt bondage were both erratically examined. Labels such as forced labor and debt bondage were potentially applicable to internal social arrangements, but ultimately they were recoded as legitimate and customary in much the same way. These jurisdictions were rhetorically posited as distinct and separate from transformations wrought by capitalism, markets, and circulating credit in the rural economy.

Looking at the complexity of social and economic forms of exchange and labor in the particular case of colonial Sindh will demonstrate the problems and limitations of the

104. Okia, *Communal Labor in Colonial Kenya*; Kunkel, “Forced Labour, Roads, and Chiefs”; Akurang-Parry, “Colonial Forced Labour Policies.”

international vocabulary available to describe the transformations taking place in the early twentieth century. Indeed in the backdrop of my argument is a suggestion that the hari movement attempted to draw upon “master frames” of slavery, forced labor, debt bondage from the League of Nations, and “class conflict” from the circulation of communist and socialist ideas throughout the globe.¹⁰⁵ Laying out this internal complexity demonstrates how understandings of the relationship between a particular category of forced labor – labor for *local* public purposes and village dues – and debt bondage were in fact premised on the same problematic ambiguity about internal social and labor regimes. By tying these insights into my examination of the case of colonial Sindh, I demonstrate how these overlapping movements and articulations – anti-slavery, anti-forced labor, and pro-labor rights – all produced this space as fixed and governed by the separate, unassailable logic of custom. But, as I argue above, this custom was anything but fixed and was rendered even more powerful as a mode of labeling the contradictions of free and unfree labor by its very indeterminateness.

How did the reality of the economic and social structures governing labor track onto these broadly circulating international categories? This approach to non-intervention in social relationships between the zamindar and the hari was not merely the result of a deliberate strategy to cordon off segments of social life. I argue that this policy was consistent with the limits and possibilities inherent in the categories being deployed across imperial sites themselves. I argue that, against the backdrop of increasingly international regimes promoting labor rights, abolishing both forced labor and slavery powerfully showed the limits of the liberating potential of that moment. Both international institutions – the ILO and the Slavery Committee – with their overlapping and distinct concerns had built-in limitations in the kinds of social relationships in which interventions could occur.

105. Swart, “The League of Nations and the Irish Question.”

Organization of Dissertation, Sources, and Methods

The dissertation is arranged roughly chronologically and thematically, as the process demonstrated by each figure emerges within a particular temporal context. Sindh moves in and out of the center of analysis through each of the chapters. The **first chapter** sketches the broad historical arc of the narrative and situates this dissertation within a specifically global history of slavery, abolition, and freedom. In this chapter I demonstrate the multiple scales at which transformations were occurring and how the terrain for adjudicating labor was constantly shifting, but in ways that resonated at the local, regional, imperial, and finally, global level. Starting from the 1840s before slavery was abolished, the chapter traces the problems of freedom through the nineteenth and into the twentieth century. This chapter ends with discussions about slavery and its analogies at the League of Nations. I explore several sets of categories that emerge over time: slavery as racialized once more, contract labor and indenture as abolished or regulated, but custom as sacrosanct. By tracing the life of the labels of both slavery *and* forced labor in India, we see the shifting line between freedom and unfreedom and the myriad justifications for colonial discourse, using the category in some instances, but not in others. This chapter draws on secondary sources to sketch the broad strokes of historical processes but anchors these dynamics by engaging with archival materials, particularly from the League and ILO. I focus on the Indian Law Reports, India-wide debates over forced labor and slavery, and finally the emergence of categories at the League of Nations and the ILO in the 1920s.

In **chapter two** I explore how the shidis were racialized over time to be associated increasingly with slavery. I focus here on the shidi population of Sindh and its interaction with these broader structures, which I trace at the level of the Bombay Presidency and the Indian

Ocean. The fact that slavery is synonymous with shidi in Sindh today makes this a particularly powerful example of the long-reaching effects of these processes. The first half of the chapter focuses exclusively on colonial bureaucratic sources, demonstrating that “race” was the prism through which questions about slavery were adjudicated by colonial agents and magistrates. I introduce three mechanisms here: racial containment, language of self-evidence, and bureaucratic imprinting. The second half of the chapter shifts to focus on the legacies of this process, as told through the voice of one Muhammad Siddiq Mussafir, a Sindhi shidi scholar who describes how abolition is recalled within the shidi community.

The **third chapter** examines the construction of the Indian coolie, focusing on the legal apparatus erected to control labor after abolition in India. This chapter focuses on the role of the contract in creating a nominally-free labor force and on the specific rules and logics that applied to contract labor. This chapter, more than any other, focuses attention on legal sources, going through a series of cases to demonstrate how contracts were analogized with slavery. This chapter also develops an argument about how the law carved out a definition of “labor” through the contract laborer, against other kinds of work and laboring categories. In this chapter we remain mostly in the realm of colonial records, as I argue that this site was indeed coercive, but also, over time, plantations became the most regulated.

Finally, **chapter four** focuses entirely on the haris of Sindh. As explained above, it is perhaps the failure of the hari movement that reveals most clearly the completeness of global processes of ordering labor and the power of the prisms that this dissertation introduces. The haris failed in their invocations of forced labor and debt-slavery, and even their attempts to bring attention to the violence they experienced at the hands of zamindars. But the question is, why? Why do metaphors fail? This dissertation and the preceding chapters help explain this very

question. This chapter is roughly arranged into erasure and retrieval, demonstrating how colonial administrative structures framed the haris within conversations around land rights, debt, and agricultural structures. The second half of the chapter focuses entirely on reading these sources against the grain. Focusing on the emergence of large-scale cotton cultivation in Sindh, I show how changes in the economic and social structure were occurring. I begin with newspaper coverage of hari protests and abuses of haris, petitions received from haris, and cases in which haris were litigants. Finally I focus on a series of texts compiled by leftist intellectuals in Sindh that insisted that the haris were “like hapless slaves”, that maintained their indebtedness rendered their situation akin to “slave trading”, and that critiqued the extraction of unpaid labor. These texts assemble an alternative moral cosmology around land use and labor demands, situating the cry in the final analysis in a demand for land.

In the final chapter I explore the new international order that emerged, an order that was inherited by the United Nations and other international organizations. The sets of epistemic categories that this dissertation explores profoundly shaped how development discourse viewed agricultural and labor policy in the twentieth century. In many ways, the blind spots and assumptions of this era ushered in the “modern slavery” moment that emerged in the 1990s as NGOs were armed with a new (or old) vocabulary to critique internal social divisions that had been very much removed from the agenda for half a century of nation-building and agrarian development projects.

Postcolonial Legacies and Modern Slavery

Sociologists increasingly acknowledge empire as a crucial political and social force that shaped and constrained the development of the modern world. These studies have emphasized the

durability of empires and the intimate links between colonial pasts and the modern nation state.¹⁰⁶ The legal structure that was erected in the colonial period, particularly around labor, continued to form the basis of law in postcolonial South Asia. Nasser Hussain goes so far as to assert that seventy percent of the contemporary legal infrastructure in South Asia can be traced back to laws put in place in the latter half of the nineteenth century.¹⁰⁷ Siddique similarly claims that, in many significant ways, Pakistan's colonial past and its post-colonial present are contiguous eras that "seamlessly flow into each other in the historical continuum."¹⁰⁸ For instance, the Indian Penal Code of 1861 is carried forward almost verbatim in the form of the Pakistani Penal Code, and in addition, the code of criminal procedure, civil procedure, and of course the Indian Contract Act, as well. In the domain of labor, legislation passed in the 1920s remains on the books today, defining the rules and norms around labor law, as we see, for example, in the Payment of Wages Act (1926), the Workers Compensation Act (1923), and the Industrial Disputes Act of (1947).

The haris in Sindh are in many ways the main protagonists of this dissertation. Their contemporary condition has continued to attract the attention of the civil rights, legal, and human rights communities, and they are often seen as the ultimate example of "modern slavery" in South Asia.¹⁰⁹ For instance, article after article today reports that the hari-landlord relationship

106. Barkey, *Empire of Difference*; Go, *Patterns of Empire*; Kumar. "Nation-States as Empires, Empires as Nation-States."

107. Hussain, *The Jurisprudence of Emergency*.

108. Siddique, *Pakistan's Experience with Formal Law*, 5.

109. Kara. Siddharth Kara, for example, profiles both the kamaiya and the haris as exemplary forms of agricultural bonded labor in his "exposé" of systems of modern slavery in South Asia.

remains undocumented in Sindh.¹¹⁰ The logics and legal structures that laid the foundation for this situation in the pre-colonial moment are therefore not abstract, historical questions but rather are urgent and immediate. Examining bonded labor in South Asia as a particular iteration of a global regime around regulating labor after the abolition of slavery provides fresh inroads into this question.

The global language of free labor could not have prevailed without the cultural and symbolic glorification of the death of its opposite – slavery. This cultural triumph was belied by the reality that the global landscape of the nineteenth century in fact presented a mix of “free labor” and “slaveries,” all in the service of intensified demands for large-scale capitalistic production.¹¹¹ This study depicts a world in which the ambiguities of labels such as free and unfree, slavery and servitude, wage labor and customary social obligations were hopelessly inadequate for describing the realities of the staggering variety of labor formations underlying global modes of production. Yet, as this dissertation shows, this also made available a language of critique of those very systems, in addition to empire, feudalism, and hierarchies broadly. In the Congo the world accused Leopold of committing horrors worse than slavery, in India Ambedkar told the international community that untouchability made slavery pale in comparison, while in Sindh, G.M. Syed talked about the enslavement of Sindh at the hands of the Bombay Presidency in India.¹¹² When did this now-ubiquitous analogy succeed, and when did it fail? These are the questions this dissertation seeks to answer.

110. Mohammad Hussain Khan, “Slavery Inc. How Legislators Reinforce Bonded Labour in Sindh,” *Dawn Online*, October 1st 2018.

111. See Banaji, “The Fictions of Free Labour,” 71. As Jairus Banaji observes, free and unfree can both be easily dismissed as fictional as “economic coercion is pervasive under capitalism.”

112. See Syed, *The Case of Sindh*, 9. As Syed writes, “We, the people of Sindh, had ... been forcibly made part of British India and had become slaves of the British”

CHAPTER ONE: BETWEEN THE “SLAVERY” AND THE “LABOR” QUESTION

Between 1833 and 1926 the world changed dramatically. These two dates bracket the historical epoch through which we can trace shifts, ruptures, and continuities of the world that lay beyond the “birth of freedom” represented by the abolition of slavery in Western thought.¹ From the perspective of the British Empire, the Slavery Emancipation Act of 1833 initiated this era, and the 1926 Slavery Convention can be read, in some ways, as a moment of arrival. This was a moment when the contradictions and clashing interests that defined the preceding century of colonial enterprises crystallized into a set of epistemic categories and became the foundation for the global legal order that defined the twentieth century.

The international institutions that emerged out of the Paris Peace Conference in 1919 represent the beginning of twentieth-century international coordination efforts and were foundational in the construction of global categories of order making. Both the League of Nations and the International Labour Office (ILO) were created within a context that aimed to uphold both peace and free markets as the moral order of the day.² This was so while European states clung to their colonial territories and continued to openly extract resources and labor from men and women in their colonial possessions. Within the documents and correspondence produced by the slavery commission and the ILO at the time, we see a clear and specific teleology being operationalized about the “natural” and “efficient” transition from one labor

1. Patterson, *Freedom and the Making of Western Culture*.

2. Pedersen, *The Guardians*; Maul.

formation, slavery, to another, wage labor. This free market ideology was, unsurprisingly, espoused as gospel by those at the League and ILO.

Yet I insist that in order to understand the stakes and terrain of the interwar moment, we must start with abolition and the imperial order it helped create a century before. This task calls for a deeper exploration of how the concept of freedom emerged and what was at stake. As the modernizing world went through its upheavals and revolutions, passing the threshold from darkness to Enlightenment, what exactly did it mean to be free? Addressing a black gathering in 1867, Oliver O. Howard, Commissioner of the Freedman's Bureau, gave a simple answer to that question, stating that "he would promise them nothing but their freedom, and *freedom means work*."³ From this moment forward, ex-slaves entered the world of free wage labor that was haunted by its own problems, as many a disenfranchised factory worker already knew.⁴ Indeed, the dilemmas of the specific historical form of human activity called "wage labor" were recognized by Marx when he declared labor under capitalism to be a form of "wage-slavery."⁵

As historians of the United States have shown, black ex-slaves and white workers encountered the problems of free labor in profoundly different ways. Extending these insights, in this chapter I ask what did work, and what did the problems of freedom look like for different people across the industrial and non-industrial world? What factors determined whether the most pernicious effects of work would be regulated, reformed, or abolished? In the nineteenth century the problem of slavery bled into a new set of problems around wage labor. Jan Bremen and

3. See Eudell, *The Political Languages of Emancipation*, 18; Foner, *Nothing but Freedom*, 6. This quotation is cited by Eudell, but it also draws on the a similar comment by former Confederate General Robert V. Richardson, treasurer of the American Cotton Planters' Association, which is the title of Erik Foner's monograph, *Nothing but Freedom*.

4. Steinfeld, *The Invention of Free Labor*; Stanley. *From Bondage to Contract*; Banaji.

5. Marx, *Wage-Labor and Capital/Value*; Persky. "Wage Slavery."

others have recently called our attention to the “social question,” defined as “an enlightenment question linked to the industrial revolution – that is, of formally free and substantially unprotected labor, disembedded from family subsistence and constantly at risk from polluting working conditions.”⁶ This concern was the “leitmotiv” for many laws and policy measures in the nineteenth and twentieth centuries.

I focus on the interwar years as a period during which these laws and regulations proliferated globally, and a new world emerged out of the dust of World War I and the Bolshevik revolution. These decades marked the abolition of the indenture system, the repeal of coercive legal measures to control labor in India, such as the Workman’s Breach of Contract Act (Act XIII) 1859, and the passage of both the Slavery Convention of 1926 and the Forced Labor Convention of 1930. Shortly thereafter the National Labor Protections of the New Deal were passed, and the ILO’s passage of the Contracts of Employment (Indigenous Workers) Convention in 1939. I argue that these events marked the reaching of a global consensus around labor that remained dominant throughout the twentieth century.

What does going back further to abolition tell us about the epistemic limits of this great “social question” as it emerged in the colonial world? How were questions around labor reform and regulation influenced by the sets of meanings and moral discourses called into being through comparisons with slavery? What relationship do these novel inequalities have to older histories of slavery and unfreedom, even as slavery was repressed as an ontological reality? How did racial depictions of Indians shape these processes? In the chapters ahead I show that racial categories played a role in shaping reform, but in ways more elusive and difficult to trace than histories of the afterlives of slavery in the Atlantic world. Race inflected the problems of “free labor,” leaving much of the colonial world in an intermediate category between slave and labor.

6. Breman et al., eds., *The Social Question*.

I tell the story of this epoch by traversing scales of analysis. In this chapter I move from debates connecting London, the post-bellum South, East Africa, the Gulf, and the Caribbean, down to the particularities of local skirmishes as told from the vantage point of Sindh, zooming back out again to India-wide discussions around forced labor and slavery. In doing so I suggest that the British Empire was an incubator – an echo chamber within which discourses about freedom, slavery, and free labor travelled and reverberated back outwards. As scholars have noted, “The British Empire was one of these networks and bodies of knowledge. Administrators moved from place to place within a world of shared cultural understandings about race and power.”⁷ As these discourses and “vocabularies of freedom” travelled, they encountered different configurations of social power, labor regimes, and colonial projects. All were constrained, after 1833, by the heightened importance of the distinction between free and unfree labor. In all these conversations the foil of “free” wage and contract labor was the crucial comparison offered in making decisions about how to source labor.

In this chapter I start by providing a global survey of abolition as it unfolded across several crucial and connected centers of global trade and empire. This narrative takes us beyond the British Empire, focusing at moments on North America, but it is anchored in relation to British imperial ambitions. In this discussion I trace the deeply interwoven, but ultimately distinct trajectories of the “slavery question” and “labor question.” I then turn to an account of the dynamics of abolition in India. I shed light on slavery as understood by the EIC prior to abolition, including sources on Sindh, turning next to the crucial role that Indian labor played in abolition debates and continued to play thereafter, as the site of “free labor.” Reading slavery as benign in the first instance, and then non-existent in the next, paved the way for India’s role in the global economy as a location “safe” for capital. This designation legitimized the Indian

7. Merry, “From Law and Colonialism to Law and Globalization,” 580; Rosenberg, *A World Connecting*.

indenture system, but also India, as a site for plantations and for production of vital global commodities. After this account of abolition, I move into the world that lay beyond abolition and how different categories of labor were governed in India. I relate discussions of statute labor for public works and then turn to discourses around a complex set of “customary” labor obligations imposed on landless, low-caste, and lower-status members of communities. These obligations were known by various names across the Bombay Presidency, and indeed India in general, as *veth*, *chher*, *vethi*, but perhaps most universally by *begar*. All these various regimes were, at specific moments, compared with “forced labor.” Yet this term was rarely successful.

This takes us to the 1920s, when colonial powers convened to decide the fate of millions of people across the colonial world. The League of Nations and the ILO were run by colonial officers who had served on the front lines of colonial enterprises in Africa, South East Asia, Australia, and, of course, India. They already came to the table with a specific set of ideas in mind about the distinctions between free and unfree labor, the nature of different categories of “natives,” and the work ethic of non-industrialized peoples. However, as Pedersen has shown, the League “fed off and prompted popular mobilization.”⁸ Examining discussions leading up to and following the slavery convention, I argue that the contours of the categories that were hashed out in Geneva rehearsed the assumptions of the skirmishes that I describe playing out in India – in addition to Africa and other colonial possessions in the nineteenth century. I explore how bureaucrats and imperial representatives in Geneva came to decisions about what was a “slavery” question and what was a “labor” question. What was analogous with slavery, what was more a problem of native labor, and what failed to be discussed at all? Indeed the emergence of ideas around “custom” and communal relationships became an obscuring prism through which to read these forms of labor. Instead of being viewed through the lens of coercion, the category of

8. Pedersen, “Back to the League of Nations,” 1096.

custom was deployed to deflect the use of the term “forced labor,” or indeed to detract from the domain of “labor” in general.

This chapter paints the global world of law, imperial labor regimes, and “order-making” that shaped the fate of each of the figures I trace in the next three chapters.⁹ I argue that, by the 1920s, the discourse around slavery and its analogies had become a red herring, soaking up the sensationalism and emotive attention of a public that had been well accustomed to denouncing slavery but could still not see the persistent problems of racialized labor and of colonial labor regimes that were right under their noses. Indeed, as the members of the world joined a global community to decry the “recrudescence of slavery,” it was the “African slave” who emerged in full once again as a trope – another obscuring prism, obfuscating, more than revealing, pervasive systems of labor oppression and justifying incursions on African sovereignty.¹⁰

The Slavery Question and the Problems of Freedom

The abolition of the slave trade in 1807 by the British Empire has often been read as the great historical tipping point. With this watershed moment human civilization began to turn away from a system that historically seemed like such a natural part of the global order of things. The “antiquity, ubiquity, and durability” of slavery as an institution renders its demise in the early nineteenth century all the more dramatic and important.¹¹ This amounts to a staggering event, when we consider that, mere decades earlier, slavery was unashamedly defended by the leading

9. Go and Lawson, eds.

10. Getachew, *Worldmaking After Empire*; Miers, “Slavery and the Slave Trade as International Issues”; Cooper, “Conditions Analogous to Slavery,” 112.

11. Drescher, *Abolition*, 7.

British humanitarians of the day.¹² If modernity represents an epistemic and radical break from history – including widespread changes in the economy, the ascendancy of free market principles, and wage laborers replacing peasant modes of production under feudalism – then the death knell of slavery must be treated as one of the fundamental features of this transition.

Many scholars continue to puzzle over this shift. Sociologists examine the social networks of which slave traders were a part, in an attempt to find clues to explain this dramatic change.¹³ Many have wrestled this narrative away from the hands of the British Empire and insist on the causal primacy of the Haitian revolution and the repertoires of specifically African culture as the impetus for this grand historical change.¹⁴ Others focus on the organizational power of the abolitionists, as one of the first “global human rights” activist networks, circumambulating the globe and constraining the imperial moral order with their sheer perseverance and ability to marshal the support of an ever-more vocal public.¹⁵ The broad contours of this debate, however, continue to be centered on the question of whether or not abolition can be explained by economic factors. As Eric Williams famously argued, it was no longer profitable to maintain that the slave trade and capitalism no longer needed slavery to secure ever more profits. Free labor was the salvation of humanity was the moral tune of the day.¹⁶

12. Williams, 47. Eric Williams noted with irony that, in the 1750s, slave owners were often the most notable philanthropists.

13. Ingram and Silverman, “The Cultural Contingency of Structure.”

14. Robinson, *Black Marxism*; Buck-Morss, “Hegel and Haiti.”

15. Hochschild, *Bury the Chains*, 4; Davis, 44; Sinha, *The Slave’s Cause*. For instance, Adam Hochschild focuses on the abolitionists and their particular social and political commitments. Even though he includes the experience of Frederick Douglass in his narrative, it is Thomas Clarkson who Hochschild designates as “a towering figure in the history of human rights.” Similarly Davis notes that “the emergence of an international antislavery opinion represented a momentous turning point in the evolution of man’s moral perception and this in man’s image of himself.”

16. Williams.

Scholars today, much like colonial officers at the time, continue to debate the empirical reality of whether slave labor was in fact declining in productivity at the moment of abolition. However, the *hypothesis* that free, *willing* labor was more profitable was deeply held amongst agents of British Empire. The idea of “free” labor as more efficient was a claim that Drescher has famously called “the mighty experiment” – an experiment that was approached with the rigor and techniques of the sciences.¹⁷ Drescher argues that abolition thus represented a moment of heightened scrutiny of the relationship between free and unfree labor across colonial sites.

For those who attribute causal primacy to the organizational capabilities and ideologies of abolitionists, much historical writing has turned to glorifying Britain as the birthplace of the anti-slavery ideology. This almost hagiographical narrative of British Empire and the towering historical figures of the abolitionists culminated in 1833 when the legal status of slavery as an institution was abolished across Britain’s colonies. Indeed 1807 and 1833 anchor traditional timelines of abolition, demarcating the old world of slavery and despotism from the new one of freedom and enlightenment. Yet a quick review of how abolition manifested in different corners of the globe reveals the uneven and staggered nature of this event, moving in stops and starts rather than conforming to any linear narratives from slavery to freedom.

Even when we look at the Americas we are confronted with a remarkable amount of unevenness. The blood and destruction of the American civil war serve as a forceful reminder of how divided the “Western world” was over the question of slavery. Gradual abolition in Cuba took place between 1868 and 1886, while in Brazil, slavery wasn’t officially abolished until

17. Drescher, *The Mighty Experiment*. Adam Smith was, of course, the champion of this idea, but his ideas were tested incrementally in the Caribbean and in other imperial sites across the globe, as agents of the crown felt that Smith’s assumptions about slave labor needed to be constantly verified by science.

1888.¹⁸ Turning to India and the wider Asian world, the EIC waited until 1843 to pass the Indian Slave Act, excluding territories still under native princely state rule, while in some parts of Asia, such as Kalat and Iran, abolition did not arrive until as late as 1926 and 1929.¹⁹ In the wider Middle East, Britain was only able to exert indirect influence over states such as Oman, Egypt, and the East African Coast.²⁰ This state of affairs led to a crisis of managing the movement of populations in, out, and through borders of empires, calling on novel cultural and racial tropes to distinguish between different kinds of populations and to categorize and order subjects and non-subjects as they travelled, worked, and traded, or were traded, made to work, and forcibly removed. As a rule, though, for territories under British rule, “slavery” could only ever be something happening somewhere else.

Abolitionism and anti-slavery began as a powerful battle by abolitionists *against* the British state to end the slave trade and free slaves in its colonies. However, after 1807 anti-slavery became a powerful tool *of* the British state in the service of empire, bestowing on the British the moral authority to police international waters and use coercive diplomatic tactics to encourage anti-slavery measures with its allies.²¹ The British navy and its patrol ships sailed the Atlantic Ocean, boarding and searching rival European slave vessels to enforce the ban on slave trading. Ships bearing British colors became emblematic of the fervor and devotion of the British state against the scourge of slavery.²² Other European powers, of course, saw this as a thinly

18. Scott and Zeuske, “Property in Writing, Property on the Ground”; Kaye, “The Second Slavery.”

19. Mirzai, *A History of Slavery and Emancipation in Iran*.

20. Harms, Freamon, and Blight, eds..

21. Brown, *Moral Capital: Foundations of British Abolitionism*.

22. Hamilton and Salmon, *Slavery, Diplomacy, and Empire*; Allen, “Suppressing a Nefarious Traffic.”

disguised tactic for policing their trading activities and stifling the economic productivity of their own colonies, which were still dependent on slave labor.

Cooper describes how indicting the slave trade and slave traders turned into a denigrating cultural discourse against Africans. Slave trading on the African continent by Arabs and Africans accelerated in the nineteenth century, at least up until the 1920s.²³ Indeed, scholars contend that demands on plantations in Africa intensified slave trading, drawing a direct link between freedom in the Atlantic and the intensification of slavery in the Indian Ocean.²⁴ Once again, cultural stereotypes of Africans as mercantile slavers allowed British naval officers to target their antislavery discourse against these “unruly” non-Europeans, thereby justifying increased economic and political control over parts of Africa. In this way abolition became enmeshed in larger imperial policies of control and encroachment on non-Western territories.²⁵

Therefore the story of the global abolition of slavery asks us to consider multiple abolition(s) in the plural, paying attention to the unevenness and unique problems that these changes created for different colonial and non-Western populations. This was all in the context of the global spread of new technologies of labor control and increased demand for laboring bodies all over the colonial world, as powers competed for markets and searched for new ways to generate wealth from their colonial possessions. Scholars have therefore shifted their focus to thinking about the new forms of peonage, debt-bondage, and prison labor systems that were

23. Cooper, Holt, and Scott, *Beyond Slavery*, 112-114.

24. See Lovejoy, *Transformations in Slavery*. Paul Lovejoy has been essential to demonstrating that the Atlantic slave trade was pivotal in recalibrating the African economy so as to accelerate the number and power of slave traders in the first place. He argues that, by the mid-nineteenth century, there was an excess of slaves, who become channeled into the what he and other scholars such as Frederick Cooper have called the “slave mode of production,” particularly along the East African coast.

25. Huzzey, *Freedom Burning*. Huzzey opens his book with the powerful image of a British navy vessel in search of African slave traders destroying a West African village, ignoring the pleas of the local inhabitants.

created to maintain a racialized system of bondage and docile labor in the absence of slavery.²⁶ This all-encompassing reality defined the world ushered in by the legal abolition of slavery.

India played a crucial role in this new world. The earliest “discovery” of Indian slavery took place in the first decades of the nineteenth century, in the context of debates raging over abolition in the British Empire.²⁷ Ironically it was not abolitionists who first brought attention to the issue of Indian slavery. Rather, it was George Saintsbury, an active member of the West Indian Planter Association who first published the highly publicized pamphlet *East Indian Slavery* in 1829.²⁸ This was part of a concerted campaign to highlight not only Indian slavery, but the downtrodden position of the Indian laboring poor, as well. Highlighting both the abuses of the EIC and the inherently unfree nature of the Indian laborer was designed to thwart abolitionist arguments promoting Indian “free” labor as an alternative to African slave labor. Abolitionists had been arguing that Indian labor was not only cheaper, but also the more ethical option that would placate public moral sensibilities that were rapidly turning against slavery. Focusing in particular on sugar, that commodity that William Fox famously compared to a “pound of human flesh,” abolitionists were intent on promoting India as the answer to the labor shortage crisis that plantation owners dreaded.²⁹ Debates over abolition in the Caribbean were thus closely linked to the idea of plentiful, docile, and free Indian labor.³⁰

26. Stanziani, “Local Bondage in Global Economies”; Daniel, *The Shadow of Slavery*; Cottrol, *The Long Lingered Shadow*.

27. See Temperley, *British Anti-Slavery 1833-1870*; Temperley, *Slave and Citizen*.

28. Major, *Slavery, Abolitionism, and Empire in India*, 293. For an extended discussion see in particular chapter 8, “The Produce of the East by Free Men” (293-320).

29. Fox, *An Address to the People of Great Britain*.

30. Mahmud. “Cheaper than a Slave”; Lowe.

India was also looked to as the promised land of plentiful and free labor periodically throughout the nineteenth century, not only for sugar, but also for cotton. India figured prominently as the solution to Britain's ever-increasing need for raw cotton to supply its textile factories.³¹ In the decades leading up to the Civil War, abolitionists were keenly aware of the global monopoly that American cotton enjoyed, and they pressured the British government to develop institutions and legal mechanisms to support India's role as a free labor alternative for producing cotton. As members of the anti-slavery society wrote in a petition, "That slavery is greatly upheld by the demand for cotton the produce of slave labor in America. That nothing would so efficiently discourage the practice of slavery in America than an ample supply of cotton from India."³² As Florio notes, the Indian poor were thus "supposed to do emancipatory work on behalf of America's slaves"³³ – not merely physically, but also ideologically.

With emancipation in the United States the world of cotton production radically transformed, as capitalists "frantically searched" for new markets to feed the demands of British cotton manufacturers. As Beckert tells us, "In the last decades of the nineteenth century it was India that experienced the most dramatic expansion of cotton production for world markets."³⁴

How Indian Labor Became "Free"

He brought me to a country called --
He put me in a small boat

31. Beckert; Beckert, "Tuskegee to Togo."

32. Letter from the Memorialists, Anti-Slavery Society Papers, India and Ceylon MSS. Brit. Emp. S/22/ G 92/A.

33. Florio, "From Poverty to Slavery," 1006.

34. Beckert, 292.

And brought me to Arabia, where he sold me to one Abdoos who sold me to one named Raimon, who sold me to the second prisoner...
I was not asked nor told a day or two before that I was to go, but when the time came my clothes were embarked, and I was embarked.
I got on board
I did not cry
Others got on board and sat. And I sat.³⁵

The above deposition by Rahimah, who was captured and freed by British navy officers, bears witness to the nature of “Indian slavery” as recorded in the first half of the nineteenth century. In this excerpt, inscribed in the archival registers with an almost rhythmic quality, Rahimah draws our attention to the multiple times she was sold and speaks of herself in terms of property – my clothes were embarked, and I was embarked. Indeed, these depositions – which speak to a common experience of violence, being wielded, exchanged, and handled as property in India – are important to remember as we confront an archive that insisted on the “benign” and exceptional nature of Indian slavery.

While India played a particular role in the imperial and global imagination, the complexities of Indian slavery on the ground resulted in frequently contradictory and convoluted descriptions by colonial commentators. What is beyond doubt, however, is that slavery was an established feature of the social and legal system that the EIC both encountered and regulated in British India. The laws that were enacted to govern this institution and trade were numerous and driven by several phases of British rule in India, as well as changing norms around slavery elsewhere in the empire.

The Slavery Abolition Act of 1833, which ended slavery in the Caribbean and across the British Empire, did not apply to India, as the EIC maintained its right to regulate its own affairs. It was not until 1843 that Act V – The Indian Slave Act – was passed, bringing an official end to

35. Examination of Rahimah, in Regina Vs Syed Sheikh Akbar, Bombay Judicial Proceedings, 1844, IOR/P/403/26.

the institution of slavery. Slave dealing became a criminal offense, as per the Indian Penal Code (IPC) of 1860, but only within certain specific subsections of the code. After Act V there was an India-wide silence regarding slavery across official and non-official British sources.³⁶ Then, after 1843, there was a steep decline in the administrative use of the term “slavery” to describe the various forms of coerced, or consented-to-but-violent forms of labor and servitude. Indrani Chatterjee points out that, in fact, power relations within domestic economies of households were irrevocably altered as slaves, who had their own sets of rights under Hindu and Muslim law, could no longer enforce these rights in courts.³⁷ As the next few chapters demonstrate, sources also describe numerous cases in which officials reprimand the use of the term “slavery,” and legal and judicial personnel can only resort to metaphor or analogy to describe the violent conditions they encountered.

Even before the empire-wide ban of the slave trade in 1807 the EIC restricted the traffic in Indian slaves to rival colonial territories – particularly Mauritius and Reunion.³⁸ In 1774 Warren Hastings and his council issued several directives, one being that any sale or purchase of an individual as a slave required a deed from a local judge – note that this transaction would not be considered illegitimate *prima facie*. These directives were re-issued in 1789 in Calcutta and in 1790 in Madras. The existence of these laws reflects the EIC’s awareness and indeed endorsement of slavery within India. In point of fact, as Andrea Major has shown, the British were themselves the owners of slaves in India.³⁹ During this period their policy was to support

36. See Chatterjee and Eaton, eds., *Slavery and South Asian History*. Indrani Chatterjee’s now well-known summation of this moment is captured in the title of her essay, “Slavery, Semantics, and the Sound of Silence.”

37. Chatterjee, *Gender, Slavery, and Law*.

38. Allen.

39. Major, *Slavery, Abolitionism, and Empire in India*. See in particular chapter 3, “Bengalis, Caffrees and Malays” (85-120).

indigenous religious laws around slavery. Both Islam and Hinduism legally sanctioned slavery, and therefore EIC courts routinely upheld masters' rights over their slaves. This was in line with Hasting's policy of "protecting" indigenous religious and legal institutions. After 1807, Regulation X of 1811 formally prohibited the import or export of slaves into or out of EIC territory. In Bombay this edict came in the form of Regulation I of 1812 prohibiting "all importation of slaves into this island for sale."⁴⁰ This was followed by Regulation XIV of 1827 of the revised Bombay code, of which Chapter IV prohibited the "illegal import, export, and transfer of slaves," in addition to kidnapping, detention, and forced labor.

When confronted with incontrovertible evidence of slavery in India abolitionists joined forces with the EIC to insist on the benign nature of Indian slavery. This was an unlikely partnership, as the EIC was a symbol of British mercantilism and monopoly power. Both found themselves on the same side of the table arguing that slavery in India was governed by a unique paternalistic logic, particularly when it came to domestic regimes of slavery and servitude. What had already emerged by the time of abolition in India in 1843, therefore, was the peculiar idea of the "Indian contract," defined by a "warm feeling" towards the familiar attachments and domestic life of Indians.⁴¹ Unlike African slaves in the Caribbean, notoriously prone to uprisings and resistance and in need of brutal regimes of disciplining, the refrain was often voiced that Indian slavery was a protectionist institution, the equivalent of the Indian poor law.⁴²

Nevertheless, in light of mounting pressure and increased advocacy efforts by the British and Foreign Anti-Slavery Society (BFASS) as they turned to attack global slavery, the British

40. Indian Law Commissioners Report, *Slavery in the East Indies*, 1841, Vol 3, 159.

41. Singha, *A Despotism of Law*, 122-126.

42. The reports and commentators often uttered comparisons such as, "There are no two things more different than East and West Indian slavery"

Parliament assembled a commission to investigate the full extent of Indian slavery. The Indian Law Commission was instructed to solicit evidence about the prevalence of Indian slavery from magistrates and district level officials, as well as Muslim *qazis* and Hindu pundits (religious legal authorities). In this sweeping review of the state of Indian slavery, it was clear that “slavery” took a bewildering variety of forms. This included children sold to wealthy families during times of famine, household slaves imported from outside British India, agricultural slave-castes who were “attached” to the soil – bought and sold as appendages to landed property – and poor Indians who sold themselves into slavery. Slavery was a common feature of households and the retinues of elites. Estimates circulating amongst abolitionist circles listed the numbers at 8 to 9 million.⁴³

It is worth spending some time delving into the detailed world of Indian slavery from the perspective of the colonial regime. The Indian Law Commission reports of 1841 were the first comprehensive attempts to collate data across India on the nature and character of slavery in South Asia. The existence and varied definitions of slavery deployed by the EIC prior to abolition are clearly visible in legal cases around sales and purchases of slaves. These volumes contain scores of cases involving Indian slaves across the Madras, Bengal, and Bombay Presidencies. Magistrates and political agents adjudicated all kinds of questions about whether or not to return runaway slaves, whether purchasing of persons for charitable purposes or otherwise should be prohibited by these laws, and what counted as legitimate/illegitimate violence against slaves.

43. See Temperley, *After Slavery: Emancipation and Its Discontents*, 177. This was, of course, an exorbitant number, although it was still a small portion of India’s population, which was estimated at 150 million at the time. More conservative estimates were by James Pegg, who put the number at under one million, while Adam Williams estimated considerably more.

Although the Indian law reports have been criticized for being haphazard and unsystematic in their methods, they are still critical documents.⁴⁴ These reports offer, in some ways, the most incisive and thorough insights into social hierarchy and poverty in Indian society. As Dharma Kumar noted many decades ago, they may tell us more about agricultural bondage than the state of slavery per se.⁴⁵ In fact she argued that what colonial officers were seeing was really caste-based servitude, rather than “slavery.”

As mentioned in the introduction, this most comprehensive account of slavery in British India left out Sindh for the most part. Yet there are references made in passing that are worth recounting here, to erase any doubt about the established nature of slavery in Sindhi society. In fact, in the Law Commission’s reports, the commissioners noted considerable excitement about the prospect of gaining control over Karachi ports since many slave traders evaded British control by slipping into Sindh. The prevalence of slavery as an institution within Sindh is also revealed in these reports. While Sindh was not under the jurisdiction of the British courts in 1841, in November of that year, “an agent of one of the Ameers of Scinde was brought to trial at Bombay for taking four Arab girls from Bombay to Scinde.”⁴⁶ “Scinde” is mentioned periodically as one of the ports frequented by slave traders, to both buy and sell slaves. Muscut, as well as ports in various parts of Arabia and “Scinde,” are identified as persistent problem areas. The prevalence of slavery as an institution within Sindh is also revealed. The Advocate General of Bombay noted that a “native of Scinde was convicted for having caused some

44. Hjejle, “Slavery and Agricultural Bondage in South India.”

45. Kumar, *Land and Caste in South India*.

46. *The British Foreign and Anti-Slavery Reporter*, “Slavery in the East,” Vol IV, April 19th, 1843, 64.

children to be exported as slaves from Bombay.”⁴⁷ The *Anti-Slavery Reporter* further described incidents in which agents of the Ameers of Sind were tried in a Bombay court for trying to take slaves from Bombay to Sindh.⁴⁸

At least ostensibly, the fact that traders were caught trafficking slaves into Sindh formed part of the justification for the annexation of Sindh. The Anti-Slavery Society, for example noted: “Fortunately the events now passing in Sindh will it is to be hoped, establish our influence in that country and enable us eventually to extend our measures against the slave trade to Kurrachee and other parts of Sindh.”⁴⁹ Scholars such as Matthew Cooke have brought attention to the wholly illegitimate incursion on Talpur sovereignty and the rather weak political justification for bringing Sindh into the fold of the empire. Yet this argument was made time and time again to add a moral justification to what could only be viewed as a “brazen” act of imperial usurpation. Indeed, one newspaper article defended Napier against these attacks:

The removal of the Ameers is one of the greatest blessings that could have been conferred on their subjects, because they were oppressed ten times more than were the oppressed people of her Indian states... the chains have been broken from the limbs of the slaves, the industry of the people has been set at liberty....⁵⁰

Slaves in Sindh were listed as cargo on incoming ships. In an 1836 report on goods being shipped through Karachi, along with drugs, cowree shells, raisins and almonds, Captain George Hart lists “slaves” among the commodities on the ship’s manifest.⁵¹ In the early days after the annexation of Sindh, law and order was weakly maintained and haphazard. In an offhand

47. From Mr. Advocate General, A.S. Le Messurier, Bombay to the Superintendent of the Indian Navy, April 29th, 1837, *East India Slavery*. East India Company, Vol. IV, 567.

48. “Slavery in the East,” 64.

49. *East India Slavery*. East India Company, Vol. V, 212.

50. *The London Gazette*, “Affairs in Sindh,” August 1844.

