

# Excluding and Including “Natives of India”: Early-Nineteenth-Century British-Indian Race Relations in Britain

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## Imperial Incorporations and Discriminations

The British, Ottoman, and other empires, in contrast to nation-states, claimed by their very nature authority over a variety of subject peoples. This condition drove empires toward contradictory goals: making subject peoples feel they had a stake in the empire while simultaneously differentiating them from the rulers and excluding them from full participation in the actual exercise of state power. The broad bifurcating concepts these empires constructed to distinguish between ruler and ruled often appeared to work adequately overall. In practice, however, such discriminating criteria changed over time and often broke down in particular cases as a result of the definition’s inherent contradictions and volatility, the competition among elite groups, and also the resistances and adaptations by individuals subject to such classifications.

Both the British and the Ottomans, priding themselves on their “modernity” and “rule of law,” sought to separate peoples through legal and administrative regulations, based on allegedly objective criteria. Yet these criteria shifted over time. India and the other British colonies in Asia lay at some remove, encouraging the British to establish distinctions based on “race” (variously defined), reinforced by the spatial distance between rulers and ruled. In contrast, the contiguous nature of the Ottoman domains made it more difficult for the Ottoman state to carry out similar regulatory action. Instead, the Ottomans applied religion as a major measure of difference between ruler and ruled, stressing the role of Islam as defined by the Ottoman sultan, who was simultaneously the Sunni caliph. For both empires, however, difficulties in applying exact legal boundaries arose from the changing cultural constructions asserted by rival imperial authorities with disparate interests. Simultaneously, these emerging rules were also challenged—for the British in particular—by people of “mixed race,” religious converts, and immigrants from the colony who settled in the imperial metropolis. Such marginal or anomalous examples reveal the constructed nature of imperial binary differentiations and their inconsistent putative underlying principles.

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This essay concentrates on one instance of this larger process: how during early British colonialism in Asia (up to the mid-nineteenth century), various groups and individuals present in London clashed over the definition and implications of the particularly crucial classification “native of India.” This category, by virtually any definition, included the largest number of people within the British Empire. Yet contests over the term’s limits and meaning developed in Britain not only as an issue affecting distant millions in far-off India but also particularly in response to the presence of tens of thousands of people from India living in Britain. These legal and moral debates had significant consequences for the British government, for the East India Company’s Court of Directors, and, of course, for the diverse people at various times officially designated natives of India.

#### The Context:

##### Britons and Others in Home and Colony

Over the late eighteenth and early nineteenth centuries, extensive British official and popular discourses over the identity of both self and “other” reflected ongoing and profound changes domestically and externally. In Britain the very definition of “British” itself was emerging from both internal developments and external wars in Europe and the rest of the world.<sup>1</sup> Controversy raged as to who among the British-born would be included as British or not (e.g., English Catholics or Dissenters, Jews, and the Irish). Only Anglicans had access to certain state offices and social supports, yet converts counted. Further, as Kathleen Wilson explains, “‘Race,’ . . . like gender and ethnicity, was a historically contingent construction that did not describe empirical, static or absolute conditions in societies, but positional relationships made and unmade in historical circumstances and manipulated in the pursuit of power. . . . [Race] was identified and signified through religion, custom, language, climate, aesthetics and historical time, as much

as physiognomy and biology.”<sup>2</sup> Immigrants to Britain could adapt themselves to British norms in many of these categories, thus renegotiating their race. These included men and women of all classes from India coming to England since the early seventeenth century (about as long as Britons have been sailing to India).<sup>3</sup>

The relatively rapid and huge British military conquests in South Asia from the mid-eighteenth century onward required Britons abroad and at home to work out their ideological and also practical relationships to the numerous and diverse peoples coming under their rule. In 1757 the East India Company’s army had gained power over territory and population about three times the size of England. Over the next century, the company conquered and directly ruled a total of 2.5 million square kilometers and 145 million people and indirectly ruled India’s remaining 1.5 million square kilometers and 48 million people. Debates raged about who were natives of India, if and how they were subjects of the British crown, under the jurisdiction of what British law courts did which of them come, and exactly who among them qualified to participate to what degree in the colonial administration. These questions proved particularly problematic for people from India and their descendants in Britain.

In consequence of the East India Company’s vast territorial acquisitions, a growing number of Indians ventured to Britain in pursuit of employment or other advancement. The company’s expanding transportation networks between Europe and Asia enabled working-class and other Asians opportunities for migration on an unprecedented scale. The flow of Indian servants and seamen rose to about a thousand arriving annually by the early nineteenth century and then to several thousand by the 1850s. In addition, traveling or settling in Britain over this period were Indian diplomats, scholars, soldiers, officials, tourists, businessmen, and students and wives and children of Britons. By the

1. For largely Anglocentric studies of the forging of British identity, see Linda Colley, *Britons* (New Haven, CT: Yale University Press, 1992); and William Roger Louis, editor in chief, *Oxford History of the British Empire*, 5 vols. (Oxford: Oxford University Press, 1998–99). For a more global approach, see C. A. Bayly, *Imperial Meridian* (New York: Longman, 1989).

