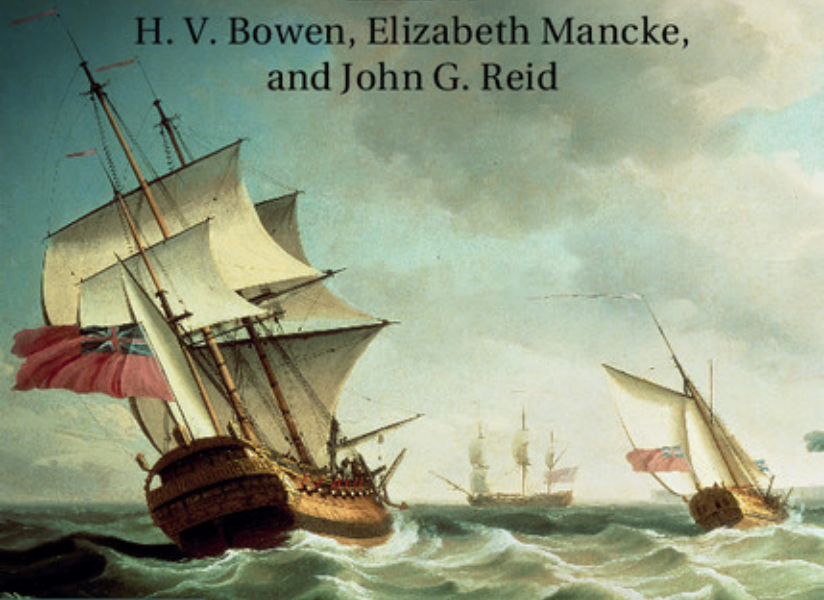
BRITAIN'S OCEANIC EMPIRE

Atlantic and Indian Ocean Worlds, *c.* 1550–1850

EDITED BY
H. V. Bowen, Elizabeth Mancke, and John G. Reid



CAMBRIDGE

Britain's Oceanic Empire

This pioneering comparative study of British imperialism in the Atlantic and Indian Ocean worlds draws on the perspectives of British newcomers overseas and their native hosts, metropolitan officials and corporate enterprises, migrants and settlers. Leading scholars examine the divergences and commonalities in the legal and economic regimes that allowed Britain to project *imperium* across the globe. They explore the nature of sovereignty and law, governance and regulation, diplomacy, military relations, and commerce, shedding new light on the processes of expansion that influenced the making of empire. While acknowledging the distinctions and divergences in imperial endeavours in Asia and the Americas – not least in terms of the size of indigenous populations, technical and cultural differences, and approaches to indigenous polities – this book argues that these differences must be seen in the context of what Britons overseas shared, including constitutional principles, claims of sovereignty, disciplinary regimes, and military attitudes.

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Preface

This volume is the product of a thoroughly team-based enterprise. The authors were invited to contribute essays on focused themes designed to explore potential comparisons, contrasts, and connections between the early modern British Atlantic and British Indian Ocean worlds. The team assembled for three days of intensive discussions at a symposium held at the University of Sussex in July 2007, with the help of a panel of internationally distinguished commentators in Gwyn Campbell, Stephen Conway, and P. J. Marshall. The authors then reworked the draft essays in the light of these exchanges, and more explicit comparisons and contrasts were drawn. Although we as coordinators of the project and editors of the volume have shaped certain aspects of the findings that emerged, and we certainly accept a large measure of responsibility for any gaps and shortcomings, this book essentially belongs to a collective of scholars who came together from diverse historical fields to map out an analytical response to a central question – initially defined as 'British Asia and the British Atlantic: Two Worlds or One?' – as well as to lay down a foundation that would support further collaborative research.

The informal origins of the project dated from the 2001 annual conference of the Omohundro Institute of Early American History and Culture, held at the University of Glasgow. In a session chaired by Marshall, with Bowen, Mancke, and Reid among the participants, a part of the discussion focused on the comment made by Governor Samuel Shute of Massachusetts in 1722 that the British-occupied portion of New England was 'the English Pale or territory'.[1] The implication in Shute's comment that the British exerted little real control or influence beyond an enclosed and restricted area prompted Bowen to

[1] Samuel Shute to Philippe de Rigaud, marquis de Vaudreuil, 14 March 1722, The National Archives, Kew, CO, 5/10, 284. Also among the participants were Stephen J. Hornsby and (a co-author of a paper though not present in Glasgow) Emerson W. Baker.

draw comparisons with British enclaves in Asia. The ensuing discussion quickly broadened to embrace a widening range of issues common to both North America and India. Exploratory communications among the three of us over a period of many months led us to focus on thematic parallels that might be explored and tested, and eventually to agree that we would collaborate in a larger-scale effort to address the most promising comparisons – without prejudging whether they would yield commonalities or contrasts – between British oceanic worlds from the early sixteenth to the mid-nineteenth century.

The themes we initially selected were ones that could be addressed from either an Atlantic or an Indian Ocean perspective: the respective oceanic contexts; governance and regulatory frameworks; British–indigenous commercial relations; British–indigenous diplomacy; British–indigenous military relations; societies within the British 'pales'; and sovereignty and law in Asia and the Americas. Some themes addressed maritime space, some land-based concerns, and some both, with a particular, though not exclusive, emphasis on British relations with indigenous populations. The invited authors, naturally, had considerable latitude in determining their preference for addressing a given theme. Some chose a wide-ranging approach; others placed their broad interpretive comments in the context of detailed case studies. All were encouraged to position themselves in relation to other essays, during the intensive discussions at the Sussex symposium, in electronic exchanges before and after that event, and in preparing the essays for publication. All participants recognised that to achieve the benefits of crossing historiographical boundaries, they must qualify the biases of their particular field of study and use language and concepts that are intelligible across fields. The goal was to generate a collection of essays that, coordinated from the start, would add up to more than the sum of its parts.

The project was launched formally in May 2004, with the tangible objective of convening the symposium as a direct stepping-stone to this book. Over time the scholarly network gathered collaborators and, critically, financial support from the major granting councils of Canada, the United Kingdom, and the United States, so that it quickly became clear that the Sussex symposium would not be an isolated event. Subsequent ventures during 2008 and 2009 included a series of workshops exploring specific facets of the general topic. They were held at the National Maritime Museum (UK), Swansea University (UK), the Johns Hopkins University (USA), and the Maritime Museum of the Atlantic/Saint Mary's University (Canada). The final event of the series was a second major conference, held at the University of New Brunswick

(Fredericton) in August 2009 and focused on 'Early Modern Imperial–Indigenous Military Conflict and Cooperation'.[2]

It is a pleasure to acknowledge our indebtedness to those on whose support we have depended for this project and for earlier projects that made a collaborative work of this magnitude viable. Mancke and Reid were members of an international team working on layered constructions of the Conquest of Acadia, 1710, and they have more generally worked together on various Canada–United States research teams, including co-authorship of the early modern chapter of the Canadian volume in the Companion Series to the *Oxford history of the British empire*.[3] Contemporaneously, Bowen as a historian of British Asia was implementing collaborative research projects involving British, Indian, and Dutch scholars of Asia, and imperialism in Asia, during the seventeenth and eighteenth centuries. Encounters between British imperial outreach and indigenous societies were intrinsically central to this work. Moreover, both Bowen and Mancke were participants in the collaborative project that led to the publication of Christine Daniels and Michael V. Kennedy (eds.), *Negotiated empires: centers and peripheries in the new world, 1500–1820* (New York, 2001). We share, therefore, a longstanding appreciation of the value of working in team-based ventures.

For this project, we thank especially Peter J. Marshall, who has generously and consistently given us the benefit of his good counsel. He, Gwyn Campbell, and Stephen Conway contributed invaluably to the Sussex symposium as commentators – their collective wisdom and acute observations clarified many important issues in steering the discussions repeatedly in productive directions. Femme Gaastra and Joseph Inikori, along with others who attended specific sessions, enriched the discussions, as did seven younger scholars who attended as 'new researchers': Lucy Allwright, Emily Burton (who presented a historiographical paper), Colin Ganley, Amanda Hamilton, Thomas Rodgers, Manu Sehgal, and Alastair Wilson. John McAleer from the National

[2] The proceedings are published as Wayne E. Lee (ed.), *Empires and indigenes: intercultural alliance, imperial expansion, and warfare in the early modern world* (New York, 2011). The papers from the Canadian symposium have been published as John G. Reid with H. V. Bowen and Elizabeth Mancke (eds.), 'Is there a "Canadian" Atlantic world?', *International Journal of Maritime History*, 21 (2009), 263–95. Details of all Asia–Atlantic activities can be found at www.smu.ca/baban (accessed 5 June 2011).

[3] John G. Reid *et al.*, *The 'conquest' of Acadia, 1710: imperial, colonial, and aboriginal constructions* (Toronto, 2004); John G. Reid and Elizabeth Mancke, 'From global processes to continental strategies: the emergence of British North America to 1783', in Phillip Buckner (ed.), *Canada and the British empire* (Oxford, 2008), pp. 22–42.

Maritime Museum at Greenwich, UK, also attended and helped coordinate the subsequent symposium held there.

