

# Colonialism, Capitalism and the Discourse of Freedom

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In the history and historiography of labour servitude, the ideology of modernity and progress looms large. Thus it was with bitter irony that a British officer described the miserable condition of a labourer in late nineteenth-century colonial India: "Steam, the great civilizer, has not done much for this man, although the railroad runs within a few hundred yards of his door."<sup>1</sup> The persistence of the miserably poor existence was bad enough, but truly appalling was the fact that the introduction of modern industry had not set the labourer free. The poor labourers, or *kamias* as they were called locally, had seen modernity whizz past them without carrying them along in its journey to progress and freedom.

The expectation that the abolition of unfreedom, even if it was "a very long time in coming", was bound to happen with "the advance of modern ideas, open communications and opportunities for industrial labour" was part of an ideology rooted in the post-Enlightenment belief that freedom constituted the natural human condition.<sup>2</sup> This post-Enlightenment discourse enunciated two fundamental propositions. First, that free labour was the natural and the normative form. Thus, even as the Enlightenment *philosophes* offered a tortuous defence of the enslavement of Africans, they also represented freedom as the essence of humanity and servitude as its negation.<sup>3</sup> Indeed, Adam Smith attacked slavery as a system of restraints that stifled the slaves' pursuit of their self-interests and impeded the development of free labour.<sup>4</sup> From this followed the second proposition according to which the purpose and meaning of History was to release human beings from the burdens imposed by the past and usher them into the realm of freedom because anything other than free labour was the suppression of an anterior human essence, because servitude was a deviation from the natural course of human evolution.

However, as Marx pointed out, the emergence of free labour required the dispossession of petty producers so that they could become "free"

<sup>1</sup> India Office Library and Records (IOL): Proceedings of the Government of Bengal, Scarcity and Relief Department, January 1874, File 13-76, Letter from the Officiating Collector of Monghyr.

<sup>2</sup> Bihar State Archives (BSA): Proceedings of the Government of Bihar and Orissa (Land Revenue), November 1919, Nos 6-10, Report by W.H. Lewis.

<sup>3</sup> David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, 1966), pp. 391-421 *passim*.

<sup>4</sup> Adam Smith, *The Wealth of Nations* (1776; New York, 1937), pp. 80, 364-367.

to sell their labour power as a commodity. To project the universalization of free labour as the *raison d'être* of history, therefore, was to stage the bourgeois mode of production as History. Thus, even as capital reinforced and profited from slavery, it composed the servile relations of production in the inverse image of free labour. Whether it was slavery and indenture on the "New World" plantations, or bonded labour on the Indian subcontinent, they were constituted as the Other of free labour; what marked them was an economy of restrictions – restraints on the mobility of labourers, impediments on their ability to choose and change employers, controls over their culture, etc. With labour power turned into an exchangeable commodity, capitalism constituted other social forms of labour as the opposite of free exchange. As Eugene Genovese writes: "The power of slavery as a cultural myth in modern societies derives from its antithetical relationship to the hegemonic ideology of bourgeois social relations of production."<sup>5</sup>

To the extent that servitude has come to be defined in opposition to free labour, as the suppression of an innate condition of freedom, its position resembles the position repression occupies in the modern discourse of sexuality. According to Michel Foucault, the "repressive hypothesis" represents power only as a system of restraints, as a thing that represses an innate sexuality, as a force "that only has the negative on its side, a power to say no; in no condition to produce, capable only of posting limits [. . .]"<sup>6</sup> Similarly, capital enacts servitude as the suppression of a prior human essence, as a system of *restrictions* on freedom to exchange labour power as a commodity. Power is banished from the realm of free labour and manifests itself in servitude alone; it becomes visible only in its juridical form, not in the realm of the economy but as "extra-economic coercion" – as an economy of suspended rights and suppressed essence. Such a naturalization of free labour conceals capitalism's role in constituting bondage as a condition defined in relation to itself, and presents servitude as a condition outside its field of operation, as a form of social existence identifiable and analysable as alien and opposed to capitalism. It is thus that the analysis of bondage, servitude and slavery as different degrees of unfreedom appears as a purely descriptive exercise, as self-evident distinctions unconnected to the force of the global spread of capital.

If the stage of history forms one site for the powerful emergence and functioning of the discourse of freedom, the pages of historical writings are another. Instituted by the workings of capital and writings of the Enlightenment *philosophes*, the discourse of freedom claims universal

<sup>5</sup> Eugene Genovese, *Rebellion to Revolution* (Baton Rouge and London, 1979), p. xiii.