2. Kathleen Wilson, *Island Race* (New York: Routledge, 2003), 11.

3. See Rozina Visram, *Asians in Britain* (London: Pluto, 2002); and Michael H. Fisher, Shompa Lahiri, and Shinder Thandi, *A South Asian History of Britain* (Oxford: Greenwood, 2007).

mid-nineteenth century at least forty thousand people designated natives of India had made this voyage to Britain, eliminating in their cases the geographical separation between colony and imperial metropolis that underlay many British assumptions about the distant location of the ruled. Yet this was still a tiny percentage of the population in Britain.

Even at the height of British colonial conquest across India, relatively few Britons in Britain had knowledge of how to identify an actual person from India. Indeed, Indians in Britain during this period typically expressed surprised bemusement about how naive and uninformed most Britons were about them. For example, two young cousins from Bombay visiting London, Hirjeebhoj Merwanjee (1817–83) and Jehangeer Nowrojee (1821–66), despite visibly wearing their customary Parsi-community clothing, wrote in 1840 of the Britons who misidentified them: “It was amusing to hear one call us Chinese, they are Turks says another; no they are Spanish, vociferates a third; thus they were labouring under mistakes, and taking inhabitants of British India for natives of Europe.”<sup>4</sup> In addition, British notions of class and gender empowered an elite male Indian over British working-class men and British women of his class or lower, while an Indian wife of a Briton customarily took on the class status of her husband.

Once in Britain, many people from India further blurred distinctions by representing themselves and/or their homelands in creative ways. Entrepreneurial Indians occasionally used British misperceptions and developing stereotypes about Asia to their own advantage.<sup>5</sup> Each settler from Asia to some extent adapted (“transcultured”), using British cultural forms for his or her own purposes.<sup>6</sup> Those who settled usually adopted European names, language, and dress and/or Christianity; most married a Briton and

had British-born children with her or him. Some who chose to make this journey from India to Britain already had what might be called mixed “blood” (or, more technically, DNA). Thus, by their presence in Britain, as well as by their intercultural behavior there and/or interracial biological origins, these people challenged British elite efforts to confine them in the colony and define them using simple dichotomies of British versus Indian, ruler versus ruled.

By the late nineteenth century, however, British prejudices based on racial difference that had developed in the colonies were increasingly infused into British metropolitan society. A remarkably few Britons in India (in the mid-nineteenth century fewer than two thousand British officials and about forty thousand British troops) conquered and directly or indirectly ruled vast numbers of Indians. Separations based on race had long appeared to Britons in India to be essential for their rule there; British colonial officers and officials imported these ideas with them on returning to Britain.<sup>7</sup> Further, the bloody events of 1857 persuaded many Britons that Indians were in fact essentially a different and dangerous race and that Indian men could be sexually threatening to “white” women. Other conflicts, including the several Maori Wars in New Zealand (1845–72) and the 1865 Jamaican insurrection, reinforced many of these British attitudes about “blacks” generally. All these correlated with emerging British pseudoscientific theories of human polygenesis and social Darwinism, showing Britons that they were patently the most evolved of all races—race being inherited biologically and therefore unalterable. Thereafter, Indians in Britain increasingly confronted stereotypes that were harder to maneuver through and manipulate to their advantage than those faced by their precursors.

4. Jehangeer Nowrojee and Hirjeebhoj Merwanjee, *Journal of a Residence of Two Years and a Half in Great Britain* (London: William H. Allen, 1841), 26–27. This is a repeated theme among the score of Indian written accounts in Persian, Urdu, and English during this period. See, e.g., Lutfullah, *Autobiography*, ed. Edward B. Eastwick and S. A. I. Tirmizi (London: Smith, Elder, 1857; New Delhi: International Writer’s Emporium, 1985), 403–4.

5. For example, Sake Dean Mahomed (1759–1851), the “Shampooing Surgeon” of Brighton who used allegedly Asian medicine and cuisine to rise in British society. See Michael H. Fisher, *First Indian Author in English* (New Delhi: Oxford University Press, 1996).

6. See Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation* (London: Routledge, 1992). See also Michael H. Fisher, “Persian Professor in Britain: Mirza Muhammad Ibrahim at the East India Company’s College, 1826–44,” *Comparative Studies of South Asia, Africa and the Middle East* 21 (2001): 24–32.

7. Substantial scholarship has recently traced the ways that British territorial assertions in India interacted with such British cultural theorizations of race and sovereignty during the formative decades following 1757. See Nicholas B. Dirks, *Scandal of Empire* (Cambridge, MA: Belknap, 2006); Sudipta Sen, *Distant Sovereignty* (New York: Routledge, 2002); Robert Travers, *Asiatic Empire: British Ideology and Colonial State-Formation in Bengal, 1757–1793* (Cambridge: Cambridge University Press, 2006); and Uday Singh Mehta, *Liberalism and Empire* (Chicago: University of Chicago Press, 1999).

### Defining Natives of India over the First Two Centuries

From its establishment in 1600 onward, the East India Company largely shaped the status of people from India in Britain. But some of the company's earliest working definitions of native of India came as by-products of its other concerns. For example, to enforce its shaky monopoly over trade with Asia, the company decreed in 1657 that every person (except for its employees) leaving England for India must purchase a license or "permission" from it—for the substantial sum of £12 (worth £1,200 today). Control over travel by Indians was not the company's goal. Rather, the company granted or refused a permission primarily on the grounds of its own commercial interest in excluding European commercial rivals from access to Asia.