As well as being a participant in a number of the project's scholarly events, Emily Burton has been our graduate assistant throughout the key phases. We thank her for her commitment and her organisational skills, but most of all for being a valued colleague whose judgement was always influential in the shaping of the project and its development over time.

The authors themselves have been an essential source of strength. The scholarly qualities of this excellent team, and the support they have provided all along a sometimes tortuous editorial path, continue to be both sustaining and inspiring. Trevor Burnard, then of the University of Sussex, was not only an author but also our host for the symposium, and we owe to him the meticulously coordinated arrangements that necessarily underpin a successful scholarly gathering.

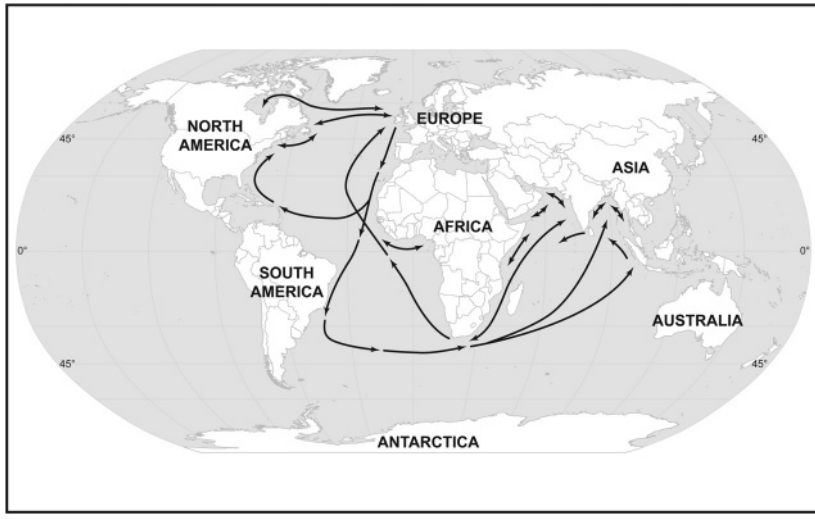
As well as early support from the International Council for Canadian Studies that helped fund the initial planning meeting of the three of us, the project received major grants from the International Opportunities Fund of the Social Sciences and Humanities Research Council (Canada: award no. 861–2006–1081), the Research Networks and Workshops Scheme of the Arts and Humanities Research Council (United Kingdom: award no. AH/F001436/1), and the Collaborative Research Grants Program of the National Endowment for the Humanities (United States: award no. RZ-50747–07). We gratefully acknowledge this invaluable and indispensable financial aid.

As far as the publication of this volume is concerned, we warmly thank Michael Watson of Cambridge University Press for his patience and support; and Carol Fellingham Webb who has undertaken a difficult copy-editing task with great skill and efficiency. We are also grateful to Michael Hermann, who prepared the maps.

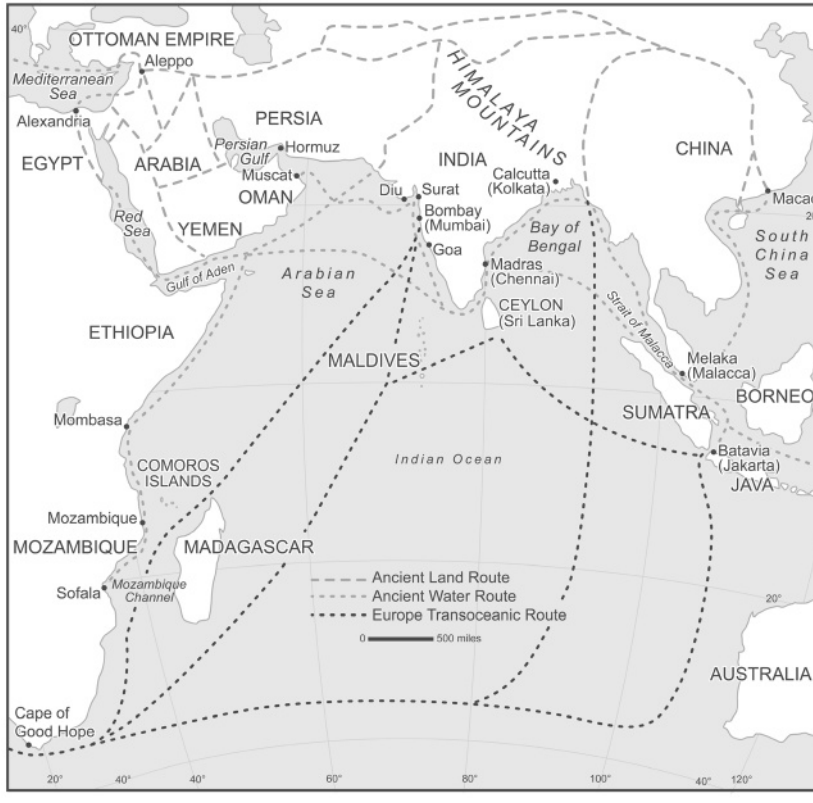
Finally, we are too large a group to thank by name the friends and family members on whose support we depend, but our gratitude endures none the less.

Abbreviations

BL	British Library
CO	Colonial Office
Ec. Hist. Rev.	*Economic History Review*
IOL	*India Office Library*
IOR	India Office Records
JICH	*Journal of Imperial and Commonwealth History*
MAS	*Modern Asian Studies*
OHBE	Wm Roger Louis (editor-in-chief), *The Oxford history of the British empire*, 5 vols. (Oxford, 1998)
TNA	The National Archives, Kew, London
WMQ	*William and Mary Quarterly*



Map 1 Major transoceanic routes



Map 2 Indian Ocean world, *c.*1700



Map 3 South Asia, *c.*1750



Map 4 Eastern Native North America, *c.*1700



Map 5 British America, *c.*1750

1 Introduction: Britain's oceanic empire

H. V. Bowen, Elizabeth Mancke, and John G. Reid

In the mid-eighteenth century, some Britons who looked outward to the wider world discerned a transoceanic imperial presence that was global in both its ambition and scope. Long-established patterns of settlement and commercial activity had created extended regional networks of colonies and trading posts; worldwide warfare against the French and Spanish had projected the military and naval reach of the state far into the western and eastern hemispheres; and maritime exploration promised to open yet more spheres of British influence. These myriad overseas enterprises had become a single, if as yet only loosely integrated, empire and observers emphasised the strength, status, and comparative advantage that such developments afforded to Britain. In some imaginations, Britain now possessed a global empire, an accomplishment celebrated widely in architecture, song, verse, and visual art.[1] Other Britons, however, perceived the nation's overseas activities quite differently – as haphazard, scattered, and unconnected – and saw not one coherent empire but instead several discrete areas of influence, each of which possessed its own distinctive forms and defining characteristics.[2]

These divergent eighteenth-century interpretations of British overseas activities manifested the palpable uncertainty in how to interpret – and by extension govern – the diversity of enterprises that the English, Welsh, Irish, and Scots had established, many of which seemed quite incommensurable: an eighteenth-century logwood camp on the Miskito Coast of Central America differed greatly from the vibrant port city of

[1] Kathleen Wilson, *The sense of the people: politics, culture, and imperialism in England, 1715–1785* (Cambridge, 1995); Linda Colley, *Britons: forging the nation, 1707–1837* (New Haven, 1992); H. V. Bowen, 'Perceptions from the periphery: colonial American views of Britain's Asiatic empire, 1756–1783', in Christine Daniels and Michael V. Kennedy (eds.), *Negotiated empires: centers and peripheries in the Americas, 1500–1820* (New York, 2002), pp. 283–300.

[2] The interpretations of British expansion offered in *OHBE*, vol. I: Nicholas Canny (ed.), *The origins of empire* (Oxford, 1998) and vol. II: P. J. Marshall (ed.), *The eighteenth century* (Oxford, 1998) tend to favour this perspective.

Boston, Massachusetts; the cosmopolitanism of Bombay, administered by the East India Company, was a far cry from Trinity, Newfoundland, dominated by the Lester family of Poole, England. By the end of the eighteenth century, British imperial outreach extended into all oceanic regions, and had achieved significant, albeit circumscribed, territorial footholds on all the world's inhabitable continents. Encountering indigenous societies that varied enormously in culture, demography, politics, and economy, the British presence was expressed in diverse combinations of commercial engagement, resource exploitation, and settlement.

Scholars who endeavour to reduce to order the complex patterns of British overseas engagement have traditionally reinforced those eighteenth-century commentators who saw overseas enterprises as haphazard, scattered, and unconnected, as discrete arenas of action on the global stage rather than mutually reinforcing and interlocking developments. British America has long been interpreted through the lens of self-governing settler colonies, a perspective that highlights the proto-national elements of expansion that eventually produced movements for independence.[3] Interpretations of the early modern British presence in Asia, in contrast, have centred on the commercial penetration of the East India Company into Asian markets, and the Company's ascendancy over its Portuguese, Dutch, and French competitors, thereby reinforcing analyses of Britain's rise to dominance in global trade.[4] Framed in these ways, British America and British India cannot be treated according to any common standard, and represent parallel rather than intertwined courses of expansion during the seventeenth and eighteenth centuries.[5]

In recent decades, however, Atlantic history has tempered the emphasis on settlers in British imperial history and instead counsels greater scholarly attention to developments in maritime spaces and

[3] While historians have attempted to mute the teleological bias that the reality of the American Revolution creates, it is nonetheless difficult to completely avoid. See, e.g., Jack P. Greene, *Peripheries and center: constitutional development in the extended polities of the British empire and the United States, 1607–1788* (Athens, GA, 1986); Jack P. Greene, *Pursuits of happiness: the social development of early modern British colonies and the formation of American culture* (Chapel Hill, 1988); Alan Taylor, *American colonies* (New York, 2001).