51. Observations by Lieutenant Hart, 244, IOR/L/PS/20/F40: 1955.

description of Jacob's travels around Sindh, Hart notes: "Jacob sentenced a gang of gypsies convicted by him for slave dealing... They had been systematically and for many years carrying on the trade between Arabia, Persia, Baloochistan, and all parts of India."⁵²

The commission reports frequently listed shidis/Africans amongst the ranks of slaves, particularly among elite Muslim households.⁵³ They noted that the slave trade was carried on in Bombay with the full knowledge of the authorities and that African slaves were "highly prized in Kathiawar," and the "demand for African boys" was great in Cutch. Yet shidis form a very small part of the larger world of transactions in slaves that the reports uncover. Other sources in counting "slaves" in a district in Kattiawar, for instance, make a note of tallying African slaves distinctly from "domestic" slaves, demonstrating inbuilt assumptions about the distinctiveness of African slavery.⁵⁴ I will discuss these dynamics more in the next chapter.

Furthermore, indebtedness was a key aspect of how the regime viewed slavery. Contracts that stipulated hereditary labor agreements were viewed as slavery contracts. Agricultural laborers trapped in cycles of debt were frequently cited as "debt-slaves" or indebted bondsmen. For example, the *halees* in Gujarat were described thus: "A halee is a hereditary bondsman, almost the only description of slaves" in the region, "employed in agricultural labor... these bondsmen are compelled personally to work out their debt."⁵⁵ The state of being trapped in cycles of debt, combined with the fact this debt was transmitted hereditarily and that the indebted

52. Notes on and extracts from the records of the Commissioner of Sind and the Sind Cossids (1850s), MSS EUR F 208/24.

53. Indian Law Commissioners Report, *Slavery in the East Indies*, 1841, Vol 1, 286- 303.

54. List of Slaves in Kathiawar Ledger, 25th August 1837, In "Sale of 7 year old Kathiawar. IOR/F/4/1759/72063. In these reports "African" slaves were usually in the single digits, while "domestics" were in the hundreds.

55. Indian Law Commissioners Report, *Slavery in the East Indies*, 1841, Vol I, 270.

were reduced to having to serve in perpetuity, formed the clearest example of a degraded state of slavery and unfreedom. Around the same time William Adam was a champion against the evils of debt-slavery in India:

The practice of contracting for a service of seventy years is adopted by freemen... such bond servitude must often practically become perpetual slavery by the inability of the bond-servant to discharge the pecuniary obligations he has incurred to his master. Moreover, the bond-servant... contracts not only for his own services, but those of his family, whom, until his pecuniary obligations are redeemed, he condemns to the same doom of slavery as himself.⁵⁶

Thus peasant indebtedness was highlighted by the reports and additionally condemned by a series of commentators on Indian slavery. What is striking is that these same social and labor relationships could be viewed as exemplary of slavery in one moment, and as the essence of free in the next.

Almost immediately after the passage of the Indian Slavery Act (Act V) in 1843, however, exchanges between magistrates and political agents reveal that this form of social relationship was no longer to be considered a slave relationship. A letter sent from the magistrate at the Sudder Faujdari Adawlat on the 17th of October 1843 requested the court's opinion of "the practice stated to exist in the Konkan Zillah, of persons binding themselves for certain periods of service." After examining several exemplary deeds of this "chakuree khat," or deed of service, they concluded that "the Judges are of the opinion that the term slavery is altogether misapplied in these cases, they being merely contracts of service which are nowhere forbidden by Law... it being fair to assume that such would not be entered into except as a *mutual convenience* to the parties concerned."⁵⁷

56. Adam, *The Law and Custom of Slavery in British India*, 160.

57. From the Register of the Sudder Faujdari Adawlut, October 17th, 1843, No. 5785, Bombay Judicial Proceedings, IOR/P/403/24 (emphasis added).

This journey from slavery as benign to slavery as nonexistent weaves together a racialized depiction of the nature of Indian social hierarchy. Even while documenting these different forms of slavery and indebted labor, the report noted that, in general, “there is nothing... in this country more remarkable or more characteristic than the fact that it has so frequently a voluntary origin.”⁵⁸ Indian labor, it was argued, was governed by customary traditions of reciprocal exchange that included patronage and care in exchange for provision of service, honor, and of course, labor. This reading of Indian labor relations was thus a crucial part of constructing a discourse around Indian labor as free, laying the groundwork for the imperial labor regime that would emerge after abolition. In addition, this reading made it easier to legitimize the fact that abolition in India was both an event followed by little fanfare and a quiet turning of the law away from “seeing” slavery.

The Labor Question

The people I saw around me, many of them amongst the poorest poor. But... even the meanest and most ignorant among them was vastly superior to the condition of the most favored slaves in America. They labored hard but they were not ordered out to toil while the stars were in the sky, and driven and slashed by an overseer... I repeat that the most ignorant and the most destitute of these peasants was a thousand fold better off than the most pampered American slave.⁵⁹

When Harriet Jacobs visited Steventon in Berkshire, one of the poorest towns in England, she could not help but compare the condition of disenfranchised proletariat to slavery in the antebellum South. Scholars have shown how “wage-slavery” was deployed by labor activists across Britain and the North and South United States to describe the problems and

58. Indian Law Commission, *Reports of the Indian Law Commission upon Slavery in India*, January 15th, 1841, 318.

59. Jacobs, McKay, and Foster, 143.

precariousness of the emerging relationship between capital and labor. Indeed, Manisha Sinha, Gunther Peck, and Cedric de Leon argue that there was a convergence of interests between labor activists and abolitionists in the United States, who saw the commonality of slavery and wage labor as being two different kinds of slaveries.⁶⁰ Yet the rifts between these two ideologies were soon exposed, and complaints were often made that middle-class reading publics would sympathize with the plight of the slave more easily than with the degradation of the laboring poor in their own backyard.

Anti-slavery and labor activism were therefore deeply connected but ultimately came to represent separate, sometimes even antagonistic, commitments. The problems of freedom have often been read as the problem of free labor, but the failures of free labor had particular inflections for different groups of people.⁶¹ The white worker had the institutional backing of labor legislation, unions, and a state that reacted to the most pernicious forms of capitalist expansion through regulation and reform. The black worker, however, had to contend not only with the burdened individualism of freedom, but was also denied access to regulatory impulses against capitalism, as well as a world filled with rampant racism.⁶² De Leon shows how white workers fought for labor rights, while black workers channeled their energies into demands for civil rights.⁶³ Asians again had a different experience of the precariousness of free wage labor. In the American South, Moon-Ho Jung tells the story of Chinese indentured migrants being shipped to plantations to grow sugar cane, being subject to their own racial discriminations, and being

60. See Peck, "Labor Abolition and the Politics of White Victimhood"; Sinha; de Leon, "Black from White."

61. Fredrickson, *White Supremacy: A Comparative Study*.

62. Roediger, *The Wages of Whiteness*.

63. de Leon.

precarious migrants in a hostile nation state that subjected them to a separate set of legal regulations.⁶⁴ As chapter three will show, the coolie laborer, both Indian and Asian, faced uniquely violent disciplinary regimes. This provides us with crucial lessons about the “colors” of freedom, as it were.

When we turn to the colonial world, the category of labor was carved out to govern the lives of a tiny portion of the population, whereas the abuses of capitalist production and the mechanisms that were deployed to call labor into its service were buried under other obfuscating discourses, such as agriculture and custom. Up until the eve of colonial independence, wage labor was still a miniscule part of the economic reality of colonial work and labor. The vast swathes of laboring peoples in the colonial world lay trapped somewhere between the great “slavery question” and the “social question.” The amount of reformist energy, activism, and public outrage directed at these two great problems of the nineteenth and twentieth centuries could only be matched by the “colonial question.” However, as has been pointed out long ago by scholars of subaltern studies, self-determination and nationalism obfuscated the problems of the distinctions and subordinations that shot through colonial societies.

The crucial determinants of the post-emancipation experience were related to access to land and property, and ex-slaves knew all too well that the path to true freedom was not to be achieved through wage work.⁶⁵ One of the dominating fears of this era was that slaves would be content to cultivate their own land and resist the “allure” of the wage economy, leading to a widespread labor shortage on plantations. Eric Foner asserts, “The conflict between the freedman’s desire for autonomy and the planter’s demand for a disciplined labor force unites the

64. Jung.

65. Scott and Zeuske, “Property in Writing, Property on the Ground.”

history of Caribbean societies.”⁶⁶ This thesis, referred to by some as the “Merrivale thesis,” was no doubt embedded in racist tropes against Africans, but it was also applied to populations across the globe as planters and capitalists complained that they could not procure enough labor to make their investment worthwhile.⁶⁷ A number of measures, therefore, were put in place to ensure a steady supply of freed slaves to fix the “labor problem” of plantations.⁶⁸ This myth of the “labor shortage” was of course also an invention of the planters, who refused to pay Africans a decent wage. Indeed, the very problem of “forced labor” arose out of frustrations with “lazy” Africans characterized as unwilling to be wage earners, a view that ignored how such aversions were logical calculations of people who did not want to leave the security of their land for the pittance of a wage. As a matter of fact, if there was anything in common between ex-slaves in the post-bellum South, ex-slaves in Cuba, native workers in British East Africa, and haris in Sindh, it was the knowledge that – contra Oliver Howard – land was freedom.

Forced Labor in Sindh

Although Indian abolition was a “non-event” in many ways, it is important to show how this moment prompted new discourses to develop about what modes of labor would be contrary to the spirit of free labor. Comparisons with slavery did alter the language and logics used to justify systems of labor in which coercion was overt. Forced labor as a legal category emerged in full force in the 1920s, in the context of discussions at the League, yet the term did have a life prior

66. Foner, *Nothing But Freedom*, 20.

67. Engerman, “Economic Change and Contract Labor.”

68. See Holt, “The Essence of the Contract.” Thomas Holt starts his essay with the striking image from the National Library of Jamaica, which houses an image titled, “Dancing the Treadmill.” From 1837, it depicts a group of Africans clumsily stepping onto the spokes of a large, circular device under the watchful eye of a few unnamed white observers. Originally designed as a prison punishment, this contraption was introduced in Jamaica to “discipline refractory workers in lieu of the now banned whip” (57).

to this. I start this section with an example of how statute labor for public works in Sindh was discussed as early as 1857, and how comparisons with forced labor, and therefore slavery, unfolded.

The province that Charles Napier encountered in 1843 was sparsely populated, predominantly Muslim and rural, and devoid of large-scale labor-intensive works. Nevertheless, what was clear was the vital importance of maintaining the canal system that irrigated the arid land.⁶⁹ The Indus River runs straight through Sindh, making its way into the Arabian Sea on the southernmost border of the province. Sindh's population has always been wholly reliant on the Indus and its tributaries, as yearly rainfall was scarce. Yet the Indus was notorious for constantly shifting, in doing so rendering fields either cut off from their vital water supply or inundated with silt. The work of maintaining canals, therefore, was a constant pressure on both cultivator and the state.

From the very beginning of their time in Sindh the question of how to harness the power of the Indus to make the vast unused land in Sindh productive preoccupied the minds of colonial administrators. In 1856 the commissioner of Sindh and members of the Public Works Departments (PWD) were anxious about the shortage of workers available to carry out the small-scale, but labor-intensive, projects of clearing canals and repairing boundary walls that were regularly and sorely needed. Initially, the PWD resorted to legally-sanctioned statute or “forced labor” to recruit mostly agricultural workers – the haris – from surrounding areas. Reports admit that men were made to work for no wages, were “kept on to work for several months and are expected to support themselves and families” from the previous year's harvest.⁷⁰ Activities

69. Khuhro, *The Making of Modern Sindh*. See introductory chapter.

70. Government of Bombay. “Official Correspondence on the Abolition of Statute or Forced Labour in Sind.” Bombay: Bombay Education Society's Press, 1856, 12.

sanctioned included clearing canals, repairing canal breaches, digging wells, and repairing roads.⁷¹ Those who defended the practice employed a variety of arguments. There were a slew of complaints about having to spend money on labor, resorting to complaints about budgetary restraints, “whether the land is able to bear the cost of free labor.” Other arguments were based on the assertion that the work being performed was directly of benefit to the cultivating classes themselves. After all, they depended on canals in order to irrigate their crops; therefore to compel them to perform this labor was, in the final analysis, for the good of the community. Others pointed to the danger of rising wages, if projects resorted to wage labor.

However, in 1856 “forced labor” was raised as a concern across India by different provincial governments investigating whether this form of labor control could either still be considered morally defensible, or, more to the point, economically efficient. Blaming this practice on the backwards and despotic habits of the Sindhi Ameer, the new colonial administrators argued that such practices were no longer to be accepted by the current administration. Ultimately the superiority of “free” labor won the day. Forced labor might be unjust and cruel – like slavery – but more importantly to these debates, it was wildly inefficient. In a series of correspondences preceding the abolition of statute labor in Sindh, Lt. Colonel John Jacob, Acting Commissioner of Sindh, stated:

The present state of affairs in this respect is of enormous evil ; it crushes every energy, and more than all else, stops real improvement in the country. It reduces the peasantry to a *species of slavery* ; causes all labour to be looked on as an intolerable hardship.⁷²

71. “Correspondence on Instructions from the government of India that the Act to legitimate the impressment of labour is not to be resorted to except in real extremity” Public Works Department Files, 1859/60, RCCS/4189.

72. Government of Bombay. “Official Correspondence on the Abolition of Statute or Forced Labour in Sind.” Bombay: Bombay Education Society’s Press, 1856, 10 (emphasis added).

In this tiny corner of British India, the principles of free labor and liberal economic precepts were heralded as law-like truths, shaping the decisions of agents on the ground. These ideas, Jacob insisted, were the “most natural, most simple, most healthy, and most economical” and surely known to “well-informed persons as axiomatic.”⁷³ These arguments can be tracked, of course, onto a conversation that was taking place far away from the mundane irrigational problems of Sindh. In response to fears of higher labor prices, proponents of free labor like Colonel Jacob argued that the market wage settled on by the laws of demand and supply would be in the public’s best interest and would invoke the most industrial spirit amongst the population.

In 1856 the commissioner of Sindh issued a notice declaring that statute labor was officially abolished and that “any work of whatever description may be performed either by means of contract of measured task work, or by daily wages.”⁷⁴ The abolition of statute labor or forced labor was thus a rhetorical nod to the abolition of slavery and a symbol of progress towards an economy in which work was no longer coerced, because wages were strong enough incentives to labor. This clearly signaled early hopes of India’s transition to an economy of free wage laborers.

This optimism was soon to be disappointed. Wages were rarely high enough to induce the haris to leave their lands, and a “free” and open market for labor never emerged in the way that Jacob and other had hoped. In addition, what remained were certain amorphously-phrased allowances for allowing forced labor in “times of emergency.” Officials were quite adamant

73. Minute by John Jacob, Brigadier General, 6th March, 1857, Response to Colonel Turner’s Letter, No. 64, dated January 10th 1857, In *Correspondence on the effect Produced by the Abolition of Statute Labour in Sind*, 9.

74. Government of Bombay. *Official Correspondence*, 37

about avoiding having to resort to this clause, in theory.⁷⁵ Twenty years later Sections 58 of the Bombay Irrigation Act (Act VII of 1879) was passed by the Bombay government, requiring the provision of labor for public irrigation and embankment works, again in “times of emergency.”⁷⁶ In regards to this act, too, reports insisted that the offering of a “free and fair wage” should be enough to procure the amount of labor necessary. Yet, as we will see from media reports and indeed the demands of the haris themselves, the practice of coercing labor to work on canals was simply designated to zamindars, while labor requisitioning for all kinds of other government services was rampant.

Internal Hierarchies – Interrogating Agriculture

Acts abolishing labor for public works or for the state could be celebrated as a triumph because of the strength of a particular reading of internal hierarchies amongst agrarian subjects. Yet constant inquiries into whether labor that was performed as part of these relationships was free or unfree were repeated across time and place in British India. The Indian Penal Code, in addition to provisions against slavery and other forms of trafficking, included section 374, which could punish “anyone who compels any person to labour against the will of the person.” Yet the specificity of this wording, and the notorious difficulty of adjudicating “consent” in a context in which each individual was bound up in complex webs of mutual dependence and exchange, made cases under this section extremely rare.

75. Letter from Captain H. Yule, Secretary to the Govt. India to the Public Works Department, June 28th, 1858, RCCS/4189. Soon after, in January of 1857, an India-wide Act was passed to authorize the impressment of artisans and laborers for the erection of buildings for Europeans troops and for works urgently required for military purposes. Resorting to this measure was discouraged, however.

76. All over India there were roughly the same kinds of provisions in place, such as the Madras Compulsory Labour Act VIII of 1858, The Northern Indian Canal and Drainage Act VIII of 1879, and then later the Burma Canals Act II of 1905 and the Burma Embankment Act IV of 1909.

While it was agreed that Indian servitude was benign and that slavery was no longer a legal reality, there was something not quite free about labor practices that existed in agrarian social relationships. There were sporadic attempts to adjudicate the nature of indigenous labor regimes and to determine whether they would constitute forced labor. Indeed, as early as 1839 the *veth* system in Tannah (in the Bombay Presidency) was interrogated, censuring the “practice of the village officers exacting ‘vet’ or compulsory labour from the ryots... we have forbidden any demand being made on the ryots in future on account of vet under any plea whatsoever.”⁷⁷ In 1883, in a letter from Downing street to Lord Viscount Cross, a Mr. Braniston clarified the existence of a “system of compulsory service... in force in India, by which the government is legally authorized to enforce the services of persons as carriers and hammockmen or for other similar purposes at fair current rates of pay, if necessary, for the carrying out of the public service.”⁷⁸ These forms of customary labor regimes occupied an ambiguous position in this new terrain, which valorized free labor and was called upon to condemn anything that looked like slavery. Nevertheless these practices of course continued in various forms; what changed, however, was a growing sophistication of the arguments used to justify them.

In 1887 the Governor General inquired as to “whether it is true that forced labor is still exacted in the district of Multan and other parts of the Punjab.” The system under discussion existed under various names and in multiple iterations – *chher*, *vet*, *begar* – all words for customary labor provided to landlords or “chiefs” by village menials in return for patronage, and often directly related to use of land. Sir Charles waived off the question, explaining that “the

77. Compulsory Labour. Tannah. Usage of “Vet” Prohibited. Bombay Revenue Department Draft 603 – 1841. IOR/F/4/1901/80793: Mar 1838-Sep 1839.

78. Letter from Colonial Office, As to the rules or regulations for forced labour, June 25th, 1889, IOR/L/PJ/6/255, File 1063.

labor is given in accordance with hereditary traditions while the fact that enforcement of labor is a penal offence checks abuse.”⁷⁹ Inquiring into this same question the decade before, colonial officers had already vehemently denied that this could be considered a form of forced labor, let alone slavery:

The obligation to work as a cher, or to supply a cher, for certain days in the year, is thus nothing more than a condition of tenure, in others words, a “labor rent” commutable on failure to render it in the form of labor, to a pecuniary payment. Viewed in this light it is no more ‘slavery,’ indeed less so, than compulsory military service... the work on which the cher is employed is of vital importance to the prosperity and even the existence of the peasantry....⁸⁰

Part of the justification, once again, was based on the notion that clearing canals, fixing breaches, and constructing roads were all beneficial to the peasantry. Yet T.H. Thornton admitted that this form of labor was also necessary and expedient. Attempts to carry out these projects through wage labor were hampered by the “sparseness of the population, and the indolent habits of the people.”⁸¹ Indeed, one officer noted that, without the cher system, certain regions would be without roads altogether. It is clear, therefore, that the actual amount of labor performed as part of these customary regimes had an extremely high value, even though discursively they were dismissed as “local” or “small-scale” projects that peasants carried out for the good of their community. The fact that roads and irrigated tracts of land were also crucial pieces of infrastructure for a revenue-maximizing colonial state was constantly obscured by these discourses. The constant dearth of labor for clearing canals was a persistent problem, so much so that one officer concluded by recommending that “the general introduction of the paid labor system ... and the labor market [be] supplemented, if necessary, by convict labor.” Ahuja

79. “Forced Labor in Punjab,” 1875, IOR/L/PJ/6/205 File 1146.

80. “Forced Labor in Punjab.”

81. “Forced Labor in Punjab.”

examines the intensification of begar demands on public works in Orissa and points out that these new regimes involved the reinvention of “bethi” – the vernacular term for corvee labor. These increased demands led to frequent complaints in official accounts that native workers were lazy in carrying it out, an idea insinuated as perhaps explaining why increased coercion was necessary.⁸²

Begar labor occupied an ambiguous position across India.⁸³ In 1928 it was found on second appeal that a stipulated agreement to provide 12 days of begar in lieu of rent was “contrary to public policy,” contravening the provisions of section 23 of the Contract Act. However, ultimately this attempt to invalidate the contract was overturned on the basis that this was a valid agreement between two parties.⁸⁴ In this case the record of rights was consulted, and this “contract” was upheld. What it shows, however, is that specifying begar arrangements could invite judicial intervention. There were also a series of inquiries into begar labor in the 1920s. Begar debates in the Legislative Assembly make it clear that these inquiries were being carried out in response to questionnaires posed by the League of Nations.⁸⁵

In terms of criticisms against *begar* and other forms of local labor, the regime had developed a ready set of arguments against labeling these regimes in agrarian relationships as illegitimate. These regimes were assumed to be based on an internal compact governing the rural village community – custom.

82. Ahuja, *Pathways of Empire*, 289-300.

83. Pathak, “The Begar Abolition Movements.”

84. Radhu Hari v Narendra Nath Chatterji, *Indian Law Reports*. LVI, 862.

85. System of Impressed Labour, Parliamentary Questions, etc. L/E/7/1347 File 2338.

The Slavery Question Again

Within India, abolition and the promotion of “free” labor were not straightforward. In theory it was the superior and most efficient form of labor, but its actual promotion was entangled in imperial problems of enhancing revenues, promoting commodity production for an ever-expanding global market, and drawing on native elites to subsidize expenses of governance. This cluster of considerations rendered the boundaries of these categories constantly open to question and debate, resulting in genuine epistemic confusion. After all, the history of regulating labor after abolition demonstrates conceptual struggles over the boundaries of free and unfree labor, the difficulty of defining slavery, and sporadic attempts to indict forms of labor that seemed akin to forced labor. These ill-defined concepts and distinctions were carried into the halls of the League of Nations by those men who would draft the legal instruments regulating labor in the twentieth century.

It is at this moment when abstract concepts of “slavery,” “labor,” and the specific exigencies of “native” labor were debated and hashed out. Out of the bevy of labor issues brought up for discussion in the early days of the convention a set of categories and distinctions took on the fixity of “truth” at the ILO and the League. Out from under these debates emerged a set of moral precepts and definitions that foregrounded some issues as urgent – beyond the pale of civilized behavior – while other receded into the background. These were not merely “gaps” or blind spots, however. As I have demonstrated through my foray into the local skirmishes over free and unfree labor in the Bombay Presidency, these obscuring prisms had already evolved in British India as a gradual evolution of colonial policy. The language of custom and the prevailing assumptions about legitimate social relationships were deployed to effect this occlusion.

This process was a dialogue across scales – dialectically unfolding out of discussions in Geneva, where these concepts were hammered out in the abstract, and out of the reality of the colonial encounter on the ground. What runs through these discussions is an emerging consensus about the nature of native labor regimes that cut through clearly problematic issues such as debt-bondage and forced labor for public purposes. This set of problems, concretized in both the Slavery Convention (1926) and the Forced Labor convention (1930), drew on assumptions about where consent was seen as absent, suspect, clear, or assumed. Indeed, reading sources at the League, one almost feels like history is being repeated all over again – African slaves must be freed and forced labor must be prohibited, but internal labor arrangements should not be interrogated. For Lord Cecil, if the slavery committee wanted to expand its remit to touch on issues related to native labor, all that was necessary was to “lay down rules so as to prevent labour contracts degenerating into slavery.”⁸⁶

Slavery quickly became a pressing issue on the agenda at the League. In 1922 Sir Arthur Maitland spoke before the League Assembly, appealing to the nations of the world to once again bring their attention to the evils of slavery and the slave trade. This speech was the result of tireless efforts by John Harris of the Anti-Slavery Society, now called the Anti-Slavery and Aborigines Protection Society (ASAPS). Harris had worked behind the scenes to galvanize attention and interest in the issue of the slave trade that was running rampant in Africa. Editorials in the press, as well as several independently commissioned investigations, had produced

86. Inter-Departmental Committee at the Foreign Office to Discuss Proposals of Sir F. Lugard for a new slavery convention, IOR/L/E/7/1412, File 5332.

incontrovertible “evidence” that the world was experiencing a “recrudescence of slavery,” and that efforts needed to be made anew in the post-war period to eradicate this evil.⁸⁷

Indeed, when the slavery question was raised at the League, it was the question not of global slavery per se, but rather of African slavery, in particular.⁸⁸ Petitions were received from churches, missionaries, women groups, and private individuals from across the globe, expressing alarm over the persistence of African slavery and calling on the League to take action. This focus on African slavery was present throughout the decade. In 1930, for example, the Southern Baptist Church wrote to the League expressing their “serious concern to learn that slavery still exists in some part of the British Empire and is prevalent in Abyssinia and other lands.”⁸⁹ The eradication of Abyssinian slavery became the personal mission of none other than Sir Frederick Lugard. He spoke about this issue in public forums such as the Royal Colonial Institute, and he wrote repeatedly to members of the League, establishing himself as something of an expert on the issue.⁹⁰ This was therefore not a fresh reconsideration of the issue of slavery, but rather the continuation of a racial distinction and categories that had been forged a century before. A century after the British abolition of slavery, documents show the re-emergence of imagery, iconography, and the racial depictions of the slave trade – no longer of bodies being shipped out of Africa, but rather of African bodies being abused by Africans themselves.

The assembly put together a special, temporary committee of experts on slavery to invite, review, and debate submissions made by member nations on the current state of slavery in their

87. Recrudescence of Slavery, Correspondence with the Anti-Slavery and Aborigines Protection Society 1925/26, LON/28029

88. Memorial from the Anti-Slavery and Aborigines Protection Society, to Sir Eric Drummond, League of Nations, Recrudescence of Slavery, Correspondence with the Anti-Slavery and Aborigines Protection Society 1925/26, LON/28029.

89. Letter from the Salem Baptist Church, Biggam Street, 15th August 1930, LON/6B/19826.

90. Lugard, “The Question of Slavery,” 1922, LON/24628.

respective territories. In addition to Frederick Lugard representing the British Empire, the final Temporary Slavery Committee was made up of ten members, including representatives from France, Belgium, Italy, and Haiti. Harold Grimshaw, a British lawyer and the head of the Native Labor Division at the ILO, was appointed as the representative of the ILO. Initial correspondence demonstrates that the scope of the committee's mandate was still open to debate. For instance, should it address exclusively African slavery? To what extent should it deal with questions closely related to slavery, such as peonage and forced labor? Debates that took place amongst members of the committee show clearly the continued ambiguity involved in deciding the scope and limits of defining slavery. A myriad of different social institutions were flagged for consideration: trafficking of women, agricultural labor, forced marriage, domestic slavery, and servitude. Lugard began his term on the committee with the following typology and classification scheme for the different types of slavery in his personal notes:

- 1) First, slavery proper, which included slave raiding, capture of slaves, slave trading and slave-dealing, including involuntary servitude and **debt-slavery**.
- 2) Second, conditions analogous to slavery including unpaid compulsory labor, paid compulsory labor, serfdom, voluntary servitude, adoption as a means of acquiring child labor, and concubinage as a means of servitude.
- 3) Third, conditions which arise from the employment of labor of primitive races such as recruitment of labor far removed from their usual residence, labor camps, free labour markets, punishment for breaches of contract.⁹¹

After two years of extensive debate and discussion, and many typologies of free and unfree labor later, the committee ultimately settled on defining slavery as the following: "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." Slavery was thus defined as a historically specific form of legal ownership, which once again would include a highly contained set of social and labor relationships. The convention also set out a cluster of concepts which drafters agreed were

91. Lugard, Note Re Temporary Slavery Committee, 1924 LON/35843.

“analogous to slavery” – but as ubiquitous as are the categories laid out by Lugard above, these, too, ended up being a short list.

In these discussions the members of the committee had their sights set on what native societies should look like after slavery, constantly framing the death of slavery as an opportunity to recommit subject nations to embracing the path of wage labor. Lugard constantly interjected in discussions on how to define slavery with questions around “what measures have been taken to facilitate the transition from servile or compulsory labor to free-wage labor or independent production.”⁹² Slavery was thus the social evil of the past, and free wage labor was the solution and the hope for the future – obscuring the deeply contemporaneous world of work that demanded wage and contract labor at the same time as slavery and its analogies.

Forced labor and the creation of a charter to govern native labor were issues near and dear to Lugard’s heart. To Lugard forced labor embodied an institution that most belonged in the slavery convention. As Pedersen has argued, Lugard was a particularly idealistic tour de force at the League, and it would be a mistake to interpret him in one-dimensional terms. As she argues, “Lugard was not ‘racist’ in the simplest sense. He was interested in African cultures....Yet like so many of his class and time, he did think that races possessed distinct talents, characteristics, and cultures, and found anything that blurred those boundaries abhorrent.”⁹³ In fact, in the draft Slavery Convention that Lugard presented to his own government in London, he had proposed a much more expansive definition of forced labor. Lugard lamented this turn of events in an article written in *Foreign Affairs*, arguing that forced labor should only ever be tolerated for public purposes “but ‘only if adequately remunerated’ – important words which were omitted from the

92. Notes from Third Meeting, Temporary Slavery Committee, July 10th 1924, IOR/L/E/7/1412, File 5332.

93. Pedersen, *The Guardians*, 110.

proposed Slavery and Forced Labor Convention which is now under discussion in Geneva.”⁹⁴ Here we see a perfect example of the epistemic limits of Lugard’s understanding of native labor – in his view, forced labor would cease to be morally dubious with the provision of a wage.

Lugard was also set on drafting a native labor charter. These proposals were wholly unpopular in London. At the Inter-Departmental Committee meeting at the British Foreign Office to discuss Lugard’s proposals for the new Slavery Convention, heated debates ensued. Lord Cecil and others in London insisted on deferring full consideration of forced labor and native labor issues, placing it rather within the purview of the ILO. According to Sir Cecil, “The prohibition of labor into which the element of compulsion entered would quite naturally be dealt with in a Convention on slavery. The detailed regulation of native labor was not in itself a matter that could naturally be so dealt with.”⁹⁵ The committee therefore reached the decision that a lightly worded condemnation of some of the worst forms of forced labor might be acceptably included in the Slavery Convention. Regarding Lugard’s hopes for a native charter, however, he was informed that it was a matter proper to the ILO and ought not to be raised before the assembly of the League. In his communication to Lugard, Lord Cecil asserted that the Ministry of Labor was anxious that “conditions of labor other than forced labor should not be dealt with as part of the slavery question.” These discussions reveal a conceptual carving out of what was a “slavery” issue and what was a “labor” issue.

94. Lugard, “The White Man’s Task in Tropical Africa,” 60.

95. Inter-Departmental Committee at the Foreign Office to Discuss Proposals of Sir F. Lugard for a new slavery convention, IOR/L/E/7/1412, File 5332.

The Slavery Committee and the ILO

Does slavery mean property in persons of another, or does it include various kinds of claims on the services of another? One used to think that it meant the former only, but there seems to be some danger of that loose popular jargon of recent years (“economic slavery”, “wage-slavery” etc) creeping into official use to the limited extent at least of reckoning some forms of compulsory labor as slavery.⁹⁶

How was the relationship between “slavery” and “labor exploitation” constructed? Where does one begin and the other end? How do we historicize this distinction empirically? What was the ILO’s role in drafting the slavery convention? Mr. William Green, President of the American Federation of Labor, explained that “while slavery better dealt with the league (as a political issue) there are aspects of slavery and forms of native labor analogous to slavery with which the international labor organization is directly concerned.”⁹⁷ This dissertation has been concerned with how the labor question and the slavery question brushed shoulders, only to be permanently disarticulated in international law, and to remain as two separate categories in this particular moment. In the same moment that ex-slaves in the American South were dealing with a distinct set of challenges related to free labor, colonized people were being patronizingly dealt with through the category of “native labor.” While officially the ILO was committed to working alongside the Slavery Advisory Committee, records indicate that the ILO began pursuing its own agenda and spent much less time dedicated to the slavery question. The inter-war period was a new world, and slavery appeared to be a thing of the past. The ILO was focused on crafting labor legislation to placate a revolutionary working class, and specifying the future of industrial work.

96. Inter-Departmental Committee at the Foreign Office to Discuss Proposals of Sir F. Lugard for a new slavery convention, IOR/L/E/7/1412, File 5332.

97. Letter to Weaver from Mr. William Green, President, American Federation of Labor. 30th September, 1926, ILO/27/4/1.

To examine the core concerns around native labor, a booklet published by the ILO from 1927, *Native and Colonial Labour in 1926*, demonstrates clearly the ILO's specific conception of the problems of colonial labor:

The remote corners of the earth, and the peoples who dwell therein, once regarded as of interest only to the missionary and the colonizer, are becoming more and more rapidly part and parcel of the world industrial system....The problems in such territories are not the general problems of the twentieth century. They relate to the suppression of slavery, to the progress from a servile organization and a slave mentality towards wage-earning labour or independent production, to forced labour and its incidence, to contract labour and penal sanctions.⁹⁸

From its very inception Albert Thomas, the first director of the ILO, was dedicated to tackling the abuses of the native labor system that he had witnessed firsthand during his travels around Africa.⁹⁹ The interwar period was a time in which intense systems of “hitherto unknown, forced and compulsory labor became one of the main characteristics of colonial rule.”¹⁰⁰ The international outcry over the horrors of Leopold in Congo had heightened the significance of regulations around forced labor. In addition, the Ross Report, written by prominent American sociologist Edward Ross, documented incontrovertible evidence that working conditions for natives in colonial territories, particularly Africa, contained abuses on par with the worst forms of slavery.¹⁰¹

The ILO was dedicated to the task of promoting universal labor standards, as well as technical cooperation and international expertise on labor matters amongst member nations.¹⁰² Through these mandates of “regulation” and “information distribution,” the ILO aimed to

98. International Labour Office, *Native and Colonial Labor in 1926*, Geneva: ILO: 1927, 1.

99. Rodríguez-Piñero. *Indigenous Peoples, Postcolonialism, and International Law*; Maul.

100. Maul, 479.

101. Daughton, “ILO Expertise and Colonial Violence.”

102. Van Daele, “The International Labour Organization (ILO).”

improve working conditions globally without dismantling the authority of colonial powers over their dominions.¹⁰³ However, the question of what to do with labor under colonial possession within its member states presented a host of specific issues. The universalist aspirations of the ILO and its mission sat uneasily with what they believed to be the “exceptional” nature of colonial labor. As Frederick Cooper has pointed out, in colonial discourse the concept of the “African worker” was considered an oxymoron, a conceptual paradox.¹⁰⁴ This was so despite Africans demanding, striking, and organizing in a manner that startlingly resembled the “self-conscious” laborer of industrialized nations.

The crucial role the native laborer played in powering the global economy was clear. The central conundrum with which the colonial powers and members of the ILO had to contend was the need to continuously exploit labor, without actually providing workers the protections and the recognition that accrued to workers and labor proper – in effect, the paradox of how to extract labor without turning the subject into a laborer. The assemblage of this teleology was necessary for maintaining the historical binary between slavery and free labor/capitalism/industry – placing natives in the “waiting room of history.” This move legitimized placing native labor in this forever-intermediate category where the violence and degradation of the native labor system could be blamed on the backwardness of the region and its enmeshment in older systems of slavery, rather than on the fact that these colonial spaces were being drawn fully into a capitalist world system – replete with labor legislation, contractual relations, and wages.

It was the amorphous and conceptually-plagued notion of forced labor that linked the agendas of both the ILO and the Slavery Committee. The Temporary Slavery Committee

103. Daughton.

104. Cooper, *Decolonization and African Society*, 56.

disbanded in 1926 after successfully passing the Slavery Convention, but not without leaving the ILO with a new mandate to tackle the issue of forced labor. To signify the connection between slavery and forced labor, as well as the overlapping concerns of the two agendas, several members of the Temporary Slavery Committee served on the Temporary Committee on Forced Labor.

One of the most important aspects of the forced labor debate, which dovetailed with abolitionist discourses on slavery, was the conviction that forced labor was, once again and above all, neither efficient nor economic.

Forced Labour must always be uneconomic as against free labour... forced labour has always involved the weapons of force – whips, prisons, bullets. It has been argued that forced labour “properly paid” is unobjectionable.... Even if this is true in England and Russia, the position among the natives is entirely different, for nothing compensates for the loss of personal liberty.¹⁰⁵

According to colonial administrators in African colonies, as in India, voluntary or free labor markets simply did not exist on the continent to meet the demand for labor that came with the regime’s ambitions for a modernization and industry. Colonial powers deployed a variety of tactics for overcoming these “labor shortages,” from drawing on local taxation regimes, restricting land ownership so that people were forced to have to work for wages, to carrying out veritable recruitment raids and forcible relocation of native groups. Once again, the problem was with the African, who was much happier to subsist off their land and live without cash and wages.

These were echoes of dramas enacted over a century ago in the Caribbean, and then in the postbellum South, where “lazy” Africans were seen as the problem. These racial discourses

105. Harris, *Slavery and the Obligations of the League*. London: The Anti-Slavery and Aborigines Protection Society, 1922, 7; Lugard, “The Question of Slavery” (see Pamphlets), *The Question of Slavery*, LON/27439/23252.

around the African had circulated across the globe and across time. Ideologies of the pedagogical and educative purpose of work – part of the process of disciplining the native as he prepared for entry into the modern world – had been used as justifying arguments throughout this period.¹⁰⁶ As the ILO declared “Where formerly the pioneer of civilization was the missionary, it is now apparently the case that the recruiting agent and the demand for the labour of the native precede him (the missionary) and his civilizing influence.”¹⁰⁷ The world needed the native laborer. If the ILO deployed euphemisms and paternalistic language to express this teleological and disciplining commitment, representatives of the Portuguese government were much more brazen in their views: “It was necessary to create in the native needs which he did not before possess in order that he might be induced to work with a view to satisfying such needs by his own efforts. Where this process was too slow and ineffective to be sufficient, it was necessary to compel the native to work by humane processes, drawing him by progress in education out of his backward and barbarous condition.”¹⁰⁸

Disaggregating Forced Labor

In defining different kinds of forced labor, members of the Slavery Committee settled on a compromise. The final clause of Article 5 of the Slavery Convention included a mandate to “prevent compulsory or forced labour from developing into conditions analogous to slavery.”¹⁰⁹ What did it mean for forced labor to degenerate into conditions “analogous to slavery”? The

106. Bates, “U.S. Empire and the ‘Adaptive Education’ Model.”

107. International Labour Office, *Native and Colonial Labor*, 44.

108. Decree Relating to Native Labour, Ministry of the Colonies, Portugal, 3. Miscellaneous Correspondence Concerning Mandates, LON/31276.

109. See League of Nations, Slavery Convention of 1926.

distinction that emerged as vital in the course of these negotiations hinged on whether labor was being performed for private enterprise or for the public good. A further distinction was made between local public purposes and general public purposes. It is within these distinctions and gradations that we see a theory emerging about a subtler, more implicit line between legitimate and illegitimate labor regimes.

The first category, which all agreed came closest to being indistinguishable from slavery, involved forced labor for private enterprise:

It has been laid down repeatedly by eminent colonial statesmen that whilst under well-defined conditions it was permissible to secure native labor by compulsion for certain essential public services designed for the benefit of man, *labour was slavery when it was secured by fraud or force in the interest and for the profit of private purposes.*¹¹⁰

This entailed the legal compulsion to work, even if in a location far removed from one's village or community, on privately-owned plantations, mines, or industries. Such regimes required neither the fiction of a contract, nor any pretense of being justified in the name of the public good. These systems, in theory, may or may not come with wages for workers, would require indefinite lengths of service, and would involve overt, state-sanctioned transporting of workers to meet the needs of the European capitalist or planter.