<sup>6</sup> Michel Foucault, *The History of Sexuality, I: An Introduction*, trans. Robert Hurley (New York, 1980), p. 85.

applicability. With free labour disguised as a natural condition and a universal human destiny, not a specific historical form, social relations across history become representable by this discourse. It is thus that the free-unfree dichotomy has come to invade the understanding of societies ranging from ancient Greece to the Thirteen Colonies in North America. The condition of servitude in the Greek city-states is readily differentiated from bondage under medieval Islamic regimes and from slavery and indenture on sugar and tobacco plantations in the Americas, but the belief persists that they share something in common. Of course, as David Brion Davis suggests, there are grounds for identifying commonality. Certain institutional features, such as the treatment of the slave as a thing, legal codes and regulations, a system of restrictions, and the moral-ideological problem these posed, have existed throughout slavery's history.<sup>7</sup> Orlando Patterson's analysis of slavery across time and space as a system of domination predicated on the "social death" of slaves also makes a persuasive case for continuity.<sup>8</sup> But continuities in slavery as a system of domination cannot mean the persistence of unfreedom. As David Brion Davis writes, though "we automatically contrast slavery with free labor or with various modern ideals of individual autonomy", through "most of history such antonyms would have appeared absurd or contradictory".<sup>9</sup> In classical societies, slave and free represented legal statuses connected with the classification and ranking of people as barbarians and citizens: free status was associated with citizenship, wealth and membership in the community, whereas slavery was imposed on the poor and foreigners who were identified as barbarians.<sup>10</sup> Slavery enjoyed acceptance from philosophers, such as Plato and Aristotle, who regarded it as a "natural" institution.<sup>11</sup> In pre-modern societies, generally speaking, "the salient characteristic of slavery was its antithetical relationship to the normal network of kinship ties of dependency, protection, obligation, and privilege".<sup>12</sup> But in spite of the accumulated evidence demonstrating that the free-unfree opposition is the product of a specific historical moment, the belief in the universality of the slave-free opposition persists. The assumption endures that there is a brute, material

<sup>7</sup> Davis, *The Problem of Slavery*, pp. 30–31.

<sup>8</sup> Orlando Patterson, *Slavery and Social Death* (Cambridge, Mass., 1982).

<sup>9</sup> David Brion Davis, *Slavery and Human Progress* (New York, 1984), p. 15.

<sup>10</sup> Thomas Weidemann, *Greek and Roman Slavery* (Baltimore and London, 1981), pp. 15–31 *passim*.

<sup>11</sup> Robert Schlaifer, "Greek Theories of Slavery from Homer to Aristotle", in M.I. Finley (ed.), *Slavery in Classical Antiquity: Views and Controversies* (New York, 1960).

<sup>12</sup> Davis, *Slavery and Human Progress*, pp. 15–16. Here it is worth mentioning the well-known argument of Suzanne Miers and Igor Kopytoff that in African societies the opposite of slavery was not freedom but "belonging". See their "African 'Slavery' as an Institution of Marginality", in Suzanne Miers and Igor Kopytoff (eds), *Slavery in Africa: Historical and Anthropological Perspectives* (Madison, 1977).

level at which unfreedom transcends history; that there is a “*de facto*” level at which unfree labour can be identified independent of its historical configuration.<sup>13</sup>

The universalization of capital’s historical definition of servitude as a system of restraints, as the denial of a prior human essence, has a colonial genealogy. For it was through colonialism that capital constituted irreducibly different forms of social relations as its Other. As the history of *kamias* in colonial India demonstrates, it was British rule that universalized capital by reconstituting a range of unequal relations of dependence as unfreedom. To the extent that these social relations of dependence – by no means egalitarian or non-exploitative – were defined as unfree, they came to embody India’s otherness and served to authorize colonial rule as a project of reform. The establishment of railways, modern industry and education, law and legislation, came to function as technologies of colonial modernity projected to deliver India from its backwardness, from the horror of servitude. The emergence of slavery and bondage in colonial India, therefore, is inseparable from the discourse of modernity.

My essay explores this connection between servitude and freedom in the context of the history of *kamias*, a group of agricultural labourers distinguished by their long-term ties to landlords known as *maliks*. The labourers were drawn from outcastes while the *maliks* belonged to upper castes, although by the late nineteenth century low-caste rich peasants had also begun to employ *kamias*. A *kamia* worked all his life for the same landlord, earning wages for the days he was employed and expecting assistance in times of need. For his son’s marriage, he received some grain, money and a small plot of land from the landlord. Following this transaction, called *kamiauti*, the son, too, became the *malik’s kamia*. Women also became attached to the same master through the labour relationship of their husbands. These relations were structured as dependent ties that represented the landlord as a munificent patron and the labourer as his dependent subject. This *kamia-malik* relationship, classified as slavery and serfdom initially, was reformulated as debt-bondage after the abolition of slavery in 1843. Advances of grain, money and land became loans, and the *kamias* came to be reported and administered as bonded labourers.

<sup>13</sup> Thus Tom Brass, after making the reasonable argument that capitalism is not opposed to unfree labour, ends up endorsing the concept of unfreedom as a condition outside of its historical context of emergence so as to assert the superiority of his self-described Marxist interpretation over the palpable idealism of my alleged “symptomatically postmodern outside-of-discourse/language-there-is-nothing view”. Thus he invokes the notion of “*de facto* unfreedom”, distinguishing it from the “*ideology* of unfreedom,” to defend the concept of unfreedom as a form independent of its historical conditions of existence. As a result, Marx gets dragged in to vindicate the representations of capitalism and colonialism through appeals to a supposedly “materialist” notion of unfreedom. See

## Slavery and otherness

When the East India Company conquered eastern India in the mid-eighteenth century, its primary aim was to secure its trading and political interests. Thus it saw itself as a neutral force with respect to indigenous traditions that it pledged to respect. But this commitment to uphold traditions meant that these had to be first discovered. Officials made these discoveries as they set out to administer the newly conquered territories. It was thus that the existence of slavery was reported, as was its basis in native laws. Attempts to regulate slavery followed the discovery of the indigenous basis for the suppression of freedom, setting off a process that reconstituted the *kamias* as bonded labourers.