[4] K. N. Chaudhuri, *The trading world of Asia and the English East India Company, 1660–1760* (Cambridge, 1978); Holden Furber, *Rival empires of trade in the Orient, 1600–1800* (Minneapolis, 1976); Niels Steensgaard, *The Asian trade and revolution of the seventeenth century: the East India companies and the decline of the caravan trade* (Chicago, 1974).

[5] See Robert Travers's chapter in which he discusses the impact of late nineteenth- and early twentieth-century historiography on imperial history.

areas with small or no white settler populations, such as the Caribbean colonies, the Hudson Bay fur trade, and West African slave trading factories.[6] Similarly, interpretations of the British in Asia now address a broader spectrum of issues ranging from trading and cultural connections with East Africa and South-East Asia to the tensions arising from overlapping legal jurisdictions of the Mughal empire and the East India Company.[7] As Atlantic historians track the careers of British pirates into the Indian Ocean, and scholars of the East India Company calculate the economic impact of cowry shells from the Maldives and cotton from India on the transatlantic slave trade, questions about the linkages between British developments in the Atlantic and Indian Ocean worlds are raised with ever greater frequency and insistence. As Linda Colley noted in a 2006 article on Atlantic history, the 'biggest flaw in the mighty conception of Atlanticism' lies in its inability to account for developments elsewhere in the world, most notably in Asia, but also in Africa and the Pacific.[8]

In bringing together multiple authors to engage collaboratively with this issue in a scope that would have been beyond the compass of any one or two scholars, our project design intentionally accentuated themes that were not specific to the establishment of overseas settler societies by British subjects. Priority went to themes that provide multiple vantage points on the impacts and consequences of British expansion, including the perspectives of British newcomers overseas and their native hosts; of metropolitan officials and royal agents seconded to far-flung territories; of individual adventurers and corporate enterprises; of both voluntary and involuntary migrants; of settlers and sojourners. As well, the themes of sovereignty and law, governance and regulation, diplomacy and military relations, and commerce address processes of expansion that influenced circumstances wherever the British went. Not specific to British American settler societies or the East India Company in Asia, they were experienced by diverse peoples who found themselves pulled within British spheres of influence. The evidence regarding these

[6] See, e.g., various collections on Atlantic history: David Armitage and Michael J. Braddick (eds.), *The British Atlantic world, 1500–1800*, 2nd edn (Basingstoke, 2009); Jack P. Greene and Philip D. Morgan (eds.), *Atlantic history: a critical appraisal* (New York, 2009). For a broad analysis, see Stephen Hornsby, *British Atlantic, American frontier: spaces of power in early modern British America* (Hanover, NH, 2005).

[7] E.g. Alison Games, *The web of empire: English cosmopolitans in an age of expansion, 1560–1660* (New York, 2008); Robert Travers, *Ideology and empire in eighteenth-century India: the British in Bengal* (New York, 2007); Nandini Bhattacharyya-Panda, *Appropriation and invention of tradition: the East India Company and Hindu law in early colonial Bengal* (New Delhi, 2008).

[8] *New York Review of Books*, 22 June 2006, 45.

processes and the interpretations that different contributors bring to bear on them provide divergent, though not mutually exclusive, answers to the central question of the book: Were British practices in Asia and the Atlantic so different and distinct that they must be seen conclusively as separate worlds, or can – or even should – they be interpreted as parts of one overarching world of activity and interaction?

Part I of the volume has chapters on the Atlantic and Indian Ocean worlds which emphasise the British patterns of trade and navigation that emerged over the seventeenth and eighteenth centuries. Stephen Hornsby in the chapter on the Atlantic distinguishes between a metropolitan pattern comprising 'a spatially extensive network of commercial circuits and nodes spread across the Atlantic, a centralised British state, and formidable naval force' and a colonial pattern comprising 'staple territories, agricultural frontiers, and port towns along the eastern seaboard, considerable local political control, and weak military power'. The Atlantic circuits of the metropolitan pattern included the Newfoundland fishery, the West African slave trade, the Caribbean sugar islands, the Hudson Bay fur trade, and trade with Portugal and its dependencies. Huw Bowen in his chapter on the British in the Indian Ocean world effectively adds a sixth metropolitan circuit to Hornsby's five: the South Atlantic through which East India Company ships sailed to and from the Indian Ocean. For the British, the South Atlantic was conceptually linked to the Indian Ocean world more than to the Atlantic world, in part because the Company controlled as a provisioning station the island of St Helena, long Britain's single Atlantic claim south of the Equator. Bowen underscores the difficulty of understanding the internal dynamics, tensions, and shifts in the British empire over the seventeenth and eighteenth centuries without understanding how the British constructed, maintained, protected, and increasingly linked maritime circuits in the Atlantic and Indian Oceans and how they used them to expand into the Pacific Ocean. The maritime spaces that Hornsby and Bowen describe were overwhelmingly male and transitory. In the mid-eighteenth century, 150 years after establishing commercial bases around the Indian Ocean, there were still fewer than five thousand British subjects living in India. In contrast, more than two million lived in the American colonies. Thus while British circuits in the Atlantic and Indian Oceans were complementary and interlocking, the demographic dynamics of British settler populations in the littoral societies were profoundly divergent.

The four chapters on sovereignty, law, governance, and regulation in Part II shift our focus to an analysis of how the British established control, and often sovereignty, over diverse extra-European spaces, both

the physical spaces of the oceans and land and the bodies of subjects, which were their own form of imperial space. Ken MacMillan emphasises the plural expressions of legality and sovereignty in the Atlantic world and, in particular, the diverse elements of English expressions of 'reciprocal sovereignty', in which a subject's allegiance to the monarch was reciprocated by the crown's legal obligation to provide protection to both the bodies of subjects and the land they occupied overseas, protection that ranged from provision of governance, to diplomacy with foreign powers, to military action. In the Atlantic basin, reciprocal sovereignty assumed diverse forms depending on the terms under which a colony was established, external threats, and the form of governance under which a subject was operating. At times, the powers assumed by an overseas enterprise threatened the ultimate sovereignty of the crown, and during the seventeenth and eighteenth centuries the metropolitan government implemented practices such as the review of colonial legislation and the establishment of the Board of Trade as ways to undercut threats and establish greater uniformity in British practices in the extra-European world. The result, MacMillan shows, was the emergence of what might be called a 'transoceanic imperial constitution' – one that applied not just in the British Atlantic world, but to the British in the Indian Ocean world.

Robert Travers in his analysis of sovereignty and law in British Asia begins with this idea of a transoceanic constitution and points out the importance of recognising how commonalities in royal charters or letters patent for English enterprises in the Atlantic and Indian oceans established similar legal and constitutional relations between the crown and subjects engaged in overseas enterprises. These arrangements, however, provided such flexibility for adaptations that they were at once a great strength as British enterprises were being established and a great weakness as divergent adaptations threatened to erode the 'connective tissue of empire'. Indeed, as Travers argues, 'the proliferation of little unregulated sovereignties' was a danger the Company officials in India feared in the weakening of Mughal power and critics of the Company in Britain perceived in the growing scope of corporate governance, parallel developments which reached crisis proportions after 1765. In their attempt to gain control over diverse sovereignties, the British aspired to establish imperial rule on the 'ancient constitution' of Bengal, while at the same time they disparaged Indian systems of law and governance as prone to barbarian and absolutist tendencies, and emphasised the need for law to be grounded in secular judicial sensibilities rather than religious ones, such as Islam and Hinduism. By the nineteenth century, British rule in India had become a civilising mission, setting it apart

from settler colonies and exaggerating differences of the prior two centuries and thereby eclipsing similarities. Travers ends his chapter with a discussion of 'legal ricochets', precedents that originated in Indian cases but had impacts in North America, not just in the eighteenth century, but down to the present – a cautionary reminder that the ties between the Atlantic and Indian Ocean worlds have been more significant than we might realise.

The importance of the constitutional continuities between the Atlantic and Asia are reinforced by Philip Stern who traces the complex political history of the East India Company and its governing powers. By the terms of its 1600 charter, its jurisdictional authority over English subjects reached from the Cape of Good Hope to the Strait of Magellan, and included Englishmen in ships as well as in Company establishments on land. The question is not whether the Company had governing powers, but how its expanding and often conflicting governing powers were renegotiated over two centuries with the crown and Parliament, and often in response to the challenges posed by British subjects, other Europeans, and Asians. The Company initially drew on governing conventions of both corporations and ships and gradually supplemented them with institutions and practices modelled on English municipal and county government, but modified for Asian circumstances. The Company, however, argued that the use of English law and institutions was not mandatory, but simply a convenient model, a contention that became harder to defend in the late eighteenth and early nineteenth century, as its territorial control increased and metropolitan officials sought greater standardisation of governing forms throughout the empire.