Forced labor for public purposes was seen in a wholly different light. According to both the Slavery and Forced Labor Conventions, forced labor for public purposes could be justified in times of emergency – familiar logic for Indian colonial administrators. The Forced Labor Convention used stronger language to condemn the practice, but there was an overall agreement throughout both documents that coercion was sometimes justified in the name of public good. The Forced Labor Convention was clear that there should be important limitations on this. For instance, labor had to be “paid” in line with the “prevailing market rate,” and the slavery

110. The Anti-Slavery Society, *Forced Labour*, London: Anti-Slavery Society, 1948. Pamphlets, Esclavage, LON/81/1.

committee frowned upon – while the forced labor committee outright condemned – forced relocation from villages and homes. The distinction also came down to lengths of service for workers.

It was the third category, one to which the Slavery Committee did not pay much attention but which was addressed more extensively by the Forced Labor Committee, that remained ambiguous and vague. Forced labor for local public purposes, or communal or village dues to chiefs or village elders, was dealt with cursorily and without much debate at all.¹¹¹ In contrast to large-scale public works, this category was seen as *customary* and legitimized as a traditional feature of native society. In fact from the discussion it appears that it scarcely deserved the title of “forced labor.” This form of labor was usually discussed as compulsory but not necessarily forced. According to the logic of the committee, natives themselves benefited from roads, clearing watercourses, railways, and fixing bridges. In theory, therefore, their labor was not being expropriated for profit, but rather they would be the ones enjoying the fruits of this labor in the long run. Therefore these customs or traditions were discussed as exceptions or as residual categories.¹¹² There was, furthermore, a distinction between those public projects that the state called on and those that native chiefs themselves demanded: “Under native custom the chief would never call out labourers to an extent, or for a place which would interfere with the domestic requirements of the tribe, nor would the labour be called out for long period, or in circumstances which would separate the worker from his family.”¹¹³ Clearly the state benefitted

111. Okia.

112. International Labour Conference, *Forced Labour, Report and Questionnaire, Twelfth Session*, Geneva: International Labour Office, 1929.

113. Letter from Anti-Slavery Society to the Secretary General of the League of Nations, May 20th 1925. *Recrudescence of Slavery, Correspondence with the Anti-Slavery and Aborigines Protection Society, 1925/26*. LON/28029.

from the notion of the idea that the chief's demands for labor were "legitimate" and "customary," but the conceptual distinction between private and public and between large-scale and communal labor were integral to drawing the line between permissible and impermissible forms of "coerced" labor.

Debt Bondage

Debt bondage was a more ambiguous category from the very beginning. Yet in the abstract, according to both Cecil and Lugard (recall Lugard's earliest classification scheme), debt-slavery seemed to most naturally belong in a convention tackling the issue of global slavery. There were several variants of this larger issue – pawning, peonage, and the practice of pledging one's labor. Indebtedness was seen as a key feature of vulnerability, and discussions focused on the power of debt to immobilize labor from choosing employers or from joining the market at all. But the real issue was that the practice involved an individual contracting away their liberty. These features of these systems all placed this category at odds with ideals of free labor.

Examining the minutes of the meetings during the discussions at the Temporary Slavery Commission gives us some insight into how debt-slavery was discussed. Bellegrade, the delegate from Haiti argued that he "did not think that the pledging of a person even temporarily could be sanctioned by the Commission. This pledging constituted in the long run a veritable form of slavery, as the employer arranged that the debtor should never be able to quit of his debt."¹¹⁴ Similarly Roncagli, the delegate from Italy, concurred that "there was here a disguised form of slavery if the debtor were not free to dispose of his person." They therefore suggested the clause

114. Minutes of the First Session, Temporary Slavery Commission, League of Nations Held at Geneva, July 9th – 12th 1924. IOR/L/E/7/1282 File 3073.

“all forms of pledging or reducing to servitude of persons for debt or for other reasons” be included among the prohibitions outlined in the draft Convention.

During the Temporary Slavery Commissions deliberations, Grimshaw, representative of the ILO, took a particular interest in the issue of debt-bondage. His personal notes and correspondences demonstrate that, as of 1925, he wrote to a Professor Allison Phillips at Dublin College to seek more information on debt peonage in Latin America. In these early days, Grimshaw took a particular interest in debt-slavery and wished to raise it for consideration during discussions around the Slavery Convention. His views, however, were not shared by the majority of the committee members. By 1925 Frederick Lugard was of the opinion “that if a person *voluntarily* gave his services till he had paid off his debt, there would not be restraint analogous to slavery.” The laws of free contract were thus once again held as sacrosanct. Lord Cecil, Lord Lugard, and Grimshaw began their investigation into the slavery question with a clear notion about debt-slavery. However, it did not take long for these three figures to see that this was a question of a higher form of freedom, the freedom of contract. We thus see the obscuring prism of the notion of contractual freedom quickly obfuscating a question that seemed so viscerally clear.

Even though it did not make it into the Slavery Convention, the debt-slavery issue was not dead. In the 1930s George Maxwell once again examined the issue of debt-slavery with increased interest, as part of his efforts to categorize systems of slavery and its analogies.

That in theory, at least, debt slavery is only a temporary form of slavery, for the assumption is that the slavery ends as soon as the debt is repaid; that in practice however, repayment is often impossible, and the debtor is therefore a slave for life; and that in some systems the debt is hereditary and transmitted to the debtor’s descendants after his death.”¹¹⁵

115. Sir George Maxwell, “Debt Slavery, Pawning and Peonage”, April 3rd, 1937, Debt-Slavery, Documentation for the Advisory Committee Communicated by Individuals and Associations, LON/6B/23167/8598.

Gathering reports from different regions of the world, including India, Cambodia, West Africa and Cameroon, what emerges is a fascinating picture of variations in moments when indebted labor and slavery both do and do not converge. For instance, Maxwell was content to describe the *bhagela* system in Hyderabad India, a system of hereditary indebted servants, as basically a form of agricultural slavery, even though in Indian law it was not termed as such. Conversely, in Cambodia, inasmuch “as the master only has the rights of a creditor, it is quite clear that this system is not slavery in any form whatsoever.” In other places like Liberia, the government made pawning subject to the same penalties as slave trading. Yet Maxwell was clear that debt-slavery “whatever form it may take in different countries – is not “slavery” within the definition set forth in Article 1 of the Slavery Convention.”¹¹⁶

By 1938 Maxwell had determined that the advisory committee would no longer be able to solicit information on, or examine institutions such as debt-slavery, serfdom, the Mui Tsai system, or peonage. Nevertheless, he still recognized these institutions as producing a great deal of social evil. Maxwell proceeded to reach out to Weaver at the ILO in regards to the lingering question of debt bondage, which, like forced labor, he concluded to be the domain of the ILO rather than the Slavery Committee. He reasoned that questions such as “debt-slavery” are more “properly labor conditions than conditions of actual slavery.” Weaver however, dismissed Maxwell’s inquiries and insisted that the ILO would have been most interested in the issue, but they were, as it were, too busy.¹¹⁷

116. The Anti-Slavery and Aborigines Protection Society, London, Annual Meeting, 1931, Note on Slavery Conference, Private, ILO/N/206/1000/1/2.

117. Miers, “Slavery and the Slave Trade as International Issues,” 33. Miers also notes this sidelining of the issue of debt-slavery, but she positions it as more of a problem of institutional resources than a problem of epistemic categories.

... The ILO was not dealing with debt slavery, and as far as he could see could not deal with it.... in any case the question of debt slavery could not be dealt with by the ILO before a convention was drawn up or a recommendation passed to this effect....¹¹⁸

Debt-bondage was clearly a question of the labor obligations between two parties of unequal status. Debt-slavery was an institution that triggered complex questions not about relationships between natives and Europeans, but rather about internal hierarchies. The question came down to whether the native had the ability, knowledge, or rational capacity to voluntarily contract away their labor power. But if they were to be treated as individual rights-bearing subjects who have the legal capability and reasoning to give away their freedom, then did that not make them “workers”? If not, then on what grounds could their participation in contracts that entailed life-long and hereditarily-transferred obligations to labor be considered legitimate? This threw open the whole question about what consent means in contexts where complex webs of reciprocity impose customary and reciprocal obligations on peoples within society. In other words, debt-slavery entered the same territory on which the third category of forced labor trespassed – internal hierarchies and whether social relationships could legible as labor relationships.

Slavery, Debt-Slavery, Forced Labor, Labor

The logics and reasoning deployed here echo discussions around forced labor in Sindh and customary labor regimes in the rest of British India. Notwithstanding extended discussions about this form of labor, Article 2 of the Forced Labor Convention explicitly stated that the definition of forced and compulsory labor would not include work performed as “the normal civic

118. International Labour Conference, “Forced Labour, Report and Questionnaire, Twelfth Session,” Geneva: International Labour Office, 1929.

obligations of citizens” or “any minor communal services.” Several other articles mandate only light regulation and gradual erosion of labor for village chiefs.¹¹⁹ This domain was therefore left mostly untouched or interrogated by both conventions. In fact, later that decade the ILO also passed the Contracts of Employment (Indigenous Workers) Convention of 1939 as part of the same series of measures taken to protect native labor in colonial settings. This convention also did not target the institution of debt-bondage or internal forms of agrarian relationships or labor obligations in any form, but focused predominantly on the indenture system and contract labor, mostly between natives and Europeans.

Therefore, there was a whole category of labor performed in colonial settings that was not covered by any of these overlapping regulatory regimes. The Slavery Convention focused mostly on the slave trade and other limited forms of servitude that were agreed to be “slave” relationships – once again coincidentally a practice that existed mostly on the African continent. Legislation and scrutiny around labor standards and rights of labor were viewed as inapplicable to the particularities of native labor. Finally, forced labor was disaggregated into three forms, the most pressing and immediate of which was labor performed by natives for either the colonial state or private European industrialists/plantation owners.

In India, and indeed in much of the colonial world, slaves did not burst across the threshold of modernity to claim their identity as free labor. Rather, Indians ended up in the grey area between freedom and unfreedom – a racialized third category between white rights-bearing working class laborers and black slave labor.¹²⁰ The notion of juridical freedom was thrust upon them in the very moment when they were deemed incapable of being self-conscious, historical

119. Forced Labor Convention.

120. See, for this construction around Asian coolie labor, Jung; Jung, “What is the ‘Coolie Question’”; Balachandran, “Making Coolies, (Un)making Workers.”

agents of change: workers. This contradiction – between juridical equality and enforced subordination through racial ideologies that read colonial subjects as in need of coercion – was reproduced in the category of the native laborer at the League of Nations.

Having described the complex terrain emerging from the abolition of slavery in the British Empire and the entanglements of questions of slavery, forced labor, and labor, we now turn backwards once again to examine how individual laboring subjects wove in and out of these global formations, each showing one step on the road to building the consensus that emerged at the League of Nations, while the haris represent a category of labor that remains outside these regimes. . That is, they come from marginalized groups possessing no capital other than the “skin on their back” – their labor power.

CHAPTER TWO: SHIDIS

On the 10th of December in 1856, Lieutenant Colonel Hamerton discovered Jama and several other Africans on board the *Futteh Kareem*, a vessel docked in Bombay's harbor. Determined to liberate these poor souls – as was the moral duty of every agent of the British Empire – it would have dampened the heroic spirit of the moment for Hamerton when Jama turned around and emphatically denied that he was a slave. Instead, Jama insisted that he was a free seaman and demanded to be allowed to return to Zanzibar. Begrudgingly, Hamerton allowed the vessel to depart with all its passengers: “It was evidently impossible to do anything respecting the manumission of men who either were not slaves, or were unwilling to be set free.” Although slightly ruffled, Hamerton remained convinced of his intuition. He admitted this was a peculiar case but proceeded to give orders that all *nakhodas* (captains) arriving in Bombay should be obliged “to account for all Africans found on board.”¹ The traffic in slaves would not be tolerated in British India.

This encounter captures a moment of spontaneous classification, a routine act as colonial agents monitored the flow of people moving across the borders of British India.² We also capture in this moment an outright rejection of the categories deployed – an agent caught in the act of “making up people.”³ In this chapter I provide empirical evidence that the projected association between slavery and Africans, captured in this moment, only intensified over the nineteenth century in India. I do this by examining a dataset of encounters between agents, magistrates, and peoples suspected of, or categorized as, illegitimately moving in, out of, and around British India

1. Bombay Political Dispatches, 1857, IOR/E/1106.

2. See Loveman, *National Colors*. Much like the “mundane” act of a census.

3. Omi and Winant, *Racial Formation in the United States*.

(as will be visualized later in the chapter in figure 1). As my data demonstrate, the majority of the encounters captured involve *shidis* – the indigenous term for “African origin” groups along the coastal regions of western India.⁴ This was a process of collapsing diverse histories and experiences into a single, legible, analytic frame, what I argue constitutes a project of “race-making.” This process of racialization was unique in that it was rooted in *benign* logics, centered on heroic acts of rescuing, rather than on violent and dehumanizing acts of enslavement. Furthermore, the impulse for these processes was derived from intensified anxieties over controlling borders and asserting colonial sovereignty, in other words bound up in symbolic and administrative processes of state building.

Here, I posit not “slavery,” but the legal and economic apparatus that emerged in the wake of *abolition* as a profoundly transformative racial project. If slavery was defined as the legal ownership of one person by another, and the dominant legal apparatus no longer enforced these claims, then the ontological status of those who were once named as slaves suddenly became ambiguous. Indian slavery, as it were, seemed to disappear into thin air – into a puff of smoke. Shidis, this tiny community, in a sense, were the residue left behind. In other words the creation and demarcation of the category of blackness as separate and distinct from Indian-ness, was necessary for “unseeing” Indian slavery.

This case adds to a growing literature on comparative regimes of classification, racialization, and the global dynamics of racial capitalism. Tracking changes in colonial records over time shows that a singular association between slavery and race/ethnicity was not indigenous to India, but rather was actively forged by the mechanisms of modern empire and

4. “Shidi” is a term with a long genealogy and is used across South Asia and the Middle East to refer to African origin groups. There are various spellings used in archival sources: *sidi*, *seedi*, *sheedi*, *sheedee*, and other terms such as *habshi*, *Abysinnian*, *Zanzibari*, and *Nubian*. And of course simply “African” is used. In Sri Lanka “kaffir” is used.

abolitionist activities. In this chapter I track in motion how abolition operated as the “left hand” of racial capitalism. In the previous chapter I have shown how global construction of “Indian labor” took place in a context of ideological comparisons with African slave labor. As Lowe reminds us, “The placement of peoples at various distances from liberal humanity – “Indian,” “Black,” “Negro,” “Chinese,” “coolie,” and so forth – are thus integral parts of the genealogy of modern liberalism.”⁵ I trace how the “shidis” – a broad category consisting of many different kinship lineages and groups, with diverse histories and positions within Indian society – were racialized to be recognized almost exclusively through the lens of a particular history of blackness and enslavement. This involved the projection of the category of “blackness” as a distinct historical and social identity vis-à-vis Indians. This process also involved the spontaneous deployment of blackness as a “self-evident” proxy for the category of slavery versus trafficking, or other forms of servile and bound social and labor relationships in India.

Processes of “race making” examined here were intricately linked to the symbolic and political machinations of state building. The impulse for the intensified classification and sorting of bodies derived from a heightened anxiety over controlling borders and asserting colonial sovereignty. Borders and ports are therefore spaces where these identities become particularly salient, as Mawani reminds us that “sea has always been a vibrant site of maritime crossings and of legal, political, and racial contests.”⁶ On the shores of the Indian Ocean, the colonial state accrued vital symbolic authority through its anti-slavery activities, as well as its efforts to demarcate colonial from other forms of authority, such as those operating in rival empires and

5. Lowe, 18.

6. See Mawani. *Across Oceans of Law*, 231; Reyes, 1098. Victoria Reyes also calls attention to ports as spaces where the global and local are co-constituted, as well as to processes of “perpetuating stereotypes.”

bordering native states.⁷ As described in previous chapters abolition in India was anticlimactic and passive, and there were few visual and public examples of the colonial state's commitment to ending slavery. Anti-slavery activism was always a terrific activity for accruing "moral capital."⁸ I argue that the sovereignty and moral capital of the colonial state was therefore inscribed on the bodies of Africans, who were almost the sole subjects of British anti-slavery activities in British India.

These racializing dynamics were, furthermore, highly relational. I argue that the true alchemy lay in what these processes meant for Indian slavery and for readings of Indian contractual relations. The fate of the shidis on the subcontinent was therefore intimately linked to the simultaneous and complete erasure of Indian slavery from view. Africans were quintessential slaves, while Indians, though servile and bound, were nominally "free."⁹ This involved the projection of the category of "blackness" as a distinct historical and social identity vis-à-vis Indians. This process also involved the spontaneous deployment of blackness as a "self-evident" proxy for the category of slavery versus trafficking or for other forms of servile and bound social and labor relationships in India.

The cases explored here clearly highlight the visual dimension of "seeing" and "recognizing" slavery. However, sociologists have long pointed out that the administrative processes that imbue bodies and physical characteristics with significance are always changing

7. Loveman, "The Modern State and the Primitive Accumulation of Symbolic Power"; Major, "Enslaving Spaces"; Chatterjee, *Gender, Slavery, and Law*.

8. Brown.

9. See Matthew, "Trafficking Labour: Abolition and the Exchange of Labour"; Matthew, *Margins of the Market*. Johann Matthew traces similar processes of British vessels patrolling the Arabian Sea to clamp down on vessels carrying Africans, while allowing indentured, sometimes emaciated, and clearly coerced Indians to be shipped to plantations, using these distinctions.

and in motion, in “real historical time.”¹⁰ Theories of racialization draw attention to the fact that the very possibility of seeing categories as “self evident” itself draws from a complex set of institutional practices that “impart social and symbolic meaning” to perceived phenotypical differences.¹¹ The traffic of people moving in, out of, and around India would have been highly ethnically diverse, but those with African features were marked as distinct from Indians and assumed to be subject to a unique set of social and physical experiences – a distinct social contract. This chapter brings attention to the dynamics whereby the categories of both the racially-distinct African and the legally- and socially-distinct category of slavery, were mutually constituted. The former was constructed as distinct and separate from Indians, and the latter as distinct from forms of subordination experienced by Indians.

The act of “freeing” slaves necessitated two moments of categorization: first, recognition as slaves, and second, once freed, classification as ex-slaves. Liberation involved ripping Africans out of one set of transactions and “reinserting them into new matrices of bureaucratic power.”¹² This identity needed to be easily recognizable across judicial, administrative, and political settings within the colonial government, that is, standardized. Categorizing transported Africans as slaves, and slaves as Africans, was an institutional designation that was repeated in subsequent colonial knowledge production, and as a matter of routine administration. Intercepted at Aden, in Karachi, or in the ports of Bombay, Africans would be “disposed of” and then monitored once they arrived in British India. The colonial administration kept tabs on their progress in new homes, dispersed funds for their subsequent maintenance, and often hired them in various marine and labor-intensive occupations.

10. Omi and Winant.

11. Omi and Winant, 111.

12. McKeown, 12.

Examining the colonial state's management of shidis sheds light on the consequences of these state-driven, race-making processes over the *longue durée*. Loveman suggests that the “weight of scientific or legal authority vested in official classifications may at times be sufficient to influence the self- concept of those categorized,” albeit in contested and contingent ways.¹³ I show how these categories influenced how shidis saw and continue to see themselves. I emphasize the observation made by Muhammad Siddiq Mussafir, a Sindhi shidi scholar writing in the 1950s, that the abolition of slavery meant freedom specifically for the “shidi” people. I reflect on how the shidi community continues to grapple with these legacies today. However, in bringing attention to the fact that this was an *incomplete* racial project I show how shidis are renegotiating these legacies with retrievable evidence from a pre-colonial past that could be drawn on to negotiate with these categories.

In what follows I start with a discussion of the methods and the dataset used to demonstrate the central argument of the chapter, as well as a discussion of key insights from this data. My approach here is to combine a simple quantitative analysis that demonstrates empirically the trend in which I am interested, with in-depth insights about the discrete contexts in which these encounters occur. Three key mechanisms emerge: *racial containment*, *logics of self-evidence*, and *bureaucratic imprinting*. The next section provides vital historical context for my claims, showing the historic ethnic and institutional diversity of slavery in India. This is followed by a reflection on the changing role of legal institution and forums for adjudicating cases related to slavery. Following this, I extract key examples from the data to show how the language of “self-evidence” was deployed when encountering African slaves, and I then move on to demonstrating how, once classified, Africans were “freed” and monitored by the colonial state as ex-slaves and were channeled into particular occupations. After highlighting these macro-level

13. Loveman, *National Colors*, 15-16.

processes of order making across the Bombay Presidency and the Indian Ocean, I switch levels of analysis to focus on a particular group, the shidis of Sindh, to show how the reiterating and static imperial categories that structured the shidi experience were powerful – but not impermeable – in this particular corner of the Western Indian Ocean.

The mechanisms and processes I describe here are distinct from the kind of racial project that we associate with the Atlantic slave trade and differ markedly from racializations that resulted in the tight connections between race and slavery we see manifested in such laws as the “one-drop rule.” They were driven by powerful colonial impulses, but they were ultimately contingent, partial, and incomplete. In the United States the relationship between slavery and race was encoded in the very legal and social fabric of the state. By contrast in India racialization functioned in more discrete and subtle ways, with slippages and possibilities of negotiation within these frames, to be absorbed in contingent ways within the logic and structure of caste.

Slavery Along “Racial Lines”: Data and Findings

In this chapter I examine a corpus of 122 cases or “encounters” illustrating the mechanisms that were deployed in classifying peoples who were suspected and/or ultimately ascertained to be transported illicitly as slaves. These cases focus on the Bombay Presidency and the Western Indian coast, along the coast of the Arabian Sea and the Indian Ocean. This collection draws on encounters culled from several sources, mostly the India Office Records at the British Library. In addition I have collected supplemental cases from the Sindh Archives in Karachi, Pakistan, and legal cases found in the Indian law reports, which document judicial decisions made in the high courts in India, mostly in Bombay. Within the India Office Records, the majority of the data has been culled from abstracts of the Bombay Political Proceedings, as well as some from the

Bombay Judicial Proceedings. These were annually generated compendiums containing abstracts of events and issues of importance for the entire year.

The encounters start in 1843, the year that the Indian Slave Act was passed, and end in 1900, when discussions around slavery in India taper off and instead begin to focus almost exclusively on slave trading in Arabia, the Persian Gulf, and the Red Sea.¹⁴ I start in 1843 in order to isolate specifically the effects of the 1843 legislation over time. There is a much larger universe of cases from the pre-1843 era, which I discuss briefly in chapter one but do not include in my analysis. There were hundreds of cases or encounters prior to 1843 detailed in the Indian Law Commissioner reports alone. Including cases from prior to this year would mean including hundreds of “encounters” and cases and would skew this sample. While shidis certainly show up in these documents, pre-1841 cases are almost entirely focused on non-shidi cases of Indian slavery. Here I am specifically concerned with the residual category of slavery after abolition.

I have included cases where the language of abduction, trafficking, kidnapping, purchase and sale, disposing of, and transporting has been used, in order to capture a whole range of transactions in people. These encounters mostly take place at ports, most frequently in Bombay, and involve interventions by colonial agents – police commissioners, political agents, and magistrates – in transactions involving the transportation of peoples. I have supplemented the main corpus from the Political Proceedings with the rare detailed report scattered across departments, detailing cases where “slavery” was suspected, debated, accepted, or denied, in addition to cases reported in newspapers. Often newspapers report cases already listed in the

14. It is important to point out that the cases that I look at are only a subset of a much larger archive around the slave trade in the Persian Gulf, Oman, Zanzibar, Aden, Arabia, and the wider Middle East. I have selected out cases to include only those where there is a specific interaction with India, whether it is Indians being returned to India, or Africans being sent to Bombay. Many cases, for example, involve slaves freed by a political agent in Bushire, Muscut, or Aden, who were then sent to Bombay. These cases would have been governed by a separate set of mechanisms of recognition specific to the British Empire’s political and diplomatic relationship with each of those political entities.

proceedings, so I use these to add insight to the context and descriptions of the encounters.

There is a significant bifurcation in the settings in which interactions take place. Before 1843, “slavery” was regulated in EIC courts, with magistrates enforcing legal codes and deploying legal reasoning and arguments in order to try cases involving slaves. After 1843 fewer and fewer cases of slavery were adjudicated in courts, and decisions were made on the spot. In fact, in 1874 the government of India wrote a letter “expressing hope that the government solicitor will in future be more alive to the importance of such cases connected with the suppression of the slave trade,” demanding that they be tried properly in courts.¹⁵ Evidence suggests that this still tended not to be the case. In most of the encounters where Africans slaves were identified, judgments were usually spontaneous and clear-cut. Kidnapping, abduction, and purchase and sale cases, however, unlike slavery cases, can be found in the judicial records and law reports.

This is perhaps evidence of how legislation shapes legal and political categories beyond the forums of the court, manifesting itself in everyday judgments about subjects, thereby constituting the “givens” of social life. The political proceedings are specifically concerned with the relationship between British India and native states, as well as rival colonial powers. Maintaining borders, policing movement, and asserting control over subjects as they moved in and out of India were the primary concerns of these documents, making them the ideal source through which to explore how freeing slaves figured into anxieties over borders. These encounters would also have been the most visible, the most likely to be reproduced in different settings, and the most impactful on public and administrative perceptions.

Three distinct insights emerge when looking at the dataset as a whole. When analyzed systematically, over time, these cases demonstrate a narrowing of the ethnic composition of the

15. BPP 1875, IOR/P/482.

populations identified as “slaves” and “freed.” I label this mechanism the *racial containment* of abolition. Towards the end of the nineteenth century we see a clear, repetitive pattern of liberating and freeing specifically “slaves” of African origin. I argue that, in general, the law ruptured social and economic relationships after abolition, increasingly along racial lines. More significantly, the specific category of illegal activity – for the purposes of “slavery” – was deployed selectively. This is not to say that other forms of trafficking were not intercepted, particularly involving women and children, but that the decision about whether they were labeled as simply kidnapped or trafficked “as slaves” was an integral aspect of the racial project of abolition as it manifested in South Asia.

Second, these encounters show how the association between “slavery” and “Africans” was made spontaneously and deployed the *logic of self-evidence*. Furthermore, the data demonstrate legal forums and political surveillance at ports to be crucial sites where these processes of selective recognition – racialization – were occurring. We can therefore unpack what enabled colonial agents to *see* slavery and the logics they deployed in the obfuscation of some cases and highlighting of others. Examining the reasoning deployed, both by political agents and magistrates, allows us to uncover the underlying assumptions about why Africans were “self-evident” slaves and why Indians were, evidently, not.

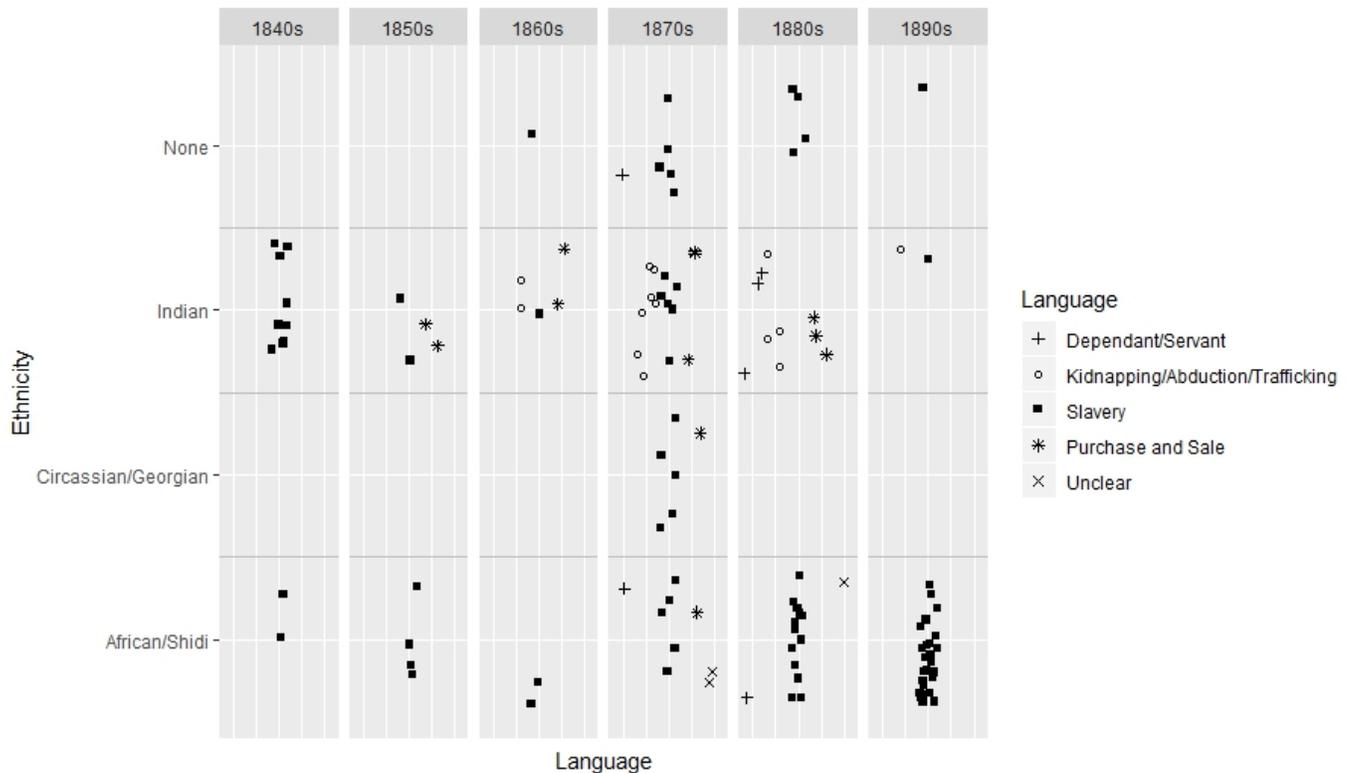
Third, the records of these transactions demonstrate the institutional structures that channeled shidis into particular spaces and occupations and labeled them as ex-slaves, requiring particular interventions and methods of incorporating them into the wage labor economy. These particular decisions reflect global discourses around reforming Africans into productive, free laborers.¹⁶ More importantly, however, through these cases we can also see how this transition

16. See Cooper, “African Workers and Imperial Designs”; Bates.

from slavery to “freedom” was monitored and inscribed into the administrative apparatus of the colonial state, which designated shidis clearly as “ex-slaves.” This mechanism, the *bureaucratic imprinting* of the category of “slave” on shidis, explains the durability of this particular moment, which continues to inform debates over identity within the shidi community today.

Figure 1 demonstrates the distribution of these cases across two categories over time: ethnicity/race and language. There are two legal acts of importance, after which we see significant changes in the language used. The first is Act V – the Indian Slave Act of 1843, after which the legal recognition of slavery has been prohibited by the colonial state. The second act is the Indian Penal Code of 1860, which was the first attempt to comprehensively and exhaustively categorize legal categories into a complete set of rules and regulations. As the data show, the effects of these acts is not immediate, but rather is visible after a lag period.

Figure 1. Distribution of suspected/intercepted encounters



Note: Since I have separated the data by decades, the concentration of cases in the middle is not meant to suggest that cases were from the middle of the decade, just the result of how many times each of the categories occurred.

SOURCE: Author

Immediately it is clear from this graph that the majority of cases in which the term “slavery” was applied – 52 out of 87 – involved Africans/shidis. Furthermore, the frequency of interactions involving African slaves increased rapidly between 1880 and 1900. This is no doubt a period during which British vessels were clamping down on the Indian Ocean slave trade between Aden, East Africa, Baluchistan, and the Gulf. The graph also demonstrates that, even until the 1870s, after Act V in 1843 and the passage of the Indian Penal Code in 1860, there was variation in the ethnic background of those identified as slaves. For example slavery is used in

cases involving a Baluchi woman, several Circassians, and people identified as hailing from specific provinces of India such as Ajmere, Baroda, Sindh and Hyderabad.

Over time, we can see in figure 1 that cases involving Indians start to fragment into several categories: kidnapping, dependent, purchase and sale. After 1878, however, there is only one case, involving an Indian subject, where the term slavery is applied. Note that in both the 1878 and the 1894 cases, however, the possibility that these subjects are being disposed “as slaves” is recognized only because they are being taken to places outside of British jurisdiction. For instance, the 1878 case involves an Indian boy who was taken “as a slave” to Oman, an area under the control of the Sultanate of Oman. Similarly, the 1894 case involved Indian slaves discovered in Indian Turkmenistan.

Finally, these encounters are in no way to be construed as numerical representations of the scale of slavery or transportation of peoples within India. The reported encounters in the proceedings are already skimmed off the top of what scholars have shown to be a largely undetected and persistent traffic in peoples being brought in to, taken out of, and circulated through India outside of the formal labor reallocation systems of the empire.¹⁷ Rather, the vantage point these records provide us is precisely indicating which of these transactions were most visible to the colonial state. These both drew on, and produced replicable forms of knowledge about, these groups.

17. Bosma, “Slavery and Labour Contracts.”

Diverse Histories of Shidis and Slaveries

“Marsoon marsoon par Sindh na desoon!”

I will die, I will die, but will never give up Sindh!

– Hosh Muhammad Sheedi, 1843¹⁸

On the eve of the British annexation of Sindh in 1843, one figure stands out, now concretized in local Sindhi myths and legends as a martyr. In his account of the annexation of Sindh, Sir Charles Napier described the fierce defiance of the African Hosh Mohammad Sheedi against British forces at the battle of Miani. Today, a statue of Hosh Muhammad stands in the center of Hyderabad, Sindh, the old capital of the province. Perhaps more than any other, this figure represents the ambiguous relationship between blackness and Indian identity in the Indian subcontinent – claims to cosmopolitan histories that yet somehow code shidis as distinct and “other.” Hosh Muhammad – a shidi – was not just a member, but a military general in the Talpur army of Sindh. Far from being a lone figure in the region’s history, he is a reminder of the much deeper history of Africans in India, who arrived certainly as “slaves,” but also as merchants, military recruits, vassals, scholars, religious mendicants, traders, and travelers.¹⁹

Historians have characterized the Indian Ocean world as a “special type of interconnected zone” where circuits of goods, ideas, technologies, and of course, peoples have historically flowed.²⁰ Nevertheless, the character of slave trading in this region of the world was altered irrevocably by the arrival of European colonial powers. While the Atlantic slave trade continues

18. Famous Sindhi adage commemorating the battle of Miani in 1843.

19. Eaton, *A Social History of the Deccan*; Pescatello, “The African Presence in Portuguese India”; Robbins and McLeod; Tamaskar, *The Life and Work of Malik Ambar*; Harris, *The African Presence in Asia*; Basu, “Slave, Soldier, Trader, Faqir”; Shroff, “Indians of African Descent”; Hussein, “From Slaves to Elites”; Ali, *The African Dispersal in the Deccan*.

20. See Harms, Freamon, and Blight, eds; Ewald, “Crossers of the Sea.”

to dominate scholarship, the Indian Ocean slave trade reached its peak just as the Atlantic slave trade was on the decline.²¹ European powers, led by the British, created the demand for new forms of labor, even while intervening in and mobilizing ideological and political power against the continued practice of slavery.²² The Indian Ocean slave trade was a cause of anxiety for the British, as a space where their sovereignty was contested, competing with multiple more engrained, non-state networks stretching from India, the East African Coast, the Arab Peninsula, and even all of the South Indian Sea.²³

When Sir Henry Bartle Frere declared in 1841 that there might be up to several million “slaves” in all of India, Africans made up a decidedly small portion of this figure.²⁴ Most Indian Ocean slaves were female, integrated into elite households for reproductive, menial, and other occupations, as was the case in India. In contrast to Atlantic slavery, black Africans formed a minority of servile people traded across the Indian Ocean.²⁵ However, the end of the nineteenth century was characterized by a spike in Africans traded across the Indian Ocean. Many were used as slave labor in Madagascar, Zanzibar, and along the East African coast. There was also a peak in African slaves being taken to the Middle East, although the exact scale of these movements is difficult to estimate.²⁶ It is still more difficult to tell how many of these were brought to India. In India, shidis made up only a small portion of the population, concentrated

21. Harms, Freamon, and Blight, eds.; Klein, “Slavery, the International Labour Market.”

22. Matthew, *Margins of the Market*.

23. This literature focuses both on histories of African migration across the Indian Ocean and the history of “elite” slaves within India. Of particular interest has been, for instance, the history of military slavery standing in stark contrast to the model of African slavery for grueling labor, as in the Atlantic world.

24. See Temperley, *After Slavery: Emancipation and Its Discontents*, 177.

25. Campbell, “Slave Trades and the Indian Ocean World”; McKeown.

26. See Alpers, “The African Diaspora in the Northwestern Indian Ocean.”

along the western coastal regions of India such as Gujarat, Bombay, Katthiawar, Sindh, and the Makrani coast.

It is crucial to the intervention made by this dissertation to highlight that “slavery” in India was both institutionally and ethnically varied. Slaves were brought over from Africa by Arabs, Turks, and Indians, as well as Portuguese, Dutch, French, and British traders, starting from at least the 12th century onward. However so, too, were Georgians, Pathans, Arabs, Turks, Central Asians, and, of course, Indians.²⁷ Indeed, slavery in India was overwhelmingly Indian. Indians were either brought from other regions of the country or sometimes sold by their families to elite households during times of economic hardship. Some were kidnapped, while some were voluntarily sold by their families into a life where they would be better cared for, and still others were captured from losing factions in times of war. Large swathes of the population were also bound up in indigenous forms of agricultural or “preadial” slavery. These slaves were bought and sold with the land, leading to the British seeing certain castes as “slave-castes.”²⁸

The term “shidi” subsumes a diverse range of experiences in India under a single heading.²⁹ As Janet Ewald notes, the term “shidi” is “a palimpsest that accrues new meanings even if it retained older ones.”³⁰ In British India the term incorporated numerous kinship or caste groups and did not, indeed still does not, necessarily connote a corporate group identity. Rather, it reflected multiple specific histories. Some shidis had been in India for generations, others had newly arrived from the African continent by Arab and European other slave traders. For example, shidis in Baluchistan – sometimes called mekranis – have a distinct history from Sindh

27. See Kumar, “When Slaves Were Nobles.”

28. Viswanath, *The Pariah Problem*.

29. Campbell, “Slave Trades and the Indian Ocean World,” 17.

30. Ewald, “African Bondsmen, Freedmen, and the Maritime Proletariats,” 202.

shidis, the former having mixed with members of the local baluchi population over the course of generations.³¹ The shidis of Janjira, again, are famous for having risen to power, first as military slaves and then as rulers in their own right of one of the islands off the coast of Gujarat.³² Once shidis achieved positions of power, sometimes as military slaves and other times as free generals, they were able to patronize networks of Africans who moved freely between India and East Africa.³³ Elite shidis often retained the honorific title of shidi and its connotation of African origin but intermarried with the local population and over successive generations ceased to be considered phenotypically African.

Colonial sources are littered with references to the to the ubiquity of Africans in elite households throughout India, but particularly in the western coastal regions of the Bombay Presidency. In 1835 the acting political agent wrote in a memorandum that his “attention was first attracted to the subject (of slavery in Kattywar) by frequently observing African boys in attendance upon the Chiefs of Kattywar where they visited Rajcote.³⁴ In 1865 Lieutenant-Colonel C.P. Rigby noted, “From the number of Africans and their descendants met with in these provinces, there is no doubt that, as long as we have been connected with them, African slaves always have been and still are, imported in considerable numbers.”³⁵ Writing almost immediately after the annexation of Sindh in 1843, Captain Hart noted four different categories of slaves,

31. Most, if not all, of my informants insisted on these distinctions, particularly in the context of Sindh, between mekranis and Sindhi shidis.