This regulation nonetheless inadvertently included all people returning home to India and led the company's Court of Directors to articulate categories for them. From 1657 (until 1813, when the company lost its monopoly over trade to India and had to cease demanding purchase of its permission), people designated variously "Indian," "native of India," or "black servant" had purchased permissions (or had one purchased for them by their employers).<sup>8</sup> It is clear from analyzing thousands of these permissions in 156 years of the company's records that the first two terms applied variously to people of entirely European descent who had been born or domiciled in India, people of entirely Indian ancestry, and people of mixed Indian and European parentage. The last term, black servant, however, evidently excluded people of entirely European heritage even if born or domiciled in India. Ancestry and place of birth and/or residence therefore all figured into this broad and imprecise taxonomy.

As long as the company held only small enclaves and scattered factories in India, the number of people under its authority, and con-

sequently the issue of defining those people, remained a troubling but not widespread issue.<sup>9</sup> After the company's military conquests in India began in the mid-eighteenth century, however, the company's directors faced quite different and much larger imperatives of definition. They especially sought to control people from India who increasingly traveled to Britain and there comprised significant social, economic, and political "problems" for the directors.

The political and economic interests of Parliament and of the East India Company repeatedly clashed concerning the definition and implications of the category native of India.<sup>10</sup> Under the limited welfare system then current in Britain, each Anglican parish had prime liability for its own poor. Under both law and custom, the company had that liability for all indigent Indians in Britain who were not domiciled in a parish. This meant that the directors had to pay for such persons' housing, feeding, clothing, and then passage back to India. Consequently, the company had an economic interest in excluding from that definition as many people as possible. Conversely, British officials (at the national and parish levels) had an economic interest in consigning to the company as many as possible of the destitute on Britain's streets or in its workhouses as they could reasonably decree Indian. Further, since British society generally (including Parliament) held the company morally responsible for all people who appeared to be Indian, regardless of their actual origins or legal status, there were political and other intangible costs to the directors of not managing them. Therefore, the definition of who exactly was Indian became particularly salient as the numbers of such people in Britain rose remarkably.

In order to obviate this costly problem, the directors eventually sought means to control the movement to Britain of any Indian who might become indigent and also to guarantee their

8. Exempt were company officials and "menial servants" (almost all Europeans rather than Asians). Court of Directors Minutes (hereafter Court Minutes), 17 October 1651–14 April 1813, Oriental and India Office Collections, British Library (hereafter BL).

9. These issues came up in terms of legal jurisdiction, however, for example, in the extent of the authority of the Calcutta Supreme Court.

10. The membership of Parliament and of the shareholders and directors of the company overlapped, with rival factions competing in each. From 1784 Parliament's "Board of Control" supervised the company, especially its political relations in India.

subsequent departure, cost free to the company. Given both the dynamics of colonialism and the British economy, working-class seamen and servants were the most numerous among Indians in Britain and the most frequently destitute there. The shifting definitions by the company and British government of native of India applied equally to both these working classes, although the company's procedures for managing servants and seamen differed somewhat.

In 1769, after growing complaints (many publicized in British newspapers) from Britons about indigent Indian servants, the company's directors required that each employer taking an “Indian servant” to Britain post a large monetary bond of £50 before leaving India, refundable only after that servant's return (or proven death).<sup>11</sup> Despite repeated injunctions from the directors, however, the overall number of Indian servants rose with the ever-increasing flow of enriched Britons returning home. Consequently, as a further disincentive to bring Indian servants, the directors in 1807 doubled the bond to £100—five or six times a servant's annual wage.<sup>12</sup>

While this bonding requirement applied to Indian servants, it was not limited to Indians. Some European soldiers' wives living in India also signed on there as servants. Occasionally, they too were abandoned in Britain by their elite employers, placing a financial burden on the company, which was required to maintain them and return them at its cost to their husbands in India. In 1797, after public complaints about the company's neglect of such destitute European women servants, the directors extended the bond, ordering that “previous to the

wife of a non-commissioned officer or private soldier either in the King's or Company's service being allowed to come to England in attendance upon any passenger, a deposit be made in India to the same amount as that which is deposited respecting Black servants.”<sup>13</sup> Consequently, the bond registries thereafter listed European women mixed among Indians.<sup>14</sup> The company thus equated the status in Britain of working-class male and female Indians with European female servants, as both were potential liabilities to the company.

Over this same period, the company also sought to establish procedures for maintaining and then sending home the even larger number of Indian seamen present in Britain, both those who were destitute and those simply unemployed. Most of these Indian seamen remained only until the next sailing season. Hundreds, however, decided to remain in Britain, for decades or the rest of their lives. Thus the directors were dealing with both a transient population and men who had longer connections with Britain.