The story of the *kamias*' transformation begins in the late eighteenth century when, following the direction of the Governor-General, Warren Hastings, the Provincial Council at Patna issued a declaration in 1774 stating that the right of masters over their slaves should not extend over a generation.<sup>14</sup> The declaration was directed at slavery in general, and it mentioned two specific forms of servitude – “Moolzadeh” and “Kahaar”. The first, according to the Provincial Council, concerned Muslims and referred to the enslavement of enemies defeated and captured in wars. The second referred to the property in a group named and ranked by the Hindu caste system as palanquin bearers. Despite this difference, what mattered was the lack of freedom. Therefore, any variation in the conditions of slavery became intelligible in terms of unfreedom alone. Thus, referring to the “Kahaars”, the Council remarked that while they “belong[ed] to one person or another”, they were “allowed to intermarry & labour for themselves and at their own discretion, almost as if no bondage existed”. The equation of the ability to marry and labour at “their own discretion” with “almost as if no bondage existed” is significant because it suggests the definition of slavery as unfreedom, rendering any deviation from slavery representable only in relation to a state of bondage.

Just as surely as the Company equated slavery with unfreedom, it also attributed the absence of freedom to Indian religions and customs. Important in this process was the interpretation of classical texts by British judges and Orientalist scholars, often one and the same. These interpretive efforts, designed to locate the indigenous basis of slavery in India, entailed reading the discourse of freedom into classical Hindu and Islamic texts. Consider, for example, the Hindu laws on slavery. These were found primarily in Narada's texts, translated in H.T. Colebrooke's *Digest of Hindu Law on Contracts and Successions* (1801).

Brass, “Some Observations on Unfree Labour, Capitalist Restructuring, and Deproletarianization”, *International Review of Social History*, 39 (1994), pp. 255–275.

<sup>14</sup> IOL: Bengal Revenue Consultations, 16 August 1774, No. 442, letter from the Provincial Council at Patna to Warren Hastings, dated 4 August 1774. For a more detailed treatment of this process, see Gyan Prakash, *Bonded Histories: Genealogies of Labor Servitude in Colonial India* (Cambridge, 1990), pp. 142–148.

The fifteen categories of “slaves” found in Narada’s texts by British scholar-officials and Hindu pundits were actually called *dasas*, whose condition was distinguished by the fact that they were required to perform ritually polluting labour.<sup>15</sup> Basing the classificatory system on the nature of work that people were required to perform, the *dasas* were distinguished from *karmakaras* who were assigned only non-polluting tasks. The colonial discourse of freedom, however, appropriated this mode of classification, reading the identification of different groups by the ritual rank of their assigned work according to the free-unfree divide. Thus interpreted, classical texts were made to speak of *dasas* as unfree persons.

The identification of the source of unfreedom in Indian religions had contradictory implications. On the one hand, the supposedly religious roots of slavery expressed the Indian “temperament”. On the other hand, the fact that these laws provided for the enslavement of persons regarded as innately free meant that Indians could not after all escape the application of “natural” laws. Entangled in this contradiction until slavery was abolished in 1843, the British both tolerated what they viewed as religiously-sanctioned slavery and applied laws they considered to be humane and just in areas where Hindu and Muslim laws were silent. As the *Report from the Indian Law Commissioners*, appointed in 1835, revealed, local officials administered Hindu and Muslim laws while also applying principles of equity and justice.<sup>16</sup> This had three important effects: first, they helped create an indigenous “tradition” of slavery as unfreedom; second, by regulating slavery with “just and equitable principles” in order to ensure that slaves were treated kindly, they juridically privileged non-corporeal slavery; and third, their actions created a space for the definition of the *kamias*’ condition as “voluntarily entered” bondage, which was then placed in the slave-free continuum.<sup>17</sup>

The operation of these effects was visible in the abolition of slavery. When the government abolished slavery in 1843, it saw itself eliminating practices sanctioned by indigenous religious laws. Now that slavery, a condition marked by the master’s power of life and death over the slave’s body, was illegal, the stage was set for “voluntarily entered” servitude to receive full judicial focus and appear as debt-bondage.

#### From *kamias* to bonded labourers

The emergence of “voluntary servitude” based on leases and contracts neatly dovetailed the increasing importance that the transactions of

<sup>15</sup> H.T. Colebrooke, *A Digest of Hindu Law on Contracts and Successions* (Calcutta, 1801), II, pp. 321–340.

<sup>16</sup> *Report from the Indian Law Commissioners* (hereafter *ILC*), 54–55, in Great Britain, Parliamentary Papers, 1841, 28 (262), *Slavery (East Indies)*.