32. Jasdanwalla, “African Settlers on the West Coast of India.”

33. Oka and Kusimba, “Siddi as Mercenary or as African Success Story.”

34. Memorandum of the Political Secretary, From Acting Political Agent, Lang, Extract Bombay Political Consultation, 23rd December, 1835, IOR/F/4/1699/68463.

35. Letter from Major R.H. Keatinge, V.C., political agent in Kattywar, to C. Gonne, Esq., Secretary to Government, Bombay – no. 55W, dated the 16th March 1865, IOR/L/PS/6/538.

three of which were of African origin.³⁶ Both Richard Burton and Capt. Postans, in their famous accounts of Sindh, also focused almost entirely on slaves of African origin.³⁷ Even from the earliest days of their experience in India, therefore, the African presence in India was consistently read through a single narrative – a history of enslavement.

To summarize, slaves were neither concentrated amongst shidi populations, nor were all shidis in India there because of slavery. Yet colonial sources from the very earliest see both slavery as distinctly “African,” as well as Africans as connected to either a recent or historical slave trade. We sometimes catch glimpses of their reasoning for being so particularly concerned with African slavery. In 1865 M. Keatinge wrote, “Connected with African slavery, there is another and more frightful evil to be considered, viz., wholesale murders, the depopulation of provinces, and the demoralization of half the continent of Africa, to which it gives rise.”³⁸ It is also significant to note that British anti-slavery activities drew not just on tropes about Africans, but also on racializing tropes about Arabs as the “original” Muslim slave traders who were deeply imbricated in the African slave trade in the late nineteenth century.

36. Hart, “Slavery in Scinde,” *The United Service Magazine*. London, January 1844. He mentions gudas, “negros from Africa,” Abyssinians, Georgians, a group of mixed African and Indian slaves, and finally, Indians who sold themselves or their children into slavery.

37. See Richard F. Burton, *Sindh, and the Races That Inhabit the Valley of the Indus* with Notices of the Topography and History of the Province. London: WM H. Allen & Co., 1851; Captain T. Postans, *Personal Observations on Sindh: The Manners and Customs of Its Inhabitants*. London: Longman, Brown, Green, and Longmans, 1843.

38. Keatinge, Political Agent in Kattywar to C. Gonne, ESQ, Secretatry to Government, Bombay, 16th March 1865. IOR/L/PS/6/538, Coll 82.

Language of Self-Evidence

One afternoon in April of 1856, Perohtee, identified as a shidi and an ex-slave, visited the courtyard of the prominent local notable Aga Khan, located in Karachi.³⁹ He happened to find two girls fetching water and talking in the courtyard. Perohtee, himself originally from an area he identified as adjacent to Zanzibar on the East African coast, now a settled inhabitant of Karachi, became convinced that one of them was his sister. What ensued is one of the few recorded instances of an ex-slave taking initiative and demanding that the colonial apparatus bear its weight on an influential political and cultural figure. When asked how he identified them he replied he did so by “their language, their appearance, and from instinct.” Without knowing the specific role that these girls played in the house – as servants or mere dependents – Perohtee immediately labeled them, and the colonial officer immediately accepted his interpretation, that they were being kept as slaves and should therefore be released.

Looking at the depositions of Mirza Mohamad Kurreem, head employee at the Aga Khan’s house, the attempt to legitimize the relationship is voiced using kinship and familial metaphors:

I said before that the shahzadda does not purchase or sell slaves, but in god’s name we give them food and in his sight they are free and objects of pity. With us it is a fault to purchase or sell them. When it was the custom in my country to purchase and sell slaves, we used to set free numbers of them, such being in accordance with our religion. We call these slaves whom we have purchased with money, but we have not expended money on these, on our sight they are free and in God’s name we give them food and clothes and by so cherishing them we will not only obtain honor in the next world, but honor in this.⁴⁰

39. The Aga Khan is the head of the global Ismaili community, a wealthy and influential sect of Muslims with a substantial following in India and disciples spread out across the Indian Ocean in East Africa and the Middle East.

40. Correspondence between Captain J.B. Dunsterville Deputy Magistrate of Kurachee, and the Magistrate of Kurrachee 9th April 1856, No. 2004, BJP, IOR/P/406/52.

The nonplussed Captain B. Dunsterville, Deputy Magistrate of Kurachee, however, asserts: "I have not the slightest doubt that they are slaves." The blurring between legitimate servitude and dependency and slavery is rejected, and they are set free. This case is in fact a rarity in its own right. The majority of the transactions in this paper involve cases of people being transported from one point to another, rather than colonial agents intervening in domestic relations of servitude within the household. Yet it is the very power ideas of "race" as being visibly imprinted on one's skin in determining what counts as "self evident slavery," that rendered this kind of intervention possible in Perohtee's case.

A contrasting case is instructive. Colonial officers refused to see an Indian domestic servant as being in a state of slavery. In 1928, a Mrs. Vincent, a British woman residing with some guests at the home of local noble, Sardar Angre of Gwalior, witnessed the severe beating of an Indian boy named Rama, at the hands of his master, the sardar, and his servants.⁴¹ The child ran away and tried to convince authorities he was a slave, but he was recaptured and reprimanded with harsh physical violence. As Mrs. Vincent writes, "Oh the terrible anger that was displayed by the sardar's wife at Rama's perfidy in exposing his state of slavery." The political agent with whom she is in correspondence entertains her concerns but ultimately rejects the assertion that Rama was really a slave. In his internal correspondence with the resident at Gwalior he explains that Mrs. Vincent was given to hysterics. Both of these cases are unusual in the light they shine on internal master-servant relations. The clear action taken in one, and the incredulity about the other, however, is striking.

Slave dealing became a criminal offense as per the Indian Penal Code (IPC) of 1860, but only within certain specific subsections of the code. There is an entire group of penal offenses

41. Indian States, Abolition of Practices Analogous to Slavery. November 28th 1928. Report of Resident at Gwalior on case of Rama's Treatment by Sirdar Anger of Gwalior. IOR/L/PS/10/1180.

listed under the broad heading, “Kidnapping, Abduction, Slavery, and Forced Labor.” Of these, Section 367 of the IPC lists kidnapping or abducting “to subject persons to grievous hurt, slavery, & etc” as an offense. Section 370 specifically makes the “buying or disposal of any person *as a slave*” an offense. And finally, Section 371 enables the prosecution of those “habitually dealing in slaves.” The vast majority of cases that arise, however, relate to the remaining sections dealing with abduction, prostitution, kidnapping for marriage, or kidnapping to be kept in confinement. The resistance that magistrates exhibit in applying the slavery sections (367, 370, and 371) is instructive. For instance, the following circular logic is deployed when discussing whether kidnapping for the purposes of slavery can be proven. As Stuart C.J., presiding magistrate decided:

It is exceedingly difficult to understand what is meant by Sec. 371... it appears to assume the condition of slavery is a possible fact within the cognizance of the law, but such a condition is as much ignored by the law as it is by the law of England.⁴²

In other words, it is impossible to dispose of a person “as a slave” if slavery does not exist in British India. In fact, usage of the term slavery was reprimanded in most colonial correspondence, when it came to discussing clearly violent labor relationships.⁴³ Other times reports talking about sales and purchases of women for slavery were also reprimanded. Recognizing transactions as clearly for the purpose of slavery, therefore, was extremely difficult and was denied when it came to Indians.

42. “Empress of India vs. Ram Kaur” High Court of Allahabad. Decided the 8th of March, 1880. MANU/UP/0034/1880.

43. See “Cooly Crimping Case.” IOR/R/2/1064/42. I will demonstrate this dynamic in more detail in the next chapter. For instance, the magistrate in the Travancore Kottayam sessions court opined in a legal decision that the trafficking of coolies between plantations in Travencore was a form of “slave trafficking.” Upon doing so he was severely reprimanded by his superiors for being “theatrical” and failing to provide “the considered judgment of a judge with a sense of responsibility.”

British anti-slavery activities rarely extended to the cordoned-off, private sphere of the domestic economies of their subjects. However, keeping tabs on a highly-mobile population rendered these relationships open to enhanced regulation. Transporting Africans fell consistently under scrutiny. For instance, in 1892 certain African “servants” of Abdul Aziz Bin Said, brother to the Sultan of Zanzibar, entered Bombay in the charge of one of Bin Said’s agents.⁴⁴ Despite having a written statement from Bin Said requesting safe passage, the Commissioner of Police insisted on detaining the group on the grounds that they appeared to be “suspicious.”⁴⁵ In contrast, Mirza Ebrahim Khan, a companion of the Nizam of Hyderabad, was travelling to Persia via Bombay with four servants in 1882. He reports that two of them were from Hyderabad, “whom he *got* during the last famine.”⁴⁶ This use of the term “got” obscures what was no doubt some form of transaction with the family of the children, or some kind of adoption/dependent arrangement. Families selling their children into slavery during times of economic hardship was one of the main sources of “slavery” in South Asia, as was well-known by the British. Yet, in this circumstance, the transaction is viewed as legitimate dependency, and they were allowed to pass with no objection.

There are times when the testimonies of the slaves themselves features in the archive and seems to figure into the decisions of agents. In another case reported in the *Times of India*, Tagoon, an African slave and eunuch is illegally transported to India by Jallani Bin Mohamed Suleiman, an Arab merchant. Suleiman advertises his intention to sell the boy to some royal household for a large sum, and both slave and slave trader are brought before a magistrate on

44. BPP, 1893, IOR/P/4468.

45. BPP, 1872, IOR/P/4263.

46. BPP, 1882, IOR/P/1982.

arrival. He is asked to testify about the treatment that he receives at the hands of his Arab master, who tried to claim he purchased him to raise him as a son. Suleiman pleads, “Do you love me or not; and have I not always treated you kindly?” To which Tasoos replies simply: “I don’t like you.” On hearing this the political agent promptly grants him his freedom and convicts Suleiman for slave trafficking.⁴⁷

As a contrast, when four Indian slaves are caught being transported out of Bombay to Arabia in 1857, the slaves assert in their depositions that they are eager and willing to accompany a Syed Bin Ahmed and his wife to Arabia:

I do wish to accompany the Jamedar’s wife to Arabia, Prisoner told us he was going to cultivate gardens in Arabia, and that we were to be employed under him. He has given me a gun, a dagger and a scabbard. I expect to be better off in Arabia than I was at Hyderabad. I shall become a soldier there. All of us four boys are to become soldiers in Arabia. I was badly off at Hyderabad, I used to carry the Jamedar’s Hookah.⁴⁸

In this case the Arab was charged, as from the testimony from the remaining witnesses it was clear that the term “slave” was used by parties in the household, and there could be little doubt that they were being transported out of India for the purpose of being disposed as slaves. Yet this reinforced the notion that a labor arrangement or expectation of service could only be recognized as slavery if was to occur *outside* of British territory.

In 1890 the SS *Labordonnia* was stopped while carrying Africans into Oman by way of Karachi. According the official proceedings:

The peculiar composition of the party at once attracted the notice of Karachi police... for the simple fact that a number of Africans of the class from which slaves are usually drawn, many of them women and children, were in the charge

47. *The Times of India*, “Importing A Slave Boy,” Apr 11, 1885, 3.

48. Deposition of Moobarak, Enclosure, From the Senior Magistrate of Police W. Crawford, to Bombay Police Office, 13th January 1857, BJP, 1857, IOR/P/406/66

of Arabs to whom they could not be related, was sufficient to leave little room for doubt that the case was really one of dealing in slaves.”⁴⁹

This case brings out the tropes of the African slave and Arab slave trader together in one. In fact this ship was not even bound for British India, yet the police commissioner in Karachi actively found cause to board and investigate the passengers on the ship.

One of the arguments used most often by merchants or agents when transporting women, was claiming that these relationships were marriage transactions. We see that, indeed, this argument succeeded in several cases involving Indian women. Courts saw trafficking for the purposes of marriage, concubinage, or prostitution as a category altogether different than slavery. For instance, in 1880, with the case of *Empress of India vs Ram Kaur*, the judges are emphatic in denying that the sale, purchase or transport of an Indian girl, Deoki, was a slavery question. The judge states: “The offence, if any, appears to have been one of kidnapping or abduction, but there is not a single element of the legal conception of slavery to be found under the facts.”⁵⁰ While they admit she was “purchased” and “sold,” the intention was for her to be disposed of in marriage. This case set an important precedent regarding the interpretation of Section 371, and it is often cited in published commentaries on the Indian Penal Code to clarify the meaning of the this section of the code.⁵¹

In 1858 an Arab trader attempted to bypass the notice of political agents at Surat in Gujarat, by claiming that that a young Habshi girl being transported alongside him was his adopted daughter. He attempted to make the argument that he was merely taking care of the girl after her parents’ death and that he intended to arrange for her marriage. The Governor Council

49. BPP, 1890, IOR/P/3800.

50. *Empress of India vs. Ram Kaur*, 1880.

51. See, for example, John D. Mayne, *Commentaries on the Indian Penal Code (ACT XLV of 1860)* Madras: Higginbotham, 1884, 296-305.

made clear, however, that he “regard[ed] the whole of the transaction with such great suspicion that he determine[d] to detain the African girl at Surat.”⁵² In a letter to his counterparts he reported “the arrival of another Hubshee girl *evidently a slave* in this city a few days ago by steamer from Bombay.”⁵³

In another case from 1857, before the enactment of the IPC, a girl was discovered to have been sold “for 90 Rs” in the city of Barodha. The case came before the district magistrate, and a discussion ensued about the law under which the case should be brought. The possibility of bringing it under the section of Regulation XIV of 1827 that dealt with slavery was raised and dismissed. Instead the magistrate brought the perpetrator to justice under a different section of Regulation XIV, punishing the offender for “selling a thing not their own.”⁵⁴ The neutral language of purchase and sale, therefore, achieved the dual purpose of punishing violators of British law, while at the same time avoiding official recognition of the existence of “slavery” in India.

Managing and Collapsing

Cases of slaves found and delivered into the hands of trustworthy British officials were often reported in a celebratory register – epic journeys from the captivity of Arab slavery to freedom. One case was reported in several different media outlets, from the *Times of India* to the *Cardiff Times and South Wales Weekly News*, celebrating the trepidation of the British officers and lamenting the state of African slaves:

52. Letter from the Commissioner of Police to the Town and Island of Bombay, 9th February, 1858, from Mr. Crawford, Commissioner of Police, BJP, 1858, IOR/P/407/7

53. Letter to the Magistrate of Surat from G. Inverity, Magistrate’s Office, 30th November 1857. BJP, 1858, IOR/P/407/7

54. Sale of a Girl, a British Subject, in the City of Baroda, IOR/E/4/846.

Ten miserable beings just escaped from the jaws of death were landed at the port of Kurrachee, British India on Sunday the 5th of April. The history of these poor boys and girls, is a heartrending one...finding a small boat near the shore these poor boys and girls got on board under cover of the darkness and without food or water set sail into the unknown Indian Ocean ... at the end of the terrible time more dead than alive they were picked up the captain of a native craft and delivered to the British authorities.... No doubt they will now be free.⁵⁵

What did “freedom” mean for these freed African slaves? Notions of what post-emancipation “freedom” should mean for Africans drew from a set of global discourses that flowed across imperial spaces. The ubiquity of these ideas – from the American South and manumitted slaves on the African continent to this tiny population in India – is striking. Once rescued from “mercenary” Arabs or Indians, the colonial state at least ostensibly assumed responsibility for the care and maintenance of African slaves. Ultimately, however, shidis were channeled mostly into forms of work that guaranteed their contribution back to the British Empire as productive free wage laborers. This administrative procedure, which litters the registers of the Bombay Proceedings, clearly categorized Africans as ex-slaves and left a significant archival and bureaucratic footprint.

As Janet Ewald and others have noted, the successive freeing of African slaves by the British created a “drifting sea proletariat” of black labor working on ships, on plantations as wage laborers, or wherever labor was needed in the empire.⁵⁶ Towards the end of the nineteenth century we find frequent and repetitive orders to “dispose of” freed Africans in one of several ways. Males who were “able bodied and capable of employment” would join the British Navy, engage in wage work, or labor as coolies.⁵⁷ Those who were “too sickly” were sent to work as

55. *Cardiff Times and South Wales Weekly News*, “A Heartrending Slave Story,” May 23rd 1891.

56. See Ewald, 205; Barendse, “The Arabian Seas.” Ewald borrows this phrase from Barendse.

57. BPP, 1890, IOR/P/3800.

domestic servants. Some were sent to work on either experimental farms in India or sometimes plantations on the East Coast of Africa.

Freed African children were often sent to certain institutions designated specifically for Africans and run by Europeans. Reverend Windsor of the Deccan Industrial School in Sirur, for instance, received an allowance from the Bombay government to take in African children and train them for a life as “free” workers. Another Reverend James Smith ran a Mission High School in Ahmednagar and also routinely received freed Africans. These religious/educational institutions would feed and clothe children until they were “struck off the record” – sent out to find their own way. In 1890, Windsor reported that the Africans under his care “have received employment in the Empress Botanical Gardens, Poona, and that five other[s] are to sail for Mombassa as carpenters in the service of the Imperial East African Company”⁵⁸ after completing their schooling at his institution.

Children were sometimes sent to an “African Asylum” in Nasik, about 100 miles outside of Bombay.⁵⁹ This institution was connected with the proselytizing and reform activities of the Church Missionary Society (CMS), and they saw their task as one of imparting “moral and religious instruction.” Pupils here spoke a dialect called “Mozambic Somali” and were a mix of Somali and Abyssinian. The women were taught “needlework, cooking, and other domestic occupations,” while the boys were encouraged to obtain employment as clerks or to be “apprenticed to trades.”⁶⁰

58. BPP, 1890, IOR/P/3800.

59. Llewellyn-Jones, “The Colonial Response”; Harris, “Expanding the Scope of African Diaspora Studies.”

60. Llewellyn-Jones, 66.

Ideologies of work, labor, and indeed religion imposed on ex-slaves were not, however, always received submissively. In 1895 Rev. Smith reported that, unlike the other children who had been sent to work, an African girl Tatu kept running away, as “she soon grew discontented and succeeded at length in persuading the three with her to run away with her.” Another man from Bombay, a Mr. Townsend, was also frequently given an allowance to take care of freed African children. He reported in correspondence with the political agent that he was having trouble with some of his charges. Mr. Townsend was apparently attempting to raise them in the Christian faith, but they refused to listen to his teachings, insisting they were Muslim. Furthermore, after one of them was reported to have died, they refused to eat or cooperate with Mr. Townsend until he told them what was in store for them and when they would be able to leave.⁶¹

Indeed, the violence and vulnerability of the life that freed slaves had in store for them is often alluded to in passing. The proceedings are littered with off-hand reports of negligence, runaways, and a continuous string of deaths of the Africans in the care of both institutions. In 1874 a one-lined report appears, announcing the death of an African girl from cholera.⁶² Other reports simply list the deaths of African children, with no explanation as to the cause.⁶³

The colonial state seldom noted distinctions between the Africans and their diverse backgrounds and histories. In 1893, Halimah, a liberated “African” woman protested against being made to stay in Bombay with other members of the shidi community: “She refuses to live

61. Slave Trade Carried on Between the Ports of Cutch and Kattywar and those of Arabic and the Persian Gulf, Draft 513- 1838. Collection No. 1 of 7. IOR/F/4/1699/68463.

62. BPP, 1874, IOR/P/481.

63. BPP, 1888, IOR/P/3344; BPP, 1878, IOR/P/480; BPP, 1892, IOR/P/4263.

with the other Sidhis in Bombay, who are of the Habshi tribe, while she is a Nubian.”⁶⁴ In other cases we see various different communities being jointly criminalized and profiled. We see this in the details of an account about a particularly notorious shidi outlaw named Seedi Ramadan Mubarak, who was being tracked by the colonial state across Junagadh in 1887. In their pursuit of Seedi Mubarak, not only were shidis monitored, but so, too, were other castes known to have African heritage. For example, in this case, the state monitored the movement of makranis, a caste group from the coast of Balochistan that is sometimes known as Afro-Baloch. During their pursuit all across the Bombay Presidency colonial agents stopped both shidi and makrani people moving around the Presidency.⁶⁵ Indeed there is a fascinating discussion about attempts to legitimize witness testimony through a “proper” lineup. Given that no shidis were available to include in the lineup, Sir Rao Bahadur of Junagadh suggested “to call a number of makranis of the same type with the accused, to mix up the latter with them and then to show the whole body to the witnesses to identify the accused from.”⁶⁶

Yet there is other evidence of a certain amount of solidarity and joint political action amongst the shidis. In a case from 1865, the colonial authorities are tipped off to the arrival of an Arab merchant to Katthiawar containing five African slaves, by Naseebo, a sepoy in the service of the Mahajara of Jam, himself originally from Zanzibar.⁶⁷ This complaint instigates a whole investigation into to the state of slavery in the province. The rescue of the children, they note,

64. BPP, 1893, IOR/P/4468.

65. See “File 33 1887-1890 Sindhis, Mackranies, etc,” IOR/R/2/667/15.” This is a fascinating account of bands of shidis and makranis grouping together to make “war” against the state, as colonial officers put it.

66. Letter from Sardar Rao Bahadur, Acting Diwan of Junagadh to Captain G.E. Hyde Cates, Assistant Political Agent, 10th May, 1896. See “Decoit Makrani Sale Mahomed s/o Seedee Ramzan.” IOR/R/2/670/23.

67. Correspondence from Lieutenant-Colonel C.P. Rigby, Boundary Commissioner, on Special Duty, Kattywar, to Major R.H. Keatinge, V.C. Political Agent in Kattywar, 22nd February 1865, IOR/L/PS/6/538.

“has caused some sensation: the people particularly the numerous Africans here, seem much pleased at the liberation of the children.” The community both assisting and supporting each other is mentioned only in passing.

By the twentieth century, the association between African origin and slavery was reproduced across sites of colonial knowledge production. An early attempt to create a glossary of castes and tribes in 1900 Sindh by Sheikh Ansari, an Indian in the British civil service, lists several separate caste groups under the category of “slave castes.” Of this list, which includes ten different “slave tribes/castes,” seven are simply different names for various groups who claim or are reputed to have African origin. There is a separate category for menial and untouchable tribes, such as scavengers and sweepers. Significantly, two categories of tribes, the Gurjis (Georgians), and Chorkas (Circassians), are listed under “miscellaneous,” rather than slave tribes.⁶⁸ Recall that Circassian/Georgians were known to be imported in India as slaves, and even “freed” by the colonial regime in the 1870s. In fact one of Sindh’s most famous scholars, Mirza Kalich Beg (b. 1853-1929), was reputed to have been the son of a Georgian slave.⁶⁹

Shidis, and all other kinship groups associated with them were therefore clearly categorized not only as slaves in the first instance, but also as ex-slaves thereafter. Furthermore, the tendency to collapse a variety of experiences of African-origin groups in India meant that this designation became a shared experience as the colonial state drew on formulas by now standardized for “seeing” African origin groups in British India.

68. Sheikh Sadik Ali Sher Ansari, *A Short Sketch, Historical and Traditional of the Musalman Races Found in Sind, Baluchistan and Afghanistan*. Karachi: Commissioner’s Press, 1901, Pp 74-76,

69. See Beg (trans.), *Ghulami Maan Mathi Charho* (from Booker T. Washington’s *Up from Slavery*”), Hyderabad Sindh: Sindh Adabi Board, 1979. Interestingly he translated many works, including Booker T. Washington’s *Up from Slavery*, into Sindhi, but in his preface he makes no indication that he sees the legacy of slavery as anything but a social problem for African Americans and the *servile quoms* of South Asia.

Regional Reconfigurations: Shidis in Sindh

In all of Asia, whichever regions where the Europeans dominated, in these places, those who were slaves before, became free. In Sindh, the Shidi people were given freedom in 1843, when the English were victorious in Sindh.⁷⁰

In this passage, Muhammad Siddique Mussafir (d. 1952), an early twentieth century shidi scholar who traced his ancestry to African slaves brought to Sindh, links the political subjugation of Sindh to the freedom of the shidis. Compare this to the Hosh Muhammad Sheedi's cry that "we will never give up Sindh" but a hundred years earlier.

Mussafir completed this text – *Ghulami'a ain Azadi*, or *From Slavery to Freedom* – in 1950. His writings contain one of the only accounts we have from within the Sindhi shidi community regarding their experience of slavery and abolition. This work contains Mussafir's social commentary, but it also captures oral histories of shidis from his father's generation, who themselves were enslaved and brought over to work in elite Talpur or Syed households.⁷¹ In his preface, however, he notes that he relied on British sources to reconstruct the shidi community's history. By the 1940s, when Mussafir began writing, it had become natural to see "freedom," and therefore "slavery," as having been the experience of the shidis alone. I see the slippage deployed above between "slave" and "shidi" when he notes, "The *shidi* people were given freedom" as highly significant for the dynamics his chapter describes. The experience of being enslaved is therefore represented as unique to the shidi community. Other "slaves," Marehtas for instance, who were Hindu captives by the Talpurs during the pre-colonial period are not mentioned. Neither are the multiple women and children who had undoubtedly been sold into relationships of bondage in Sindh, as in the rest of British India.

70. Mussafir, *Ghulami'a ain Azaadi'a*.

71. Syed families are considered a holy lineage and are accorded status and respect due to their being able to trace their lineage to the Holy Prophet Muhammad (PBUH) and his family.

From the perspective of the shidis of Sindh, their story of abolition is not the same as those Africans who were being actively brought into British India and “freed” and who make up the dataset explored above. The story that Mussafir gives us is of a community that had been brought probably in the late eighteenth to early nineteenth century by Arab, Pathan, Baloch, British, or even African traders and had already become embedded in the domestic economies of elite Sindh families. Mussafir noted that that “every rich person in Sindh had a shidi slave.” Collecting stories from his other shidis in the community, he declares, “What the elders who tell of zulm against them in their slave days, there isn’t strength in the tongue, or in the pen.”

There are several critical aspects of the shidi experience after abolition that Mussafir reveals. First, we are told that many shidis continued to remain part of the Talpur/Ameer households in which they were sold, even though they were legally “freed.” During this time many continued to work for nominal or extremely low wages. One place where we find evidence of this is in colonial records of pensions distributed to the former ruling families and their dependents by the colonial state. Even though they were defeated in 1843, the Talpur Ameers continued to receive official patronage and support from the Bombay government. The Proceedings, therefore, often include lists of dependents and servants of these elaborate households, sometimes with names clearly identifying them as shidis. In 1878, for instance, a Salama Shidiani was listed as a servant maid of the late Mai Sabhai, member of a subsidiary Talpur Mir household.⁷² Similarly in an 1868 list of all dependents on a state pension several other names appear amongst the servants of the Talpur households that are clearly shidi names.

72. BPP, 1878, IOR/P/1267.

For example, UMBER SHEEDEE is listed as a dependent of Beebee Zenab of Shikarpur, and Haseina Hubsanee is listed as a dependant of Meer Moobarik Khan.⁷³

According to Musaffir not all remained attached to their former households. Some ran away, while others were allowed by their previous masters to start using skills they had acquired during their days as slaves, such as agriculture, carpentry, washing clothes, and lifting heavy weights. Importantly, many remained tied to relations of patronage with their former masters. Mussafir notes that, in this new world where freedom meant having to navigate the risks of a new cash economy, many shidis would take loans, relying on their old masters to guarantee these debts. Musaffir describes solidarity amongst the shidi community in Sindh, saying that all shidis know that the only people with any consideration for the shidis are those with “black skins and curly hair.”

This text, now considered canonical amongst the Sindhi shidi community, adopts a laudatory position towards empire. Indeed, this text is a fascinating testament to how the global experience of Africans in the United States and their struggles were made immediate and shared with the shidis of Sindh. However, what is most striking about this text is its rehearsal of several of the global repertoires around Africans and work that guided colonial administrative policies around slavery and freedom. Not only does this text glorify the abolitionists, including Frederick Douglas and more specifically, Clarkson, Buxton and Wilberforce, but it also includes a peculiar reproduction of the “lazy African” trope. Mussafir laments that shidis who stayed attached to their masters did not work every day, and were content with working several hours and then spending the “rest of their time in song, dance, and smoking bhang (drugs).” This emphasis on work and denigration of “kaam chor” (work avoiding) attitudes of the shidi community echoes

73. Pensions to Ameeris, Statement showing political stipends payable to the Meers, their families and dependents from the treasuries in the Province of Sind, 1st April 1867, 33, L/PS/6/553 File 213.

the emphasis placed on work and labor for Africans in exchange for their “freedom.” Therefore by the 1940s, when Mussafir began writing, we see that several shifts have taken place. We see the reproduction of the colonial repertoires about freedom and work and a critique of those shidis who are unwilling to join this new economy embodied in the text.

It is also clear that this relentless association made between shidis and their history of enslavement is a source of shame and stigma. Of the numerous castes/kinship groups that have some kind of African ancestry in Sindh – khaskhelis, gada, gola, habashi, roha, dada, makrani – most of these have mixed with the local Baloch, Sindhi, or Brahui populations over generations. As Mussafir laments, “Mixed lineage sheedis themselves avoid calling themselves shidi, even though they receive the same treatment.” *Khaskheli*, for instance, is a caste name that household slaves adopted in order to “shield” themselves from the shidi identity and its associations.⁷⁴ Yet to those Sindhis attuned to the hierarchy of castes and their origins, the status of khaskhelis differs little from the status of shidis. Having been part of the Baluchi social and ethnic milieu for generations, Makranis often adopt the label of “Baluchi” in order to claim a place in this larger regional identity. This claim, however, is not always accepted by Baluchis themselves, who insist instead on calling them “makranis” – a category with clear racial connotations.

Aside from a history of stigma, the real economic and social experiences of these groups demonstrate low social mobility, labor market segmentation, and continued poverty. Looking at the details of a comprehensive census taken in Sindh from 1941, shidis and khaskhelis and sometimes makranis are often grouped into similar laboring categories.⁷⁵ These records show that these “caste” or kinship groups were often working as landless sharecroppers, with

74. This metaphor of caste identity as a “shield” was used several times by a number of different informants.

75. See Personal Papers of T.H Lambrick, IOR/MSS EUR 208/8, 9 & 10

extremely vulnerable relationships to the land and livelihoods. Makranis, too, as discussed above, are another kinship group that sometimes, but not always, acknowledges their African ancestry. Accounts from Karachi in the early partition days label the Makranis as “afro-baloch,” noting that they were working in low-status, unskilled occupations such as “cart drivers, peons or coolies, fishermen or tenants.”⁷⁶ We know that they were frequently recruited for hard labor across India, particularly on the railroads and as dock workers, and that the colonial records see them as “rebellious and troublesome” for refusing to accept low wages and demanding rights to land.⁷⁷ Informants from within the community, furthermore, point out that many shidis are still working as “domestic servants” for the elite Sindhi families whose households their ancestors joined many generations ago.

In other words, the two other laboring categories this dissertation explores – coolies and haris – both represent likely livelihood options for shidis, reiterating the fact that, whether freed, tied, or unseen, the ultimate fates of these three categories of workers were startlingly similar.

Historical Legacies: Race/Caste

This dissertation takes a particular stance towards debates around the novelty of colonial and modern conceptions of race in relation to indigenous forms of ethnic and group-based hierarchies. In the case of India, scholars have long debated the particularities of the Hindu “caste” system in relation to emerging concepts of “race” in the nineteenth century. Many have noted that biological and Darwinian theories of racial difference and evolution heavily influenced conceptions of the Indian caste system, which too constituted a category

76. Edlesfon, Shah, and Farooq, “Makranis, The Negroes of West Pakistan,” 127.

77. “Encroachment on Railway Land.” at Hyderabad by Makrani Coolies,” RCCS/25226.

problematically applied to Indian society.⁷⁸ Still, examining the case of the shidis reminds us that even caste was a racialized category – applicable first and foremost to (Hindu) Indians. The social ills of untouchability and caste-based inequality called on a distinct set of interventions than those demanded by “slavery” – namely, caste should perhaps be reformed, while slaves should be “freed.” Shidis and Africans were seen to occupy a status operating on a distinct logic from hierarchies of caste, strengthened by the fact that many shidis were Muslim. By seeing them through a history of enslavement, rather than as part of the indigenous caste/kinship hierarchy of India, they were reified as “other,” erecting a social boundary that continues to limit their inclusion in the modern Pakistani and Indian polities.

Furthermore, it has long been acknowledged that colorism is a crucial feature of the Indian caste system, which has led to debates about the many similarities between caste- and race-based subjugation.⁷⁹ There is a strong tendency to see blackness, darkness, African-ness, and slavery as a universally ubiquitous constellation in pre-modern societies, but I call attention to the need to disaggregate these constellations, all too often reified as natural and historically inevitable. By these problematic logics, the notion that Africans are seen as slaves seems intuitive and consistent with indigenous conceptions of servility, and marginalization.

Yet the Indian caste system is not, and was not, reducible to such simple typologies, and the direct relationship between color and status is inexact and highly variable across time and place. Furthermore, the category of *slavery* was highly ethnically diverse, according to both historical scholarship and early colonial sources. The argument in this chapter stands in marked contrast to that advanced by scholars who see modern concepts of slavery and race as merely

78. See Bayly, “Caste and ‘Race’ in the Colonial Ethnography of India.”

79. Baber, “Racism without Races”; Pandey, *A History of Prejudice*; Ambrose, “UN Conference against Racism”; Guha, *Beyond Caste*.

grafting and sharpening pre-modern conceptions of hierarchy.⁸⁰ Instead I argue that the processes explored here must be seen as a transformative racial project linked to the exigencies of empire certainly, but perhaps more importantly, capitalism that recoded blackness, Indian-ness and “slavery” in distinct and modern ways.⁸¹ These processes had reverberating impacts not only enshrined in colonial law, but also in the self-understanding of localized communities of shidis themselves, in every corner of British India.

Modern Skirmishes

A controversy has been slowly unfolding within the shidi community in Karachi, the largest city in what is modern-day Pakistan. Sitting with Bilali Saab and his fellow members of a prominent shidi organization in Lyari in the summer of 2018, we discussed the recent public attention and interest towards the shidi community. Tanzila Begum had recently become the first person, and also the first woman, from the shidi community to win a seat in the Sindh Assembly, backed by one of the most prominent political parties in Sindh. “The only issue that we have with Tanzila Begum is that she accepts the narrative that the shidi community were all brought to Sindh as slaves,” lamented Bilali Saab.⁸² Bilali Saab, like Jama almost a century and a half earlier, was attempting to repudiate the “natural” association between Africans and slavery. He went on to lay out in careful detail all the evidence that he had collected over the years showing that shidis had a much older claim to the land than this narrative allowed, asserting that many came over

80. Dixon and Telles, “Skin Color and Colorism.”

81. Go, “Postcolonial Possibilities for the Sociology of Race.”

82. Author Interview with Bilali Saab and Members of a Local Shidi Organization. I have changed the informants name to protect their identity.

with the Prophet's family in the days of Muhammad Bin Qasim in the seventh century – the original Muslim invader of Sindh credited with bringing Islam to the Subcontinent.

This chapter places these localized, modern skirmishes over historical narratives of belonging within a wider context of colonial legal and political structures designed to manage colonial subject populations. The unresolved and lingering question itself is powerful evidence of the reverberating impacts of colonial administrative and legal structures in creating lasting narratives around categories of subjects. I have argued that pre-colonial India was characterized by a diverse range of forms of slavery – both institutionally and ethnically. These forms were recognized by the EIC up until 1843, when they “abolished” slavery by refusing to call a slave a slave. The erasure of Indian slavery was therefore enabled by the increased visibility of African slavery. Consistently recognizing Africans as slaves drew on global discourses about Africans and led, furthermore, to their being designated thereafter as ex-slaves. While I have emphasized the durability of these colonial classification regimes, Bilali Saab's denial of this legacy reminds us of the limits of their reach. Further, the fact of the statue of Hosh Mohammed Shidi still standing in the center of Hyderabad reminds us that Sindhi identity contains deep roots of cosmopolitanism and the incorporation of endless migrations of people into South Asia. Abolition, therefore, was – and could only ever be – an incomplete racial project, given the complexities of the way that caste, kinship, and “color” operate in the Indian context.

CHAPTER THREE: COOLIES

In this chapter I explore the “coolie,” or the contract laborer, as a distinct category of worker in the British Empire in general, and British India in particular. The category of the coolie in India was tethered to debates around the indentured Indian coolie transported to the Caribbean and beyond. While the Indian colonial legal system maintained a particular configuration of labor control in South Asia, this regime was synchronized to empire-wide commitments defining “free” in opposition to “slave” labor. The coolie was therefore one of the central protagonists – or victims – of the drama that threw the contradictions and failings of freedom and free labor into sharp relief. I trace this figure through the nineteenth and into the twentieth century and pause in interwar years of the 1920s and 1930s, a period when key legislation embodying some of the central conceits of this system were abolished. During this period the official indenture system was abolished, as was the Workman’s Breach of Contract, and a flurry of progressive labor legislation was implemented in British India. This legislation continues to form the foundation of the legal system in both the Pakistani and Indian postcolonial states today.

The previous chapter described the whittling away of the scope of legal intervention in, and interruption of, labor and social relationships, as contained along emerging categories of “race.” While in general Indian social relations were constructed as free, or at least something other than slavery, there were further distinctions in the way that Indian labor was managed. This chapter examines the contract laborer, or the coolie, as a particular legal and political subject in British India. I trace imperial discourses around this figure, by paying attention to how this laboring category became the subject of abolitionist, reformist, and judicial critique. The coolie was thus re-signified as inheriting the evils and the censure reserved for the “new” slavery.

In what follows I give a historical account of the plantation complex in India, focusing on the legislation enacted to give employers and planters control over Indian bodies and the rationales deployed for this regime of legal measures. Defining features of this system were penal sanctions for violating contracts, complex networks of migrant labor recruitment from distant parts of India, and laws that could enforce specific performance of contracts. This chapter covers much well-travelled ground, as there has been an explosion of studies on the violent and brutal labor regimes of the Assam Tea plantations. These spaces of labor coercion have become the focus of Indian historians demonstrating India's pivotal role in the global capitalist economy and the crucial place of Indian industry and labor to global imperial commodity production. The violence associated with this regime, inherited from the slave plantations of the Caribbean and the American South, has also made the Indian plantation a site of increased scholarly interest, poignant proof of the invisible, "dark underbelly" of free labor after abolition.

This literature has paid attention to the Indian plantation as a space where analogies of slavery were particularly powerful, highlighting the severity and violence associated with these regimes. My goal in this dissertation is rather the opposite, to show that violent labor regimes were ubiquitous, but that it was only particular *formations* of labor that were rendered visible and could therefore be critiqued as akin to slavery. I argue that the legacies of slavery, capitalism, and abolition have been burdened by pinning their fortunes to critiquing the category of "free labor," without interrogating the limitations of what forms of work were constituted as labor in the first place. This chapter therefore follows the project set out by Mahdavi Kale in examining "how the category of labor was constituted at a particular juncture in capitalist and imperial expansion," but I focus not on interrogating the reality under the commodity, but on the world of

commodification and labor that lay outside those bodies characterized as labor.¹ Therefore this chapter is to be read, in many ways, as the theoretical foil for the hari chapter that follows.

This chapter highlights the role of the contract as, in the first instance, a legal fiction devised to render the coolie trade as falling within the moral bounds of an imperial regime committed to free labor.² In other times and places the contract had once been heralded as the *sine qua non* of freedom in the aftermath of abolition of slavery. The act of rendering the relationship between capitalist/planter and coolie in the form of a contract was, firstly, a means of trapping the laborer. The contract legally sanctioned employers to compel laborers to perform labor obligations that were potentially violent and coercive and that echoed the worst abuses of plantation slavery. At the same time, however, I suggest that the contract, in its pretense to render an exchange as one between juridical equals, removed incentives to conceal the particular terms of the exchange – and therefore the abuse. The worker’s purported consent to a set of conditions, from exorbitantly high interest rates to long hours, or conditions where the pressures of profit and the rhythms of global demand justified reports of illness, injury, and death. The rules of free contract directed state intervention to focus not on whether the terms of the contract were fair, but simply on whether they were properly consented to. I draw on the insight that conduct must be *specified* to be made available for scrutiny.³ This very act of protection for planters and employers had the effect of rendering *legible* the terms of the relationship. As the epitome of free labor after slavery, the contract itself went through a series of debates and critiques. I trace the specific iterations of these debates within India, around coolie plantation labor.