During the first decade of the nineteenth century, about nine hundred Asian seamen arrived annually in Britain. By the mid-nineteenth century, this figure had risen to over three thousand annually.<sup>15</sup> These seamen required substantial financial outlays by the directors. For the 1803–13 period, for example, the company paid a total of £370,487 for food, maintenance, medicine, clothing, and passage money home for these 10,050 seamen, an average of £37 per man.<sup>16</sup> Thus the company's economic incentives with regard to seamen were similar to those for servants: the company sought the narrowest fea-

11. Court of Directors to Fort William, 17 March 1769 and 12 July 1782, National Archives of India, *Fort William–India House Correspondence*, 5:186, 9:58–59; Court Minutes, 26 February 1773. See also Shipping Committee Minutes, 31 July 1816, BL.

12. Home Public Consultations, 5 January 1798, no. 55, Extract Proceedings of Military Department, 22 December 1797, National Archives of India, Delhi.

13. Court Minutes, 29 July 1807. The British army also attempted to prevent its soldiers from bringing their Indian wives back with them to Britain. Douglas Peers, personal communication with author, 28 February 2003.

14. These lists have survived in various files in the British Library and the West Bengal, Tamil Nadu, and Maharashtra state archives.

15. Marine Department, L/MAR/C/902, 2 vols. (hereafter *Lascar Papers*), BL; East India Trade Accounts of Ships, Great Britain, Parliamentary Papers, Sessionals 1823/17/149–56, and Return, 5 June 1823, Ordered by Commons, 5 May 1823. In 1855 Colonel Hughes estimated ten thousand to twelve thousand lascars served the British merchant fleet, with five thousand to six thousand reaching Britain annually, of whom three thousand to thirty-six hundred were Indian. Cited in Rozina Visram, *Ayahs, Lascars, and Princes* (London: Pluto, 1984), 52.

16. *Lascar Papers*, vol. 1, fol. 120.

sible definition of native of India concerning those people in Britain for whom it was responsible but the widest possible definition for people for whom other employers were responsible, either the servant's master or the shipowner.

On their part, seamen from India in Britain also had different interests depending on their circumstances. Some tried to prove themselves natives of India so as to obtain maintenance and free return passage from the company. These same seamen (and others) elsewhere, however, tried to prove themselves British, so as to gain employment on that basis (where wages were higher and employment under the Navigation Acts limited to legal Britons). Thus the presence in Britain of large numbers of working-class servants and seamen from India created for the East India Company's directors and the British government conflicting interests and problems of classification and control.

### Defining Natives of India, 1790s to 1833

Another of the company's imperatives was to exclude Indians from employment in its corps of officials and officers, as a chronology of particularly troublesome individual examples demonstrates. Here the company's motivation was not as directly economic as it was for servants and seamen; rather, it was more ideological, since British officials and officers generally cost the company more in wages than did Indians. Candidates for these appointments, however, had every incentive to prove themselves British and not Indian.

While many British authorities may have generally shared broad concepts about what they desired, and the identities of most people from India appeared clear to many Britons, it was individuals on the margins who often forced authorities to articulate formal policies. In London in 1791, John Turing secured nomination as an East India Company cadet officer, designated for the Madras army.<sup>17</sup> He was the highly

Anglicized son of a British official (the former Resident at Ganjam in Orissa) and a woman from south India. When he presented himself in person before the Shipping Committee of the Court of Directors, that committee's chairman visually noted that Turing "appears to be a Native of India." On 19 April 1791, the Court of Directors as a whole called Turing in for their own ocular scrutiny of his complexion and then immediately, having ordered him to withdraw, created a policy by unanimous resolution: "That no Person, the son of a Native Indian, shall henceforth be appointed by this Court to employment in the Civil, Military, or Marine Service of the Company."<sup>18</sup> The next day, Turing successfully applied for and purchased a permission to go to Bengal as "a Native."<sup>19</sup>

The timing of this formative 1791 resolution reflected both British desires and fears of the time, but also the immediate need to decide an individual case. The regulation thus articulated the directors' hitherto implicit beliefs and formally established the company's policy for the next two decades. Yet this was not always a clear policy to enforce since no definition of native of India was specified. Nonetheless, as other cases came up, the directors felt compelled to extend this same principle to other high appointments. Only eight months later, for instance, the directors voted by ballot to exclude sons of "Native Indians" from appointments as "Officers of the Company's [merchant] ships."<sup>20</sup>

Yet political influence could affect the directors' implementation of this new policy in individual cases. In March 1792, less than a year after the directors unanimously passed their 1791 resolution against the appointment of natives, a frequent chairman of the directors (six times between 1784 and 1794), William Devaynes nominated his protégé Charles Holloway to be an official. Although the directors recognized that he was a native of India, they voted by ballot to suspend their new rule in his case.<sup>21</sup>

17. An appointment as cadet came by nomination by one of the company's directors or by the British government.

18. Court Minutes, 19 April 1791. This debate parallels those within the company's armies in India at this time about the identities, and worthiness for pensions, of the Indian wives and children of British officers and men.

19. Court Minutes, 20 April 1791.

20. Court Minutes, 9 November 1791.

21. Factors determining this exception apparently included Devaynes's influence and that the appointment was at Fort Marlborough (in Sumatra). Court Minutes, 1 March 1792.