The chapters by MacMillan, Travers, and Stern analyse how ideas of law and sovereignty originating in England were projected into both the Atlantic and Indian Ocean basins. Jerry Bannister, however, rhetorically flips that construction in his chapter entitled 'The oriental Atlantic', suggesting how ideas we associate with the 'Orient' are appropriate in the 'Occident'. Many of the peoples in the Atlantic world – both natural-born subjects and non-British – who found themselves subject to British jurisdiction experienced it as disciplined and coercive, if not despotic. By the mid-eighteenth century, the centralised projection of British power into the extra-European world was more extensive in geographic and demographic scope than 'the decentralised opportunism typically associated with British commerce', or the North American colonisation of the seventeenth century. Bannister's assessment requires that we consider as a whole diverse parts of the empire that previous scholars, working within nationalistic frameworks, held

separate, so that we can recognise the commonalities among the subjugation of Africans, Aboriginals, Acadians, *Canadiens*, and Irish Catholics, or the gunboat diplomacy along the coasts of Africa, Asia, and north-west North America, or the coercive labour regimes of the Caribbean, Newfoundland, and the Royal Navy. Developments that were seen as incommensurable from the vantage point of scholars studying colonial New England or Virginia are not incommensurable in Bannister's rendering. Nor, he argues, were they necessarily seen as incommensurable by metropolitan officials, or by North American colonists considering revolution who feared that the rights and privileges they had enjoyed for decades were being dangerously eroded. Bannister's analysis prompts the recognition that the Atlantic world that gave rise to the modern era, with its wars of independence and the abolition of the slave trade and then slavery, was also an Atlantic world of centralised power and coercion that is normally associated with 'despotic Asian' governance. We must then ask whether, on balance, the British Atlantic and British Asia were really so different.

Part III, with chapters on Anglo-indigenous military and diplomatic relations, highlights how much negotiations with non-English peoples obliged the British to accept a wide range of compromises and accommodations. In many instances the Irish, Amerindians, and Asians resisted, rejected, or rebelled against the terms of subordination and subjecthood British imperial officials expected of them. Wayne Lee offers a powerful analysis of English military relations with the Irish and Amerindians over three centuries, with a particular emphasis on imperial reliance on indigenous military skill to control territory and people. He eschews a simple dichotomy between conquerors and the conquered to examine the diverse ways that the English were obliged to incorporate Irish and Amerindians into their military forces as clients, mercenaries, allies, and subjects. The necessity of imperial armies negotiating for military services with the people they set out to subdue had a tendency to qualify conquest and facilitate and legitimise the retention of considerable autonomy by the 'conquered'. Over time, imperial consolidation involved the integration of colonised peoples into regular military forces, and by the mid-eighteenth century, some Irish were serving overseas in the British army and Royal Navy as subjects. In the case of Amerindians, however, almost none served under British command or beyond the territory they recognised as homeland, a measure of how much they retained their own sense of autonomy.

Eric Hinderaker, in his chapter on Anglo-Amerindian diplomatic relations, argues that for most of the seventeenth century the English were unable to establish stable diplomatic relations with indigenous

Americans. The consequences for both sides were destructive and costly wars. Hinderaker argues that stable and strategically useful relations first emerged in New York in the 1670s between English officials and the Haudenosaunee, or Five Nations Iroquois, as diplomacy became a necessary alternative to warfare for the English, French, and diverse Amerindian nations. By the early eighteenth century, widely utilised diplomatic protocols, many of them drawn from Amerindian practices, became accepted as the terms upon which negotiations were held. British objectives were threefold: land for settlement; military allies to fight against other Europeans and their indigenous allies; and a recognised overlordship by one powerful Amerindian nation or confederacy, such as the Iroquois, over smaller nations, such as the Lenni Lenapi. Native peoples, for their part, sought fair trading practices, restrictions on colonial expansion, and protection of their lands. By the mid-eighteenth century, native peoples were again vulnerable, manifested by British officials willing to sacrifice native needs for other geopolitical concerns and by the press of Anglo-American settlers into the trans-Appalachian west.

In India, the English encountered a diplomatic world defined by the Mughals using Indo-Persianate protocols, to which the East India Company had to adapt. As the Company's economic and political power grew, it often hired Indian career diplomats to negotiate with Indian princes beyond its zone of influence and thus to project its power ever further into Indian society. In his chapter on diplomacy in India, Michael Fisher analyses the shifts in asymmetrical diplomatic power from Mughal-centred to British-centred imperia, as the Company co-opted Mughal diplomatic practices and added its own residents. Although British military successes in the 1750s and 1760s mark the beginnings of colonialism in India and resulted in the Mughal emperor granting the Company the *diwani* in Bengal, Fisher shows how important diplomacy was to the consolidation of British power in diverse Indian principalities, and in turn how Indian princes sought to use *wakils*, the traditional diplomats in India, to retain a modicum of external control. The British, however, increasingly required *wakils* to act through the British residents in each principality, thus undercutting the autonomy and independent authority of Indian diplomats and the princes they served.

The gradual substitution of Indian diplomatic practices with British ones was perhaps as corrosive a form of imperialism as outright conquest. Similarly, British military commanders diminished the authority of traditional Indian military officials as they integrated Indian troops into the British army. As Douglas Peers notes in his chapter

on the military in India, by the late eighteenth century the British were unusually dependent on sepoys to maintain imperial control. In the first decades of the nineteenth century, unrest among the sepoys festered, sometimes with explosive incidents, until tensions erupted in the Rebellion of 1857. To explain those developments, Peers analyses shifts in British notions of governmentality relative to the military, especially after the reorganisation of the army in 1796. In particular, the British implemented regulations and policies that emphasised discipline and loyalty to a national or supranational entity, rather than personalised discipline and loyalty owed to commanding officers and to traditional military practices. Peers's analysis of that shift when seen against a similar shift in diplomatic practices underscores how the imposition of seemingly objective and uniform standards was a powerful tool of modern imperialism, to a great degree because it was such an intangible force against which to resist. Similar reforms had been attempted decades earlier in Ireland, and there, too, soldiers resisted the undermining of their traditional loyalties. Significantly, Amerindian warriors avoided being under British military command, so nothing similar happened in North America among Amerindians, though colonists disliked British military practices. From an imperial perspective, the changes in Ireland and India were an improving rationalisation of practice; from an indigenous perspective, they represented the insidious destruction of pre-existing social and cultural relations.

In Part IV, attention shifts to commercial and social consequences of the British presence in North America and India. The British long understood their empire as predominantly commercial, with British ships manned by British subjects sailing the high seas to bring back the world's exotic goods. Indeed, as Trevor Burnard argues in the last chapter, the early modern British sought out tropical and semi-tropical markets and lands for plantations so that they could supply products from hot climates. If we look at the linkages that particular commodities created – cottons from India being traded to Amerindians and Africans, sugar from the Caribbean and tea from Asia transforming English habits, or cowry shells from the Maldives in the Indian Ocean being used as currency in West Africa – then the Atlantic and Indian Ocean worlds seem one interconnected world. But if we look at the intercultural nature of commercial relations, rather than the products of commerce, and at the impact of British commercial practices on indigenous societies in Asia and North America, then the worlds look quite distant one from the other. The three chapters on commercial relations emphasise the impacts of commerce on Asians and Amerindians, rather than

on how the British created an empire and a domestic culture that drew on a global array of goods.

Of particular concern for scholars of early modern India is the impact of colonialism on Indian society and economy in the mid-eighteenth century. Lakshmi Subramanian's chapter focuses on commercial disputes tried in the mayor's court in Bombay. The Company's rise to power in the 1760s enhanced the importance of the city for merchants from western India, and many relocated there, or at least sent a member of the family or firm to reside there. Subramanian analyses how Indian merchants utilised the mayor's court and English legal practices, often in tandem with local arbitration practices, to further their objectives. Her examination of cases involving insurance disputes shows the utility and resilience of local procedures and customs in the face of an avowed British attempt to implement English commercial and adjudicative practices when disputes arose. Yet in the realm of commerce, and property rights more generally, the British frequently deferred to Indian law, a point which takes us back to Travers's chapter and the British search for 'ancient' Hindu law. Indeed, these cases involving insurance suits show the legal edges of the 'transoceanic imperial constitution' discussed in the first chapters.

One of the other contentious scholarly issues in assessing the consequences of British colonialism in India is economic change and how quickly the British came to dominate the country economically, as well as diplomatically and militarily. In his chapter on Bengal after the British received the *diwani*, Rajat Datta argues that through the late eighteenth century large merchant firms continued to have great influence on the economy, and in many cases grew. Not until the economic recession (1818–19) after the Napoleonic Wars did the consequences of British control in South Asia make themselves widely felt in the economy.