1. Kale, 3.

2. See Stanley; Steinfeld.

3. Scott, Barbosa, and Haddad, “How Does the Law Put a Historical Analogy to Work?”

Furthermore, not only did this regime highlight conditions on the plantation, but it also clearly demarcated the contract between the laborer and the planter as a *labour* contract. By this I mean a particular form of social relationship where the individual engages with a second party for the explicit purpose of exchanging a particular commodity – labor – for wages. Marx clearly distinguished this form of labor relation from that of slavery domination. The labor contract allows this exchange to take place without the obfuscation of intangibles such as “social norms,” customs, or patronage. I therefore argue that reducing this exchange into the tangible, material form of the contract enabled the critique of social relations as a labor relation. The contract first, therefore, conjures the state – the state not only enabled migration at sporadic junctures, but also enforced the contract, always. The contract also conjured the category of labor, but only on particular sites and due to the prerogatives of particular imperial demands.

The first section traces the history of legislation around plantation labor in India, focusing on India’s tea plantations. I pay most attention to the Workman’s Breach of Contract Act of 1859 (WBC), or Act XIII, as a central piece of master-servant legislation that symbolized the law’s approach to labor. In this section I trace the evolution of this system, highlighting moments of critique and evaluation and the main contours of the arguments deployed by conflicting interests represented in these debates. Second, I move away from the plantations, which were mostly focused geographically on Bengal and Madras, and examine the history of the WBC in the Bombay Presidency in general, and Sindh in particular. Extending the analysis from the emphasis on the plantation demonstrates that this was a regime that did not simply regulate one particular site, but rather had repercussions for labor control across British India. From here, I show that what emerges from discussions around the WBC is a very specific and delimited definition of the laborer proper – of the “workman.” Defining labor so narrowly, for instance by

explicitly excluding agriculture, domestic, and other forms of working relationships, created specific limitations and unfreedoms for Indian laborers in the name of the free contract. I show how one can chart the emerging distinction between labor and other categories of work/social relationships through this particular law. These categories were picked up by subsequent pieces of labor legislation such as the Workman's Compensation Act (1936), in which definitions over what constituted a "workman" were equally precise.

In the next section I trace several cases in which the judiciary was able to invalidate contracts based on the analogy with slavery, demonstrating the particular resonances between penal contracts, debt, and global discourses around what constituted the boundaries of free labor. Scholars have shown how the judiciary became more independent over time, and I show how labor contracts were one form of "trapping the state" in its own discourse.⁴ Yet, this also meant that the abolition of the WBC – showcased to the League of Nations as a victory against slavery and its analogies – and the proliferation of labor legislation celebrated by labor leaders as the subcontinent moved full-speed ahead into its new nationhood(s) affected only delimited segments of the population.

Finally, I track the figure of the coolie in colonial Sindh. I bring to the fore discourses about this particular laboring subject, instances of resistance, and modes of disciplining. Without overstating the case, I show how coolies were sometimes drawn from freed, ex-slave populations of shidis, in addition to free-floating migrant populations. Many of these were makranis, famous across India for their propensity to labor. These continuities build on the histories I lay out in the previous chapter and highlight how the figure of the ex-slave interacts with and dips in and out of the labor regimes erected by the legal and labor apparatus in the wake of global capitalism in

4. De; Sharafi, "The Semi-Autonomous Judge in Colonial India"; Sharafi, *Law and Identity in Colonial South Asia*.

India. Lest my argument be read as one where coolies emerge in connection to privileged categories, due to the fact that regulation was directed towards contract labor, this case also demonstrates that even labor “proper” struggled to assert their rights in a context of rampant land deprivation, racialized regimes based on caste and kinship hierarchy, and overall labor subordination.

The horrors of the internal indenture system took place with the full knowledge of the colonial regime.⁵ The dynamics I show in this chapter portray a general progression from the beginning of the emigrant labor system, starting with Assam, to its abolition in 1923. However I show how critique was endemic to this system from its very inception. In the discussions that follow I disarticulate debates about Indian contractual freedom, free migration versus imperial migration, worker welfare, debt, and penal contracts. This arc is punctuated by frequent commissions of inquiry, almost constant legislative amendments, parliamentary queries, debates in the legislature, and of course attacks from the abolitionists and the British public, followed by Indian labor activists. Radhika Mongia, looking at the British indenture system, has persuasively argued that the Commission of Inquiry was designed not to end the abuses of the system but rather to bolster the legitimacy of the colonial state as a “truth making” institution.⁶ I, too, see these processes as inherently tied to state building and pay attention to the role of these inquiries in imposing moral justifications on the systems encountered. Indeed, reading these documents we are confronted with the construction of an uneven moral topography of labor relations. We observe formulations of the following sort: “Certainly x exists, but compared to y it is wholly understandable.” Every admission of abuse, injury, and death was defrayed with these linguistic

5. Behal, “Coolie Drivers or Benevolent Paternalists?”

6. Mongia, “Impartial Regimes of Truth.”

maneuvers, with typical phrases including the following: “These circumstances are known to happen but may be few and far between”; “much can be attributed to particularly troublesome batches of labor”; and “surely it is a form of evil but much preferable to their usually deplorable condition.” Yet these reports threw up for discussion details of labor arrangements and formations, even if these details were stated for the very purpose of being understated. I emphasize that, in so doing – in foregrounding some features of the system in order to code others as less troublesome – this critical mass of material provides an insight into labor that is unparalleled in other sites.

Labor Control and the Law

In 1838 the first Indian laborers arrived in British Guiana, the same year that Indian tea plants were discovered in Assam in the Northeast of India.⁷ This discovery led to a new phase of the East India Company’s (EIC) experimentation with tea plantations. To support this process the EIC provided extensive administrative and economic incentives for planters willing to invest in India and bolster the nascent tea industry. The mountainous regions of Assam were physically removed, mostly unchartered, and demanded considerable investments in time and resources, if the company was to open the province up to the economic opportunities that plantation investment would bring. Industrialists and planters were drawn to the promise that there would be “free” and cheap bodies available to power these plantations and the idea that they would be able to sell their products on a global market free from the taint of slave labor. These production

7. Mohapatra, “Immobilizing Plantation Labor,” 349.

sites, like the plantations of the Caribbean and the South, were export-oriented and relied on the semi-industrial organization of agricultural production.⁸

Indian labor was not as docile or easily available as planters had hoped, however. Assam was sparsely populated, and peasants from the surrounding communities were reluctant to work on the plantations for the poor wages being offered. In 1859, in response to complaints by the Calcutta Trade Association, the government of India enacted the Workman's Breach of Contract Act (WBC, or Act XIII) in order to address the pervasive problem of absconding labor.⁹ The labor recruitment process often involved advances being paid to workers in order to procure their services for certain, contracted lengths of time. This advance of cash turned the labor contract into a debt between employer and employee. The WBC, together with Sections 490 and 491 of the Indian Penal Code (1860), however, rendered this debt into a criminal matter, rather than a civil matter, and empowered magistrates to summarily try workers for failing to fulfill the terms of their contract. Under the WBC Act, employers could either demand repayment of their advance or, more problematically, seek specific performance remedies that would force workers to carry out the labor agreed upon in the initial agreement. Failure to comply with a magistrate's orders could be punished with imprisonment. Between 1871 and 1900 official figures estimated that 750,000 laborers had been brought over to the plantations from Bihar, Orissa, and Bengal.¹⁰

The structures supplying coolie labor to plantations were similar to those channeling Indians into factories. Indeed, the line between the category of the coolie laborer and the wage laborer were not as clearly defined in reality, even though I deploy them heuristically here.

8. Kolsky, *Colonial Justice in British India*.

9. See Kerr, "Labor Control and Labor Legislation"; Stanziani, "Slavery in India." This act is often quoted by scholars as evidence of the coercive role of the law in India after abolition, yet studies detailing the working of the act are few.

10. Behal.

Workers in factories were also often called coolies. However, the figure of the plantation coolie was a particular, racialized category – their status and experience derived from the vast power gulf that existed between European planter and Indian. Indians working on plantations were often the most vulnerable, low-status caste or kinship groups. They were not simply workers. As Behal points out, terms like “coolie,” “primitive,” “jungly,” “slothful,” and “scoundrel” emerged as staple features of the planter’s vocabulary.¹¹ The plantation’s origin may be rooted in modernity, but there is an element on the plantation of racialized labor relations that is distinctive from the factory, as a particular kind of proto-industrial site.¹²

In addition to factories, the overseas indentured trade also drew from the same labor pools and recruitment networks from which the internal indenture trade benefitted. Calcutta became a major hub for both regional labor for the tea plantations and labor migrating overseas. This labor market developed along roughly two lines.¹³ First, the colonial state-sanctioned and state-regulated indenture system involved formal recruitment of labor from districts within “labor catchment areas.” Two acts, Act VI of the Bengal Council in 1865 and the Bengal Native Labour Act III of 1863, governed labor migration to the plantation districts, providing state oversight over aspects of this system, including medical checks and compulsory registration of both recruiter and recruited.

In response to planter complaints that government-regulated migration and contract labor was prohibitively expensive, the government passed new legislation to allow “free” labor migration. The 1882 Labor District Emigration Act I was passed and remained the major

11. Behal, “Coolie Drivers or Benevolent Paternalists?” 36.

12. It is no coincidence that the modern term “plant” derives immediately from the plantation.

13. See Varma, *Coolies of Capitalism*, particularly 44-50; Gupta.

legislative device for the regulation of recruitment and the labor system in Assam until 1901. Act I of 1882 permitted labor emigration outside the formal contract system, or rather emigration of laborers through middlemen. These middlemen were crucial brokers in the system, bringing labor to the doorsteps of capitalistic enterprises.¹⁴ Under this system unlicensed recruiters were given free reign to use whatever means necessary to physically procure labor and bring workers to the plantation districts. These middlemen were notorious for the potentially violent and duplicitous methods they deployed in order to obtain labor – with reports detailing what was known amongst recruiters as “coolie-raiding,” the widespread kidnapping of women, as well as obscuring contract terms and working conditions to illiterate and vulnerable villagers.¹⁵ On arrival, these laborers would be made to sign a contract.

Under both the state-regulated and the new “free” labor migration systems, once coolies reached the plantations, contracts bound them to their employers, upholding the sanctity of contractual freedom under the law. In addition to the WBC, the Assam Contract Act of 1865 empowered planters with the right to privately arrest absconding workers. Detailed official government reports preserved in the archive make clear, even while explaining away the gravity of these occurrences, that brutal physical punishments were often meted out and that laborers worked long hours, lived in unsanitary conditions, and faced threats of disease, abuse, and death.¹⁶ Even so, violations of contracts to work were prohibited and kept in check by an unwieldy apparatus of magistrates, police, middlemen contractors, and plantation owners themselves.

14. Roy, “Sardars, Jobbers, Kanganies.”

15. See Behal and Mohapatra, “Tea and Money versus Human Life.”

16. Assam Labor Enquiry Committee Report, 1906, L/PJ/6/753 File 954.

In Ceylon missionaries described coolies in tea and rubber estates thus: “Nominally the coolies are free, but they are so tied by debt and law that they are virtually slaves.” They also described how the kangannies sell them stories of precious stones and gems buried in the ground, and entice them by helping them pay off debts.¹⁷ Missionaries furthermore described all the prisoners in the local jail as coolies who had “bolted” because they had not had enough to eat for weeks.

The whole system of recruitment relied heavily on advances. The logic behind the system of advances was couched in rationalistic language that claimed to be based on shrewd economic logic, rather than on unkind intentions towards labor.¹⁸ According to planters, they incurred heavy expenditures in importing immigrant labor, and the act was devised, “in short, to give the employer the penal contract as security for his outlay, while it ensures to the labourer complete protection by the government.”¹⁹ It was therefore justified as being beneficial to both parties. Furthermore, arguments were frequently made that, while conditions on the plantation were bad, conditions in the districts from which the coolies came were worse. Yet by the coolies themselves the word *phatak*, literally meaning “jail,” was used to describe the plantation labor complex.²⁰

Discussions around the WBC and the internal coolie system echoed broader colonial discourses about the indenture contract. That is, abolitionists, sometimes missionaries, or

17. Indentured Labour in Ceylon, A Missionary’s Description, In Anti-Slavery Society Papers MSS British Empire S22, G477.

18. See Behal. In fact, the official historian of the tea plantation, Sir Percival Griffith, characterized the entire system as embodying “benevolent paternalism,” with the planter looking after every need of the coolie, who had travelled from their distant home to an unfamiliar land.

19. Extracts from Sir Philip Hutchins’ Speech in the Legislative Council, 23rd March 1892, L/PJ/6/364 File 2426.

20. Behal, 39.

sometimes colonial agents would highlight abuses in the system, such as cholera outbreaks, the high death rate on plantations, or the habit of contractors of sending forth “bad batches” of coolies blamed for being unfit for the climate and labor-intensive environment.²¹ Two commissions of inquiry, one in 1865 and the other in 1873, revealed that statutory minimum wages were barely paid, “recruitment abuse flourished, and appalling transportation, living and working conditions continued to result in high mortality rates.”²² There was another inquiry in 1889. This particular commission brought up the possibility of reforming the penal contract and the labor emigration system. Again incremental alterations were made. For instance, when the WBC came up for discussion in the legislative assembly in 1893, members of the assembly recommended reducing the contract period from five to three years, yet they continued to vouch for the system as a whole. Therefore, while coolie labor on tea plantations in India, like the indenture system, was constantly under review, actual amendments were negligible.

Act VI of 1901 closed 90 percent of recruitment areas to unlicensed recruiters. In 1903 members of the legislative assembly engaged in extensive discussions about the Madras Planters’ Bill, which was intended to replace the 1901 Act but reproduced many of its same issues. P. Ratnasabhapati Pillai Avargal objected strenuously to the new bill, declaring:

The penal provisions affecting the labourer in the bill are extremely severe, unjust, and in some cases very humiliating. I do not think, My Lord, that the worst forms of slavery can go further... a planter, after he succeeds in sending his maistry or coolie to jail, is enabled to apply to the magistrate and ask that the maistry or the coolie incarcerated in the jail may be made over to him during the currency of the sentence of imprisonment... if this is not slavery of the worse type, such as what prevailed in ancient times, I cannot conceive what else can be.²³

21. Speeches in the Legislative Council, 23rd March, 1893, L/PJ/6/364 File 2426.

22. Behal and Mohapatra.

23. The Madras Planters’ Bill, 212, 1902, 212. House of Commons question on the provision for breach of contract in the Madras Planter’s Labour Bill, 212. L/PJ/6/628.

This excerpt typifies assertions that the coolie recruitment and contract labor system was akin to the worst forms of slavery. These comparisons only became more vociferous in the decades to come, as Indian labor activists took on the cry against the penal laws, and international pressure turned against the indenture system.

Regulating the Coolie in the Bombay Presidency

Hiring labor under the advance system, with the backing of legally enforceable contracts, was not limited to Assam. In fact, Act XIII was used in diverse industries and “labor settings” across India, and not only to protect European plantation owners, but also Indian industrialists and sometimes the middlemen who facilitated these labor arrangements. In order for magistrates to enforce employer rights in courts, a clear contractual relationship between two particular kinds of subjects – the employer (planter or industrialist as it were) and the laborer (formal worker or coolie) – was required. What I show here, however, is that the advance and material form of the contract agreement rendered visible the terms of these labor agreements. Planters and contractors knew that once the contract was signed, their right to enforce these contracts would be upheld by magistrates. What would be adjudicated, employers believed, was not the terms, but the consent of the laborer.

Studies have documented some instances in the case law around the WBC in the Madras Presidency, for instance, in which contractors, mill owners, and other employers brought various kinds of laboring bodies from “beedi-makers” to salt carriers, before magistrates under the WBC.²⁴ Yet the full scope of the kinds of contracts and labor arrangements that were brought

²⁴ For a useful collection of judgments under the WBC in the Madras Presidency, see: Lakshaman, “From Status to Contract.”

under the Act across India in general, and in the Bombay Presidency in particular, remains understudied. In fact, judicial proceeding files from the period between 1860 and 1900 list judges as frequently requesting and being granted powers under the act all over the Bombay Presidency.²⁵

Examining *The Bombay Law Reporter* reveals a handful of WBC cases making it to the high court. Workers in various occupations were held to their contracts under the WBC, from weavers in Ahmednagar²⁶ to workers in karkhanas manufacturing copper and brass utensils in Bombay,²⁷ or khalashis (dockworkers/sailors) contracting to work on ships sailing out of Ratnagiri.²⁸ Details of these cases reveal several important dynamics. First, contracts sometimes contained clauses specifying that coolies consented to being liable specifically to the WBC. Second, the often clearly exploitative nature of the agreement was demonstrated with impunity in the terms of the contract. For instance, in 1919 a forest contractor in Bandra entered into a contract with a family of Katkaris – “charcoal burners” – paying them an advance. The details of the case explain that the wife and children were all made to work under the same wage rate. Excerpts of this contract are reproduced in this case:

I bind myself to work for a season... Therefore you have paid me at my request in advance cash Rs. 14. I bind myself to work for you till the amount is paid. The conditions of payment of your money which is to be paid off my working, are that for my personal labour in preparing charcoal account will be made at the rate two annas per bag. The money should be set off against the sum advance...if owing

25. This is clear from an exhaustive review of abstracts of the Bombay Judicial Proceedings from these years. These are housed in the British Library India Office records.

26. “Emperor v Balu Salaji,” *The Bombay Law Reporter*, Vol X, 1908, 1126.

27. “Re Abdul Rasul Ismailji,” *The Bombay Law Reporter*, Vol XIII, 1911, 548-549.

28. “Emperor v. Dhondu Krishna Kamblya,” *The Bombay Law Reporter*, Vol VI, 1904, 255-59.

to any cause I give up your work and go away, you are fully empowered to proceed against me under Act 13 of 1859.²⁹

This clear demonstration of consent, and consent to prosecution, was no doubt considered an iron-clad guarantee that the contractors would not have to worry about absconding labor. However in this instance, the judge, Hayward, refused to uphold the contract, commenting that there could be “no doubt in these circumstance, that the relations subsisting between the parties were such that one of the parties was in a position to dominate the will of the other” and that the contract was “unconscionable.” Indeed, Hayward remarks that the lower court magistrate had described the parties as “ignorant kathodis” and “as members of the improvident and half barbarian tribe,” showing the racial language used to describe the coolies and their overall low status.

In addition to employers, contractors also tried to use the WBC to control their labor force. In 1910 a Vithu Malhari advanced money to Tima, a coolie, to perform stone and earthwork on the railway line in Haspet, in the Madras Presidency. Similar to the case above, the judgment contains excerpts from the contract stipulating their agreement to be liable under the WBC, no matter what the hours or how difficult the work:

...We shall attend the ballast work at 6 o'clock in the morning and do it till 7 o'clock in the evening.... If we do the work of carrying on the heads then we shall get annas eight for the distance of 1 to 200 feet per brass and if the (distance) is up to 500 feet rupee one... if during the period we leave your work and go on other people's work you are entitled to proceed against us criminally under Act XIII of 1859.... If during the said period you have no ballast work we shall do whatever other work there may be without grumbling.”³⁰

In this case the magistrate dismissed the claim on the grounds that Vithu Malhari was not strictly an “employer,” but rather a mere middle-man or commissioning agent. Yet the contents of the

29. “Kordia Gopal v Emperor,” *All India Law Reports, Bombay Section*,” 1919, 138-9.

30. “Emperor v Naga Tima,” *The Bombay Law Reporter*, Vol XIV, 1912, 956.

contract reveal, first, the harsh terms of the labor arrangement (the 13-hour work day), and second, documentation of Tima's consent not to "grumble." This case also demonstrates the strict interpretation applied to who was allowed to enforce claims, as the Act was clearly meant to protect a particular kind of employer: owners of capital.

Turning to Sindh, in particular, the WBC was most often invoked by petty contractors to control laborers working on the railways.³¹ In 1873 it was still unclear to the magistrates in some parts of Sindh whether the WBC was applicable to areas in their jurisdiction, and to what kinds of laborers. The question arose after it became apparent that there was a significant problem of absconding railway workers. In 1873 the divisional magistrate of Rohri reported that "yesterday a petty contractor on the railway works came up to me and complained that some laborers to whom he has given advances has run away and left their work unfinished."³² The judicial commissioner clarified that the WBC was the remedy in these circumstances.

There is evidence that systems of advances were the *modus operandi* for contractors in Sindh.³³ Again, in another instance, the executive engineer for the Sind Pishin State Railway complained about "some mekranis who were engaged for railway works by Mir Dost Khan contractors," from whom they had received advances. These makrani coolies proceeded to "bolt back to Karachi without doing a day's work."³⁴ These documents give us valuable evidence of

31. There was an Act, Act IX of 1860, that was specifically designed to control labor – i.e. mandate specific performance – working on the railways, but this seems to have been a dead letter.

32. Divisional Magistrate of Rohri to the Magistrate of the District of Shikarpur, 23rd June 1873, Judicial Miscellaneous, RCCS/7025.

33. *Allahdino v Mankhjee*, No. 15 of 1881, KDC/6018-50. In some legal disputes, for example, documentation of the advances paid out to workmen contracted out to build railcars demonstrate this as constituting a typical expense for a contracting firm.

34. Executive Engineer, Sind Pishin State Railway to Assistant Commissioner, Karachi, 21st September 1885, Judicial Miscellaneous, RCCS/5880.

how the WBC worked outside of the main tea plantation regions.³⁵ What is more, they demonstrate that the WBC was used in what is usually called the “outskirts” of British India. Sindh was a part of the Bombay Presidency that was seen as primarily agricultural and as far removed from the industrial and plantation centers.

Magistrates took a variety of different interpretations of how the WBC was to be administered, leading to sometimes-contradictory decisions in the case law. In 1907 and 1909, respectively, Anandaram Mewaram Jagtiani and Varumal Chelaram Mirchandani published two compilations of rulings under the WBC, to shed light on some of the confusion around the act.³⁶ Anandaram noted in his preface that “the provisions have been imperfectly understood by the employers of labor and often wrongly construed by the magistrates,” but that it has been used a great deal, and is “of every day use to Managers of Tea Estates, Contactors, Lawyers, and magistrates.”³⁷ Chelaram similarly notes that the Act was a vital means of controlling labor for “the bulk of the wealthier portion of the public.”³⁸ The WBC, designed as it was to protect the sanctity of the labor contract under threat of penal sanctions, was therefore a coercive instrument used extensively across the Presidencies.

35. The Sessions Judge, Shikarpur, to the Secretary to Government, Judicial Department, Bombay, 17th November 1900, Judicial Miscellaneous, RCCS/4571. There is also some evidence to suggest that the act was used as a threat. In listing one Hashmatraj Alumal’s caseload in 1900, the only three cases heard and withdrawn were all filed under the Workman’s Breach of Contract Act.

36. Anandram Mewaram Jagtiani, *The Workman’s Breach of Contract Act Being Act XIII of 1859 with the Rulings of the Four High Courts, the Sind Sadar Court and the Chief Courts Panjuan and Burma*. Karachi: Union Press, Elphinstone Street, 1907; Mirchandani Varumal Chelaram, *The Workman’s Breach of Contract Act (XIII of 1859) with All the Latest Decisions of The English and Indian Courts Including the Judicial Commissioner’s Court, Sind*. Hyderabad, Sind: Premier Press, 1909. Perhaps significantly, both these commentaries were published in Sindh, by lawyers who were practicing in Karachi and Hyderabad, although they focus their observations on the WBC in India as a whole.

37. Jagtiani, Preface.

38. Chelaram, Preface.

Defining the Workman

I argue that the WBC played a crucial role in carving out the legal category of the “coolie” worker under the law in India. This was so amidst a highly complex labor market dictated by multiple forms of labor recruitment and control, all enmeshed in the “traditional” village and in wider regional economies of labor and service in Indian society. Jagtiani and Cheleram specify the nuances in the kinds of contracts that would fall under the WBC. For instance, debts contracted independently of a work agreement would not count as a WBC claim. Even if a laborer had a prior, *customary* debt to his master and agreed to pay it off in installments through work, this arrangement would not be enforced under the Act. Rather, under this law, only loans that were made *on account* of work to be performed would be countenanced as workman contracts.

This kind of strict interpretation constituted the “coolie” as a particular category of laborer under the law, subject to uniquely harsh penalties for violating contracts. As I will discuss in the next chapter, several cases show that employers were attempting to use the WBC against domestic servants and agricultural laborers, but they failed.³⁹ Indeed, maintaining the boundaries between a “workman” and simply a “person who does work” was crucial. In 1899 the District Magistrate of Khandesh reversed an order issued by a second-class magistrate to convict a contractor who stood surety for his “mahars” (contracted workers/coolies) under the WBC. The district magistrate argued that the contractor was not, strictly speaking, an “artificer, workman, or labourer.”⁴⁰ In another case, *Naik v Emperor* in 1919, the magistrate was even more specific

39. See the most prominent cases: “*Empress v. Bhagan Bhivsan*,” *India Law Reports Bombay Series*, 1883, Col VII, 379; “*Queen v Soombhoi*,” *Bengal Law Reports*, Vol II, 32. In the next chapter I will discuss how zamindars in Sindh also tried several times to argue to extend the powers of the WBC over agricultural laborers in Sindh, but failed.

40. “*Queen-Empress v Bhila Nana Shet*,” *The Bombay Law Reporter*, Vol I, 1899, 528.

in his definition of a workman. The agreement was a contract of “cartage under which the applicant engaged to remove 100 logs of wood from a forest to a forest depot.”⁴¹ The contract even stated that the accused would “do the work on his own personal responsibility and with his own personal labor,” and therefore both lower court magistrates ruled that the accused was liable under the WBC. The high court justices, Heaton and Pratt, however, argued the distinction that the accused did not actually apply his own personal labor, but rather that he used a cart and hired others to assist him in moving the logs from one location to another. The absence, therefore, of physical personal labor expended disqualified him from being legally an “artificer or workman.”

In 1914 in Sindh, a Ramzan entered an agreement with his employer to serve him at his butcher’s shop on receiving an advance of 60 Rs, which he agreed to repay from his monthly wage. In this case the issue was again around the definition of a “workman.” The judges who sat in the Sudder Court of Sindh – Pratt, of the Civil Jurisdiction, and Kemp, of the Appellate Civil Jurisdiction – found that they could not include his work in the definition of a workman. They conceded the following:

It is admitted that the applicant had to do manual work at the shop, for he cut and dressed the meat for sale. It may be conceded, therefore, that he was a workman. But... the duties of a clerk or shop assistant do not involve manual labour and even if the agreement implies that some manual labour has to be performed, the agreement is much wider in its scope.... The Act is a penal enactment and therefore subject to the rule of strict construction.⁴²

Ramzan was therefore not held liable for repaying the advance, as he was apparently a little *more* than a mere manual worker. There is an irony underlying the logic deployed. Oftentimes

41. “Davappa Ramapa Naik v Emperor,” *All India Reporter, Bombay Section*, 1919, 158.

42. “Ramzan v Noor Mahomed Yacub,” *The Sind Law Reporter*, Vol. VIII, 1913, 100-3.

distinguishing the contractor, or another type of worker, on the grounds of “strict construction” meant letting those who *were not* the most vulnerable off the hook.

Constructing the workman as a particular category of laborer – the coolie – was further tied to specific sites of laboring activity. As Mr. G.I. Acworth argued during debates over the Madras Planters’ Bill, he doubted very much that even artisans would fall under the act. He proceeded to explain his definition of the labour contract: “A Labour contract means a contract entered into accordance with the provisions of this Act to work for hire on an estate otherwise than as a domestic servant...Labourer means any person who enters into a labour contract with a maistry or a planter.”⁴³ The labor contract was therefore, by definition, a form of agreement that was tied not to work, *per se*, but to particular kinds of work in specific sites and with specific kinds of employers. In this phrase we see a peculiarly circular argument that all these elements together co-constitute the essence of the category of labor: the Planters’ Bill itself, the planter, the contract, and the laboring coolie.

Coolie Labor as the “New Slavery”

The analogy between the coolie system, penal contracts, the indenture system, and slavery was ubiquitous in correspondence between colonial agents, in public editorials, and in coverage by the press, abolitionists, and Indian labor representatives.⁴⁴ Indeed, one does not have to look far to find this analogy used in public debates. This comparison was not simply meant

43. The Madras Planters’ Labor Bill, 211, House of Commons Question on the Provision for breach of contract in the Madras Planter’s Labour Bill, L/PJ/6/628.

44. See Bosma, “Slavery and Labor Contracts”; Mahmud, “Cheaper than a Slave”; Tinker, *A New System of Slavery*. This thesis is most famously associated with Hugh Tinker, himself a British civil servant, who wrote about the horrors of the indenture system. However, this association was also made much earlier. For example, John Russell, Secretary of State for the colonies, first made this observation as early as 1840.

metaphorically, as an abstract nod to slavery as a general state of degradation or disenfranchisement. Rather, actors saw the coolie as a figure that stood in for the slave, as an intrinsic part of the institutional failings of abolitionism and imperial anti-slavery. For instance, on the 4th of March 1912, Mr. Gokhale spoke before the Imperial Legislative Council, beseeching the British colonial government to put an end to the system of transporting Indian indentured labor to Natal.

The call was also a call of humanity, and he was confident that a people who had spent millions and millions in emancipating the slave all over the world would not long tolerate the continuance of a system which condemned their own fellow subjects to a life, if not of actual slavery, in any case on bordering on semi-slavery.⁴⁵

In debates around the abolition of the WBC and adjoining sections of the penal code within India, M.N. Joshi, a labor representative, argued:

This is a piece of class legislation which is as objectionable as racial legislation....This kind of legislation is a kind of indentured labour system which every one of us abhors from the bottom of our heart. To get rid of it, we have tried our very best. What is the principal of indentured labor? It is this, that where a man breaks his contract of service, he is to be punished criminally and not civilly. We have been doing our best to have it removed for Indians in other countries, but we have allowed it in our own country. Sir, in my opinion, this is not only indentured labour, but it is nothing short of slavery. I am using a strong word, I know...⁴⁶

In addition, as part of their global efforts to shed light on unfree labor after abolition, The British Foreign Anti-Slavery Society (BFASS) frequently brought attention to both the international indenture system and the treatment of the coolie on the Indian tea plantations. As described above, the internal coolie trade in India and their treatment at the hands of plantation

45. *The Times of India*, "Supreme Council, Indentured Labor, Honorable Mr. Gokhale's denunciation." March 5th 1912.

46. Resolution re: Repeal of Workman's Breach of Contract Act and certain sections of the Indian Penal Code, 2. MSS EUR 174/1016, 1920.

owners were topics constantly under scrutiny from the colonial state, as well.⁴⁷ This was so despite the elaborate justifications deployed for its continuation.

Here I focus not on the state, anti-slavery activists, or missionaries, but on critiques from within the judiciary itself. In what follows I highlight some key examples where contracts were invalidated under the WBC, or under Section 23 of the Indian Contract Act, based on the argument that these contracts were “indistinguishable from slavery.” Most of these cases are from the Madras and Bengal Presidencies, but there are a few outside of these regions, as well. Almost none of these cases were initiated by workers themselves. Rather, it was creditors, in response to a worker absconding from work, or refusing to pay a debt, who initiated the majority of cases. As shown above, after decades of having their claims supported in courts, employers had faith in the sanctity of the contract, blatantly showcasing the terms of the agreement. By the twentieth century, it was the magistrates, both at the district level, and on appeal, who moved to dissolve contracts that were clearly inequitable. Not all the cases uncovered were successful on appeal. However, the very fact that district level magistrates were invoking this comparison testifies to the phenomenon in which I am interested here.

It is important to note that these cases are but a small sample of an undoubtedly larger body of cases in which the judiciary was disputing contracts, with or without using the word “slavery.” These cases are drawn from, first, a key word search for “slavery” conducted in Manupatra, an online database containing records from high court reports across colonial India. After this first round at a “bird’s eye view,” I manually conducted an exhaustive search of the Sindh law reports, as well a selective search of *The Bombay Law Reporter*, focusing mostly on

47. See Kolsky, *Colonial Justice in British India*. Elizabeth Kolsky provides a detailed analysis of the role that lower-class white plantation owners occupied in British India, and she describes the particular suspicion and contempt displayed towards them by the colonial regime. This internal class tension within the regime further galvanized the colonial state’s desire to cast aspersions and highlights the bestiality of these plantation owners.

the WBC and the Indian Contract Act. From the Manupatra search we can see an increased scrutiny of the working of the WBC in a variety of different cases between 1900 and 1920. Table 2 shows these cases arranged in chronological order, with brief comments on the way that analogies with slavery were deployed in each.

Table 2 Contract cases with “slavery” analogy invoked.

Case	Initiator	Year	Jurisdiction	Details/Comments
Madan Mohan v Queen- Empress	Workers	1892	High Court of Calcutta	Magistrate held case as neither slavery nor unlawful compulsion, even though the workers themselves testified they were treated as slaves.
Emperor v Naga Tima	Contractor	1910	High Court of Bombay	Case found that a contractor had tried to hold a crew of coolies to work on multiple sites; they were not able to work elsewhere during periods of no work. High court dismissed contract as keeping them in “state of slavery.”
Gobinda Rajwar v H.J. Apkar	Creditor	1910	High Court of Calcutta	Decision dismissed the District Magistrate’s construction of case as slavery but released worker, as contract was at odds with intention of the WBC.
Re: Ambu	Creditor	1913	High Court of Madras	Decision termed the case slavery – a number of cases were referred to the high court by district judge, and contracts were invalidated. Case articulated difference between mere loan and worker contract
Ramzan v Mohamed	Creditor / Employer	1914	Sindh High Court	Decision dismissed appeal on the grounds that an overly broad interpretation of penal clauses of WBC would be instituting a “species of slavery.”

Table 2 Contract cases with “slavery” analogy invoked (continued).

Case	Initiator	Year	Jurisdiction	Details/Comments
Cooly Crimping Case	Chotta (coolie)	1913	Kottayam Sessions	Decision reprimanded local magistrate for confusing trafficking of persons with slavery
Ram Sarup v Bansi Mandar	Creditor	1915	High Court of Calcutta	Decision held the contract was indistinguishable from slavery.
Satish Chandra v Kashi	Creditor	1918	High Court of Patna	Because a bond is indistinguishable from slavery the contract is void.
Anandiram Mandel v Goza Kachori and Ors	Creditor	1918	High Court of Calcutta	Petitioner appealed district court decision that this was a slavery contract. High court agreed with petitioner that this was not slavery
Ponnusami alias Periana Kone and Ors v Palayathan and Anr	Creditor	1919	High Court of Madras	Case was appealed, as Judge affirmed that it was not slavery. Reason given was that contract was limited to five years.
Ellan and Anr v Emporer	Creditor	1923	High Court of Madras	In a second appeal to decision, the district magistrate called it “but the cloak of slavery.”

Table 2 Contract cases with “slavery” analogy invoked (continued).

Case	Initiator	Year	Jurisdiction	Details/Comments
Karuppannan v Pambayan	Creditor	1925	High Court of Madras	policy. Contract term was three years, work performed was deductible against interest incurred on loan.
Sundara Reddi v Jagannathan and Anr	Creditor	1926	High Court of Madras	Decision ruled the bond was unfair and opposed to public policy because it forced work, but it could not be considered slavery.
Rama Sastriar v Pakkiri Ambalakran	Creditor	1927	High Court of Madras	Slavery bond invoked and agreed with by the high court judge, on the grounds that there was no maximum term. Wife's labor was also demanded, and wage was too low.
Sreenivasa Iyer v Govinda Kandiyar	Creditor	1944	High Court of Madras	Decision rules case as slavery bond issue, saying while the terms of the bond and the interest rate seemed unfair, it was incorrect to call it slavery

Some key examples of the dynamics summarized in Table 2 are worth exploring in more detail. For instance, in *Re: Ambu*, in the high court of Madras, the phrasing of this short decision is interesting, and therefore I quote it at length:

I agree with the District Magistrate. The contract by the accused to work for 12 years every day from 7 to 12 A.M. and 2 to 5 p.m., and to live in any house that may be provided for them, for wages at a rate that is not shown to be so far above the market-rate as to be a sufficient compensation for submission to what is otherwise *a form of slavery* is clearly illegal.¹

The second case, which became the basis for numerous citations later, was *Ram Sarup Bhagar v. Bansi Mandar*, in 1915. I also cite this at length:

It appears to us that it is not so enforceable. It binds down the executant to daily attendance and manual labour until a certain sum is re-paid in a certain month and penalises default with overwhelming interest. It is remarkable that the suit, which is brought on the Munsif's opinion, is probably due to the fact that the executor is too poor to defend himself. Such a condition is *indistinguishable from slavery*, and such a contract is, in our opinion, opposed to public policy and not enforceable.²

This case is interesting for several reasons. The first is the recognition by the judiciary that poverty was a barrier to indebted workers launching claims in the courts. This harkens back to a larger methodological issue and theoretical puzzle that plague our attempt to gain insight into how workers themselves were articulating objections to these contracts. One can argue that we may read the very fact of the workman absconding and refusing to work as being, in and of itself, a loud and clear form of resistance. The second important point to note is again that it is the lower magistrate – in this case the Munsif – who was raising the issue of slavery.

48. “In Re: Ambu,” High Court of Madras. Decided 4th November, 1913, MANU/TN/0496/1913.

49. “Ram Sarup Bhagar v Bansi Mandar,” High Court of Calcutta. Decided 15th March, 1915, MANU/WB/0071/1915.

Similarly, in Sindh, both Justices Pratt and Kemp overturned the decision of the Karachi city magistrate, declining to impose the penal proceedings against a worker, Ramzan, under the WBC. In this case, discussed briefly above, as well, Ramzan entered an agreement with his employer to serve him at his butcher's shop on receiving an advance of 60 Rs, which he agreed to repay from his monthly wage. The magistrate proceeded to argue that "magistrates should exercise great caution in applying an Act which might very easily be used as a means of enforcing a species of slavery."³ In *Emperor v Naga Tima*, also discussed above, the inherently unjust nature of the agreement between the contactor and Tima was on full display in the contract. The session's judge, therefore saw the contract thus: "In other words the liberty of the accused and his men was purchased for the stipulated period for the paltry advance of Rs. 200... this is slavery in another form."⁴

There are several other cases in subsequent decades in which a higher court or political authority challenges the use of the term "slavery" in relation to coolie labor and debt contracts. Table 2 shows some cases where the invocation fails and others where it succeeds. I will focus on two of those heard in the High Court of Madras where these claims fail – *Karuppannan v Pambayan* (1925) and *Sundara Reddi v Jagannathan* (1926) – in order to demonstrate some of the distinctions that were deemed important. Both of these cases were brought under Section 23 of the Contract Act, and both were appeals heard after the District Munsif attempted to invalidate the contract based on the assertion that they were virtually slavery.

50. "Ramzan v Noor Mohamed Yacub," *The Sind Law Reporter*, Vol VIII, 24th July 1913, 100-4.

51. "Emperor v Naga Tima," *The Bombay Law Reporter*, Vol XIV, 1912, 957.

In the former, the 1925 case, the terms of the bond were that both debtors would work in lieu of interest for a loan of 100 Rs from the creditor. Additionally, the terms stipulated that, if they failed to do the required work, the creditor would be at liberty to realize the principal, plus “any losses arising therefrom” (a vague figure).⁵ This case was distinguished from *Ram Surap* (above) because there was “no penal interest claimable under the bond,” and it therefore could not be considered a slavery bond. However, what constitutes “penal interest” is unclear. Some interest was incurred, but we are not told how much.