Similar imprecision among the directors about how to define identities came up in a different way in December 1791. When faced with one individual's case, the directors considered whether to continue the customary waiver of the £12 permission fee for entry into India for "European Natives of India" (and if so, who qualified as such). After three weeks of heated discussion, they finally were ready to vote on a motion dealing with part of the issue: "That the Children born in India of British European parents be permitted to go thither, provided either of their Parents be living and resident in India."<sup>22</sup> This motion proved so divisive that the directors split exactly. The lot cast to determine the issue fell in the affirmative, so the customary waiving of the permission fee continued for European natives of India who met this qualification of at least one parent being alive and in India. In contrast, people of solely European descent who did not meet that parental qualification, even if they had been born and/or long resident in India, could return there only with the company's costly permission (unless employed by the company, of course).

The directors' overall impulse of the age was to seek to "purify" the company's upper services in other ways as well. In February 1792 the directors resolved "that in future no foreigners shall be admitted into the Company's service, as Writer or Cadet."<sup>23</sup> They did not, however, define "foreigner," leading to future ambiguity in this definition as well.

As new questions arose from specific cases, the directors continued to extend their exclusion, based on the 1791 principle. In February 1800 Hercules Ross, "a Native of the Island of Jamaica," presented himself for appointment as Third Mate of an East India ship. The Shipping Committee examined him and reported, "From the appearance of Mr. Ross, the Committee apprehend that both his Parents were not Europeans." Based on his "complexion," they therefore turned him down and recommended that the

directors again expand the 1791 resolution by excluding "Persons born in the West India Islands, whose Parents are not Natives of Great Britain or Ireland," which the directors did.<sup>24</sup> The interests of the company, however, produced inconsistent definitions and often conflicted with those of the British government.

Returning to the issue of working-class people for whom the company was legally responsible, one finds opposing sets of interests between Parliament and the company. In the early nineteenth century, reflecting current British policies and cultural categories as well as the government's own immediate interests, Parliament specified the range of people for whom the company was legally responsible and also excluded those people from the category British. These definitions both advantaged and disadvantaged various (or even the same) people from India, depending on their circumstances. In 1814 Parliament specifically named the directors as "trustees for the *Asiatic* Sailors, *Lascars* and Natives" from all territories covered in its charter. The company's solicitor repeatedly advised the directors that, since their charter covered all lands from South Africa east to the Philippines, this act meant they would have to accept legal responsibility in Britain for natives of all those places.<sup>25</sup> Accordingly, directors voted to accept financial liability for "all Black Men, navigating ships from India, whether Natives of India, or not," if they were in distress.<sup>26</sup> Subsequently, East Africans and even Chinese merchants also received food and shelter from the directors.

The next year Parliament narrowed the definition of British seamen by amending the Navigation Acts legally to exclude from that category all "Asiatic sailors, Lascars, [and] Natives [of all Company territories]."<sup>27</sup> While West Indians and West Africans from Britain's colonies thus could count as British, East Africans, Indians, and other Asians could not. One main reason for this exclusion was the desire by British

22. Court Minutes, 7–22 December 1791.

23. Court Minutes, 9 February 1792.

24. Court Minutes, 19 February 1800.

25. Act 54 Geo. 3, c. 134; Lascar Papers, vol. 1, fol. 59; Shipping Committee Minutes, 30 November 1814.

26. Shipping Committee Minutes, 2 June 1813; repeated 15 December 1813, 25 November 1814, and 12 April 1831.

27. Great Britain, Parliamentary Papers, Sessionals 1814–15/2/587–91 and 593–97; Bill to Make Further Regulations for the Registry of Ships Built in India, 5 May 1815; amended 6 June 1815.

sailors to eliminate Indians from competition as maritime laborers following the end of the Napoleonic Wars when the British navy demobilized and discharged thousands of seamen. These parliamentary territorial rather than racial distinctions had powerful consequences on people, but failed to conclude the ongoing disputes over identity faced by the company. Now seamen from India in Britain would want to be classified as not natives of India for employment purposes but as natives of India for support and repatriation by the company.

On their part, the directors hoped to pass on to other bodies the financial burden for some of the indigent people assigned to the company by Parliament. In 1815 a seaman whose African father lived in Bengal (and whose mother was evidently Indian) applied for maintenance and return passage there. Company agents initially accepted him but later the directors ordered that he be instead “sent to the African Society” for its charity. Only if that society rejected him would he be allowed back into the company’s care and cost.<sup>28</sup> A week later, two other people of apparently African descent were expelled from the company’s shelter, despite their claims to be Indian, on the grounds that they came to Britain on contract terms as British sailors and also that they were not destitute.<sup>29</sup>

The company’s policy still was not, however, fully in accord with the law. In July 1816, on the advice of their lawyer, the directors again had to broaden their definition by resolving that all “Seamen of Colour . . . whether Africans, Portuguese, or others” who had arrived from India should be received into their care and shipped back there; skin color and region of origin thus both mattered.<sup>30</sup> Yet the company’s (and Britain’s) classification of peoples remained conflicted, particularly when the cost of maintaining and returning people was involved.