<sup>17</sup> For examples of the regard shown for “voluntarily entered” bondage, see *ILC*, Appendix II, No. 73, pp. 318–320.

money, grain and land acquired in the relationship between landlords and labourers. Although there is no reason to rule out the existence of these transactions in pre-colonial times even if they cannot be documented, the oral traditions of *kamias* do not mention them. In fact, their traditions represent *kamia-malik* ties as a relationship of power between a royal patron and his dependent subjects, suggesting that, while these may have existed in earlier times, they did not bear the entire burden of representing *kamia-malik* relations.<sup>18</sup> During the nineteenth century, however, written records document the growing importance of money, grain and a small plot of land that the *malik* gave his *kamia* on the occasion of his son's marriage. This objectification of labour relations in things formed part of a more general transformation that gathered momentum in the nineteenth century. By this time, the consolidation of private exclusive property ownership in land, the commercialization of agriculture, and the emergence of a land market, facilitated by colonial land tenure and economic policies, had loosened agrarian relations from the grip of social hierarchies. As land became the object through which social groups formed themselves and their relationships, free individuals marked only by their differing property claims replaced hierarchy and graded ranks. These claims were put to work in agriculture, in stabilizing and consolidating landed property, and in integrating agricultural production with the market. These required, however, a control over labour.

If tenurial laws provided a weapon of control over peasants, the figuration of *kamia-malik* relations around transactions of things emerged as the means of dominance over the landless labourers. Singled out as the basis of landlord-labourer relations, the transactions of money, grain and land that had previously functioned as means for reproducing *kamias* and *maliks* as ranked groups now became things with which even low-caste rich peasants could exercise labour control. In fact, the figure of the landlord as a powerful and munificent patron and the labourer as his dependent subject became reified, much like other rights and obligations in the countryside, into instruments of labour control. Both landlords, who strove to expand their directly-cultivated estates, and rich peasants, who sought to prosper while still burdened by rental exactions, seized upon the old shell of dependent ties and forged in it a new system of ordering and controlling *kamias* as unfree labourers through the power of things.<sup>19</sup>

The staging of the growing power of things as debt-bondage, however, was the work of the official discourse. This discourse was not separate from those transformations in the agrarian structure that objectified social relations. The act of describing, documenting, administering and

<sup>18</sup> On these oral traditions, see Prakash, *Bonded Histories*, ch. 2.

<sup>19</sup> See *ibid.*, pp. 162–169.

legislating transactions of money as “loans” formed part of a context characterized by the growing importance of ownership, rather than hierarchy, in social relations. In this sense, the official reformulation of *kamiauti* transactions as loans was one element of a discourse that functioned in a range of social spaces, spilling and circulating from one to another. It is this feature that rendered the colonial discourse of freedom powerful and enabled it to exercise a constitutive influence over *kamia-malik* relations.

We can observe the beginnings of the formulation of the discourse of debt-bondage in Francis Buchanan’s surveys of 1809–1812 in which the earliest reference to the importance of *kamiauti* transactions occurs. A sprawling account of land and society in several districts of Bihar, Buchanan’s reports favoured luxuriant description over frugal classification; he lingered over variations, rather than rushing to draw common patterns. Consequently, even as he drew attention to *kamiauti* transactions, he suggested enormous variation. Writing about the southern part of Bhagalpur district, where he first came across these labourers, he noted that in return for cash advances, *kamias* worked every ploughing season for the landholders and received a small amount of coarse grain as their daily allowance. In Patna and Gaya districts, the *kamias* were sometimes also given, in addition to cash advances, small plots of land. They cultivated these lands with their *maliks’* ploughs, but had to supply seeds themselves and paid half the produce as rent to their masters. These transactions were not new in origin; Buchanan was told that “in some places in the district [Patna-Gaya] [. . .] within the memory of man the price necessary to be advanced to servants [*kamias*] has doubled”.<sup>20</sup> He noted, however, that the practice of cash advances was not followed everywhere, and that they did not always demand hereditary servitude.

Such details illustrate Buchanan’s attention to diversity and change, and they complicate what his focus on *kamiauti* transactions sought to achieve. For, if the purpose of this focus was to explain the long-term ties between *kamias* and *maliks*, what are we to make of his observation of a considerable variation in the practice of giving advances and in the length of service they commanded? His description suggests that, while in some places advances of money led to hereditary bondage, not everywhere was the *kamia-malik* relationship centred on transactions of objects, nor did money exercise uniform effects. This tacitly questioned his own premise that money caused bondage. His description, militating against its own assumptions, suggested a much more flexible system than the focus on *kamiauti* transactions warranted; it indicated that the objectification of the labour relationship was far from a complete process

<sup>20</sup> Francis Buchanan, *An Account of the Districts of Bihar and Patna in 1811–12* (Patna, [1936]), II, p. 556. For Bhagalpur, see his *An Account of the District of Bhagalpur in 1810–11* (Patna, 1939), p. 46.



in the early nineteenth century. Rather than money exercising an inherent and uniform power, the *kamia-malik* relationship was negotiable.