In the latter, 1926 case, the appellant (the creditor) lent a coolie 26 Rs, and “got him and his son to execute a bond that in order to discharge the interest on this amount the latter would work for him.”⁶ The son worked for one year and then refused to continue, at which time the creditor sued him for the principal, plus 34 Rs just in terms of interest. While they find that this case was certainly “opposed to public policy,” the high court magistrate did not agree that this was “exactly of the nature of a slavery bond.” Again the question seems to be around how much exorbitant interest renders the contract one that resembles slavery.

It is not surprising that these distinctions are unclear and remain persistently difficult for the researcher to penetrate. How do we interpret that fact that, in one case in 1871, Judges Turner and Turnbull declare that slavery is an institution “that admits of

52. “*Karuppannan (Minor) by Mother and Next Friend Kannakal v Pambayan alias Karuppan Samban and Anr.*” High Court of Madras. Decided 8th of September 1925, MANU/TN/0667/1925.

53. “*Sundara Reddi v Jagannathan and Anr.*,” High Court of Madras. Decided 15th of November 1926, MANU/TN/0673/1926.

degrees,”⁷ while nine years later a different set of judges declares that “[s]uch is the determinate and fixed condition of the slave, and it is not, as ruled in the above case, a condition capable of degrees.”⁸

Even when the high court overturned a district magistrate’s view of a contract as “slavery,” this still signified a growing judicial agitation against the more egregious contracts that would trap workers in impossible, “legally-binding” agreements. Other scholars have read these cases as examples of dilemmas in the definition of slavery in the Indian context.⁹ However, what is often missed is that the invocation of the term “slavery” at the level of the district court was already going above and beyond the strict requirements of the terms of Section 23 of the Contract Act, as well as the terms of the WBC. If anything, they were “bound” to *avoid* adopting the term “slavery.” It is significant that magistrates rebelliously applied this analogy with slavery, even when there was a history of superior colonial administrators reprimanding magistrates for conflating labor arrangements with slavery.¹⁰ In Ceylon missionaries wrote of coolies working on estates, “Nominally the coolies are free, but they are so tied by debt and law that they are virtually slaves,” a reference to how the kanganies sold them stories of

54. “The Queen v Mirza Sikundur Bukhut,” High Court of Allahabad. Decided 20th June 1871, MANU/UP/0076/1871.

55. “Empress of India vs. Ram Kaur,” High Court of Allahabad Full Bench. Decided 8th of March, 1880, MANU/UP/0034/1880.

56. See Anderson, “Work Construed.”

57. See Enclosure of the Judgment of the Sessions Judge, Kottayam Sessions Case, No. 6 of 1089, in “Cooly Crimping Case.” IOR/R/3/882/108. For instance in 1913 a judge in Travencore was publically censured for being given to “dramatics” for issuing a judgment that claimed that coolies were being traded like “slaves.”

precious stones and gems buried in the ground and enticed them by helping them pay off debts.¹¹

The Coolie in an Era of Labor Reform

The Indian legislative council ultimately repealed the WBC in 1925 – perhaps the final evidence of the power of the analogy between slavery and the labor contract backed by penal sanctions. When the council debated the repeal of the act in 1920, familiar tropes linking advances/debt, slavery, and the contract were quick to re-emerge. N.M. Joshi, a representative for labor, argued that those “workmen who do not see that the Act puts them in a state of slavery” became susceptible by accepting a bonus or advance.¹² Discussions over the decision to repeal were heated, and they were resisted tooth-and-nail by industrialists and employers across India. For instance, the questions arose, “What was to be done if a coolie failed to load a shipment of rice during a famine? How could industries survive without being able to control their labor force?” The commissioner in Burma argued that “nearly all of this province is in a backward position in regards the supply of labor, and the provisions of the act have been most useful in getting work carried through.”¹³

By the 1920s, as we saw in chapter one, the international mood had shifted dramatically. By 1917 the official international indenture system was abolished in the

58. Indentured Labour in Ceylon, A Missionary’s Description, In Bodleian/ASP/MSS British Empire S22 G/477.

59. Labor Legislation: Proposed Repeal of the Workman's Breach of Contract Act (XII of 1859), MSS Eur F 174/1016

60. Extracts from the Legislative Assembly Debates, Vol. V, No. 8. 2nd Feb, 1925, MSS Eur F 174/1016

British Empire, with the passage of the Emigration Act VII. Several years later the WBC was repealed, declared to be an anachronistic piece of legislation that invoked the draconian master-servant laws of Britain's past. Similar legislation such as the Employers and Workmen (Disputes) Act was repealed in 1932.¹⁴ The timing of the repeal was significant. In 1924 the Indian government was called on to inform the Temporary Slavery Commission at the League of Nations about what measures were being taken to bring a complete end to slavery and analogous labor conditions. The Indian government showcased the repeal of the WBC as a sign of their continued commitment to the abolition of slavery "and its analogies."¹⁵ This moment of international scrutiny was clearly one factor in the abolition of the WBC, but as this chapter demonstrates, this critique had been building slowly, prior to discussions at the league.

The international trade in coolies and the global condemnation of the coolie system also intersected with the rise in the global labor movement. The 1920s was a period of progressive labor legislation in India, repealing the most overtly coercive instruments of the law. As Rachel Sturman has argued compellingly, the British imperial regulation of indenture played a crucial and understudied role in the history of the expansion of modern state power and international labor governance regimes.¹⁶ Yet, as I show here, the coolie – while constituted as a category of labor – was still a racialized and subordinated category of "native" labor. This figure was certainly subject to

61. Legislative Assembly debates regarding the repeal of this act: The employers and workmen disputes Act Repealing Act Vol, 1, No. 4, 1932, IOR/L/E/8/247. There is little evidence that this act was anything other than a dead letter, but its repeal was symbolic, nonetheless.

62. See Exchanges between the Temporary Slavery Commission and representatives of the India Office, IOR/L/E/7/1282, File 3073.

63. Sturman, "Indian Indentured Labor."

increased regulation in an era of global legislation but still not disciplined in modes of proper resistance or able to be a fully fledged, rights-bearing subject.

Beyond the Coolie

It may perhaps be tempting to view this moment as one at which the evils of the coolie system had been put to rest and the state had been “conjured” to banish the evils of private, profit-driven plantation owners. Yet turning briefly to Sindh in the 1930s tells us a different story, one of continued resistance, the limits of regulation, and what coolies had in store for them.

In Sindh we are introduced to the figure of the “mekrani coolie.” This group of labourers hired by contractors came from Makran, a region in neighbouring Balochistan known for being one of the locations where runaway and freed slaves would gather, creating a sizable population of “afro-baloch.”¹⁷ Gazetteers and colonial reports from Makran note that these freedmen became labourers all over the empire, including in Sindh, to work on the dockyards, on railway lines, and in mines.¹⁸

In 1936 Messrs. Nadirshah R. Mehta and Sons wrote to the commissioner in Sind complaining about a group of imported coolies they had previously hired, who now refused to leave. “Coolie lines” had been constructed to house this temporary labor force, but now, he complained, a “village has sprung upon this plot of land.”¹⁹ The coolies had erected huts and living facilities on the railway lines, and the department was anxious to

64. A full discussion of this group is provided in chapter two, on the shidis.

65. *Baluchistan District Gazetteer Series*, Bombay: Times Press, 1906-13, 69.

66. Encroachment on Railway Land at Hyderabad by Makrani Coolies, 1934, RCCS/25266.

see the “unseemly” sight of these poorly-constructed buildings be removed, without delay. Ghulam Mustafa, Chairman of the Makrani Jamait of Hyderabad Sind and the appointed representative of the group, composed a letter to the commissioner explaining that they were granted new land for residential purposes, for which they had paid the prescribed lease money. They were informed, however, that the land had been given to the bori community:

We were shocked to hear this as we had spent about Rs. 1500 in constructing about 150 houses...as most of the our community are working in the railway transit yard at Hyderabad station where they hardly earn six to eight annas a day per head... we are therefore living from hand to mouth with difficulty. Hence we have nothing left to ourselves to go and settle on some other land. ²⁰

It is unclear from the files if they were able to remain on their land or if they were forcibly removed to another area. Throughout this series of correspondence the local bori community complained that the makranis were harassing their womenfolk and intruding on their *ziarat* (pilgrimage) activities.

Makrani coolies, while at times considered “docile” workers, were often depicted as troublesome and resisting. For instance, in the chain of strikes that took place in 1934, first on the Karachi City Goods yards, and then in in Hyderabad, it was reported that “40 mekrani coolies, employees of Khudabux & Co. Railway Cooly Contractors suddenly struck work,” demanding their rates of pay for loading and unloading be increased.²¹ Therefore, increased regulation of certain categories of labor – the coolie – did not necessarily result in their circumstances being improved. Indeed they continued to deal

67. Letter from Ghulam Mustafa to Commissioner of Sind, 15th July 1939, Encroachment on Railway Land at Hyderabad by Makrani Coolies, 1934, RCCS/25266.

68. K.R. Estates, Esquire, Superintendent of Police, Sind Railways to the District Magistrate, Hyderabad, 28th Labour Strike (non-railway) Hyderabad, RCCS/43857.

with the stigmas and racializations that had become attached to certain groups well after the passage of progressive legislation. More than anything, however, this case shows us the centrality of land as the basis for freedom – not the increasingly complex structures of legal regulation that promised to protect “free labor.” The notion of claiming their right to land drew on their insistence that they had lived and worked there, and they now had a claim to it.

This chapter has demonstrated how the coolie was constituted as a particular category of labor under the law in British India and described how this category was tethered to global debates framing the coolie as replacing the slave in the global economy. Yet while these global discourses resonated across imperial sites – from the shores of Calcutta to halls of anti-slavery societies in London and missionaries working with indentured immigrants in the Caribbean and elsewhere – these master-servant laws played a pivotal role in constituting the law’s approach to labor within the boundaries of British India. Through legislation such as the WBC, we see the emergence of a regime that tied particular categories of workers to the Indian plantation complex, which inherited the legacy of plantations in the West Indies. At the same time, however, through these legal regimes we also see the constitution of the coolie as a particular subject under the law, exposed to uniquely harsh penal penalties for failing to carry out the terms of their contract. This subject was restricted to particular sites of labor. Scholars have shown that the “labor question” emerged in India around the factory, showing how royal commissions on labor and particular institutional structures arose to regulate the factory

and, concurrently, the wage labourer.²² The coolie and the wage laborer shared many characteristics, and more importantly, a status under the law.

Even though the coolie was a distinct category of labor – somewhere halfway between “free” and “unfree” – ultimately it was through the notion of contractual freedom, and the penal clauses attached to violations of the contract, that the political subjectivity of the coolie was moved closer to being on par with labor proper. The abolition of the WBC was driven not by the notion that coolies were unfree subjects, but rather by its connection to a global critique of capitalism and the joint subjugation of the coolie and the wage laborer at the hands of the imperial labor system. While “wage slavery” became the slogan of labor’s critique of capitalism, coolies were the “new slaves.” However, a crucial difference is the punctuated nature of the freedom of the coolie as a political, rights-bearing subject able to articulate their own subjugation. The coolie was labor, but perhaps one step down or removed. The coolie system, like slavery, needed to be abolished. In other words, they needed to be rescued, like slaves, and attention to their condition stemmed from demonstrations of violence and instances of gross injustice, rather than from political claims, as rights-bearing subjects, to civil rights under the law as labor. This was the belief, even though coolies were resisting just like “conscious” labor under exploitative conditions of capitalism.

69. Sarkar, “The Work of Law: Three Factory Narratives.”

CHAPTER FOUR: HARIS

Fear reigns supreme in the life of the hari, fear of imprisonment, fear of losing his land, wife, or life... The hari behaves like a hapless slave when he has to face the zamindar.... I have not seen a single hari stand erect before a zamindar and *salaam* him with dignity. ¹

The excerpt above forms the starting point for this chapter, indeed in many ways for this dissertation as a whole.² This construction of the haris, as “like slaves,” seems natural and without question from the perspective of the modern observer, who hears frequent stories of the brutalities of the Sindhi *waderas*, *zamindars*, and *pirs* – large landowners and landed religious figures. However, delving into the archive of the nineteenth and twentieth centuries one is met with obstacles, convoluted logics, silences, and partial views. In this chapter I unpack the apparatus that enabled the decentering, displacing, and recasting that makes eliciting the empirical reality of the hari fraught with difficulties.

In this chapter I situate the discursive constructions of the hari within the context of the legal labor regime that emerged in India after the abolition of slavery. I locate the hari movement within a global consensus about race, contracts, and custom that inflected the haris’ claims about forced labor, debt-bondage, and unfree labor (like slaves) in particular ways. In the previous chapter I demonstrated a particular constellation of cultural and legal analogies that resulted in the indenture and penal contract system being abolished. This process brought the contract laborer within the remit of the global labor regime emerging in the 1920s, perhaps concretized in the passage in 1939 of the

1. Masud, *Hari Report, Note of Dissent*.

2. I came across this text in 2010 while working with a social policy research organization in Karachi, lying in a box of documents as background reading for a project on which I was working, about forms of marginalization in contemporary Pakistan. The imagery of the text stuck with me, reminding me that the Pakistani left’s historical imagination is still anchored in this historical drama.

Contracts of Employment (Indigenous Workers) Convention. This chapter, in contrast, is concerned with failure. Indeed, the haris represent the world *beyond the beyond*.³ The haris and their struggles represent the residue left over from a global moment that purported to resolve some of the problems of freedom by building a global consensus to regulate and reform some of what the international community agreed to be the most egregious violations of principals of free labor and labor rights, which formed the subject of chapter one.

By turning to the haris we shift our attention away from the centers of capitalist production and from the Indian plantation that has come to represent the encore of Caribbean slavery, the planters' "second act" on the Indian stage. We turn instead to the global countryside, the hinterlands of empire and the vast swathes of land – and peoples – often deemed insignificant, away from the action and the drama of factory strikes, the gory violence of global production demands, and the racism of the planter. Rather, I place the hari movement in the context of the more insidious and quiet intrusion of capital into the Sindhi countryside by tracing larger structural, social, and economic transformations. Scholars have noted that, as the plantation complex travelled, this did not "flatten the customary land tenure systems of Asia, but rather it created new relationships between land, labor capital and international markets for commodities."⁴ Demarcating the factory, plantation, and the global countryside into discursively distinct spaces created the illusion of distinct logics. Yet the countryside has become an increasingly crucial part of the story

3. Cooper, Holt, and Scott, *Beyond Slavery*. Here I return to Cooper, Holt, and Scott's refocusing of the debate in *Beyond Slavery*.

4. Manjapra, 376.

of the global spread of capitalism.⁵ These histories are often cordoned off into agrarian histories, reflecting the colonial bifurcation of labor and agricultural policy.

These constructions were inherently linked to processes of social control, as they inflected the subjectivities and the political utopias of colonial subjects. I explore how the wider feat of coding labor in agricultural settings as customary, social, and not quite labor proper was achieved. Indeed, examining the archives of colonial Sindh it is almost as if there is no labor history of which to speak.⁶ However, as Rupa Viswanath has shown, it is “essential to avoid treating tenurial arrangements and labor regimes as conceptually distinct.”⁷ Reading against the grain of a massive archive on agricultural policy we find a complex system of labor control embedded in systems of debt, customary service, and land control.

Custom, the third obfuscating prism I discuss in this dissertation, was thus constructed as a powerful mode of labeling these relationships, without resolving the dilemmas of free and unfree labor that they posed. This category enabled the obfuscation of the radically-novel labor demands of the early twentieth century. Designations of the hari-zamindar relationship as primarily a “customary social relationship” erased the fact that, in the early twentieth century, the labor demands, the economic and social profile, and the power relations across the countryside were being reconstituted. I place these changes in the context of the rapid circulation of capital – and therefore debt, cotton

5. Bosma, “*Empire of Cotton and the Global Countryside*,”; Beckert. Bosma takes up this point in his review of Beckert’s *Empire of Cotton*, emphasizing Beckert’s call to take seriously that “the frontiers of capitalism are often to be found in the world’s countryside” (26).

6. Anecdotally, other scholars working on Sindh mentioned that they started out looking at labor but gave up when it became clear that there were simply no sources available to build a feasible research project.

7. Viswanath, *The Pariah Problem*, 30.

production for the global economy, and a new infrastructure – that was put in place to facilitate this trade.

By the 1930s cotton had become one of the most significant crops produced in Sindh, ranked behind only wheat and oilseed. The fact that Sindhi cotton did not end up constituting as much of the world market as some had hoped does not diminish the importance of the resources devoted to, institutions put in place for, and changes wrought by the production of this commodity. The Sindh of the early twentieth century was being transformed into a site of global cotton production for the British Empire and being marketed as the “new Egypt.” Massive public works projects such as the Sukkur Barrage scheme were altering the relationship between human and nature across this arid landscape – reconstituting social relations in the process. The canals’ construction and maintenance in the first place, and the physical labor required to grow the cotton thereafter, all relied on the haris.

As Cedric Robinson asserts while elaborating his theory of racial capitalism, “Capitalism was less a catastrophic revolution (negation) of feudalist social orders than the extension of these social relations into the larger tapestry of the modern world’s political and economic relations.”⁸ Using this insight, I refocus attention on not just the plantation, but also the feudal social structures that had already in many ways predetermined who would collaborate, who would profit, and who would work in India and beyond. Following Robinson’s lead, Sheetal Chhabria notes that it is imperative to see the subcontinent’s own history as one “shot through with a fundamental antagonism between capital and unfree labor” and suggests that it is the “distinction between peoples

8. Robinson, *Black Marxism*, 10.

rather than distinction between places that gives capital its power, everywhere.”⁹ These important interventions echo, in fact, insights that Hyder Bux Jatoi and other members of the hari committee knew intuitively, that “the capitalists and the zamindars cannot live a separate existence from the people, because their continued existence depends on the labor and sweat of the *awaam* (common people).”¹⁰ Feudal processes of labor control were premised on pre-modern forms of hierarchy and systems that assigned roles and moral worth to different kinds of kinship and caste groups.

In this chapter I show how colonial discourse avoided constructing the haris as “unfree.” I show that the haris were documented to be indebted, and colonial reports sometimes described the work they did as suspiciously close to forced labor. Yet *despite* this recognition, and sporadic evidence that they were both heavily in debt and forced to labor, regulation was deemed unnecessary. I investigate these discursive maneuvers as *gymnastics of logic*. A whole variety of forms of indebtedness loomed large over the lives of actors across the rural countryside – from low-caste and kinship group laborers to merchants and large landholders. Yet while comparisons between indebtedness and slavery were made consistently throughout the nineteenth century and into the twentieth, reform efforts were contained narrowly to problematize only certain forms of debt. This was achieved through a specific approach taken towards custom, which became the optic through which this particular social relationship was re-read as legitimate and benign. It is in this milieu that I show how – despite the fact that haris were sporadically “seen” to be in debt, sometimes “seen” working on public works projects for no pay, and “seen” performing all kinds of labor for both the state and the zamindar – the hari was still not

9. Chhabria, “Racial Capitalism in India?”; Corrigan, “Feudal Relics or Capitalist Monuments?”

10. Hyder Bux Jatoi, *Hari Inqilab*.

considered a laboring figure “proper.” I end by showing examples of petitions, legal cases, and sporadic reference to the haris that demonstrate that conflict with zamindars was ongoing.¹¹

In the second half of the chapter I focus on the hari movement and official inquiries into the question of tenure rights for the haris. I explore the hari movement through a series of texts, pamphlets, and newspaper articles that I treat as the media corpus of the movement. Two of these texts were written in Sindhi: *Inqilabi Dando*, written in 1939 by poet and activist Abu Shaukat, and *Hari Inqilab*, written in 1947 by Hyder Bux Jatoi. The third, *The Hari Committee Note of Dissent*, was written in English by Masud Khaddarposh, in 1948. All three texts, which I weave throughout this chapter and then give a proper treatment in the end, give us a radically different image from that in colonial reports of the relationship between haris and zamindars. These works present an alternative moral economy of land use and labor expectations between the zamindar and the hari, emphasizing extracted labor, physical violence, chronic indebtedness, the regular raping of women, and the threat of starvation.

Indeed, there is an almost systematic debunking of each of the claims made by the colonial administration. While the commissioner in Sindh was complaining to the Central Indian Cotton Committee that the haris were lazy, Jatoi insisted that they refused to invest labor in land when the produce was routinely taken away from them. While the zamindar was painted as an altruistic figure standing surety for hari debts, Abu Shaukat showed how the zamindar always took the bania’s side over the hari’s. While officers were used to arguing that the hari could leave his zamindar at any time, Masud reminds

11. See Balachandran, Pant, and Raman, *Iterations of Law*. For recent articulations of the importance of petitions in understanding state-society relations under colonial law, see in particular the chapters by Sahai, Balachandran, and Stern.

us of his “fettters of debt.” The idea of *begar* and *chher* as customary and based on a social contract of reciprocity was demonstrated to be an illegitimate system rooted in violence and exploitation. All three are clear in comparing the haris to slaves. For Masud, the hari is “like a hapless slave when he faces the zamindar,” while for Abu Shaukut, they might “be easily confused for slaves...”¹² and for Jatoi, the zamindar keeps the hari “in a long lasting slavery.”

Unpacking the “Hari”

So who were the haris? According to the 1947 Hari Committee *Report*:

The hari is a landless agricultural laborer. He is a sharecropper who engages in farming by trading his labor and that of a pair of bullocks for a theoretical half share of the crop which he grows. He customarily supplies the seed for sowing and the implements of husbandry.¹³

The category of the hari has close cognates with many other laboring groups across India, such as the the halis in Gujarat and the halaiyas in western Nepal, all deriving their name from local variants of the vernacular terms for “work” or the “plough.” Through a shared history of land dispossession, the haris as a class were an unspecifiable group of many different castes and tribes. Their labor was the energy that drove economic life in Sindh. They made up the vast majority of the population, with estimates in the 1940s ranging from 65 to 85 percent of the population of Sindh.

As part of the Bombay Presidency, the colonial government adopted the *ryotwari* system in Sindh. In this system the state dealt directly with the *ryot* or the cultivating

12. Shaukat, *Inqilabi Dando*.

13. Government of Sind, *Report of the Government Hari Enquiry Committee, 1947-48*, 4, RSP/505.

peasant.¹⁴ In Sindh this meant dealing with a class of cultivators, known as the *zamindar*, who would become the primary subject of the state, officially noted in the land registers as the “registered occupant.”¹⁵ As Sir Bartle Frere noted when first investigating the land tenure system in Sindh, the zamindar’s claim to the land was highly varied:

The ordinary tenure in Sind is that of a zemindar or landholder. The extent of such privilege varies according to customs, from that of an absolute proprietorship of the land, subject to the payment to the government of whatever may be the customary government share of the produce, down to that of the of an ill-defined and often disputed claim to levy lapa or rent, on all cultivated land. Sometimes the zamindar is also the cultivator, or the cultivator is removeable at the zamindar’s pleasure. At others the cultivator is quite independent of the zamindar, and claims all but the name of landholder.¹⁶

In theory, the ryotwari system was meant to create a relationship directly between the peasant and the state, but in Sindh the zamindar were more like local elite, who rarely did any of the actual labor themselves. This meant that the state would collect taxes directly from the zamindar, irrespective of what other groups might also be subsisting off land registered under their name. By Indian standards landholding patterns were particularly stark in Sindh. To be a *wadero* one had to hold at least 500 acres, and in upper Sindh holdings of ten to twenty acres were common.¹⁷

14. Wilson.

15. See Khuhro, 1999; Ahmed, “Agrarian Change and Class Formation in Sindh”; Cheesman, *Landlord Power and Rural Indebtedness*; Ansari, *Sufi Saints and State Power*; Breman, “Land Flight in Sindh.” This is not to be confused with what was called the *zamindari* system of land tenure, also known as the Bengal Settlement, in which the state settled with intermediaries rather than the actual cultivator. This system had become largely discredited by the time Sindh had been annexed.

16. Official Correspondence Relative to the Introduction of a Rough Survey and Revenue Settlement in the Province of Sind, Selections from the Records of the Bombay Government. Bombay: Bombay Education Society Press, 1855, IOR/V/23/215, 17.

17. Cheesman, “Power in Rural Sind,” 58.

When agents surveyed the land to determine the “real” landowners, it was families who displayed status and wealth who were “recognized” as entitled to the land and its produce. One way in which this was clear was through connections with the previous ruling dynasty, established through reputational networks and wealth. State recognition of status was based not only on ostentatious displays of wealth, but also on the strength of laboring entourages and followers – making status “visible and immediate.”¹⁸ This status, symbolized through “wealth in people” created a “self-evident” basis upon which to demarcate the landed from the landless. Wealth in people was no doubt correlated to entitlements to wealth in landed property.¹⁹ Indeed the size of a zamindar’s *autak* or guesthouse where he would meet and entertain guests and followers was often a measure of status.²⁰ Landowning families were described, more often than not, as being reputed for simply *being* great families, recycling myths of migration from Central Asia, or Arabia, and particularly connections to the family of the Prophet.

The haris were, in a sense, the remainder. When we examine the haris, we find that groups that fell into this category included migrating tribes, impoverished families with no ability to earn a livelihood without entering into an agreement with a zamindar, attached families of laborers and servants, and other miscellaneous groups with no capital other than the “skin on their back” – their labor power. This group was disproportionately made up of low-caste Hindus, groups of ex-slaves, and other low-status kinship groups –

18. Cheesman, *Landlord Power and Rural Indebtedness*, 53; Ansari, *Sufi Saints and State Power*.

19. Chatterjee, “The Locked Box in Slavery.”

20. Cheesman, *Landlord Power and Rural Indebtedness*, 60.

Muslim, Hindu, and Christian. Attached to these groups were, and indeed still are, robust myths of impurity, correlations with low-status occupations, and ex-slave stigmas. Some groups were subjugated based on Hindu doctrines of caste and untouchability, on one level, but also on local myths about their eating habits, drug use, the impurity of their women, and the kinds of polluting occupations they performed, on another level. For example, Ansari's glossary of tribes in Sindh lists the Bhils as a "menial" caste, known for eating "all kinds of wild animals. They are notorious for their habits of thieving."²¹ Even when groups converted to Islam or Christianity to escape the caste system, these discourses prevailed, although they took on various forms. Other groups that showed up frequently amongst the haris were *shidis*, *khakhelis*, or *makranis*.²² Lambrick describes the khaskhelis as "old servants of the Talpurs," and Ansari explains they used to be slaves and were now working as laborers or agriculturalists.²³ No doubt, by the twentieth century small landowners' groups had also been dispossessed from their lands due to debt, also joining the ranks of haris.

While caste was not often used to describe social hierarchy in Sindh, stark social divisions were clearly recognized as natural to the culture of Sindh. For instance, Pottinger noted that the "privileged class, as I have called them, entirely live upon the industry and labour of all the others, and those who have no property or means of subsistence... the higher classes dress well and neatly, and are found of gaudy colours,

21. See Sheikh Sadik Ali Sher Ansari, *A Short Sketch, Historical and Traditional of the Musalman Races Found in Sind, Baluchistan and Afghanistan*. Karachi: Commissioner's Press, 1901, 74-76.

22. Jamali, "A Harbor in the Tempest"; Mirzai, "The Persian Gulf and Britain." See these for a history of the makranis and connections to the ex-slaves freed in the Indian Ocean and deposited by colonial sea captains in Gwadar, located in modern-day Baluchistan.

23. See H.T. Lambrick, Personal Papers, 208/8, 9 & 10.

but the great majority of the people are so poor that their clothes barely serve for the common purpose of decency.”²⁴ Through the media corpus of the hari movement we gain insight into how the intellectual elite that led the hari movement were politically constructing this group as a class. Erasing the caste and kinship basis for subordination was a conscious strategy to present a united front of all haris against all zamindars. Jatoi, for example, asserts that it matters little if a zamindar was a Muslim, Parsi, or Hindu, as “in reality they are one.” However, this language also obfuscates insight into the underlying structures of hari-zamindar relations. Haris did not, in fact, constitute a single “caste.”

It is important to point out that the haris differ from other unfree groups in India tied to the land – bought and sold as attachments to a piece of property and listed on official land title deeds as such.²⁵ Rather, the haris were immobilized, on one hand, to the extent that they were in debt and tied to a particular zamindar, yet also under constant threat of eviction, on the other. This peculiar relationship to place poses difficult questions to understanding movement and embeddedness. A dissertation by Parso Idnani, a student at the University of Bombay, about research carried out in the early 1940s demonstrates that the haris were in fact highly mobile, often changing zamindars and shifting from plot to plot. In Idnani’s sample, the maximum terms of tenure on a single piece of land varied from between one to twelve years.²⁶ As Cheesman points out, “tenant” is not even accurate to describe the haris, as their rights to the land they rented

24. Pottinger, 23.

25. Jayasree; Kumar, *Land and Caste in South India*.

26. Idnani, “Tenancy and Tenant Farming in Sind.”

only extended to the produce, and “zamindars engaged haris in exactly the same way as canal contractors engaged coolies.”²⁷

Administratively, there were two classes of haris. The first, also called “first-class haris,” were the *maurusi haris*. In theory, this class of haris was entitled by custom to stay on their land as long as they paid their share of the crop, by virtue of a first-instance agreement to invest their labor in clearing a piece of land for the zamindar. Maurusi haris were recognized as entitled landowners by the state, and we see several cases involving their rights in courts, as I will discuss more below. The second class, and the vast majority, were regular haris, who were much more vulnerable to eviction and dispossession. This class of haris, even though they may have worked on a single piece of land for generations, were nonetheless considered tenants-at-will, whose rights needed to be reconfirmed by the zamindar on a yearly basis. A more fine-grained analysis of the different categories of haris appears in reports about cotton cultivation in Sind. Sometimes regular haris were divided further, into three categories: a “sprinkling” of peasant proprietors called *khatedar haris*; *har haris*, or tenant farmers who cultivate with their own pair of bullocks; and *siriryo haris*, who were simply laborers, with no cattle. Therefore the ability to negotiate better batai terms was clearly contingent on ownership of cattle and implements of cultivation.

Collectors in Sindh often tried to explain the “peculiar situation” of the hari in Sindh to the Bombay government.²⁸ Hired agricultural laborers, in the “traditional” sense of the term, were not common, with the exception of some wandering Kutchi and Baluch

27. Cheesman, *Landlord Power and Rural*, 72.

28. Hamid A. Ali, Esquire, Collector of Larkana, to the Director of the Labor Office, Bombay, 8th of April 1926, Economic Position of the Agricultural Laborer and Agriculturalists, 62, RCCS/15337.

tribes that were hired to assist with cultivation. Relationships between the zamindar and the hari were still mediated primarily by non-cash transactions well into the twentieth century. The hari was “paid” in the form of grain through the *batai* system at the end of the harvest. The batai system was a sharecropping agreement in which the hari agreed to cultivate a piece of land “belonging” to the zamindar, in exchange for a share of the crop. Rates of the crop share varied, depending on what implements and tools the hari was able to provide himself and how much the zamindar contributed. Even so, this was only a theoretical half-share of the crop, as in reality the zamindar, the *sowkar* or *bania* – money lender – had by laid claim to so much of the harvest the end of the harvest cycle that there was barely enough for the hari to subsist.

Zamindari as Performed Through the Hari

Zamindari – the act of being a zamindar, was performed through the labor and acts of subservience displayed by the hari. Masud insisted that the zamindar and the hari present two “extremes of mankind.”²⁹ Indeed, G.M. Syed made a similar assertion in his dissenting comment to the Sindh Tenancy Legislation Committee when he compared the “helpless, heavily indebted, overworked, overstrained malaria-stricken, famishing farmer who marched on the moods, fancies and caprices of his landlord” with the “wealthy, healthy, idle, scheming, sporting, polygamous, hospitable host of the touring district

29. Masud, *Hari Report, Note of Dissent*, 5.

satrap....”³⁰ In this construction of the hari-zamindar relationship, activists deployed the logic of opposites and extremes.

Yet these two identities emerge as inextricably bound to each other. The identity of the zamindar was performed through the labor of the hari, by laboring on zamindari-leased lands, on the zamindar’s personal lands, in their homes, on canals, on roads, and for the colonial state. Indeed, what emerges from the combination of the vernacular writings, and indeed in statements from zamindars and haris themselves, is a dialectic relationship between the identities of the hari and the zamindar.

Haris knew all too well that the zamindar’s pride required the hari to perform obedience and subservience. They bow to the zamindar “neither out of respect for him, nor for his spiritual attainment, nor for any other quality for his, but they bow to make him feel that they are his humble creatures who prostrate before him and live at his mercy.”³¹ Indeed, as Abu Shaukat claims, all a hari had to do was fail to bow low enough, clasp his hands tight enough, or forget to call the zamindar “sain” – and he was beaten, jailed, or worse.³² This dynamic also operates in the inverse – to be a hari was to labor for the zamindar. When the Commission of Royal Agriculture questioned a zamindar in Sindh about whether a hari should become a sharer or full owner of land, the zamindar replied, simply, that then “he would not be a hari. A hari is a man who cultivates the land for a zamindar.”³³

30. Minute of Dissent by G.M. Syed, *Report of the Tenancy Legislation Committee*. Karachi: Government Press, 1945, RSP/528.

31. Masud, *Hari Report, Note of Dissent*, 5.

32. *Sain* is an honorific Sindhi term used to address landlords with status and power.

33. Royal Commission on Agriculture, Minutes of Evidence taken before the Royal Commission on Agriculture, Bombay, 1927, V/26/500/14.

The lack of civilization and backwardness of the Sindhi landscape is mutually constituted by these intertwined identities, as expressed in themes of their bestiality. Jatoi censures the *wehshi* – undomesticated, wildness, depravity – of the zamindar, in his pursuit of desires of the flesh, extravagance, and predilection for violence. Meanwhile, Abu Shaukat points out that the haris themselves live in a state of wilderness. They drudge under the sun alongside their donkeys, drinking from the same dirty river – donkeys with their mouths and the haris with their hands. The haris “look like people but in reality they are animals.”³⁴

Constructing the Hari as Not Unfree

How did colonial officers view the haris after the initial conquest of Sindh? Writing in 1847, shortly after Sindh was annexed, Sir Bartle Frere noted in passing that the government had responsibility “in freeing the laborer from those bonds which place him more in a position of a serf of the soil rather than a free agent.”³⁵ This statement, often quoted by contemporary scholars looking for historical evidence for the “slave-like” condition of haris, seemed to have been the exception rather than the norm.³⁶ For comparison, Sir Richard Burton explicitly downplayed the severity of agricultural bondage in Sindh, while observing Sindh before conquest, remarking that “praedial, or rustic labor was not compulsory in Sindh, as in India, where great numbers were attached

34. Abu Shaukat, *Inqilabi Dando*.

35. Official Correspondence Relative to the Introduction of a Rough Survey, 94.

36. See Ahmed.

to the soil.”³⁷ Ultimately the Bombay Land Revenue system specified that the government would collect revenue directly from the zamindars only, recognizing their exclusive proprietary rights in the land. The hari was effectively rendered part of the zamindar’s estate and removed from direct contact with the state, with the exception of maurusi haris.

In this section I focus on how haris and zamindars figured into discussions around rural indebtedness. Recalling that, in the Indian Slavery Commission reports, debt-bondage was one of the clearest examples of slavery and unfree labor in India, it is striking to observe how the discourse on debt evolves away from the poorest groups towards anxieties over indebtedness of landed groups. In the context of intensified circulation of debt and credit in the countryside, recognitions of land ownership, in the first instance, and then debt reform, thereafter, were contained along the lines of particular caste and kinship logics.

Over the course of the nineteenth century rural debt slowly became a predominant feature of the agrarian economy in India.³⁸ Peasants borrowed money against their land to help meet expenses for the year between crop cycles, to pay for weddings, funerals, implements needed to grow crops, and to cover basic food and subsistence. In return, peasants pledged a certain percentage of their crop to their creditors, relying on the transferability of legal titles in property to guarantee their loans. Meanwhile, low-status landless laborers, who had no land to pledge, had to rely on

37. Burton, *Sindh, and the Races That Inhabit the Valley of the Indus with Notices of the Topography and History of the Province*. London: WM H. Allen & Co., 1851, 253.

38. There is a voluminous literature on this, but for prominent examples see: Bose, ed., *Credit, Markets, and the Agrarian Economy*; Cheesman, *Landlord Power and Rural Indebtedness*; Bhattacharya, “Lenders and Debtors”; Hardiman, *Feeding the Baniya*.

patronage networks with elites to access credit. David Hardiman aptly describes the prism through which groups were deemed capable of paying back loans and safe to lend to as “hierarchies of honor.”³⁹ Debt bonds certifying shares in crops over money borrowed from the local storekeeper, moneylender, merchants, and from the landlord overwhelm the records of district and city courts.⁴⁰ Indeed, rising colonial taxation regimes and years of famine often increased the burden on agricultural laborers, forced either to borrow greater sums or to enter new debt contracts to survive in an increasingly precarious rural economy.⁴¹

Initially, the colonial administration saw the *bania*, or the moneylender as a crucial source of credit in the agrarian economy, providing the capital needed to encourage technological developments, as well as cash crop production.⁴² However, after decades of peasants losing their land after defaulting on payments, colonial policy shifted to a more protectionist stance against the moneylender. One of the reasons for this growing concern was that moneylenders did not make good farmers, and that land alienated from agricultural classes would lie wasted and uncultivated. In the Deccan there were riots in the 1870s over the problem of indebtedness of the peasantry, thereby indexing debt as a real social issue that could incite social unrest. Comparisons between debt and slavery became commonplace, as public outcry against the strict enforcement of debt contracts became more virulent. One article in the *The Times of India* notes: “The

39. Hardiman.

40. Indeed, sampling records from the several regions of Sindh show an overwhelming majority of cases heard in both Karachi and Shikarpur that involved various forms of adjudicating debt.

41. Campbell, “Servitude and the Changing Face of the Demand for Labor”; Bandyopadhyay, “Land Systems in India.”

42. Hardiman.

complaints of multitudes of debt-slaves for reform must be attended to... millions of wretched men have still to take their choice of binding themselves to be slaves to usurers, or of going to prison and leaving their families to starve.”⁴³ These concerns led to the Deccan Agriculturalists Relief Act of 1879 and later the Punjab Land Alienation Act of 1901 in Punjab. In Sindh the Encumbered Estates Act, or Act XX of 1896, was enacted to protect the zamindars, who were in debt and had mortgaged their land.⁴⁴ Efforts were made to pass a law akin to the Punjab Land Alienation Act in Sindh, which would effectively curtail land from passing into the hands of non-agriculturalists, but this never came to pass.⁴⁵

Towards the end of the nineteenth century the trope of the zamindar as the real victim of changes in the agrarian economy can be seen throughout the colonial documents in Sindh on debt and agricultural policy. In Sindh, the state was predominantly concerned with protecting the landed elite and cultivating a class of flourishing “peasants proprietors.”⁴⁶ Zamindars held lands of varying sizes – some were petty cultivators, and others commanded large, unwieldy estates.⁴⁷ Zamindars were solely responsible for paying taxes and were entitled to receive *lapo* – translated as manorial

43. *The Times of India*, “Imprisonment for Debt in India; Letter to the Editor of the Times,” Saturday, 16th November, 1878.”

44. See E.H. Aitken, *Gazetteer of the Province of Sind*, Karachi: Mercantile Steam Press, 1907, 338. This law was designed to protect those who had already paid over 300 Rs a year in revenue – thus ending up serving as protection for the most wealthy and prosperous zamindars in the first place. Two other pieces of legislation were passed for this purpose: the Agriculturalist and Land Improvements Act of 1884 and the Loans Act of 1884.