While the directors struggled with identifying which people were entitled to its protection based on Parliament’s territorial strictures, they also continued to determine whom they wanted to exclude from company employment

as officials or officers based on visual and biological criteria. In October 1816, they moved to expand their 1791 resolution to include both ancestry and skin complexion: “No person, the grandson of a Native Indian shall henceforward be appointed by this Court to employment in the Civil, Military, or Marine Service of the Company; and that no person whether a Native of Asia, the West Indies, America, or Africa, shall be eligible to employment, whose colour shall appear exceptionable.”<sup>31</sup> The complexity and implications of this resolution, however, meant that, before voting, the directors first referred it to their Committee of Correspondence (the subcommittee that handled particularly vital issues). That committee was completely divided over this issue.<sup>32</sup> Finally, after more than seven months of deliberation, the committee resolved not to record any opinion at all.<sup>33</sup> This avoidance of the issue, however, did not make it disappear.

By 1819 the directors recognized that their current policy of taking responsibility for “all people of Colour” in “distress” had produced “great inconvenience” and substantial expense.<sup>34</sup> They therefore revised that policy, requiring that each person seeking support apply to their recently created Lascar Committee in person and be interrogated by its clerk to prove they were actually qualified by being both a native of a territory within the company’s charter and also in distress. Should the clerk have any doubts about the man’s identity, he should consult a member of the committee for further examination and interrogation.

This procedure led to disputes with private shipowners who had a financial interest in disqualifying their seamen from inclusion as natives of India. In 1819 the owners of the ship *Cyrus* claimed five of its seamen were natives of Portugal, while the seamen themselves claimed to be natives of India and therefore entitled to maintenance and a free trip home at the shipowner’s expense. The company believed the seamen, not the owners, and billed the owners for its costs. The owners then demanded proof that

28. Shipping Committee Minutes, 7 July 1815.

29. Shipping Committee Minutes, 12–19 July 1815.

30. Shipping Committee Minutes, 24 July 1816.

31. Court Minutes, 23 October 1816.

32. Correspondence Committee Minutes, 24 January 1817, BL.

33. Correspondence Committee Minutes, 4 June 1818.

34. Shipping Committee Minutes, 17 December 1819.

the men were indeed natives of India.<sup>35</sup> Rather than cite documentary evidence, the Lascar Committee asserted that they could tell Indians when they examined them, based on "their appearance and also from the circumstance of their being able, without any difficulty, to speak the language of the Country from whence they stated they came." Similarly, the committee instructed other private shipowners about the identities of their seamen based on the committee's own scrutiny alone.<sup>36</sup>

In July 1820 the directors reiterated that all people seeking support and passage home must immediately submit to the Shipping Committee for visual inspection and oral interrogation.<sup>37</sup> The next month, however, the company's solicitor advised them that their current limitations in defining natives of India were illegal. He explained that even "natives of Manila . . . are Natives of a territory within the limits of the Charter of the East India Company, and are to be provided for as such, under the Act . . . notwithstanding they may be subjects of His Majesty the King of Spain."<sup>38</sup> The directors thereupon reversed their most recent policy and again broadened the definition of their responsibility to accord with this interpretation of the current law.

Nonetheless, the directors' visual and oral examinations continued to be the basis of their categorization of individuals. A man called John Tobin entered his ship's books on the voyage from India to Britain as a native Brazilian. After arriving in London, however, he claimed to the company's Lascar Committee that he was actually "Asiatic" and therefore legally entitled to maintenance and free passage to India. The committee interrogated him and, convinced by his ability to speak "the English and Hindoo [*sic*] languages," supported him and conveyed him home.<sup>39</sup> Thus a person's status depended not on how he was classified in the ship's or other records but on how the committee classified his ethnicity based on its assessment of his physical appearance and language abilities.

The directors also publicly disputed with other authorities over who was responsible for whom. In front of London's Lord Mayor in 1820, the company and the Portuguese consul quarreled over the identity of one seaman named Martin Antonio. The directors asserted he was a native of Madeira island, which lay outside its charter and therefore its responsibility. They further declared that they would pay only for "Portuguese Natives of India not born of European parents who are engaged in navigating Ships belonging to, or in the employ of, the Company, or of Private Merchants trading to India . . . when found in distress in this Country."<sup>40</sup> Thus parentage, occupation, and condition all were factors. Over subsequent years, the directors engaged in further multisided contests, occasionally resulting in the expulsion from or admission to its protection of seamen whose identities were questioned and then reclassified.<sup>41</sup>

While the Lascar Committee continued to examine seamen, the directors' Military Seminary Committee worked to inspect candidates for company employment as officials or officers. Yet both committees increasingly doubted what they were doing. In November 1821 the latter protested: "Your Committee having frequently been called upon to decide upon the nomination of young Men . . . the circumstances of whose birth, combined with their complexion, left [the committee] in doubt as to the precise extent of the Court's intentions."<sup>42</sup> Consequently, they pleaded for "more determinate rules," requesting the Court of Directors as a whole "to establish . . . whether the term 'Son of a Native Indian' shall be construed to limit the exception to young men actually the sons of Natives, or of Native women by European fathers; or to extend the same to descendants of the offspring of such connexions if the Colour of the parties shall exhibit clear signs of such origin, although in a second or third generation."<sup>43</sup> In short, should complexion and other visible physiological features override distant ancestry?