Later, official accounts suppressed such ambiguities. Thus, reading Buchanan's work in 1841 in the light of an overriding concern with slavery, the *Report from the Indian Law Commissioners* distorted his nuanced descriptions of *kamias* to fit the straitjacket of the free-unfree opposition. Describing the *kamias* under a section entitled "Conditional Slavery and Bondage", this report used Buchanan's reports, available in manuscript and in Montgomery Martin's haphazardly edited *History, Antiquities, Topography, and Statistics of Eastern India* (1838), to define them as "conditional slaves".<sup>21</sup> It attributed the *kamias'* "unfreedom" to their "debts", and understood variations in the relationship described by Buchanan as differences in the length of servitude.

Interestingly, it did not escape the notice of some officials that the emergence of "voluntary servitude" based on "loans" was related to the general impression that, with the sale and import of slaves prohibited, servitude provided by leases was still legal. Thus, even before the abolition of slavery in 1843, landlords had begun representing their relations with labourers as conditional leases based on loan transactions because government rules and court decisions had sent a signal to Indians that contractual servitude was legitimate. Judges ruled to enforce lease deeds stipulating that labourers serve their employers for ninety years as provided in their contracts because such transactions conformed to English laws on contractual obligations.<sup>22</sup> Undoubtedly, such rulings signalled to the landlords the value that courts placed on contracts, and they took to executing creditor-debtor deeds to legitimize the *kamia-malik* relationship and to use it as an instrument against their labourers.

If a poor man when in debt objects to write a bond binding himself to slavery, the creditor prosecutes him in our courts; and as the claim has always some foundation although the amount is often exaggerated, finds no difficulty in getting a decree in his favour, after which the threat of imprisonment in execution of the decree speedily compels the unfortunate debtor to agree to the terms required, and he executes the bond.

After 1843, once slavery was outlawed, *kamia-malik* disputes were frequently represented and brought before the courts as creditor-debtor disagreements.<sup>23</sup> The landlords entered contract deeds on stamped legal paper and produced them in the court "with the more confident air as if they were perfectly certain of being upheld".<sup>24</sup> Lower courts frequently ruled to enforce these contracts. In fact, one magistrate even issued a

<sup>21</sup> *ILC*, pp. 44–47.

<sup>22</sup> *Ibid.*, p. 14; Appendix II, No. 75, p. 322.

<sup>23</sup> Government of Bengal, *Bengal Zillah Court Decisions, Lower Provinces* (Annual Series), 1854, p. 57; 1856, pp. 1–2.

<sup>24</sup> IOL: Bengal Judicial Proceedings, 17 March 1859, No. 290.

general order in 1855 instructing labourers to honour their contracts and asking the railway officials to dismiss those workers whom the landlords claimed as their *kamias*.<sup>25</sup> Such practices authorized and enforced the constitution of *kamiauti* transactions as loans and the labour relationship as debt-bondage.

Just as the fiction of loans centred the *kamias*' obligation to serve on the magical power of money, the functioning of the British land tenure regulations objectified labour relations. This objectification formed part of a general transformation of agrarian relationships, and its origin reaches back to the eighteenth century when the reification of land rights emerged as a powerful tendency. British rule reinforced and extended this tendency as its land tenure policies yoked social hierarchy to control over land. Over the nineteenth century, as the legal and institutional foundation established by the British combined with the extension of markets to render land rights transferable, the acquisition and exercise of land rights, rather than direct claims over people, became the basis of unequal agrarian relations. Much like money, land came to be seen as an object endowed with power, with an intrinsic force capable of anchoring and ordering social relations.

The objectification of social relationships in land surfaced with powerful effects on *kamia-malik* relations during partition disputes. The main quarrel in such disputes, as a report from 1886–1887 stated, was over the *kamias*' homesteads. Rival landed claimants asserted that the repudiation of ownership over these homesteads denied them their share of the *kamias*. Confronted with these disputes, the officers devoted “much labour and misplaced ingenuity in giving each shareholder his fair share of serfs”, succeeding in enforcing the power of land to bind labourers to landlords.<sup>26</sup> However misplaced, such efforts succeeded in enforcing the power of land to bind the labourers to landlords. So, three decades later, when another report noted disputes over homesteads, it described the claim over the *kamia* through land control as an accomplished fact.<sup>27</sup> Accordingly, this report described the meticulous attention revenue officials paid in recording rival claims and settling disputes, reflecting the prevailing assumption that land control was the key to labour control.

With slavery abolished and agrarian relations objectified in land, the *kamias* and *maliks* constituted their relations in terms authorized and enforced by the colonial administration. When colonial officials, in turn, encountered the *kamias* as bonded labourers, they were unable to see their own role in shaping the relationship they described. To them, the labourers' bondage and its foundation in the power of things appeared

<sup>25</sup> *Ibid.*, 27 September 1855, Nos 62–63.

<sup>26</sup> IOL: Bengal General Department Proceedings (Miscellaneous), November 1887, File 153 and 1/2, “Annual General Report, Patna Division; 1886–87”.