45. Shahani.

46. Demi-official Memorandum on the Zamindar and Cultivating Classes in Sind, 1902, 6, RSP/3210.

47. Cheesman suggests that any zamindar with over 500 acres was classed as a politically significant figure.

due – from those subsisting off their land. The zamindar was a vital ally in the colonial state’s relationship with the Sindhi rural countryside. As one officer put it, “It is unnecessary to insist upon the retention and preservation of the zamindar. He has long been looked upon as an integral part of our administration. In times of flood and disaster, in times of crime and disorder, in times of need, we look to him to help, and he is never wanting to our call...”⁴⁸

Protecting the zamindar from dispossession of their land was therefore of paramount importance. Following shifts elsewhere, it was the hindu *bania* who emerged as the real oppressor in Sindh, a “grasping, relentless creditor” and a “ruthless” danger to hari and zamindar alike.⁴⁹ One revenue collector warned that if the bania was allowed to continue harassing the zamindar, “their ruin would amount to social and agrarian revolution.”⁵⁰ As Sir Merewether, Commissioner in Sind, wrote to Philip Edmond Wodehouse (the governor and president in council in Bombay), “It may be said that free contracts should not be interfered with, but the zemindar’s contracts, many of which were extorted by deliberate terrorism, were not free.”⁵¹ Indeed, while coolies and haris had to be held to their contracts, even though they were dying in batches or unable to eat for fear of prison, for the zamindars the same laws of free contract could be suspended.

The extravagances of the zamindars included their spending on *shikaar* (hunting), lavish entertainment, and women. These vices were seen as the fault not of the zamindar

48. Sind Encumbered Estates Office, *Pamphlet on Relations between Debtors and Creditor in Sindh*, 1901, 5, RSP/3234.

49. Papers Relating to the Indebtedness of the Zemindars of the Muncher Lake in Sind. Madras: Scottish Press by Graves, Cookson and Co, Popham House, 1874, 191, V/27/313/44.

50. Memorandum on Cultivating Classes, 12.

51. Papers Relating to the Indebtedness of the Zemindars of the Muncher Lake in in Sind. Madras: Scottish Press by Graves, Cookson and Co, Popham House, 1874, 73, V/27/313/44.

but of the natural demands of his position or the loose morality of women from lower castes. One report notes: “The mohanas are very numerous in the Muncher tract and their females, at once attractive and profligate, are a perfect curse to the idle zemindars... considering how abounding the temptation is... it is not wonderful that they should fall into it.”⁵² Therefore if the zamindar was in debt and losing his lands, he could not be held responsible, because of forces acting upon him. He could not be made to adhere to the terms of the debts contracted, and therefore intervention was necessary.

Even though largely outside their sphere of concern, revenue collectors in Sindh sometimes recognized that there was a whole class of indebted landless tenants who were dependent on the zamindar.⁵³ A description of one such instance can be found in a 1901 Pamphlet on Relations between Creditor and Debtor:

In order to live between harvests, the tenant (hari) has to borrow from the money-lender... the tenant is not able, except in the case of mourusi haris, to mortgage his right on the land and so the tenant who is established by immemorial custom as well as the tenant at will in order to feed themselves, can only borrow on their zamindar's security. The zamindar, is responsible for recovering from his haris at the time of the harvest all that the banya has advanced to them during the year: he is responsible also for the debts of those who die, or abscond, or refuse to pay.⁵⁴

The logic deployed here is peculiar, yet typical. We see how, even while hari indebtedness is clearly acknowledged by the colonial state, the zamindar emerges as the

52. Papers Relating to the Indebtedness of the Zemindars of the Muncher Lake in in Sind. Madras: Scottish Press by Graves, Cookson and Co, Popham House, 1874, 172, V/27/313/44.

53. Indian Central Cotton Committee, *Report on an Investigation Into the Finance and Marketing of Cultivators Cotton, Report on Investigation Carried out in Sind*. Bombay: C.V. Thomas, Strand Road, 1926-1927, 11. One report carried out a sample survey of haris and found between 85%-90% of them to be using their share of the crop to credit an account and that “a number of cases have been reported where the whole of the crop has been taken by the sowcar at each picking and sold.”

54. Sind Encumbered Estates Office, Pamphlet on Rrelations between Debtors and Creditor in Sindh, 1901, 2.

victim. The discourse from a century earlier around impoverished Indians being akin to slaves was thus turned on its head. While indebtedness was dangerous and harmful, some kinds of indebtedness were more dangerous and harmful than others. Official reports, in fact, heralded the zamindar as the defender, or as an asset for the hari. While the zamindar was forced to pledge precious land in exchange for loans, the haris are fortunate enough to have their debts secured by the zamindar. A similar paternalistic argument is also made in the *Gazetteers*. For example, E.H. Aitkin of the Bombay Salt Department noted in 1907 that although debt was common among the haris, “they were fortunate in being as a rule attached to a landlord who was debarred by his religion from taking any interest for the advances” given to them by “well-to do Muslim landlords.”⁵⁵ Another frequent argument in colonial reports was that the hari benefitted from the labor market shortage, allowing him to dictate terms to the zamindar. The hari, these reports argued, was gaining freedom from the zamindar. It was their choice to relocate or work for other zamindars if their situation became intolerable.

Therefore, even the colonial state’s concern with rural debt did not translate into a thorough understanding of vulnerabilities the haris faced, nor did it prompt them to intervene in their situation. A hari’s life of indebtedness usually involved paltry sums of money that were barely enough to subsist but reigned over his life and became the basis for subordination. Cheesman notes a case of a hari committing murder on behalf of a zamindar because he owed 20 Rs.⁵⁶ This prevalence of debt meant the “subordination to

55. Aitken, *Gazetteer of the Province of Sind*, 335.

56. Cheesman, *Landlord Power and Rural Indebtedness*, 67.

money capital[,] in general,” not only to particular creditors.⁵⁷ Indeed, loans were a crucial mode of subsisting in a cash scarce-economy, in which indebting oneself to a wealthy patron had a particular social function.⁵⁸ However, notwithstanding the undoubtedly complex safety nets that debt provided during times of scarcity, to conjure Masud’s words: “Generations die in pursuit of mirage of solvency.”⁵⁹ In surveys finally conducted in the 1940s, Sir Roger Thomas listed twenty possible kinds of “legitimate” fees levied against crops that the haris were expected to deduct from their shares, to repay their “debts” to the zamindar or various other parties. These included lapo, the cost of carrying the grain, storage of grain in mud cabins, wages for the measurer of the grain and for the watchman, and sometimes a “hak allah” and “pir jo toya” – portions simply given in the name of god, one to the jagirdar and another to the shrine.⁶⁰ Debt, therefore, not only rendered the hari immobile, but also ensured, quite immediately, that he and his family would not have enough for subsisting, even after laboring an entire crop season.

The Sindhi Contractual Regime

What did the contractual regime governing social and economic transactions look like in rural Sindh? What kinds of agreements were upheld in courts, and how were agreements involving haris adjudicated? The lack of physical written contracts over batai

57. Bhattacharya, “Lenders and Debtors.”

58. Bishara: Bhattacharya, “Lenders and Debtors.”

59. Masud, *Hari Report, Note of Dissent*, 8.

60. Report of the Special Officer appointed to examine the relations between Jagirdars and Zamindars and their tenants and haris. Personal Papers of Sir Roger Thomas. Agriculturalist, MSS Eur 235/470.

arrangements between haris and zamindars was often noted, even while mentioning that the zamindars often kept their own written accounts of debts owed to them.⁶¹ Yet, examining the legal archives of the Karachi and Shikarpur district courts, it is clear that haris could be taken to court for “debt-bonds” that stipulated loan amounts, shares of the crop to be repaid, and interest rates. Indeed, court records show complex and endless disputes over debt agreements between merchants and laborers, shopkeepers and cultivators, zamindars and moneylenders, and bakers and artisans.⁶² The hari could be indebted to shopkeepers, merchants, or to the zamindar. Sometimes these agreements had physical contracts and sometimes they did not. It is clear that courts would uphold even verbal agreements into which a hari had entered, despite the awareness that cultivators were extremely vulnerable to having to negotiate unfavorable terms for themselves.⁶³

In 1867 a Daip Chand of Shikarpur, a businessman, sued a Syed Ghulam Shah, a cultivator in the Shikarpur district court, for a sum of 29 Rs and 10 anas. Since the defendant was a poor cultivator and had nothing to sell to repay the debt, he promised to repay 2 Rs in monthly installments. He failed to meet even this part of his agreement and was imprisoned for three months.⁶⁴ In the same year Preemo Mal, a landlord, sued Deen

61. The Sindh Hari Committee Report noted this lack of contracts.

62. In a random sample of 300 cases from the Karachi District Court records dated between 1865 and 1890, approximately 75 percent were related to debt agreements, interest, contracts, and advances. These records are housed in the Sindh Archive in Karachi and were consulted in the summer of 2018.

63. It is interesting to note that the term “hari” is not used in these documents, but rather descriptors such as “cultivator” or *kirdpok* are used instead. Furthermore, I assumed cultivators who were mortgaging their property not to be haris, as haris would not have had any transferable rights to the land on which they resided. The exception would have been with respect to maurusi haris, but it is impossible to note these distinctions in the cases. Most haris would have been limited to mortgaging a share of the next crop or other forms of moveable property.

64. Daip Chand S/O Doly Mal Shikarpur v Syed Ghulam Shah, 1867 SDC/464, translated from Sindhi by Vijay Raj Waghella.

Muhammad, a cultivator, for 96 Rs, which he had borrowed in cash for home expenses. After failing to appear before the court, the court issued an order for his arrest. The landlord, however, finally withdrew the complaint, submitting that the defendant had repaid the debt. The courts were clearly used as forums to threaten cultivators.⁶⁵ Indeed, the routine resolution of these disputes was most likely being reached outside the colonial courts. In 1876 Syed Ranjhy Shah, a landlord, sued Moly Dano, a cultivator from the bughio caste. In this case both parties shared the expenses for cultivation, as well as the work of cultivating. The defendant borrowed money from the landlord, pledging a share of the crop in return. However, the defendant mortgaged his share of the crop to a third party. The defendant was found guilty of breach of contract and ordered to repay the debt.⁶⁶

Haris were certainly entering into contracts with all kinds of parties in rural Sindh. However, it crucial to note that these were not *labor* contracts. Indeed, that these regimes functioned as forms of labor control (as I argue) must be inferred, read between the interstices of these visible contractual regimes. The legal regime certifying contractual freedom for haris explicitly focused on contracts related to divisions of the crop, cash loans that would need to be repaid with interest, and other forms of debt agreements. Returning to the discussion of the Workman's Breach of Contract Act, Act XIII of 1859 (WBC), it is significant that haris were specifically excluded from the particularly harsh

65. Preemo Mal S/O Pari Mal v Hashim S/O Deen Muhammad, 1867, SDC/618/335. translated from Sindhi by Vijay Raj Waghella.

66. Syed Ranjhy Shah S/O Syed Qurban Ali Shah v Moly Dano S/O Allah Dino, 1876, SDC/1009, translated from Sindhi by Vijay Raj Waghella.

penalties of the WBC, which would categorize the work they performed for the zamindar as labor. This was so despite several attempts by zamindars to bring them under the act.

In 1904 the zamindars in Sindh complained about their haris “deserting them in the most shameless manner” after extending advances in cash and requested that the Workman’s Breach of Contract Act, Act XIII of 1859 (WBC) be used to prevent haris from absconding.⁶⁷ Again, Khan Bahadur Khoso had the same demand during the evidence gathered for the Royal Commission on Agriculture. The commission agent asked Khoso: “What is your idea of the new kind of justice which you want? Beyond ordinary laws, what powers do you want to hold the haris?” He responded that bringing the haris to court under the WBC would ensure justice for zamindars.⁶⁸ Yet several cases brought before the high court, as well as unofficial inquiries to the judicial commissioner, confirmed that agricultural laborers could not be included under the WBC.⁶⁹

What was the rationale for this exclusion? We gain some insight into this question in the law commissioner clarification in 1893 that the *halis* – a group of similarly situated agricultural servants in neighboring Gujarat – were not to be treated under the same rubric as laborers in formal labor settings. In response to the query the commissioner responded that he was

...doubtful whether Act XIII of 1859 can be held to apply to the *halis* or serfs, whose relation to land owners is very different from that of the artificers, workmen, and laborers to the manufacturers, tradesmen, etc

67. Land Revenue Administration Report, 47.

68. Royal Commission on Agriculture, Minutes of Evidence taken before the Royal Commission on Agriculture, Bombay, 1927, 173. V/26/500/14.

69. See Chelaram, 9; *Empress v Bhagvan Bhivsan*, *ILR*, Vol V, 1883. The WBC is the focus of chapter 4, in which I look at the role of contract in disguising coercive labor relations. Two cases that made decisions on this issue were *Empress v Bhagvan Bhivsan* and *Queen Empress v Pirya Gopal*, heard in the Bombay High Court. The other significant omission from the purview of the act was domestic servitude.

whose case the act is intended to meet. That the halis are the hereditary servants of the cultivating classes and are really not free agents in any contract into which they may enter with their masters, and that it would scarcely be right that the breach of such contract should bring them within the penal clauses of the act.⁷⁰

What this response demonstrates is the ambiguous construction of consent and custom when it came to understanding relationships between this particular realm of master and servant – in agriculture. From the explanation above, ostensibly it was a protectionist impulse that shielded agricultural labor from the penal sanctions of the WBC. Indeed, scholars have noted this shift after 1857 in colonial discourse, which moved to protect what they perceived as the foundational institutions of Indian society– caste and the village community.⁷¹ But I suggest that the problematic nature of the agricultural laborer’s status under the law *qua labor* was perhaps more to the point. This ambiguity resulted in a paradox at the heart of how landless or land-poor agricultural labor was viewed by the colonial administration – they were “free” enough to not offend a legal regime that no longer tolerated slavery or forced labor and also free enough to enter regular contracts with often exorbitant interest rates over debt, crop shares, and property. However, the question of whether the work carried out for zamindars, agents, or the state – and which was made available by particular vulnerabilities of land tenure arrangements – was “free” or “unfree” was simply avoided.⁷² To raise this question would be to render

70. BJP, 1893, No. 2775, IOR/P/4469.

71. Dewey, “The Influence of Sir Henry Maine.”

72. See Prakash, “Terms of Servitude.” This narrative stands in contrast to Prakash’s argument about the perceived unfreedom of the kamias. In fact the suggestion here is that the kamias were extraordinary, in the copious documentation provided by the colonial regime on their condition. The haris, in contrast, were seen as better off as bound – or bonded labor.

the relationship between the hari and the zamindar available for scrutiny as a labor question.

We therefore see that rural debt across the countryside was a crucial aspect of the social control of labor, the haris. They were made to pay exorbitant interest, were held to the terms of contracts even if made under clear duress, and were frequently imprisoned for failing to repay their debts. Indeed, prison labor gangs were often resorted to for carrying out vital labor; therefore they were still made to work.⁷³ Thus it is actually rather significant that the WBC made such an exception for agricultural labor and, indeed, only in particular settings. Recall that all Indian labor was free enough to enter into long-distance migration contracts, whether to work in Indian plantations or further afield on plantations outside British India. As the next section will show, however, it was this very absence of specific labor agreements, that is, that labor expectations were “nowhere written in law,” that made it possible to resort to evolutionist arguments about the natural transition from status to contract. It is in this interstitial space that custom discursively emerges to paper over the inherent paradox of the nature of the social contract between the hari and the zamindar, or of agricultural labor in general, to be *labeled* as customary, without being *resolved*.

73. Employment of Convicts on the Lloyd Barrage, Judicial Department Records, 1927 RCCS/15168. As C.S. Wilson wrote to the Commissioner in Sindh: “The Sindhi bad character is however well-known for his aversion to manual labour and it is doubtful whether, in the absence of compulsion, he would develop into a satisfactory labourer when the only incentive to work and adherence to the conditions of his release would be the comparatively mild inconvenience inspired by a prospect of return to jail.”

Forced Labor or Customary Social Relationship?

In 1938 there was a canal breach and the Indus overflowed...people's houses and their lands were flooded, all their belongings and livelihood were lost. Some people lost their cattle in the flood and others had their cattle stolen. Everyone feared for their life. They feared for their wives children and their livelihood. For the poor it was as if the day of judgment had come.

The government sent out an order to every zamindar, wadera, panch, and sardar to send people for *begar* work. The waderas called their *chamchoun* (lackeys)... the waderas armies got ready, and started to reign violence on the poor people. The waderas' trained *chamchas* spread throughout the villages, and entered the houses of the *ghareeboun* (poor)... this is the wadera's order, whether you are sick or healthy, come for *begar*. The *ghareeboun* joined their hands together and begged... our livelihoods have been destroyed, our children are drowning how can we leave, today how can we obey your command?"

....To which they replied, if you are not going to go at our command, *humara joota aur tumhara sar* (our shoe/beatings and your head). Some paid bribes and were left alone... They spent all day digging under the sun and filled sacks with mud to block the breach. They worked side by side with the donkeys... All the while the wadera and the *amaldaar* (colonial official) just watched.⁷⁴

As recounted at length in chapter one, the 1920s were a time when the question of the prevalence of "forced labor" was being addressed across India. Instead of focusing on labor for public works, as had been "abolished" in 1856 in Sindh, internal relationships between landlords and tenants, sometimes referred to as "impressed labor," were questioned. In Sindh, the issue was raised in the course of oral and written evidence collected by the Bombay government on the practice of "*Rasai, Lapo and Chher* in Sind." These meetings were convened to address the details of the relationship of exchange between zamindars and colonial officers while they were out on tour of the countryside. Of particular interest is the discussion of *chher* – the vernacular term used to describe customary or "courtesy" labor that the dependents of a zamindar were expected to

74. Abu Shaukat, *Inqilabi Dando*.

perform by virtue of the fact that they resided on zamindar land and relied on him for government mediation.

This system, very similar to that discussed in Punjab in chapter one, was finally seriously interrogated as potentially unfree labor.⁷⁵ Through this discussion it becomes clear that relations between the zamindar and colonial state agents were built on labor performed by the haris. By custom, haris were expected to pitch tents for officers, load and unload goods, and provide food and supplies whenever a colonial officer arrived in the area. More importantly, officers admit that haris routinely closed breaches and cleared canals, fixed roads, and performed labor for other public works projects. This labor was rarely, if ever, remunerated. To provide these services to the state free of charge would not enhance haris' own status, but rather was part of the process of building prestige for the local zamindar – specifically, his all-important reputation for hospitality.⁷⁶ Mr. Hey, the acting collector of Hyderabad, explained in his written evidence before the committee, “All haris hold their lands on conditions of turning out for their zamindar.”⁷⁷ Another officer admitted that “haris are not paid, but will be penalized at the time of *batai* if they do not perform well.”⁷⁸ While more neutral terms such as customary or courtesy labor were sometimes used to define *cherr*, in this report terms such as “forced”

75. *Land Revenue Administration Report*, 107. It is important to note that this comparison was made periodically, for example in commentary from the Land Revenue Administration, reports also describe what they term “forced labor” relationships between the zamindar and the hari, noting that that haris were in debt to landlords.

76. See Ansari, *Sufi Saints and State Power*, 46-51. This reputation and these “services” to the regime resulted in more elaborate rituals in honor of the zamindar, pir, or waderas at the *darbar* – a space where local magnates were called by the colonial state to reconfirm or bestow state privileges, a site where “pomp and splendor” could be displayed or competed over.

77. Correspondence Related to Lapo, Rasai, and Cher in Sind, Hyderabad, Vol IV, circa 1920, 6, PRS/4708.

78. Correspondence Related to Lapo, Rasai, and Cher in Sind, 41.

or “unpaid” labor were used by district officers across the board. Although it was clearly a kind of forced labor, it was explained as still legitimate by relegating it to the status of the *rawaaj-e-aam*, or time-immemorial tradition – custom.⁷⁹

A further inquiry requesting information about the hari zamindar relationship and whether it was “impressed labour” was conducted in 1922.

... As to impressment of labor under the Irrigation Act, zamindars respond to appeals to help as it is in their best interest and those of their haris....Section 58 of the Irrigation Act has never been resorted to....in accordance with the long standing custom and practice the haris and villagers who are generally at the beck and call of the zamindar are made to work by him without any remuneration in cash, but are fed by him on the days when their services are so utilized.⁸⁰

What this excerpt demonstrates are the norms and expectations governing how labor was called to the service of public works projects, as well as the internal relations between haris and zamindars that enabled the zamindars to deliver this latent “free” labor force. Indeed, the speaker all but admits the subtle internal arrangements that rendered moot legal provisions for enforcing statute labor only in “times of emergency.” Again the power relations that drive this system are made clear: “They (the haris) have to comply with the demands of the landlords on their services to avoid the risk of being thrown out.”⁸¹ And again collectors assured the commissioner in characteristically evasive language that “the amount of forced labor,” while perhaps present, is certainly “not excessive.” So while formal calls for workers to perform labor on public works projects

79. Cheesman, *Landlord Power and Rural Indebtedness*, 66. Cheesman finds evidence that haris could also be publically humiliated or beaten.

80. W.W. Smart Esquire, I.C.S, Collector of Karachi, to the Commissioner in Sindh, 21st December 1922, Correspondence on the Impressment of Labor and Supplies, RCCS/14584.

81. J. Monteach Esqr, I.C.S. Collector of Tharparkar to the Commissioner of Sind, 19th February 1923, Correspondence on the Impressment of Labor and Supplies, RCCS/14584.

was expressly condemned, this evidence suggests that this responsibility was merely delegated to the zamindar, who capitalized on their relationships with their haris.

What is striking here is the ultimate defense for these practices, and the logic employed for not needing to abolish, regulate, or reform them came from that fact that it was “not sanctioned by any law” and that no impressment was recognized under any terms of settlement in the district. In other words, it was not legitimized and concretized as an official custom. A refrain throughout these documents echoes the logics of Henry Maine’s treatises on the movement from status to contract, arguing that “the change from status to contract is proceeding quite fast enough and needs no extraneous stimulation.” In other words, this was an area of social life where the role of custom was specifically *not* to regulate, but to disappear. Its legitimacy – or perhaps its lack of illegitimacy – lay in its claimed ephemeral nature.

Exactly what this custom meant and from whence it derived its legitimacy were questions left entirely undefined. Scholars have noted the inconsistencies of the colonial regime’s approach to custom. Custom was all at once required to be “upheld yet improved, redeemed without being killed.”⁸² Was custom simply an alternate jurisdiction, a domain where local Sindhi “laws” were meant to prevail? Was the relationship between the zamindar and the hari viewed as a distinctive form of contract? When addressing the issue of contractual agreements, observers often pointed to a peculiar mix of contractual and customary compacts operating between haris and zamindars. One such example is provided by Idnani, who writes about the hari:

Actually speaking he is neither an agricultural tenant nor the peasant labourer. He differs from the former in possessing no rights beyond

82. Bhattacharya, “Remaking Custom,” 37.

customs and the terms of his *contract* for the seasons. He is liable to summary ejection when the terms of his contract is over.⁸³

From this description it would appear that there was a contractual logic implied in these unwritten customary relations. Sometimes the *lapo/lapa* agreement would be described as a sort of civil contract between the hari and the zamindar.⁸⁴ The fact that the hari paid the zamindar lapa was an indication that they accepted his role as their intermediary and right to collect revenue with the state. Yet that these arrangements had *labor* expectations embedded in them was the very reality that the colonial regime avoided.

Ultimately both these inquiries, in addition to several other attempts to collect information on these internal labor relations, ended in an impasse. While the hari-zamindar relationship might have been a form of impressed/forced labor, according to some, these were internal arrangements that were not explicitly stated as being part of the customs of the region. These arrangements – while perhaps possibly constituting evidence of unfair labor practices – were eclipsed by the conviction that, generally, the moral character of the zamindars could be trusted. To be sure, there was something suspect about the fact that zamindars kept delivering unremunerated labor whenever the Public Works Department needed it. The legitimacy of custom, therefore, remained unchallenged throughout the 1920s, even as other labor questions underwent national and international scrutiny. The invisibility of labor demands of the hari-zamindar relationship was challenged in the localized setting of Sindh, in the form of the hari movement.

83. Idnani, 34.

84. "Papers Relating to the Indebtedness of the Zemindars," 11, V/27/313/44.

Producing Cotton for the World Market

In the introduction of the dissertation I show how Sindh was selected as the site of large-scale cotton production in British India. Sindh's arid landscape had always been seen as the primary challenge for growing cash crops, an inhospitable environment for anything beyond subsistence agriculture. The idea of building a state-of-the-art, megastructure dam for expanding Sindh's irrigation canals had been discussed time and time again, only to be taken up and then dismissed by Bombay and London. One General Fife had first proposed this project as early as 1852.⁸⁵ While this scheme was rejected, the government settled on a compromise, and the more modest Jamrao Canal was constructed between 1898 and 1899.⁸⁶ Once Sindh became the favored location for cotton, the Bombay government threw their full weight behind developing the cotton market in Sindh: "With the object of affording to cultivators the full benefits of their enterprise in cultivating Egyptian cotton in Sind, government have decided as a temporary measure to assist them in conveying their cotton to some central market, where it can be sold by public auction."⁸⁷

The potential for Sindhi soil to be the promised land that India had been waiting for was often remarked upon. Editorials in the newspaper often noted the feeling of the day: "Give us a barrage across the Indus," says the Cotton Committee in effect, "and we will give you a long staple cotton better than any now grown in India and in no small

85. Musto, *The Future of Sind. Sukkur Barrage Scheme*. Bombay: The Times Press, 1923, 16.

86. For a detailed description of the importance of developing Sindh's irrigational infrastructure, see Haines, "Building the Empire, Building the Nation," 48.

87. *The Homeward Mail from India, China and the East*, "Cotton Growing in Sind." Saturday 1st December 1906.

quantity.⁸⁸ Yet there was also a consensus that Sindh's problem lay not in its geography, but rather in the "semi-barbarous" Sindhi himself. Fife had wondered early on, "What becomes of the labor of the population? How is it that a province where the soil is fertile and the population almost entirely agricultural, the whole population has to cultivate to produce enough for home consumption?"⁸⁹ T.H. Summers and Fife both agreed that the answer to this question could only be that a great part of the labor was misapplied or wasted.⁹⁰ The trope of the "lazy" hari, therefore, had already developed before the Sukkur Barrage and cotton cultivation began.

Once the Indian Central Cotton Committee decided to mark Sindh as a site for global cotton production, the Bombay government forged ahead with plans to build a dam that would permanently alter the irrigation potential of the province.⁹¹ The Sukkur Barrage was built in order to meet these new irrigational demands, and extensive resources were allocated towards its construction and maintenance. Haris helped build the Sukkur Barrage and were promised land allotments on the banks of the newly irrigated land. One of the major grievances of the hari movement was the government's failure to fulfill this promise, as discussed more below.

The Sukkur Barrage and the extensive irrigation tracts it would create were essential for growing "long staple" American cotton for export. But it was crucial to

88. *The Times of India*, "The Cotton Committee: Sind and its Possibilities," 23rd June 1919.

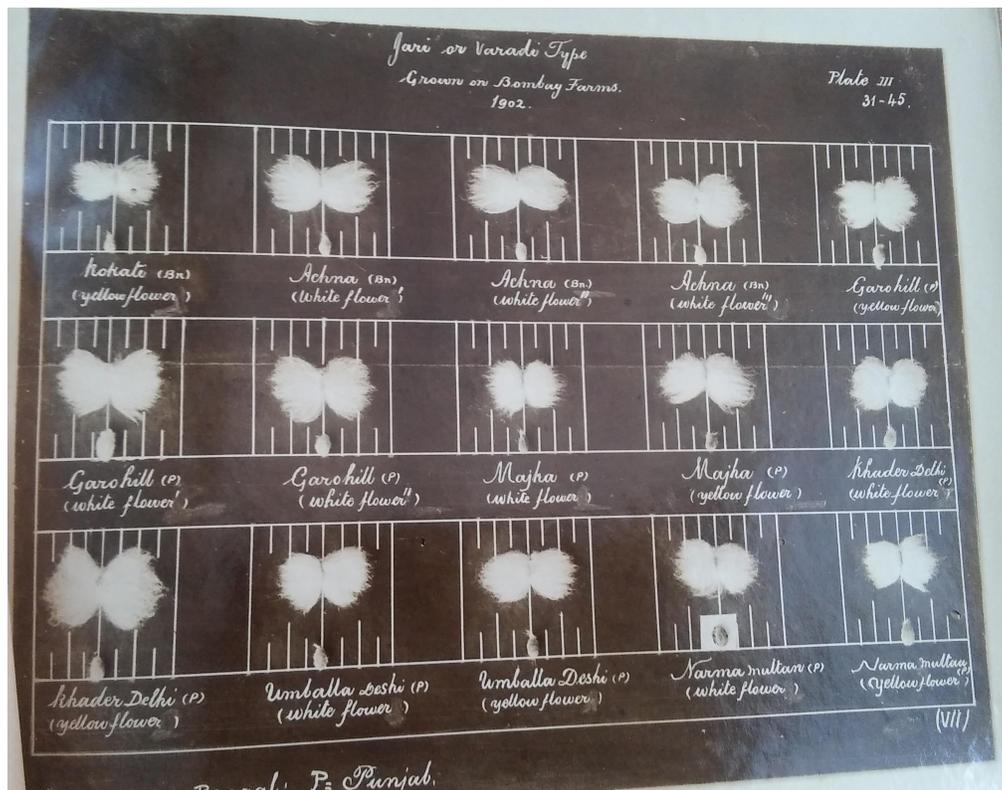
89. Letter to Colonel H.B. Turner, Superintending Engineer in Sind from J.G. Fife, Lieutenant, 29th October 1855, A Sketch of irrigation in Sind with proposals for improvement, RSP/2040.

90. The Sukkur Barrage and Empire Cotton, 1921, RSP/3076.

91. Sind Cotton Extension and Seed Distribution Scheme Progress Report, Sind Cotton Committee: Minutes of the meetings. RCCS/32292. With this decision by the Indian Central Cotton Committee came a budget allocation of 31,000 Rs. per annum to provide necessary staff and contingent expenditures.

carefully monitor and plan these efforts. There was a danger, for instance, of American cotton and Sindhi cotton being grown side by side, corrupting the purity of the cotton strains grown. Cotton had to be thick enough, glossy enough, and crucially, undiluted by local deshi strains. Therefore cultivators needed to be disciplined and amenable the kind of efficient and scientific direction depicted in figure 10, provided by the engineers and agriculturalists who were studying new methods of farming.⁹²

Figure 2. Indian cotton photos



SOURCE: Sindh Archive

92. "Letters, Cotton Sind Research Scheme."

The Bombay government turned its sights on the countryside, to better understand internal agricultural systems and landlord-peasant relationships and to investigate the extent to which a centralized market could be developed. From these inquiry documents we get a sense of the economic relations and informal institutional structures that enabled this small-holding cultivation system to function.⁹³ Problems included lack of “feeder lines and or roads to bring the *kappas* to the market” and the insufficient ginning capacity of the cotton districts. The Sindh Agriculture Department rushed to encourage more cotton ginning mills to be opened to reduce these costs (including in jails, as depicted in figure 11), on the one hand, and to build railway lines to make transportation easier and make marketing American seed easier, on the other.⁹⁴ Mills and ginning factories also needed labor, which created new levels of demand for wage labor in the province. At the first Sindh cotton meeting, members insisted that “every assistance is being given by the staff under the scheme to zamindars desirous of growing cotton and the best methods of sowing, interculturing etc are demonstrated to the haris. Periodic visits are made to the cotton fields to advise and assist them.”⁹⁵ The Cotton Committee tried to introduce and promote the idea of a central regulated market and maintained that the general population did not realize the value of such a proposition.

While cotton was grown by the haris, there were many layers of intermediaries between the market and the hari. In his response to the Royal Commission on Agriculture, Khan Bahadur AzimKhan complained that the problem with cotton

93. Indian Central Cotton Committee, *Report on an Investigation into the Finance and Marketing of Cultivators Cotton, Report on Investigation Carried out in Sind*. Bombay: C.V. Thomas, Strand Road, 1927-1928.

94. *The Times of India*, “Sind Cotton Industry.” July 3, 1912.

95. Sind Cotton Committee, Third Meeting, 6, Sind Cotton Committee: Minutes of the meetings, RCCS/32292.

cultivation in Sindh was “too many middlemen, e.g., the village sowcars, agents of factories, the factory owners themselves, and the intermediate firms at Karachi.”⁹⁶ Not only did this issue drastically increase the price of cotton, but it also meant that haris could not respond to changing prices directly, as the “village zamindars affect transactions of cotton with the village sowars who generally do not quote the proper market rate.” All these layers created problems of centralized management. The Bombay government’s view was that, if international market prices for deshi cotton fell, the local market was too saturated to be able to help the cultivator withstand the shock, and therefore the more centralized the market, the more easily the state would be able to manage these risks.

Cotton cultivation in Sindh met with moderate success. Karachi Cotton Association reached record figures, at nearly 2,100,000 bales.⁹⁷ In 1937 the Sindh agricultural department reported another vast increase in areas under cotton cultivation.⁹⁸ Yet it was tremendously difficult to motivate both haris and zamindars to follow the directives of the “experts” and agriculture department officials.

It was in this context that concerns about the ideal cultivator began to circulate, as the regime directed resources to experimental farms, as well as new methods and technologies of agricultural production. The problem was that the cultivator had little incentive to produce American cotton when they could sell deshi cotton immediately in the local market, rather than having to go through the intermediaries necessary to produce

96. Replies to Questionnaire, Khan Bahadur AzimKhan Inayatullah Khan, 107, Royal Commission on Agriculture Minutes of Evidence, 107, 1927, V/26/500/14.

97. *The Times of India*, “Sind’s Cotton Trade: Problems Reviewed. Karachi,” December 18th 1937.”

98. *The Times of India*, “Sind Cotton Crop, Another Big Increase in Acreage,” January 19th 1937.

for the global market. Indeed, the haris often did not want to grow cotton at all, since they were barely able secure their rights to the produce and sometimes had to hold out selling their produce while waiting for cotton prices to rise.⁹⁹ Once again, the problem was the Sindhi himself. All kinds of measures were devised to induce the cultivator not to mix local varieties with American cotton and to take proper measures to control the quality of the crop cultivated. The Bombay government developed a series of propaganda schemes that involved advertising the benefits of unmixed cotton, setting up model farm stations for zamindars to tour, distributing educational pamphlets, and sending out experts to advise the zamindar. More stringent legislative methods were also suggested that would have made it illegal to grow certain strains of cotton, along the lines of the Madras Cotton Control Act (drafted in 1932).

The tropes of the lazy hari dominated when it came to the question of the most efficient methods of cultivating cotton. One of the routine complaints was about the “lethargic habits of the cultivator,” blaming him for quality issues with the cotton such as the invasion of the bollworm. It is in this context that Punjabi cultivators were brought into settle the lands on the barrage, lands that had often been promised to the haris, because they were believed to be more diligent cultivators.¹⁰⁰ Mr. H. Dow, Revenue Officer of the Lloyd Barrage and Canals Scheme stated before the Royal Commission on Agriculture:

For example, on the Jamrao, I have frequently ridden down a ten- foot road, separating cotton grown by some of the best Punjabi immigrants, peasant colonists, on one side of the road, from a most awfully tangled

99. *The Times of India*, “Progress and Problems of Sind – What Sakrand Means for the Cultivator,” February 11th 1935.”

100. Shahani.

cotton crop on the other side of the road. The conditions of irrigation are exactly the same, the water from the same source; the difference is in the quality of the cultivator...I would get the reply: "He is a Punjabi, I am a Sindhi."¹⁰¹

Decisions and knowledge about prices, and market conditions were taken out of the haris' hands. This created increased tension between haris and zamindars. One petition from a group of haris shows their desperation after the zamindar took all their cotton and stored it; in it they argue they were waiting for better market prices:

Our condition with the zamindar is that on preparing the crop he will take his half share and the other half we have to take out half and sell that personally for the livelihood of our poor children who are dying with hunger.

They go onto explain that the zamindar was hoarding their share of the cotton cultivated that season and not allowing them to sell it, expressing that they dare not challenge him openly for fear of him putting a fine upon them. In this petition they furthermore describe their indebted situation:

...His men say that if we enter the *khara* they will kill us, but our king of Sind, death will be better for us than losing our earning of 12 months for the livelihoods of our poor children. Sir he is cheating us. What our poor children will eat for these two months and what we will give to the banias from whom we have taken corn, clothes and etc. who are now forcing us to pay their amounts?¹⁰²

Commenting on the petition, the commissioner wrote that he knew little about the case, but he dismissed it by saying that they should be referred to the civil courts. He noted in passing, however, that they had already attempted to file a complaint in the criminal courts and had been turned away. Therefore both institutions had failed the haris in this

101. Replies to Questionnaire, Mr. H. Dow, Royal Commission on Agriculture Minutes of Evidence, 48 1927, V/26/500/14.

102. Petition from Nihal and other Haris to the Commissioner of Sind, December 7th 1935, RCS/33674.

instance: the courts and a direct petition to the commissioner. Note the invocation of the commissioner as “our King of Sindh,” beseeching the colonial state to “write themselves into colonial governance.”¹⁰³

The Hari Movement

One and a half months ago at the time of the annual Sind Hari Committee session you had taken a vow that you will face death but shall receive half of the produce in future. Do you remember this promise? When you hear that in your neighbourhood other hari comrades are at the risk of their lives...life is resurrected in you and passions are aroused and you became ready to create rebellion.... Zamindari, jagirdari & capitalism down down!¹⁰⁴

It is against the backdrop of enhanced cotton cultivation, a changing industrializing landscape, and almost a century of refusing to engage with the haris as subjects on their own terms, that the hari movement came into being. This was also a time when the seeds of nationalism and democracy started to enter debates about legitimate and popular rule, as Sindh gained provincial autonomy from the Bombay Presidency in 1935, citing years of neglect by the Bombay government.¹⁰⁵ The 1920s saw increasing mobilization on behalf of peasants’ rights by leftist intellectuals who formed the *Kisaan* – another term for peasant – Bureau and raised the slogan of “hari haqdaar,” or “the hari deserves his rights.” While most of the leaders who made up the hari committee were not themselves drawn from the peasantry, the hari movement was the first attempt to incorporate the hari

103. Balachandran, Pant, and Raman, 13.

104. Communist Leaflet Nawabshah, n.d. circa 1940, Sir Thomas Rogers, Agriculturalist Collection, MSS EUR R 235/268.

105. See Shahani.

as a visible and important subject of the state. The Hari Committee, which morphed out of the Kisaan Bureau was founded in 1930 by famous Sindhi nationalist G.M. Syed, who later went on to become a crucial figure in the movement that led to Pakistan's creation.

Even though official reports consistently gloss over the conflicts between haris and zamindars, other sources give us glimpses into these tensions. There are some instances of *maurusi haris* – first-class tenants recognized as official leaseholders – fighting against zamindars for tenancy rights in the courts. For instance, *Muradali v Arab, Alu, and Sheru*, heard in the Suddur court of Sind on appeal from the District Court of Shikarpur, involved a prolonged dispute over land tenure. The result of this case was to clarify the distinction between *maurusi haris* and regular haris, who were to remain tenants-at-will. The defendants, Arab, Alu, and Sheru, claimed that they were superior rights holders, unlike regular haris, who had no proprietary claim. In certain circumstances haris, particularly *maurusi haris*, could take their claims to the courts.¹⁰⁶

In 1933 a Haji Mir Mohammed Baloch of Karachi City went before the Bombay Legislative Council and alleged that *Jaagirs* in Sindh were “molesting the *Maurusi haris*,” using the courts. He listed examples of “civil and criminal cases that have been filed by the *jaagirdar* or their agents against the *maurusi haris*.”¹⁰⁷ Baloch called on the Bombay government put in place stronger tenancy laws in Sindh, foreshadowing what was to be the major theme of the Hari movement into the thirties and forties. This was one of several attempts to call for tenancy reform in Sindh, but it also failed. In other

106. *Muradali versus Arab, Alu and Sheru, Selected Decisions of the Sind Sadar Court, Vol. I, 1866- 1897, 229-289.* This case was not actually about eviction, but more about who was entitled to the proceeds of sale of the land.