35. Shipping Committee Minutes, 17 November 1819, 1–14 December 1819.

36. E.g., Shipping Committee Minutes, 11 November 1818.

37. Shipping Committee Minutes, 12 July 1820.

38. Shipping Committee Minutes, 23 August 1820.

39. Shipping Committee Minutes, 28 February 1821; see also 7 November 1821–19 January 1825.

40. Shipping Committee Minutes, 7 April 1820.

41. Shipping Committee Minutes, 17 May 1820–8 October 1823.

42. Seminary Committee Reports, 28 November 1821, BL.

43. Court Minutes, 5 December 1821, 2–16 January 1822.

The directors themselves were divided. They took up consideration of this issue four times in December 1821 and January 1822, but each time postponed coming to any decision. Finally, they moved a series of detailed specifying resolutions that combined issues of gender, blood, legitimacy, and education and also specified the precise type of documentary evidence about ancestry and education requisite to prove the candidate's identity. Apparently because of the exacting but not always consistent detail in these motions about the ways to classify a native of India, the directors debated extensively and then voted to adjourn without deciding any of them. They therefore left their subcommittees in the same dilemma as before.

The company's inconsistent practices continued in individual cases for years. Two men who arrived in Britain on American ships in 1821 and 1822, respectively, received very different treatment. One, who came from India, was not provided for since he was a native not of Britain but rather of princely India and had sailed on an American ship.<sup>44</sup> The other, who claimed to be Indian but who came from Batavia on an American ship via Holland, was accepted and sent back at company expense.<sup>45</sup> Yet the next year a man born in India who came on a French vessel to Bordeaux and then via Hamburg to London was not accepted. He was excluded not because of nationality but because he came on a "foreign vessel."<sup>46</sup> The directors also repeatedly reiterated to the company's officials in India that all private ships must post a bond to cover the expenses of repatriating all Indian seamen and that all Indian seamen be notified that they would not receive support if they sailed on non-British vessels.<sup>47</sup> Despite this bond system, in 1822 the company had to write off almost £6,000 in unreimbursed expenses for maintaining and returning Indian seamen from private ships.<sup>48</sup>

Parliament and the directors also quarreled repeatedly over definitions. In 1823 the directors refused the status of native to seamen of English parents, although the seamen were born in India.<sup>49</sup> Parliament explicitly repudiated this policy, legislating (4 Geo. 4, c. 80, s. 27) that native of India included everyone born there, regardless of parentage.<sup>50</sup> Nor were the company's internal policies consistent. In 1825–26 it decided "Indo-Britons or Half Castes" could not serve on juries in India, yet they could be appointed as government veterinary surgeons.<sup>51</sup>

Over the early nineteenth century, British public opinion increasingly stressed biological purity, which official regulations haltingly reflected. The Military Seminary Committee, after struggling for nearly seven years, suddenly came to the conclusion in 1827 that the definition of native Indian was "obvious": "To remove all doubts as to the meaning of the Term 'Native Indian' . . . in accordance with its obvious meaning, the exclusion of Persons from the Service under that [1791] Regulation be limited to the offspring of aborigines, that is so say, of Parents of whom either one, or both, are of pure unmixed Native Extraction."<sup>52</sup> Thus this committee excluded from appointments all men it considered tainted by full Indian ancestry on either side. Yet this biological definition for officials and officers contradicted the geographical criteria fixed by the current law set by Parliament to define Indians.

Controversies thus continued. In 1827–28 the owners of the private ship *Cornwallis* refused to pay the costs of returning to India for a man named Joseph Delfont. They asserted he was Portuguese, as entered in the ship's records and proved by a certificate from the Bombay police. This, they claimed, made him "not a native of *British India*" but rather what they called "a *foreign Native of India*."<sup>53</sup> The directors retorted that the owners were responsible since the "man

44. Shipping Committee Minutes, 27 June 1821.

45. Shipping Committee Minutes, 22 May 1822.

46. Shipping Committee Minutes, 17 June 1823.

47. Shipping Committee Minutes, 21 March 1820–21 September 1825.

48. Shipping Committee Minutes, 14–21 July 1824, 25 August 1826, 6 September 1826.

49. Shipping Committee Minutes, 12 February 1823.

50. Shipping Committee Minutes, 22 September 1824.

51. Correspondence Committee Minutes, 29 June 1825, 30 December 1825, 1 February 1826, 29 December 1826.

52. Correspondence Committee Minutes, 30 October 1827; Court Minutes, 31 October 1827, 7 November 1827.

53. Shipping Committee Minutes, 30 March 1827, 16 April 1828, 10 September 1828.

is a Native of India within the meaning of the [1823] Act of Parliament.” Similarly, in 1830 the company reluctantly paid to send back five natives of India who came to Britain from Manila on a Danish ship.<sup>54</sup> In some cases the company and private owners could not agree on responsibility and simply negotiated their respective share of the costs of maintenance and return.<sup>55</sup>

In 1833 Parliament effectively closed the matter for the directors, however. As a by-product of its twenty-year (1834–54) suspension of the company’s charter to trade in Asia, Parliament ended its legal responsibility for maintaining and returning Indians in Britain, however defined. It also specified that no native of the company’s territories or “natural born subject of His Majesty” would be excluded from any appointment in the Indian civil service or army on the basis of religion, place of birth, descent, or color. Nevertheless, in practice such identities did matter in a man’s career. Thus the question of Indian identity, and what it meant, would continue thereafter, although in different contexts.