<sup>27</sup> Government of Bihar and Orissa, *Final Report on the Survey and Settlement Operations in the District of Gaya, 1911–18* (Patna, 1928), p. 64.

as transparent as the natural right to freedom. Thus, by the 1870s, hereditary debt-bondage, in contrast to Buchanan's early nineteenth-century descriptions, had reportedly become the general form.<sup>28</sup> As a description from 1906 stated:

there is a section of the community known as *kamiyas*, i.e., labourers who sell themselves to a master and whose position is that of mere serfs [ . . . ] Formerly the *kamiya* used to sell both himself and his heirs into bondage for a lump sum down; now this practice having been declared illegal, he now hires himself, in consideration of an advance or loan to serve for 100 years or more till the money is repaid.<sup>29</sup>

While the conviction grew that the *kamias* were debt-serfs, these "loans" were peculiar in so far as they neither accrued interest nor demanded repayment. The landlords secured long-term domination, as the two specimens of *kamiauti* bonds included in the appendix (see p. 24) suggest, by rendering the repayment of the loan impossible. Thus, the first agreement, recorded in 1855, specified a considerably greater sum than the Rs. 25 cash advance as its repayment; in addition to paying Rs. 100, the *kamia* agreed to hand over the produce generated by the working of one plough on cash-rent (*nakdi*) and produce-rent (*bhaoli*) lands. The second agreement, too, specified impossible conditions for the repayment of the "loan" by stipulating that it be repaid in June, a time of the year when funds were particularly low. Such stipulations were aimed at precluding the possibility of the "loan's" repayment, and available records indicate that neither did the landlords attempt to secure repayment, nor did the labourers try to settle their accounts. These transactions used the language of loans to represent long-term dependent ties as creditor-debtor relationship, but their object was labour control, not usury. They used the fiction of loans to establish the landlords' control over the labourers, to secure the labourer's agreement to "willingly and voluntarily" bind himself to plough the lands of the landlord, to "assist the agriculturist", to perform, along with his wife, "all the work of a *kamia* in agricultural operations". Labourers were to be paid wages, not work in lieu of interests on the "loan". The question of "interest" was ordinarily suspended, and posed only, as it was in the second agreement, if the labourer wished to dissolve the relationship. Furthermore, even though the *kamia* never repaid the "loan" and remained forever "indebted", he received a fresh "loan"

<sup>28</sup> Thus a report from the 1870s concluded that the "half-enslaved *kamia* form the landless day-labourers of these parts. For the sake of a few rupees, a man will bind himself and his family to work for a year, on the understanding that [ . . . ] the debts of the father do not cease with his death, but are inherited by the son. Thousands of these debts are never paid, and the landlord claims for generations the work of his dependents." Cited in W.W. Hunter, *A Statistical Account of Bengal* (London, 1877; rpt. Delhi, 1976), XII, p. 72.

<sup>29</sup> L.S.S. O'Malley, *Bengal District Gazetteers: Gaya* (Calcutta, 1906), p. 153.

when his son was to be married. *Kamiauti* transactions were, therefore, “loans” which were never expected to be repaid by either side, which never accrued interest either in money or labour because the labourers received wages for their work.

How could the “loan” be a fiction and yet secure bondage? The explanation for such a mode of functioning of “loans” can be found in what Marx identified as the fetishism of commodities which represents the relations between people as relations between things. To be sure, whereas commodity fetishism refers to free market exchange, debt-bondage restrains it. But the power that the notion of debt-bondage attributes to money both naturalizes free labour and invests inanimate objects with a capacity to order social relations. The juridical representation of *kamia-malik* ties as debt-bondage, therefore, performed an important function: it advanced the rule of capital, naturalizing free exchange and manifesting the power of things, while simultaneously permitting the appropriation of irreducibly different social relations as unfreedom. Thus, to the extent that things advanced to the *kamias* anchored social relations, the labourers confronted a power contained in the very intrinsic property of the thing. Their congealed labour – contained in the products appropriated by the landlords and advanced as loans – appeared as things animated with a power derived from within. On the other hand, because these things were not exchanged for other objects – the *kamia* labour did not constitute a repayment of loans – the *kamia-malik* relations did not appear as the relation of things exchanged in the market. When treated as loans, the money advanced to the *kamias* appeared to be permanently unrequited; once advanced, its constant presence rendered any further payment from the landlord representable as generous support from a munificent patron rather than as payment of wages. The labourer’s daily work on the fields, for which he received wages, could not count as partial payment of his liabilities because this would have eventually terminated the relationship. Thus, the functioning of *kamia-malik* relations as dependent ties was written into the juridical constitution of these relations as debt-bondage. Constituted in this manner, the effect of concluding debt-agreements was to give landlords long-term control over labour. Through such an operation, capital invaded the countryside and, utilizing the power of money, it secured control over dependent labour ties, appropriating them as debt-bondage, as an unfreedom that belonged to another time, another place.