The consequences of Anglo-Amerindian commercial relations bear little resemblance to those in India. In North America, the most critical commercial item of exchange between Indians and Europeans, Paul Grant-Costa and Elizabeth Mancke argue, was land, not furs, deerskins, labour, or small items such as baskets. The pressure on native peoples to relinquish land to British American settlers, often through sales, was considerable, and in response natives learned to use diplomacy to try to remove land from commercial transaction through the negotiated establishment of reserves. The argument Grant-Costa and Mancke present makes North America quite a distinctive place in the development of the modern world. Nowhere else was land so intensely commercialised; indeed in most parts of the world foreigners were not allowed to own land, and overseas merchants occupied it on lease. The

commercialisation of land in British America, the attempts to dispossess indigenous communities of their land through commerce, had far-reaching effects, not least the attendant arguments that the sale of land was natural and peaceful, so that by the early nineteenth century the British were pressuring people in other parts of the world to allow foreigners to purchase land. In North America, it also made many natives wary of engaging in the commercial economy with Anglo-Americans.

In the last chapter, Trevor Burnard offers a challenging reflection on the relationship between British America and British Asia from the perspective of eighteenth-century colonists, and particularly Benjamin Franklin, who urged metropolitan Britons to focus on commonalities of natural-born subjects in the transatlantic context. Indeed, one of the great concerns of eighteenth-century British North Americans was the growing tendency of metropolitan officials to draw comparisons between colonists and, for example, the new Bengali subjects in India. British North Americans, in turn, emphasised that the settler colonies were generically different from British establishments in Africa, or Asia, or even sugar colonies in the Caribbean. Indeed, in Bannister's terms, metropolitan officials were orientalising British America. As Burnard eloquently explains, the importance of these distinctions between various parts of the British world was a raging debate in the eighteenth century, and one that contributed both to the fracturing of the British empire, and to the long-term scholarly distinctions between British America and India.

The scholarly debates are far from ended. The development of Atlantic history at the end of the twentieth century, the scholarly insistence that we see the slave trade and slavery as integral parts of the development of the British world and modernity, and the reconsideration of trans-oceanic connections counsel us to re-examine the early modern British world in its entirety. This book is a beginning of that re-examination.

Part I

The oceans

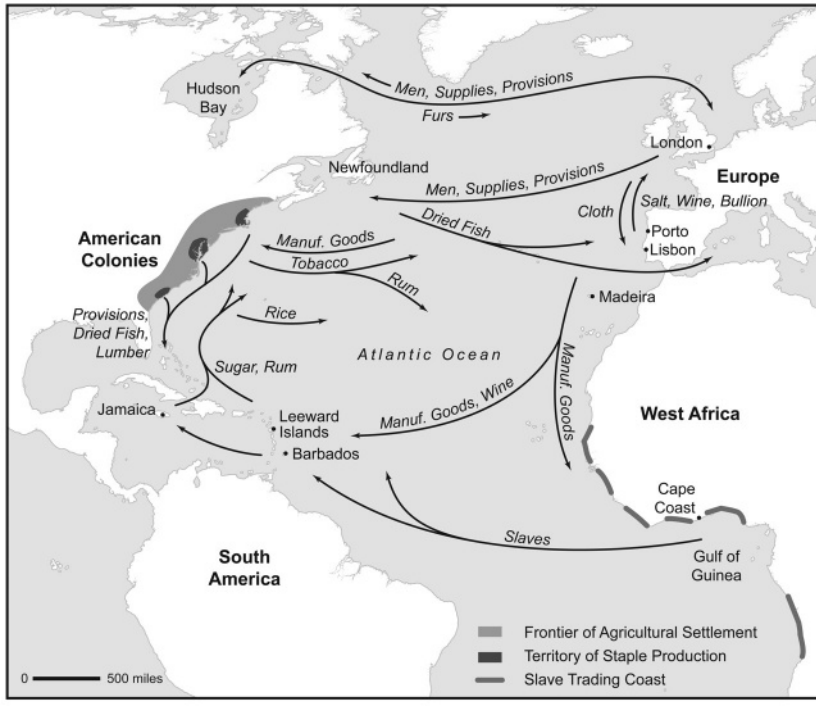
2 Geographies of the British Atlantic world

Stephen J. Hornsby

Adam Smith famously declared that 'the discovery of America and that of a passage to the East Indies by the Cape of Good Hope are the two greatest and most important events recorded in the history of mankind'.[1] These discoveries, along with crossing the Pacific, created, for the first time, a global geography. In their reach beyond the Cape of Good Hope, Europeans entered an ocean that was already well known by peoples living around its shores, but this was far from the case in the Atlantic. Europeans made the initial move across the Atlantic but soon involved Africans and Native Americans in shaping a new maritime world. Despite the physical unity of a continuous sea-surface and the regular circulation of winds and currents, the Atlantic soon became spatially differentiated. The immense variety of cultures and natural environments that existed around the ocean's rim engendered differentiation, but even more important were the successive spatial systems that dominated the Atlantic during the early modern period.[2] The Spanish and the Portuguese created the first major Atlantic systems in the late fifteenth and early sixteenth century. The Iberian powers made the great discoveries, established the first trades, and colonised extensive territories. Iberian success soon attracted the interest of other European nations. By the mid-sixteenth century, the Spanish and Portuguese were increasingly being challenged by the French, English, and Dutch; by the early eighteenth century, the British had established widespread control over the Atlantic.

[1] Adam Smith, *An inquiry into the nature and causes of the wealth of nations*, ed. R. H. Campbell and A. S. Skinner, 2 vols. (Oxford, 1976), vol. II, p. 626. This chapter has benefited from comments by the editors and the participants at the symposium 'British Asia and the British Atlantic, 1500–1820: two worlds or one?' held at the University of Sussex in July 2007. I would also like to thank Anne Kelly Knowles for her editorial comments, and Elizabeth Hedler and Abigail Davis for their research assistance.

[2] By system, I mean a common pattern of economy, society, demography, and political regulation rather than a natural circulatory system of winds and ocean currents.



Map 6 Commercial circuits in the North Atlantic in the eighteenth century

This chapter examines the major geographical patterns of the British Atlantic world, beginning with the metropolitan pattern projected from the British Isles and then the colonial pattern based along the eastern seaboard of North America.[3] Although metropolitan and colonial patterns frequently overlapped and intersected, they had geographical bases on opposite sides of the Atlantic and developed different characteristics (see Map 6). The metropolitan pattern comprised a spatially extensive network of commercial circuits and nodes spread across the Atlantic, a centralised British state, and formidable naval force.[4] The

[3] The argument presented here is elaborated in Stephen J. Hornsby, *British Atlantic, American frontier* (Hanover, NH, 2005). For another geographical account of the Atlantic, see D. W. Meinig, *The shaping of America: a geographical perspective on 500 years of history*, vol. I: *Atlantic America, 1492–1800* (New Haven, 1986). For a historian's perspective, see Bernard Bailyn, *Atlantic history* (Cambridge, MA, 2005).

[4] Natasha Glaisyer, 'Networking: trade and exchange in the eighteenth-century British empire', *Historical Journal*, 47 (2004), 451–76; Miles Ogborn, 'Atlantic geographies',

colonial pattern consisted of staple territories, agricultural frontiers, and port towns along the eastern seaboard, considerable local political control, and weak military power. Although North American staple territories and port towns were significant parts of the Atlantic world, the agricultural frontiers of the continental interior were more detached. Over time, the dynamics of a metropolitan-dominated maritime commercial system and a colonial territorial settler system created a fundamental fault-line that eventually contributed to the break-up of Britain's Atlantic empire. A final section of the chapter suggests some similarities and differences between the British Atlantic and British Asia.

The metropolitan pattern

Over the late sixteenth and the early seventeenth century, the geographic focus of England's overseas interests began to shift from the longstanding trade circuits to continental Europe to the wider world of the Atlantic. The immensely important trade in cloth to the Low Countries, the trade to the Baltic for naval stores, and the trade to the Mediterranean and the Levant for wines and spices became increasingly supplemented by long-distance oceanic trades to the Indies, Africa, and the Americas. By the late seventeenth century, English merchants had developed several major transatlantic circuits.[5]

By far the most important was the West India trade – the engine of the Atlantic economy – which encompassed the sugar islands in the Caribbean, the sugar, dry goods, and provisions trades, and the slave trade from West Africa. The sugar plantation system first developed in Barbados in the 1640s and then spread to the Leeward Islands (Antigua, St Kitts, Nevis, Montserrat) and Jamaica in the 1650s. Metropolitan

Social and Cultural Geography, 6 (2005), 379–85. For an outstanding, substantive example of Atlantic networking, see David Hancock, *Citizens of the world* (Cambridge, 1995). For all the recent commentary and research on networks in the Atlantic world, it is worth bearing in mind that circuits and nodes occupied geographic space and resolved into distinctive patterns; see D. W. Meinig, 'A macrogeography of western imperialism: some morphologies of moving frontiers of political control', in Fay Gale and Graham H. Lawton (eds.), *Settlement and encounter* (Melbourne, 1969), pp. 213–40. For a more empirically based conceptualisation, see Hornsby, *British Atlantic, American frontier*, pp. 223–7; and Stephen Hornsby, 'Early Canada as maritime space', *International Journal of Maritime History*, 21 (2009), 287–90. Also important are Cole Harris, 'European beginnings in the northwest Atlantic: a comparative view', in David D. Hall and David Grayson Allen (eds.), *Seventeenth-century New England* (Boston, 1984), pp. 119–52 and Cole Harris, 'The pattern of early Canada', in Graeme Wynn (ed.), *People, places, patterns, processes* (Toronto, 1990), pp. 358–73.