### Conclusion

This essay traces how the presence of groups and individual people from India in Britain, particularly those who stood on the margins of conventional classifications of the time, impelled competing British authorities to articulate official yet often inconsistent policies defining Indian identity. Further, both the British government and the East India Company’s directors sought repeatedly to create definitions that would reconcile their ad hoc financial interests with their shifting cultural and ideological values. Since definitions of race are inherently imprecise and contingent, such formal policies often failed to accord with those interests and values, leading to contradictions, exceptions, and frustration.

Power in these debates and negotiations over identity was not, of course, equal. Some individuals from India, even servants and seamen, evidently found ways to represent themselves advantageously by manipulating official British regulations. People of mixed ancestry who

wished to enter the company’s civil or military employment may have found ways to prove that they were British. Nonetheless, one should not forget that elite Britons were the policy makers and enforcers and that individuals from India ultimately had to submit to British power, sometimes meaning destitution or unemployment for them.

While this essay highlights working-class people and people of mixed ancestry, men and women from India of various social classes made the journey to Britain and presented various British authorities there with similar or different problems of identification and control. Many middle- and upper-class settlers and visitors from India married Britons and negotiated niches for themselves in British society through sartorial, linguistic, dietary, religious, and sexual choices. For example, Raja Ram Mohan Roy lived in Britain (1831–33), assuming many roles in British society. His main purpose was as an ambassador from the Mogul emperor, one of more than thirty such Indian diplomatic missions that reached Britain prior to 1857. Yet British authorities were conflicted about his official diplomatic standing—the directors both repudiated his credentials and also negotiated with him. Jeremy Bentham proposed that Roy stand for Parliament, but the legitimacy of Roy’s right as a British subject to enter that House was never tested. Yet in 1841 a Catholic of mixed Indian and European ancestry, D. O. Dyce Sombre, was indeed elected to Parliament, again with his legal standing to do so remaining an open question. Further, some Indians domiciled in Britain, for example, Dean Mahomed, registered and voted in parliamentary elections in the 1840s.

In India over this same period there were many struggles over legal rights and identity as well, especially for people of mixed descent and Indian Christians. Suggesting the ways that people at the time grappled with identifying people of mixed ancestry or culture, both British popular discourse and official debates used a variety of imprecise terms for various of them, includ-

54. Court Minutes, 14 April 1830. See also Shipping Committee Minutes, 6 April 1827.

55. Shipping Committee Minutes, 12 June 1833, 1 August 1833.

ing Anglo-Indians, country-born, Eurasians, and Indo-Britons, as well as natives of India. The company's armies in India struggled with similar issues concerning the Indian widows and orphaned children of a British man—for example, whether they were entitled to pensions. Further, the extent of the Calcutta Supreme Court's jurisdiction remained problematic. Several regulations by the Indian government over this period altered the legal rights of people of mixed ancestry, often to their disadvantage, even compared with people classed as Hindus or Muslims. People calling themselves Anglo-Indians held a series of public meetings and made multiple efforts in order for Parliament to hear and respond to their needs.<sup>56</sup>

In a larger sense, the British prided themselves on using “modern,” “scientific,” and “objective” methods like censuses and anthropology to count and classify peoples. Yet scholars have shown how political and culturally biased these allegedly objective instruments were.<sup>57</sup> Further, the colonized people being counted and classified occasionally responded in ways that suited their own interests. Hence, like so many other features of empires, these practices reflected the cultural assumptions of the rulers (British “orientalism”) but also the agency of the ruled, constrained as that might have been.<sup>58</sup>

Overall colonial policies and ideologies did emerge from this complex set of negotiations. Most Britons from the late nineteenth century onward came to regard race as fixed and biologically determined. To focus on that macro level alone, to project anachronistically later cultural categories on earlier periods, or to dichotomize between colonizer and colonized, oppressor and victim, white and black, or European and Indian is to remove the historical and contingent complexity from the process of colonialism. Indeed, in different ways, the British

Empire, and its successor the Commonwealth, continued to struggle with defining the status of the diverse peoples within it and their relationships to society and law in Britain itself. Further, these issues were not confined to the British Empire; Thomas Kühn's essay in this volume demonstrates how “colonial Ottomanism” struggled with similar issues on that empire's southern frontier in the later nineteenth century. §

56. Christopher J. Hawes, *Poor Relations: The Making of a Eurasian Community in British India, 1773–1833* (London: Curzon, 1996).

57. See, e.g., Bernard S. Cohn, *An Anthropologist among the Historians and Other Essays* (New Delhi: Oxford University Press, 1990), 224–54; N. Gerald Barrier, ed., *Census in British India* (New Delhi: Manohar, 1981), 73–101; Sumit Guha, “The Politics of Identity and Enumeration in India, c. 1600–1990,” *Comparative Studies in Society and History* 45 (2003): 148–67.

58. See the classic Edward Said, *Orientalism* (New York: Vintage, 1978); and also Ussama Makdisi, “Ottoman Orientalism,” *American Historical Review* 107 (2002): 768–96.