107. G.S. Rajadhyaska, Secretary to the Bombay Legislative Council, to the Secretary to Government, 9th January 1933, Correspondence Re: Disputes between Jagirdars and Moroosi Haris in Sind, RCCS/19153.

instances, zamindars used the courts to try to exert influence on their haris but were reprimanded for doing so. On the 31st of January 1919 in Badin, a Haji Kamaldin Mandro – himself a one-time sub-inspector of police and third class magistrate – was fined 60 Rs by the resident magistrate for “making a false and frivolous complaint against three of his haris.”¹⁰⁸

Another valuable source for recovering hari voices was in the form of petitions sent directly to the commissioner or other political agents, bypassing the court system. In 1895, a petition was received not from a group of haris but from the brother of a Mian Ghulam Muhammad Khan, complaining that the revenue officer had incorrectly recorded the name of his brother’s haris in the official register. He demanded that their names be “struck off” the register. This case provides fascinating evidence of haris attempting to manipulate the colonial revenue collectors into claiming status as zamindars, rather than haris, during moments of opportunity – such as on the death of a zamindar. After a prolonged dispute, Khan’s brother was able to extort a written admission from the haris of their error in claiming zamindari rights and their complete and total renunciation of any claims to the land.¹⁰⁹

In 1902, the judicial commissioner received a rare petition directly from a group of haris in Hyderabad stating “that they are the haris in the jagir of Mir Ali Mahomed and they have been cultivating land in the Mir’s Jagir on payment of a fixed (amount) but now the Mir compels them to pay him more and request that the Mir may be told not to

108. *The Daily Gazette*, “Provincial Events,” Friday, January 31st 1919.

109. Judicial Miscellaneous, Petition of Ali Mohamed Khan and Sher Mohamed Khan Laghari complaining that the names of their haris have been entered by Mr. Seymour as Zamindar of their Jagir in Taluka Hala, 1895, RCCS/3466.

do so.”¹¹⁰ No follow up to this particular petition was found in the register. A closely related issue pertained to the amount of rent the zamindar demanded. In a letter to the *Daily Gazette* an anonymous tenant wrote a letter entitled “Oppressive Landlords.” In this the writer alleged that, notwithstanding the passage of the Rent Act, certain landlords have “adopted the practice of harassing the tenants continuously” unless they agree to their rent terms.¹¹¹

The newspapers also started to report protests over the issue of “forced labor” or *begar*. For instance in 1904 the Sindhi newspaper *Al-Haq* reported:

Injustice with poor farmers is increasing day by day that poor farmers are very disturbed.... when any officer calls, the Landlord calls us and sends us voluntarily to them for 15 to 20 days due to this our cultivated land is affected. Whole year farmers send us to do this voluntary work which affects the field... Mostly farmer send for the work of construction of way (Road), construction of Depot, ground making, collecting wood stick, hunting, taking care of horses, handling preparations for gatherings, handling guests, and so on.¹¹²

And again in 1910 and 1909 the local press reported farmers calling for an end to *Rasai* – the custom of providing labor for colonial officers on tour – forced labor, and *begar*.¹¹³

The 1930s saw increased agitation over a variety of issues, as hari demands became more specific: the share of the produce to which that haris were entitled; the reduction of debt identified as the means by which the zamindars controlled the haris; the implementation of the law to protect the haris against the cruelty of zamindars. On July

110. Judicial Department, Inwards Register, 17th October, 1902, RCCS/560.

111. *Daily Gazette*, “Letter to the Editor.” January 8th, 1919.

112. *Al-Haq Newspaper*, “Injustice with poor farmers”, 19th November 1904, translated from Sindhi by Vijay Raj Waghella.

113. *Annual Report on Native Papers*, 1905; *Annual Report on Native Papers*, 1910. These complaints in the Sindhi press are noted by the administration on several occasions. *Annual Report on Native Papers*, 1905, IOR/Z/P/3202 and *Annual Report on Native Papers* 1910, L/PJ/6/1091- File 2023.

19th 1930 the Sind Hari Committee met in Hyderabad, Sind to form a Central Board with the central goals that,

...in the course of time[,] they could become landowners and reap the benefit of land opened by the Sukkur Barrage. He wanted the haris free from debts and free from illiteracy... a deputation from the Sind Haris Central board should approach the government with the request that... haris be allotted 500,000 acres of land and that contract of employment between haris and zamindars be clearly defined.”¹¹⁴

As mentioned above, land along the Sukkur Barrage had been promised to the haris and in fact for several years had given haris unprecedented access to land ownership.¹¹⁵ The Aga Khan had made sure very publically to give haris who were of the *Khoja* caste grants along the barrage land, part of which can be seen in figure 12.¹¹⁶ However, this policy was short-lived. In Jatoi’s writings it is clear that the failed promises of the barrage scheme to the haris was one of the causes of great upset. He explains that one of the reasons that zamindars couldn’t allow them to have their own land is the question of who would grow the cotton. Jatoi argues that initially some plots were allotted, but once it was clear that haris were actually achieving some independence, members of the Sukkur Barrage committee altered the laws governing the disposal of barrage land.¹¹⁷

114. *The Times of India*, “Sind Haris Conference.” July 19th 1930.

115. Haines, 111.

116. *The Times of India*, “New Colony for Sind Haris. Agha Khan’s Scheme.” October 9th 1937.

117. Jatoi, *Hari Inqilab*.

Figure 3. Working on the Sukkur Barrage



SOURCE: Author's collection

On the 30th of June, 1937, *Islaah*, another Sindhi vernacular paper, noted that a “mob of farmers moving through the whole city gathered in front of the Sindh Assembly” to present their demands.¹¹⁸ From these sources we can see that awareness of their rights was spreading all over Sindh's countryside, resulting in the staging of protests in small rural villages such as Digree and Samrao. In 1942 the hari tehreek put forward their

118. *Islaah Newspaper*, “Farmers Protest in Front of Sindh Assembly.” 30th June, 1937
Translated from Sindhi by Vijay Raj Waghella.

demand once more that they be given their share of the produce, and they called for an end to free work and the injustice of landlords.¹¹⁹

Hari Inquiry Committee and Dissent

After widespread protest and activism by members of the Hari Committee, the question of tenure rights and the zamindari system rose to become an issue that was up for provincial-level debate. The first of these reports was released in 1945, the *Report of the Tenancy Legislation Committee*.¹²⁰ This committee was dominated by zamindars, and their recommendations were effectively to sanction tenancy rights for haris who provided “acceptable” cultivation continuously for ten years. This report included observations such as “legislating for the relationship was as unnecessary and undesirable as would be legislation between father and son.”¹²¹ The reigning logic of this report was related to efficiency.¹²² Tenants should be given rights if practicable, but the zamindar should not then be stuck with an inefficient tenant. Largely dismissing the report as highly skewed in favor of zamindars, G.M. Syed’s dissenting note railed against it as simply “feeding and fattening a handful of indolent” men. In terms of the idea that the hari is identical to the zamindar’s son, he asked if a hari could be regarded as such:

119. *Qurbani Newspaper*, “Awareness in Farmers.” May, 1942 translated from Sindhi by Vijay Raj Waghella

120. Report of the Tenancy Legislation Committee. Karachi: Government Press, 1945. RSP/528. The introduction of the report states that the question of the relationship between the haris and the zamindars was raised by the circulation of the Bombay Act of 1940.

121. Report of the Tenancy Legislation Committee. Karachi: Government Press, 1945, 1. RSP/528.

122. See Ansari, “Man May Plan.” Scholars such as Sarah Ansari have pointed out that the Hari Enquiry Committee was more the result of concern for modernization and development of the province than an explicit response to political agitation.

Why not the labourer in relation to the capitalist, or the shop assistant in relation to the shop owner? And yet while we have legislation for the benefit of one set of “sons” the other are left wholly unprotected. Pushed to its logical conclusion, this proposition should make the passage of all the laws, so far placed on the statute books in various countries to safeguard the interests of labour, look redundant, uncalled for and injudicious. *But perhaps more on this point the great mass of world opinion is uncompromisingly arrayed against us.*”¹²³

Indeed G.M. Syed was correct in that agricultural labor did have a specific role, as separate from labor, as was being enshrined at the ILO and in various pieces of labor legislation across the globe.

The recommendations of the report were tabled, and leaders of the Muslim League asserted that a new committee should be assigned, including members who represent the interests of the haris. The Sindh government convened an official committee to address the demands of the movement and the question of land tenure in Sindh in general. The outcome of this committee is captured in the *Report on the Government Hari Enquiry Committee* from 1947, which claimed to be based on consultations with haris themselves. However, this committee was dominated once again by landed interests, such as Siddiqui and Kehar, and also by colonial “experts” such as Sir Thomas Roger, agriculturalist. Media reports dismissed the committee’s work, announcing, “Findings will be no different from those of Sir Roger Thomas who had practically dictated the entire report.”¹²⁴

123. Minute of Dissent by G.M. Syed, *Report of the Tenancy Legislation Committee*, Karachi: Government Press, 1945. 9, (emphasis added). RSP/528.

124. Newspaper Clipping, Government and Hari Enquiry Committee General, IOR/MSS EUR F 235/260.

The official “majority” report had a number of recommendations based on a particular view of the nature of the relationship between zamindars and haris.¹²⁵ The committee attributed many of these issues to the fact that “the practice of batai farming is based on verbal understandings” and that written contracts were rare. The report recognized that there were abuses against haris, but it dismissed such instances as few and far between and as being due to the large degree of variation that existed in the personalities of the zamindar. The following excerpt demonstrates this view of the customary role of the zamindar:

Disputes between haris and zamindars are frequent but... they are usually settled amicably by appeal to local custom and usage rather than by recourse to law. It is those few zamindars who prefer to break with custom and become oppressive and unjust in their relations with haris that necessitate all haris being given greater protection than they now receive under the umbrella of the law.¹²⁶

The privileged (but unspecified) place of custom is asserted, referencing a well-regulated system of rules that provided a reliable and consistent sense of justice (although we are not told what these rules are). Indeed, it is only those zamindars who break with this system (although there is no way to tell when this might be the case) that problems arise. In other words, excessive levies on crop shares, unpaid labor, and violence all must be *deviations* from the norm, not built into the very structure of hari zamindar relations. This was so despite the fact that “any new custom can be started by them as their word is law.”¹²⁷ This is the very structure, this custom that purports to be fixed, that allows the

125. Government of Sind, *Report of the Government Hari Enquiry Committee*, 4 RSP/505.

126. Masud, *Hari Report, Note of Dissent*, 7.

127. Masud, *Hari Report, Note of Dissent*, 8.

zamindar to believe himself a victim, even while turning his haris away to spend another year in debt and without a livelihood.

The committee limited their recommendations, therefore, to simply improving the terms of the *batai* – crop distribution arrangements between the hari and the zamindar. They also recommended the establishment of an independent tribunal to adjudicate matters when custom failed to do so. Importantly, the report did lightly condemn the widespread use of begar labour, recommending that haris be paid for their services. The committee upheld the necessity of utilizing labor, explaining that during “emergencies” the Public Works Department had no option “but to draw on hari labor through the zamindars.”¹²⁸ They granted that, in all circumstances, the hari must surely be at least fed a meal for his labor.

The official majority report did not reflect the views of the entire committee. M. Masud published his now famous *Note of Dissent*, which the government of Sindh refused to publish. Masud had spent many years in Nawabshah as a revenue collector working for the Bombay government, but he had become an outspoken critic of the zamindar. Gaining a reputation for being a champion of the haris, his actions were often noted by the local press. For instance, an editorial in the *Sind Observer* from the 21st of June 1946 noted that “Mr. Masud has been encouraging the haris not to give any of the wheat produce towards the payment of debts contracted from the zamindars.”¹²⁹ He was seen by the conveners of the committee as a legitimate representative for the haris and their cause, but they did not expect his demands to be as “radical” as they were.

128. Masud, *Hari Report, Note of Dissent*, 32.

129. Quoted in introduction, Masud, *Hari Report, Note of Dissent*.

The *Note* made a complete splash in the media, as excerpts from the Masud's dissenting note were strewn across pages of newspapers. Meanwhile "Khuhro declared in Karachi on Tuesday that the problem of haris did not exist in the province. He said that it only existed in "some newspaper offices."¹³⁰ Sir Roger Thomas was furious over this coverage. Other landlords and he wrote a long, heartfelt letter to the editors of the local press, asking: "What is a hari after all, but only a worker engaged at will," why should he be given permanent rights "if he is careless in his work, defies his master... or is immersed in vice or bad habits? Is he better in any way or manner than any other worker on wages or on a share-system?"¹³¹ The irony here is striking. The hari was deprived of tenancy rights because of the prevailing faith in custom, but at the same time denied status of customary protections because he was no more than "a worker." But if the hari was no more than a worker, then why should he be not be given protections under the law as a laborer?

The result of this report was the 1950 Sindh Tenancy Act, which purported to regulate the batai but still did not give haris outright tenancy rights. The Act promised to give haris tenancy rights that would include the right to transfer and lease property, but only with the express permission of the zamindar and if they "satisfactorily" cultivated the same piece of land for three years. The exceptions were if he grew anything other than what the landlord decreed, if he grew anything for anyone else on the lad, or if he

130. Newspaper Clipping, *Dawn*, 23rd March, 1951, in Government and Hari Enquiry Committee General, IOR/MSS EUR F 235/260.

131. S.G.A Agha Letter to the Editor, in Government and Hari Enquiry Committee General, IOR/MSS EUR F 235/260.

did anything destructive or injurious to the land.¹³² Into the early years of partition it was clear that the law was ineffective, as few haris actually registered their names in the district settlement, and no Hari tribunal was ever established to oversee hari complaints. These rules were designed to allow zamindars to make determinations of “good” and “bad” haris, enabling the zamindar to forever wield the threat of eviction in the event of disobedience.

Framings and Metaphors: Class Conflict, Slavery, or Labor Control?

The face of slavery has changed, human beings have progressed.. but slavery hasn't been completely removed. Zamindari is also a face of the tradition of slavery. Kissan becomes a slave to work for the zamindar.¹³³

These three texts present a united front in debunking the free labor narrative. However there are still interesting distinctions in the languages and framings of each. Jatoi is clearly drawing on the language of class conflict, directing his polemic against capitalists and zamindars alike, and calling for the abolition of jaagirdari. Masud's language, meanwhile, is more focused, using another set of international vocabularies – slavery, forced labor – and diagnosing the causes of the oppression of the haris by focusing on the virtues of peasant proprietorship and on recourse to Islamic principals of rights in land. He also aligns his rhetoric with caste struggles taking place across India, although he avoids using this language in his writing. Finally, Abu Shaukat's work resorts least to global vocabularies, instead focusing on vividly describing the intricacies of the

132. *Sind Government Gazette*, “Bill No. V of 1949 (Sind Tenancy Act).”, *Sind Government Gazette*, March 5th 1949, Government and Hari Enquiry Committee General, IOR/MSS EUR F 235/260

133. Jatoi, *Hari Inqilab*.

relationship between the hari and the zamindar. Like Masud, Abu Shaukat also draws on religion, but he discusses the travesty of the hari's plight by asserting that their condition makes them incapable of Islamic virtue. Their ignorance, lack of izzat, sinful worship of pirs, swearing, lack of trustworthiness, and filthy habits render them without religion, in his account. He says they are saddled with the double burden of "nah deen hai nah duniya" – they have neither religion nor worldly goods.¹³⁴ Written in 1937, the earliest of the three does not end with a political demand such as demanding land rights or the end of capitalism.

Jatoi's *Hari Inqilab* formulates a critique against the zamindar's reliance and abuse of the hari's labor. This text in particular sketches a broad picture of the way in which the hari labors for the benefit of the zamindar with the hope of uplifting his qoum or biraderi. Indeed, in his portrayal of the relationship between the hari and the zamindar, Jatoi begins to formulate a direct link between the hari's land insecurity and their life of toil. However, unpaid labor ends up among a long list Jatoi elaborates of consequences of land insecurity.

This emphasis on land is repeated in the *Note of Dissent*. Masud asks, with the rhetorical flourish that is characteristic of the piece as a whole "What are the grievances of the haris?"

The answer is obvious. Their main grievance is insecurity of tenure, state of landlessness... the hari has a bleeding wound in his body - that is his state of landlessness.¹³⁵

134. Abu Shaukat, *Inqilabi Dando*.

135. Masud, *Hari Report, Note of Dissent*, 32.

Land was the heart of hari demands.¹³⁶

The different forms of labor performed by haris like *begar*, *seri*, and *chher*, as discussed in chapter one, were only a fragment of the larger problem. Forcing the haris to perform unpaid labor at particular moments, such as when colonial officers went on tour, when canals were breached, or when roads needed to be built, was simply the rhetorical tip of the iceberg. The very fact that haris “owed” the zamindar a share of the crop on which he himself worked was an expropriation of labor. The haris argued that “every stage of the farming and sowing process has the kisaans labor folded into it.”¹³⁷ The extra labor demands merely punctuated and stemmed from this fundamental fact: while the hari grew all the crops, it was the zamindar, with the backing of the state, who was entitled to decide how much, if any, he was allowed to keep.

While labor movements had made strides in the 1920s in terms of labor legislation, minimum wage acts, and factory conditions, agricultural labor was still perceived as a social, customary issue rather than a labor issue. Indeed, as scholars have shown, the factory and legislation surrounding this site, in particular, had become a delimited space where the “labor question” or labor laws emerged.¹³⁸ Agricultural labor, therefore, would not be subject to the protections of labor legislation, but rather, reform and intervention would take the form of land reform bills and tenancy legislation. Agriculture labor remained a category that required mediation between the peasant and the state. Labor proper, on the other hand, demanded a direct relationship between the

136. In 1946 the Revenue Department was supposed to distribute 24 thousand hectares of government lands to 1000 haris. The revenue officer of the Lloyd Barrage describes being mobbed by haris in each village he visited to be considered for these grants.

137. Jatoi, *Hari Inqilab*.

138. Sarkar, *Trouble at the Mill*.

state and the laborer. This separation, of customary labor and formal, visible labor, remained enshrined in the legal system into the postcolonial state.

The Failure of a Movement

In many ways this dissertation is an explanation of why the hari movement failed. I have built an argument around race and contracts as prisms through which free and unfree labor was viewed. I construct the coolies as a foil for the haris, as a racialized Indian subject who nonetheless, by virtue of the contract, was included in the category of labor. The hari movement's demands failed in three ways. The first involves the attempted emphasis on debt that was a part of, though not at the center of, the demands of the hari movement. Hari indebtedness, as shown earlier, was protested publicly in the press, and it also reappeared as a theme in Masud's *Note of Dissent*. The majority committee had recommended criminal charges for both the hari and the zamindar if a hari absconded to a new landlord without extinguishing his debt. Masud's response was to charge that "these recommendations savour of the slave traders of medieval ages."¹³⁹ However, "debt-slavery" was a category specifically quashed by the colonial administration.¹⁴⁰ Even in this moment of increasing attention on the labor regime in colonial dominions, the conviction was that debt between the zamindar and the hari was an extension of their customary relationship. In fact, as chapter one has shown, the global consensus had emerged to subordinate the problem of "debt-slavery."

139. Sarkar, *Trouble at the Mill*.

140. As discussed in chapter one, this can be seen during discussions at the League of Nations in the 1930s, where George Maxwell tried to place it on the agenda for the permanent Slavery Committee, but failed. He then tried to request that the International Labor Office take on debt-slavery, but they replied that they were "too busy."

This ambiguous construction of the hari struggle as comprised of unfair labor practices, but rooted in landlessness; as plagued by class warfare, but really about peasant rights; as like slavery, but more about feudal relations is symptomatic of the complex processes that were at play in subordinating haris in particular, and agricultural labor in general. Did vocabularies even exist to describe the phenomenon described here? Do they exist even now?

CONCLUSION: FROM INTERNATIONAL CONVENTION TO MODERN SLAVERY

In 1924 members of the India Office were nervously drafting responses to the Temporary Slavery Committee at the League of Nations, compelled to report on the state of slavery and analogous conditions prevailing in British India. Almost a century after slavery was abolished in India in 1843, they were still mincing their words. They insisted that that slavery “in the usual sense of the word” no longer existed and, further, that all conditions that might resemble slavery were gradually disappearing as India made its way across the threshold of modernity.¹ Fast forward another hundred years: again, in 2015, the United Kingdom parliament passed the Modern Slavery Act, framing this moment as a continuation of Great Britain’s struggle against global slavery, which now spanned centuries. In this moment NGOs, anti-slavery activists, and human rights groups single out South Asia as home to the largest numbers of “bonded laborers” or modern-day slaves in the world.² How do we connect and make sense of these dynamics as they reverberated across the sweeping changes that have defined the nineteenth and twentieth centuries? How can we recognize and diagnose these truly intractable challenges without succumbing to the languages that engendered them in the first place?

1. Minute Papers, Discussions at the Sixth Assembly of the League of Nations - Protocol as proposed by British Government, IOR/L/E/7/1412 File 5332.

2. See Anti-Slavery International, “What is Bonded Labour?”; Bales, *Disposable People*; Bales, *Understanding Modern Slavery*. In fact, according to the ILO and Anti-Slavery International, 50 percent of all victims of “forced labor” are affected by debt-bondage. Kevin Bales similarly states that the majority of modern slaves, “bonded laborers,” are to be found in India and Pakistan, placing the number at 15-20 million.

In this dissertation I have traced debates over slavery and unfree labor through three pivotal historical transformations: first the resolution of the “slavery question” through abolition, then the rise of the global labor movement and the global emergence of the “social question,” and, finally, the celebrations of self-determination and freedom that took place on the eve of colonial Independence. In this final chapter I reflect on the global order that emerged from these transformative moments. I write as the ILO has estimated that over *1.6 billion* people in the global informal economy have been significantly affected by COVID-19.³ The sheer volume of human lives whose fates are tied to the vicissitudes of the global economy were laid bare by the crisis, as workers without formal employment contracts were let off without warning, domestic workers thrown out on the street, and while migrant workers quietly died on the side of the road waiting for their families to come fetch them. This deepening crisis has shown, more than ever, the increasing precariousness of work in the global economy, how desperately workers rely on stable and formal protections from employers and the state, and how classifications of work are deeply imbricated in racial regimes.

Today bonded labor in South Asia is decried as one of the most formidable global human rights challenges and viscerally-apparent examples of modern-day slavery. A telling example is a recent award winning book by Siddharth Kara, titled *Bonded Labor: Tackling the System of Slavery in South Asia*, which profiles the kamaiya system in Nepal and the haris in Sindh as among “the bleakest of any segment of debt-bondage.”⁴ Yet, even with all this international attention, the solutions to this problem and diagnoses of its

3. ILO, “Factsheet: Impact on Lockdown Measures on the Informal Economy.”

4. Kara, 65.

origin are seldom nuanced. Kara terms the debt-bondage faced by the haris as “remnants of Old World barbarism.”⁵ Kevin Bales similarly describes modern slavery as holdovers from the past, distancing his concept of slavery from wider global problems of labor disenfranchisement rooted in modern dispossessions of capitalism.⁶

In bringing our attention to the hari movement’s invocation that haris were “like slaves,” I am arguing about a very specific form of unfreedom that emerged and that continues to be upheld by dynamics forged in the process of imperial order making. This is not the story of “slaves” who were simply not recognized as such until the 1990s, when they were recast as the modern slaves of Sindh, portraying a linear history from pre-modern forms of slavery to what we now call “modern slavery.” It is true that becoming a hari was one avenue for ex-slaves and a possible occupation for household slaves wishing to raise their status by leaving the domestic space. However, this was merely one subsection of the groups that made up the haris, who were experiencing a form of labor subordination entrenched in *old and new* forms of economic and social subjugation.

The *Note of Dissent* written by Masud and quoted extensively in the last chapter is perhaps recalled today as a failed moment of opportunity for the haris. The reasons and the deeper historical context surrounding this failure, however, are poorly understood beyond cliché assertions of the indomitable power of landed interests in Sindh. Furthermore, the very emphasis on violence and sensationalist stories of kidnapping and abuse reproduces the core structures that undergird global discourses on modern slavery and human rights. The solution to this problem, according to human rights groups following the scripts of anti-slavery lobby groups, is to “free” modern slaves, placing

5. Kara, 3

6. Bales.

them in so-called “slave camps.” This may temporarily remove them physically from the reach of the zamindar, but it only ends up leaving them without means of a livelihood. One of the few options is to join the wage economy, if they can, or the “wageless” masses of the rapidly overcrowding urban space. This story is familiar.

The now infamous case of Munnoo Bheel involved a local zamindar kidnapping and most likely killing Munnoo’s entire family 20 years ago. Showcasing the unbridled violence sometimes committed by *zamindars* and *waderas* – landlords – of Sindh has become a common strategy and defines the iconic representation of the bonded labor movement. These images of chains, combined with stories of physical violence and forced imprisonment, are certainly rooted in real events. However, the need to emphasize violence erases the fundamental civil rights entitlements that would come from recognizing the *haris* as, first and foremost, labor. The question is why must the *haris* resort to documenting violence to claim rights? The irony of having to insist they are modern slaves contrasts with the *shidis*, who strive to shed this label. As the *shidis* in Sindh know well, the label of the “freed slave” stigmatizes and disempowers.

While many human rights activists today acknowledge the problem of bonded labor, the vast amount of investment, coordination efforts, and state resources have gone in recent years to initiatives aimed at migratory labor regimes.⁷ Indeed, the vulnerabilities faced by South Asian workers are even more widespread when we consider the sheer scale of migrant laborers from South Asia strewn across the globe to work in modern-day plantations, at construction sites in the Middle East, as domestic workers, and in garment factories. These efforts speak the language of ethical and responsible recruitment,

7. Verite, “Forced Labor in the Production of Electronic Goods in Malaysia.”

cracking down on recruitment fees, and bringing attention to the vulnerabilities of global migration corridors.⁸ Many scholars, though, see these structures erected as state security measures to regulate and render legible the overwhelming numbers of laborers who now must leave their homes to work abroad to survive. The UK Modern Slavery Act was followed shortly by new immigration laws that aim to curb the illicit movement of people across borders, justifying these initiatives in the name of anti-trafficking and modern slavery.⁹ These initiatives criminalize the unscrupulous recruitment agent, the trafficker, or the smuggler, instead of seeing these problems as part of the “deepening and extension of neoliberal capitalism.”¹⁰ Vulnerable work is indeed becoming a more visible feature of the global labor market under capitalism, stemming from widespread problems of land dispossession, poor income alternatives, and growing food and land insecurity. Those who seek to understand what seem to be growing trends in incidences of forced labor and modern slavery similarly point out to this global restructuring of capital.¹¹ Scholars diagnosing the alarming rate at which the world of work is changing before our eyes have termed this problem as perhaps the single most important of this moment, the “new social question.”¹²

Global human rights NGOs and the international development community confront the problems of forced labor and modern slavery in corporate supply chains by

8. Just in the last decade there has been a proliferation of these initiatives. For example the ILO – Global Action to Improve the Recruitment Framework of Labour Migration (REFRAME); ILO – Fair Recruitment Initiative; International Organization for Migration (IOM); and the International Recruitment Integrity System (IRIS).

9. Hodkinson et al., “Fighting or Fuelling Forced Labour? The Modern Slavery Act 2015.”

10. Lebaron, “Unfree Labor Beyond Binaries”; Fudge, “Modern Slavery, Unfree Labour.”

11. Landman and Silverman, “Globalization and Modern Slavery”; Lebaron.

12. Breman et al., eds.

targeting the problem of the “weak labor regime” and by blaming “poor adherence” to international law. I show, however, that these are the very institutional infrastructures that created these problems in the first place. Bonded labor does not emerge out of a failure of international law, or of labor law, or of free labor, but rather has been built into the very architectures of all three. In fact, the period that I investigate, the 1920s, is the precisely so crucial because it is a moment when a global consensus emerged around the moral underpinnings of the world order, notions that were enshrined in the constitutions of the postcolonial state.

What is a “Labor Problem”?

The scholarship on modern slavery today repeats the exercises that George Maxwell was frantically pursuing in trying to make sense of and categorize the staggering varieties of unfree labor that were suddenly being brought to the attention of the League, when the global community was in its infancy. Indeed, scholars today reproduce this same exercise, attempting to identify the ontological status of these categories, claiming to have worked out what slavery really is, and how it’s actually distinct from forced labor, trafficking, or servitude.¹³ Others call attention to the fact that the definition of slavery agreed upon at the League, with its focus on legal ownership, so narrow as to have produced no effect at all, and they suggest we broaden our understanding of slavery.¹⁴ However, I have attempted to show that we must shift our focus back to the question of labor.

13. Patterson and Zhou. “Modern Trafficking, Slavery, and Other Forms of Servitude”; Mende, “The Concept of Modern Slavery.”

14. Allain, ed. *The Legal Understanding of Slavery*.

In this dissertation I call for a fuller clarification of the historical forms and processes that have made cheap and exploitable labour available to corporations, recruitment agents, and traffickers in the first place. When a migrant worker signs a contract with a dubious recruitment agent to work in a plantation thousands of miles away, it is either to escape a debt or to try and secure freedom from the systems of servitude that ensconced him or her at home. I have shown in this dissertation that, in carving out agricultural labor from definitions of labor, the colonial state set in stone the infrastructure that would maintain power structures over the *longue durée*. Much of the work on racial capitalism has focused on racial difference as both shaping and being shaped by the process of global capitalism, but this dissertation shows how legal categories of work were themselves being produced in much the same way. These fragmented categories were made clear to me while doing fieldwork in Karachi in the summer of 2018 when I was dismissively told that bonded labor is “not a labor problem.”

How is it that “bonded labor” – a phenomenon defined as one of the illegal appropriation of labor and that involves trapping workers in cycles of debt, thereby violating of one of the most sacred tenets of free market individualism, that is, “free labor” – is not a “labor problem”? If it is not a labor problem, then what kind of problem is it? Human rights groups have been most active in bringing attention to bonded labor. As human rights activists have noted, the Darshan Masih case involving the fight to “free” a group of bonded laborers in Punjab, in fact inaugurated the human rights movement in Pakistan.¹⁵ I wondered, though, does this mean that unions and labor

15. See Qureshi and Khan. This led to the Bonded Labor System (Abolition) Act of 1992, modeled after the analogous 1976 Act in India. This case involved a group of twenty brick kiln workers petitioning the chief justice of the Supreme Court of Pakistan directly to ask for relief against the brick kiln owner who was demanding their return or their debt repaid.

lawyers have no part to play? As it unfolded, the antagonism between these two institutional ways of framing the problem of bonded labor was not an overt one of competition, but rather a discrete one, a conceptual ordering of the world of social problems and prescriptions for their solutions.

There is a way of reading this question as a part of the story of the global failure of the Left. Is this simply a story of global human NGOs moving in where the Left was present no more? Or is this an example of human rights discourse papering over more foundational processes of labor subordination? As Michael Denning notes sardonically, “In the face of the many still pompous invocations of inalienable rights one might note that we still await the modern magna carta of decent work.”¹⁶ Perhaps. Indeed, today, as modern slavery emerges as a prominent issue with the passage of Modern Slavery Acts in both the UK and Australia, this distinction between “labor” and “modern slavery” has reemerged. As scholars attempt to justify the importance of the Modern Slavery Act for labor lawyers,¹⁷ anecdotal accounts from practitioners in the field confirm the hostility of labor unions to the millions of dollars being pumped into anti-trafficking, forced labor, and modern slavery initiatives.

However in this dissertation I argue that the origins for this problem lie in much older boundaries drawn between worlds of work that harken back to the colonial era. These processes were, in fact, problems of constructing legal boundaries between different kinds of work performed in colonial spaces, in which forms of laboring formations were staggeringly diverse, and forms of labor unfreedoms were endemic to

16. Denning, “Wageless Life,” 95.

17. Fudge.

the structures of both capitalist and pre-capitalist modes of social and economic life. As the discussion in chapter one demonstrated, the ILO Forced Labor Convention specifically included an exception for forced labor for “local public works” and for “customary” relationships. Even debt-bondage was removed from both the mandates of the slavery committee and the ILO. These two failures represent the heart of the problem, which was the notion of labor, and the limits of this category, particularly when it came to agricultural work.

India held a unique status as distinct from other colonial possessions. For instance, India had a prominent presence at the ILO, even though they were initially not given a seat on the governing body. In 1919 India petitioned vociferously to be included in the category of nations of “chief industrial importance,” based on India’s industrial output, the large number of its population engaged in industrial pursuits, and the international importance of its overseas trade.¹⁸ However, even given this privileged place amongst colonizing nations, much of India’s population remained outside of industrial settings and was governed by logics other than those of labor proper. In fact, there was a whole apparatus in place particularly in India, regulating “labor” as distinct from “agriculture,” for instance, which mapped onto a rough division between domains that were regulated by labor legislation and those that were not. This manifested, for example, in separate Royal Commissions being established for agriculture and labor, with separate departments that had distinct mandates.

18. Claim of India for Information on the Governing Body of the International Labor Office, LON/6941/245

The ILO dealt with agricultural issues marginally, but within limits, and it always needed to justify this engagement.¹⁹ Indeed, the question of the ILO's competence in handling matters pertaining to agricultural labor even ended up being the subject of a battle in the Permanent Court of International Justice.²⁰ In the United States this was perhaps made most clear when the National Labor Relations Act (NRLA), as per the New Deal, excluded agriculture labor from the protections afforded to labor unions.²¹ Similar limitations in protections for domestic labor were exposed in the 1940s.²² In Pakistan the Essential Services Ordinance gave the government the power to ban trade unions and forbade agricultural workers from forming trade unions.²³

In this dissertation I have spoken about the “vast swathes” of laboring populations that were removed from the remit of labor legislation, by focusing on the agricultural laborer. The highly masculine nature of the world of work I portray here is meant to raise questions about assumptions of the domestic sphere of work as being uniquely invisible as labor. What most demands our attention about the *haris*, or agricultural labor in general, was that it was such an overtly masculine space, involving labor that was highly visible, carried out in the clear light of day, and on large-scale labor intensive projects. Of course these shrouds are even more obfuscating when we talk about domestic servitude,

19. Forclaz, “A New Target for International Social Reform.”

20. Competence of the International Labour Organization to deal with Agricultural Matters, LON/21545/18530.

21. Luna, “An Infinite Distance?” 492.

22. May, *Unprotected Labor*, 3. For instance, domestics were blocked for inclusion in the Fair Labor Standards Act of 1938. May explores the gendered causes for this exclusion, rather than relying on racial explanations only.

23. See The Essential Services Ordinance; Human Rights Watch, “Contemporary Forms of Slavery in Pakistan.”

or indeed the entire world of women's work or labor. As some scholars have noted, servitude in general has been "curiously" omitted from international law.²⁴ The need to "decenter waged work" has been acknowledged by scholars, but the question is, how did it come to pass that "much of capitalism's multitude was unrecognizable to a labour movement?"²⁵

I have therefore moved back in time in this dissertation to trace the origins of these elisions and obfuscations, looking to the colonial, and then international, categories that emerged from the colonial encounter. The category of "labor" both emerges from and is repressed through colonial state classification processes. Ravi Ahuja has pointed to the 1940s as a catalytic moment in the history of India's politics of labor, not only because it was then that its state-centric industrial relations regime took definite shape, but also because it was a moment when the divide between what would later be called the "informal" and "formal" economies was deepened and held up by way of legislation and jurisdiction.²⁶ However, as Bennanov has shown, the illogics of concepts of informality shot through the vicissitudes of ILO labor and development policies, showing the "fragility" and paradoxical nature of the term. These problematic categories wreaked havoc on future development initiatives, with the definitional and gymnastics of colonial categories carrying over into statistical and development planning by ILO experts. These

24. Allain, "On the Curious Disappearance of Human Servitude."

25. Denning.

26. Ahuja, "Produce or Perish."; Mohapatra, "Regulating Informality."

were the categories that directed national policies, justified loans, and shaped the future of the developing world.²⁷

Through the Twentieth Century

During discussions taking place while the Draft Slavery Convention was being circulated in London, the Indian Office representative all but admitted that compulsory labor was being practiced in India. Records indicate the India Office's apprehensions about the definition of slavery being construed too broadly. Internal correspondence with Mr. Patrick of the India Office stated: "The question had particular importance for India since the on the definition given might depend the answer whether certain forms of land tenure in India involved slavery or not."²⁸ This approach, of non-intervention in social relationships between the landlord and peasant, was not merely part of a deliberate strategy to cordon off segments of social life. I argue that this policy was also consistent with the limits and possibilities inherent in the categories being deployed across imperial sites themselves. I argue that attending to the backdrop of increasingly international regimes promoting labor rights and abolishing both forced labor and slavery powerfully shows the limits of the liberating potential of this moment. Both international institutions – the ILO and the Slavery Committee – with their overlapping and distinct concerns, had inbuilt limitations in the kinds of social relationships that merited intervention.

27. Benanev, "The Origins of Informality."

28. Minute Papers, in League of Nations, IOR/L/E/7/1412 File 5332.

It is striking that, as we move through different historical moments, we shift from one cluster of dominating ideologies to another, each with all its own blindspots: from “Free labor” all the way to “development” and “human rights.”²⁹ While it is one thing to point to the fact that forced labor amongst indigenous populations was neglected in the Forced Labor Convention, this oversight pales in comparison to the scale of operations premised on the very same assumption that emerged: this was the time to build nations and imagined communities, not to dwell on the rifts that simmered beneath the surface. Indeed, as we think about the role that custom played on the eve of Independence, trumping the issue of the hari and the zamindar relationship, it was custom and the emergence of the village community that became the unit of analysis for future development efforts. Daniel Immerwahr traces the emergence of the village community as the bedrock of development efforts, particularly in India.³⁰ However, while these enterprises were more successful in other parts of the world such as the Philippines, in India this became a story of elite capture, of raising the power of the landlords and caste leaders.³¹

Indeed, the entire genre of the “village study” that was so prevalent amongst South Asian anthropologists rested on this very foundation.³² Classical studies of post-colonial Pakistan, such as those conducted by Zekiye Eglar, John Honnigman, and Frederick Barth, were very much in this vein, often obscuring or minimizing the internal

550. Cooper, “Writing the History of Development.”

30. Immerwahr, *Thinking Small*.

31. Myrdal, *The Asian Drama*; Nisbet, *The Quest for Community*; Goswami, *Producing India*.

32. See Gazdar, *Kinship Group and Marginalization*.

hierarchies on which these communities were built.³³ This critique could only emerge from Marxist scholars, who began to challenge these idyllic representations and insisted on reading village communities into antagonistic classes, often looking to land/landlessness as the basis for these distinctions. These studies, too, ignored the more complex histories of race/caste and the particularities of global dispossessions produced in a world that had been globalizing since in the nineteenth century. Structural adjustment programs then turned against these elites, while re-imposing liberal free market ideologies on the global South. In the 1990s these rifts came home to roost in a different, more virulent form, and the world decided to call it modern slavery.

Concluding Thoughts

Looking to African, Asian, and South Asian systems of slavery and servitude, one is struck with the predicament of having to describe relationships that are at once predicated on violence, extraction of reproductive labor, and enforced service, while also embedded in a mythos of patronage, care, charity, and regimes of ennobling service. These shifting realities make disentangling violent coercive labor regimes from reciprocal relationships of exchange challenging for the social scientist. However, this dissertation argues that, above all, it is the “natal alienation” thesis that constrains our modern concepts of unfreedom today, as much as it did for colonial agents.³⁴ Seeing the slavery relationship as characterized by natal alienation and social death marked by the color of one’s skin or by removal from the space of the familiar is premised on an unstated assumption that

33. Eglar, *A Punjabi Village in West Pakistan*; Barth, *Political Leadership Among Swat Pathans*; Honigmann, *Three Pakistan Villages*.

34. Patterson, *Slavery and Social Death*. Social death and natal alienation are, of course, the classical sociological definitions from Patterson.

must be thought through carefully. The risk of migration is inherently linked to the precarious existence in one's place of origin. Freedom can be found in movement as much as in embeddedness. Does custom really protect or subvert? This is perhaps one of the foundational questions posed by the problem of bonded labor, challenging assumptions of danger in movement and safety in the familiar.

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