[5] D. A. Farnie, 'The commercial empire of the Atlantic, 1607–1783', *Ec. Hist. Rev.*, 2nd series, 15 (1962), 205–18; Gary M. Walton, 'New evidence on colonial commerce', *Journal of Economic History*, 28 (1968), 363–89.

merchants partnered with settlers to develop the sugar economy, providing credit, manufactured goods, and labour, as well as marketing sugars on a commission basis.[6] English sugar merchants and West Indian planters soon became tightly interlinked. Such was the growth of the sugar economy that sugar imports into England were by 1700 second in value only to calicoes and linens from the East Indies, and had become the leading import into England by the 1770s.[7] With little or no indigenous labour available on the islands, indentured servants from the British Isles and then slaves from West Africa were imported in their thousands. Given the brutal work conditions on plantations, slave workforces failed to reproduce, necessitating the continuous import of African labour. Between 1651 and 1775, more than a million slaves were shipped to the British West Indies, providing great profit to metropolitan merchants engaged in the slave trade.[8] Nevertheless, far more shipping tonnage was devoted to the dry goods and provisions trades than to the slave trade (see Maps 7 and 8). Plantations needed manufactured goods for their operations and slaves needed to be fed. Manufactured goods were imported from England, while massive amounts of provisions were shipped from the British Isles, particularly Ireland, as well as from the American colonies. General trade, rather than the slave trade, dominated British shipping to the West Indies.

The second circuit controlled by metropolitan merchants was the cod fishery in Newfoundland.[9] The English fishery, first developed in the 1570s, was by the early 1600s a major industry for merchants and fishermen in south-western England. For much of the seventeenth and eighteenth centuries, English fishermen engaged in a migratory fishery, sailing to Newfoundland in the spring, catching and drying cod during the summer, and then returning to England in the autumn, with cargoes of dried fish going to markets in Portugal, Spain, and the Mediterranean.[10]

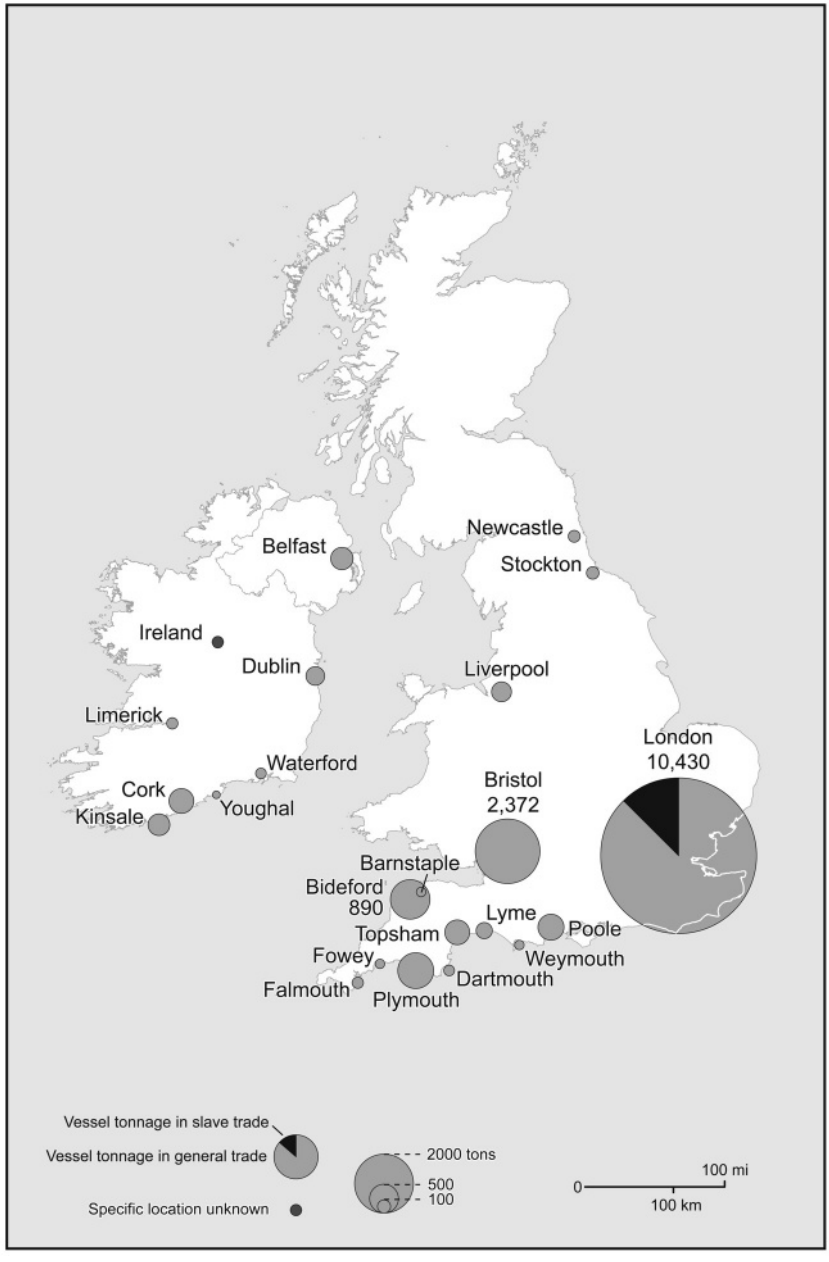
[6] R. C. Nash, 'The organisation of trade and finance in the British Atlantic economy, 1600–1830', in Peter A. Coclanis (ed.), *The Atlantic economy during the seventeenth and eighteenth centuries* (Columbia, SC, 2005), pp. 95–151.

[7] Ralph Davis, 'English foreign trade, 1700–1774', *Ec. Hist. Rev.*, 2nd series, 15 (1962), 285–303.

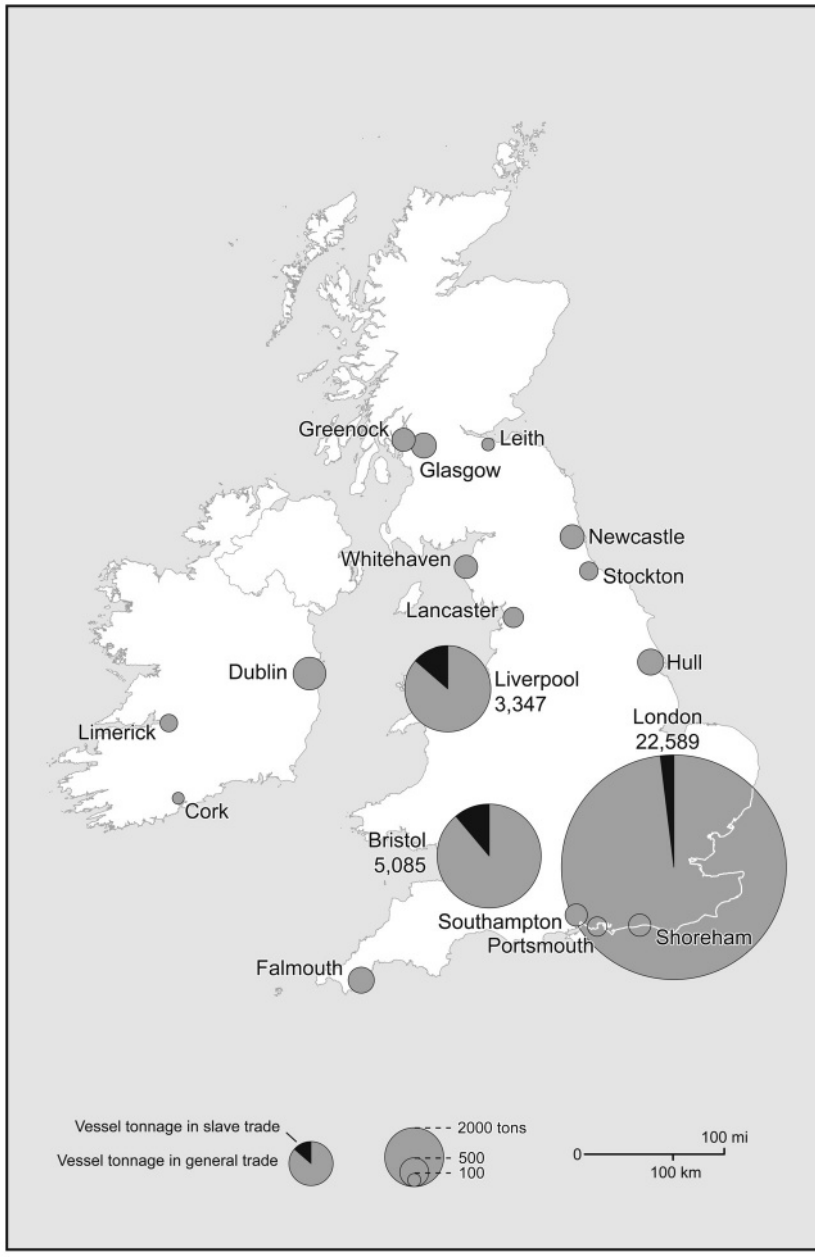
[8] David Eltis, Stephen D. Behrendt, David Richardson, and Herbert S. Klein (eds.), *The transatlantic slave trade: a database on CD-ROM* (Cambridge, 1999); David Richardson, 'The British empire and the Atlantic slave trade, 1660–1807', in *OHBE*, vol. II: P. J. Marshall (ed.), *The eighteenth century* (Oxford, 1998), pp. 440–64.