Convinced of the otherness of debt-bondage, and confronted with the mounting evidence of servitude, the government proceeded to enact a new law in 1920. Called the Bihar and Orissa *Kamiauti* Agreement Act, this legislation stated that one year’s labour was to be considered adequate for the repayment of the principal and interest. Therefore, all

labour engagements of longer duration were illegal.<sup>30</sup> While designed to abolish the *kamias*'s bondage, it accomplished very little. This failure convinced the British that bondage was so deeply rooted in India that no law could change it. Any change in the *kamias*' position, the British concluded, was "primarily a question of psychology".<sup>31</sup> This evoked the nineteenth-century beginnings of the colonial complicity in the constitution of the *kamias*. Then, British officials and Orientalists had attributed slavery to Indian otherness, to its religious customs and laws. Now, too, they believed that the absence of freedom was to be explained by the otherness of the *kamias* – by their lack of desire for freedom. But this was no simple return to an earlier time because much had changed since then. The indigenous religious basis of slavery had been constructed and suppressed; and the *kamias* had acquired a half-enslaved status when, after the abolition of slavery, contractual bonds centring on things placed them in a continuum extending from freedom to slavery. Shaping, and shaped by, these transformations since the early nineteenth century, the discourse of freedom was faced with new objects, new contexts. Having released the *kamias* from religious subjectivity and constituted them juridically, the discourse of freedom confronted bondage as a different object for which it had to provide another explanation. If the *kamias* were no longer ruled by religious customs and prescriptions but were constituted by a modern regime of law that defined them as free, then what could account for their enslavement? It was at this point that the discourse of freedom rearticulated its universality by identifying another difference – "the question of psychology". The invocation of cultural difference as an explanation for the persistence of unfreedom preserved the status of free labour as an expression of freedom from power. This manoeuvre allowed power to surface only in slavery and bondage, which was sustained by the *kamias*' lack of desire for freedom. It was in this fashion that colonialism universalized capital, appropriating and placing the *kamias* in a continuum extending from slavery to freedom, and projecting free labour as the modern destiny.

The emergence of capitalism as a global system marks the formation of the modern world since the sixteenth century. This process of capital's universalization, however, entailed the forcible capture, transportation and deployment of labour, asymmetrical patterns of intercontinental migrations, territorial conquests, economic exploitation, racist domina-

<sup>30</sup> Government of Bihar and Orissa, Revenue Department (Revenue Department) Proceedings, November 1919, Nos 6–10.

<sup>31</sup> Government of Bihar, Revenue Department (Land Revenue) Proceedings, July 1941, Nos 1–4.

tion, and political, social and cultural oppressions organized by colonial and imperial systems under Euro-American dominance. Instituted by territorial conquests and political domination, the universalization of capital entailed its displacement in the irreducibly different social relations, political structures and cultural forms it confronted and was forced to inhabit. Inseparably connected to historical forms within which it arose and functioned, the rule of commodities and markets took shape in and profited from structures ranging from peasant production to plantation slavery, though it represented them as its opposite. In this sense, the history of unfreedom is the history of capital in disguise.

The history of the *kamias*' transformation into bonded labourers bears witness to the complicity of capital in the emergence of debt-bondage. What mediated this complicity in India, however, was colonialism. For it was the colonial discourse and transformations generated by British rule that reconstituted a range of dependent ties in the inverse image of free labour. Although the free-unfree opposition formed part of the bourgeois political economy, British administrative and judicial practices were critical in identifying dependent social ties as slavery and in "discovering" Indian otherness as the basis for the suppression of natural freedom. Although the British regarded slavery as synonymous with unfreedom, they did not abolish it until 1843 because they were pledged to protect "traditions". They did, however, regulate its operation by applying principles of "equity" and "justice". In this process, a space was opened for "voluntarily entered" servitude based on contracts and leases. It was this space in which *kamia-malik* relations were placed after the abolition of slavery. Colonial officials defined advances of grain and money, and grants of land by landlords to labourers as contractual transactions requiring the *kamias* to work for their masters. As the state gave its stamp of approval to contracts stipulating lifelong and even hereditary labour service – adjudicating *kamia-malik* disputes as debtor-creditor disagreements – landlords took to representing their ties with labourers as contracts founded on advances of loans. The objectification of social relations contributed to this process. As this objectification gathered increasing force by the late nineteenth century, founding social relations in transactions of things, the official discourse constituted these transactions as loans and the *kamia* as an indebted serf. The *kamia* became an innately free person enslaved by debt. The moment of his emergence as a free person, however, was punctuated by his reconstitution as a person with suspended rights. The discourse of freedom represented him as a "half-enslaved" labourer whose servitude persisted in spite of the introduction of railways.

To recognize in the history of unfreedom in colonial India the history of free labour in disguise is to question the absolute separation maintained between the two, and to dismantle the opposition between the history of free labour in the West and unfree labour in the non-West.

As old as the discourse of freedom, the vitality of this opposition is visible in scholarship. There exists a long-standing scholarly separation between those who study slavery and those who study freedom. While the former tend to place social relations contemporaneous with free labour alongside ancient and medieval servitude, the latter treat the history of free labour as autonomous and self-contained, denying the coevalness and the intertwined history of freedom and unfreedom. This pattern normalizes free labour, and places the burden of explanation on servitude. Slavery and bondage have to explain themselves, not free labour because it is represented as a natural condition denied only in less enlightened times and places. Not surprisingly, comparative studies group together colonial servitude in Asia, Africa and the Americas with medieval serfdom and ancient slavery in order to develop analytic insights and concepts. Seldom do we witness the history of free labour placed in such an odd comparative group because that would undo the discourse of freedom's careful exteriorization of servitude from the life of capital.