[9] Harold A. Innis, *The cod fisheries: the history of an international economy* (Toronto, 1940); C. Grant Head, *Eighteenth-century Newfoundland* (Ottawa, 1976); Peter E. Pope, *Fish into wine* (Chapel Hill, NC, 2004).

[10] C. Grant Head, Christopher Moore, and Michael Barkham, 'The fishery in Atlantic commerce', in R. Cole Harris (ed.), *Historical atlas of Canada*, vol. I (Toronto, 1987), plate 28.



Map 7 Ports of registry of English and Irish shipping sailing to Barbados, 1686
Source: TNA, Naval Office shipping lists for Barbados.



Map 8 Ports of registry of British shipping sailing to Jamaica, 1767
Source: TNA, Naval Office shipping lists for Jamaica.

Hundreds of vessels and thousands of men engaged in this seasonal movement back and forth across the Atlantic. In the early eighteenth century, a resident fishery also developed in Newfoundland, particularly along the old English shore of the Avalon and Bonavista peninsulas. Caretakers were left to look after fishing premises over the winter, and from this small nucleus the population began to grow. Even so, the migratory fishery was still larger than the resident fishery at the time of the American Revolution.

The third circuit was the fur trade from London to Hudson Bay. Established in 1670, the Hudson's Bay Company operated several trading posts at the mouths of the major rivers flowing into Hudson Bay during the late seventeenth and eighteenth century, only moving inland in the 1770s.[11] Although of relatively minor commercial value, the fur trade established the English on one of the major entryways into North America and allowed British influence to spread across much of the northern half of the continent during the late eighteenth and early nineteenth century. Moreover, the fur trade was a particularly stark example of the more general metropolitan pattern of networks and nodes spread across the Atlantic.

A final circuit comprised English trade to Portugal. From the mid-seventeenth century and particularly after the Methuen Treaty of 1703, the Portugal trade had become a vital part of English commerce.[12] At Lisbon and Porto, English merchants exchanged English cloth and Newfoundland dried fish for port wine and Brazilian gold, and also handled a major part of Portugal's overseas trade.[13] In addition, many outward-bound vessels from the British Isles to the Caribbean and

[11] Arthur Ray, 'Bayside trade', in Harris (ed.), *Historical atlas of Canada*, vol. I, plate 60; Hornsby, *British Atlantic, American frontier*, pp. 63–8; Michael Dove, 'Plying the northernmost Atlantic trading route to the New World: the Hudson's Bay Company and British seaborne empire', in Nancy L. Rhoden (ed.), *English Atlantics revisited* (Montreal, 2007), pp. 174–205.

[12] A. B. Wallis Chapman, 'The commercial relations of England and Portugal, 1487–1807', *Transactions of the Royal Historical Society*, 3rd series, 1 (1907), 157–79; H. E. S. Fisher, *The Portugal trade* (London, 1971); L. M. E. Shaw, *The Anglo-Portuguese alliance and the English merchants in Portugal, 1654–1810* (Aldershot, 1998).

[13] Alan K. Manchester, *British preeminence in Brazil* (New York, 1964), pp. 1–53; C. R. Boxer, 'Brazilian gold and British traders in the first half of the eighteenth century', *Hispanic American Historical Review*, 49 (1969), 454–72; Norman R. Bennett, 'The golden age of the port wine system, 1781–1807', *International History Review*, 12 (1990), 221–48; Paul Duguid, 'Networks and knowledge: the beginning and end of the port commodity chain, 1703–1860', *Business History Review*, 79 (2005), 493–526; H. E. S. Fisher, 'Lisbon, its English merchant community and the Mediterranean in the eighteenth century', in P. L. Cottrell and D. H. Aldcroft (eds.), *Shipping, trade, and commerce* (Leicester, 1981), pp. 23–44; Lucy S. Sutherland, *A London merchant 1695–1774* (Oxford, 1933).

North America picked up fortified wine from the Portuguese island of Madeira and sold it in the colonies.[14] So great was British involvement in the Portugal trade that by the mid-eighteenth century the small Iberian country and its rich overseas empire had become virtual economic vassals of Britain.

Apart from these circuits, metropolitan merchants controlled much of the transatlantic shipping and trade between Britain and its American colonies. Metropolitan dominance was particularly pronounced in the tobacco trade from the Chesapeake and the rice and indigo trades from the Carolina low country. In both areas, metropolitan merchants controlled more than 75 per cent of vessel tonnage by the late 1760s.[15] Metropolitan merchants also established retail stores on the Virginia Piedmont to handle the growing tobacco trade from the backcountry.[16] In return for these colonial staples, metropolitan merchants shipped manufactured goods and slaves and provided credit to Virginia and Carolina planters. Elsewhere, British shipping comprised about a third of the tonnage to the Middle Colonies by the late 1760s, carrying mostly manufactured goods to Philadelphia and New York.[17] By the mid-eighteenth century, the export of manufactures to the American colonies had become an important stimulus to British industry.[18]

At either end of the major metropolitan circuits were nodes of settlement. In England, the Atlantic trades had an increasing impact on urban development from the late sixteenth century. At first, this development was confined to London and the outports in south-western England, particularly Bristol, Plymouth, Falmouth, Topsham, and Bideford.[19] London had been the pre-eminent port in England during the medieval period and continued to be the dominant port throughout the seventeenth and eighteenth centuries.[20] Trade statistics confirm

[14] T. Bentley Duncan, *Atlantic islands* (Chicago, 1972); David Hancock, 'Self-organized complexity and the emergence of an Atlantic market economy, 1651–1815: the case of Madeira', in Coclanis (ed.), *The Atlantic economy*, pp. 30–71; David Hancock, *Oceans of wine* (New Haven, 2009).

[15] Walton, 'Colonial commerce', 366, 368.

[16] Charles J. Farmer, *In the absence of towns* (Lanham, MD, 1993), pp. 117–23.

[17] Walton, 'Colonial commerce', 366, 368.

[18] Davis, 'English foreign trade, 1700–1774'; Kenneth Morgan, *Slavery, Atlantic trade and the British economy, 1660–1800* (Cambridge, 2000), pp. 61–73.

[19] David Harris Sacks, *The widening gate* (Berkeley, 1991); Kenneth Morgan, *Bristol and the Atlantic trade in the eighteenth century* (Cambridge, 1993).

[20] Christopher J. French, '"Crowded with traders and a great commerce": London's domination of English overseas trade, 1700–1775', *London Journal*, 17 (1992), 27–35; Ralph Davis, *The rise of the English shipping industry in the 17th and 18th centuries* (Newton Abbot, 1962), pp. 34–5; O. H. K. Spate, 'The growth of London, A. D. 1660–1800', in H. C. Darby (ed.), *An historical geography of England before AD 1800* (Cambridge, 1948), pp. 529–48.

London's position. At the beginning of the eighteenth century, the city handled 80 per cent of all exports to Africa, the West Indies, and the American colonies. In the immensely valuable trade to the West Indies, London shipping dominated. Of English ships trading to Barbados in 1686, 59 per cent were registered in London, 13 per cent in Bristol, and 16 per cent in other West Country ports (Map 7).[21] London was also heavily involved in the tobacco trade, and through the chartered Royal African and Hudson's Bay companies had monopolies of the slave and fur trades. In other trades, several West Country ports were involved in the cod fishery in Newfoundland and the wine trade from Spain and Portugal.[22]

Yet by the late eighteenth century, the pattern of metropolitan ports engaged in Atlantic trade had shifted. In the early 1770s, London remained by far the most important port, handling 70 per cent of exports to the Atlantic world, but outports in the south-west had given ground to those in north-west England, western Scotland, and southern Ireland.[23] Of British shipping engaged in trade to Jamaica in 1767, 65 per cent of total tonnage was registered in London, 14 per cent in Bristol, and 9 per cent in Liverpool (Map 8).[24] In the much smaller trade to Barbados in 1773, the pattern was similar: 53 per cent of tonnage registered in London, 15 per cent in Bristol, and 18 per cent in Liverpool.[25] With the end of the Royal African Company monopoly in 1698, merchants in Liverpool took a share of the slave trade and expanded their general commerce to the West Indies.[26] A significant part of the tobacco trade had also shifted away from London to Liverpool, Whitehaven, and Glasgow, ports that specialised in the re-export of tobacco to continental Europe.[27] In the Newfoundland fishery, trade had become increasingly concentrated in the larger West Country ports

[21] TNA, CO, 33/13, Naval Office shipping list for Barbados, 1686.

[22] John Mannion and Gordon Handcock, 'The 17th century fishery', in Harris (ed.), *Historical atlas of Canada*, vol. I, plate 23.

[23] French, '"Crowded with traders"', 32.