This is not to suggest that labour relations defined as unfree and free were ever the same, but that their histories since the sixteenth century are impossible to disentangle. They arose in the course of Western expansion, slavery and colonization, which harnessed together their different conditions of existence and trajectories so violently and irreversibly that they cannot be conceptualized as discrete, autonomous categories. Although the dominant scholarship has tried to treat them as separate, the history of servitude cannot be written without taking into account its functioning as an Other through which the notion of free labour as a self-contained, autonomous domain arose. Because servitude has operated as a constitutive Other of free labour, an exteriorized "inside" of freedom, its history can only be written by unravelling the discourse of freedom.

My interpretation of the history of *kamias* calls for precisely such an undoing of the discourse of freedom. For if servitude in the colonies was the alienated image of metropolitan free labour, if servitude was the form that the capital-labour relationship was compelled to assume in the process of its universalization, then colonial servitude must be included in the account of free labour. Because slavery and bondage contain the displaced history of freedom, the history of unfreedom in the colonies must be written into the history of freedom in the metropole. Such a rewriting of the history of servitude would contribute to the re-narrativization of the dominant narrative that Stuart Hall defines so eloquently in another context as a strategy that "displaces the 'story' of capitalist modernity from its European centring to its dispersed global 'peripheries'; from the transition of feudalism to capitalism (which played such a talismanic role in, for example, Western Marxism) to the formation of the world market, to use shorthand terms for a moment; or rather to new ways of conceptualizing the relationship between these

different 'events' – the permeable inside/outside borders of emergent 'global' capitalist modernity".<sup>32</sup>

## Appendix

### I

Sohan Bhuiyan, resident of mauza Diha, pargana Pahra, in the district of Bihar, do hereby acknowledge to have taken an advance of Rs. 24-14-0 for agreeing to work as a *kamia* and as a menial servant from Jainu Singh, by caste Rajput, of Diha. In this document which I execute, I willingly and voluntarily bind myself to plough on *nakdi* [cash-rent paying] and *bhaoli* [produce-rent paying] lands of Jainu Singh, and to grow cotton, sugar cane, etc., for him, and to work wherever the lands of Jainu Singh may be situated. I and my descendants for ever bind ourselves to be ready to perform any work given to us, and to perform all duties of a menial servant without objection. If at any time I abscond I shall be liable to be brought back before the said Jainu Singh by force and offer no objection, and if I refuse to return or offer resistance I shall be liable to pay the *nakdi* and *bhaoli* produce of one plough and Rs. 100 in cash and then I and my descendants can be released from our obligations. I shall be paid the same diet allowance or wages as is customary in this village and around. If I cause any other work of the aforesaid Jainu Singh to suffer he shall have the authority to administer justice as he thinks proper. For the above this document is executed by way of *Sewaknama* so that it may be of use where occasion requires.

Dated 15 Asarh 1262 [1855]

### II

I, Somar Rajwar, son of Geyan Rajwar, of Andherbari, pargana Jarra, district Gaya, am by profession a labourer and a *kamia*. As I have to pay off the debt of Babu Bhikhari Singh of the aforesaid village, to make some clothes and to incur expenditure on food, and which cannot be done without recourse to borrowing, and because nobody gives a loan without my executing a *Kamiauti* document, I requested Babu Dhanpat Singh, son of Babu Gajadhar Singh, deceased, of village Andherbari, by profession agriculturist and service-holder, to advance a loan of Rs. 13-4-0 on *Kamiauti* terms and to get a document executed by me on stamped paper. To this the aforesaid Babu agreed. I therefore, of my own free will, have taken a loan of Rs. 13-4-0 (half of which

<sup>32</sup> Stuart Hall, "When was 'the Post-Colonial'? Thinking at the Limit", in Iain Chambers and Lidia Curti (eds), *The Post-Colonial Question: Common Skies, Divided Horizons* (London and New York, 1996), p. 250.



comes to Rs. 6-10-0) from the aforesaid Babu Dhanjpat Singh of the above-mentioned village and have put the money to my personal use. I, therefore, bind myself and execute this document agreeing to assist the agriculturist with my wife in all the work of a *kamia* and in the agricultural operations, e.g. sowing, etc., I shall receive antia, dinopra, and wages as per custom of the village and shall raise no objection. I shall also have to repay the money at a lump in Jeth of the year 1916, when I shall take back the stamped document. And so long as I do not repay the money, I shall always discharge my duties, and if I happen to go away elsewhere I shall pay to the said Babu Dhanpat Singh interest at one anna per rupee per month until the aforesaid loan is paid off. On my failing in this the said Babu Dhanpat Singh shall be entitled to realize the money from any of my properties that he may find, and to this neither I nor my descendants or successors-in-interest shall have any objection. I have therefore executed this document concerning interest to be made use of later on if required. Be it noted that if I have to go elsewhere for a day or two I shall put my son in charge of the said agriculturist as my substitute and the said agriculturist will have authority to take work from my son.

	Rs.	a.	p.
Total	13	4	0
Half of which	6	10	0

Dated 2 August 1914

*Source: Final Report on the Survey and Settlement Operations in the District of Gaya, 1911-18, Appendix xxiii.*