[24] TNA, CO, 142/17, Naval Office shipping list for Jamaica, 1767. For the growth of Liverpool, see Paul G. E. Clemens, 'The rise of Liverpool, 1665–1750', *Ec. Hist. Rev.*, 2nd series, 29 (1976), 211–25.

[25] TNA, CO, 33/48, Naval Office shipping list for Barbados, 1773.

[26] Nash, 'British Atlantic economy, 1600–1830'.

[27] J. M. Price, 'The rise of Glasgow in the Chesapeake tobacco trade, 1707–1775', *WMQ*, 3rd series, 11 (1954), 79–199; Iain Stevenson, 'Some aspects of the geography of the Clyde tobacco trade in the eighteenth century', *Scottish Geographical Magazine*, 89 (1973), 19–35; T. M. Devine, *The tobacco lords* (Edinburgh, 1975). It is worth noting that tobacco was a high-value, low-bulk cargo, requiring a relatively small amount of shipping. See Gordon Jackson, 'Scottish shipping, 1775–1805', in Cottrell and Aldcroft (eds.), *Shipping, trade, and commerce*, 117–36.

of Dartmouth, Topsham, and Poole.[28] Apart from these regional shifts, a vitally important trade in provisions had developed from southern Ireland to the West Indies and Newfoundland. In the seventeenth century, the trade to the West Indies was scattered among ports such as Limerick, Kinsale, Cork, Youghal, and Waterford, but by the eighteenth century it had become overwhelmingly concentrated in Cork.[29] Meanwhile, Waterford had become the centre of Irish provisioning for Newfoundland.[30]

The growth of Atlantic trade through British ports led to considerable economic and urban development. During the seventeenth century, London consolidated its position as the country's leading financial centre, providing an exchange, marine insurance, brokers, and commercial information.[31] By the early eighteenth century, London had surpassed Amsterdam as Europe's major business centre.[32] Although Bristol and Liverpool developed financial-information complexes, London garnered a considerable part of the financial business from outport traders. Such economic development was reflected in the built landscape. Fine mercantile exchanges, customs houses, town halls, and merchant residences were constructed in towns and cities such as London, Bristol, Liverpool, and Poole.[33] Older buildings were frequently refashioned in the new Georgian style and formal residential squares were laid out. Expensive harbour facilities, such as wet and dry docks, were built in Bristol and Liverpool.

With higher economic functions located in London and the principal outports, the nodes that developed at the colonial end of the metropolitan networks comprised functional, utilitarian shipping places.[34]

[28] John Mannion, Gordon Handcock, and Alan Macpherson, 'The Newfoundland fishery, 18th century', in Harris (ed.), *Historical atlas of Canada*, vol. I, plate 25.

[29] Thomas M. Truxes, *Irish–American trade, 1660–1783* (Cambridge, 1988); Joseph Leydon, 'The Irish provisions trade to the Caribbean, *c.*1650–1780: an historical geography', unpublished Ph.D. thesis, University of Toronto (1995); Mark McCarthy, 'The forging of an Atlantic port city: socio-economic and physical transformations in Cork, 1660–1700', *Urban History*, 28 (2001), 25–45.

[30] John J. Mannion, 'The Waterford merchants and the Irish–Newfoundland provisions trade, 1770–1820', in D. H. Akenson (ed.), *Canadian papers in rural history III* (Ganonoque, 1982), pp. 178–203; John M. Mannion, 'Victualling a fishery: Newfoundland diet and the origins of the Irish provisions trade, 1675–1700', *International Journal of Maritime History*, 12 (2000), 1–60.

[31] Natasha Glaisyer, 'Merchants at the Royal Exchange, 1660–1720', in Ann Saunders (ed.), *The Royal Exchange* (London, 1997), 198–205.

[32] David Ormrod, *The rise of commercial empires* (Cambridge, 2003).

[33] Saunders (ed.), *Royal Exchange*; Peter Borsay, *The English urban renaissance* (Oxford, 1989); Madge Dresser, *Slavery obscured* (London, 2001), pp. 96–128.

[34] For the American context, see Jacob M. Price, 'Economic function and the growth of American port towns in the eighteenth century', *Perspectives in American History*,

British chartered companies engaged in the slave and fur trades, and prominent merchants involved in the fishery, sugar, tobacco, and wine trades, all maintained properties overseas. In the slave trade, forts and factories situated along parts of the coast of West Africa served as administrative centres for Royal African Company officials, accommodation for traders, warehouses for goods, and *barracoons* for slaves.[35] In the fur trade, forts and factories located at the mouths of prominent rivers around Hudson Bay housed Hudson's Bay Company factors and staff, trade goods, and furs.[36] In the Newfoundland fishery, West Country merchants owned fishing stations scattered along the English shore that served as centres of fishing, trade, and shipbuilding.[37] In the tobacco trade, leading British merchants had stores distributed through the Piedmont of Virginia, while in the Portugal wine trade English merchants had warehouses or 'lodges' in Porto for storing wine.[38] Only in the Caribbean was there more urban development. Leading ports such as Bridgetown, Barbados, and Kingston, Jamaica, served not only as transatlantic shipping points, but also as local market places and centres of small regional trade among the Caribbean islands and Central and South America.[39]

Compared with the balanced populations and diverse societies of the port towns in the British Isles, these far-flung shipping places around the Atlantic were demographically unbalanced, thin slivers of their parent societies.[40] Forts, factories, fishing stations, and retail stores were overwhelmingly staffed by men, usually young and single, creating distinctly masculine workplaces. Native 'country wives' were taken in West

8 (1974), 123–86; Jacob M. Price, 'Summation: the American panorama of Atlantic port cities', in Franklin W. Knight and Peggy K. Liss (eds.), *Atlantic port cities* (Knoxville, TN, 1991), pp. 262–76.

[35] A. W. Lawrence, *The trade castles and forts of West Africa* (Stanford, 1963); W. Raymond Wood, 'An archaeological appraisal of early European settlements in the Senegambia', *Journal of African History*, 8 (1967), 39–64; William St Clair, *The grand slave emporium* (London, 2006).

[36] D. Wayne Moodie and Victor P. Lytwyn, 'Fur-trade settlements', in Harris (ed.), *Historical atlas of Canada*, vol. I, plate 64.

[37] Gordon Handcock and Alan Macpherson, 'Trinity, 18th century', in Harris (ed.), *Historical atlas of Canada*, plate 26.

[38] Farmer, *Absence of towns*, pp. 117–23.

[39] Analysis of the Naval Office shipping lists for Barbados in 1686 and Jamaica in 1767 reveals only limited regional trade using locally registered shipping. For discussion of the urban development of Bridgetown, see Martyn J. Bowden, 'The three centuries of Bridgetown: an historical geography', *Journal of the Barbados Museum and Historical Society*, 59 (2003), 3–137. For Kingston, see Trevor Burnard, '"The grand mart of the island": the economic function of Kingston, Jamaica in the mid-eighteenth century', in Kathleen E. A. Monteith and Glen Richards (eds.), *Jamaica in slavery and freedom* (Barbados, 2002), pp. 225–41.

[40] Harris, 'European beginnings'.

Africa and Hudson Bay, but there were few European women, which meant that white settler populations hardly developed.[41] The same was also true in parts of the Caribbean and in Newfoundland. Within these male workforces, employment was tied to the trading and productive systems. The diversity of occupations found in England or the continental colonies was completely absent. For many young men working in these labour forces, overseas employment was temporary, a means to accumulate sufficient credit or cash to allow them to get ahead back in the British Isles.

Linking these various transatlantic nodes was a vast amount of shipping. As the dominant port throughout the seventeenth and eighteenth centuries, London had by far the most vessels engaged in Atlantic trade; in 1686, 85 vessels sailed for Barbados, compared with 75 from all the other English outports.[42] Although total figures are not available for London in the eighteenth century, 143 vessels entered Bristol and 195 vessels entered Liverpool from Africa, the West Indies, America, and Newfoundland in 1764.[43] Crewing these vessels were tens of thousands of men, and further numbers were employed in that 'nursery of seamen', the Newfoundland fishery. At the peak of the migratory fishery in the 1790s, more than 15,000 men shuttled back and forth across the Atlantic each year.[44] Whether working at a fishing station or onboard a vessel, these workforces were hierarchical, disciplined, and overwhelmingly male.[45] Crews on merchant vessels and fishing ships knew their place. Unlike the agricultural frontier along the eastern seaboard of North America, the British merchant marine was not a frontier of opportunity for independent producers, but provided waged employment for the poor from English and Irish port towns and their rural hinterlands.[46]

Metropolitan circuits also engaged native peoples, particularly in West Africa and Hudson Bay. Although the African slave trade existed prior to European involvement in West Africa, the enormous demand for African slaves from the sugar islands and, to a much lesser extent, the American plantation colonies massively increased the volume of the slave trade and reoriented it away from the continental interior of

[41] Jennifer S. H. Brown, *Strangers in blood* (Vancouver, 1980); Sylvia Van Kirk, *'Many tender ties'* (Winnipeg, 1980).
[42] TNA, Naval Office shipping list for Barbados, 1686.
[43] Davis, *English shipping*, pp. 36, 38.
[44] Mannion *et al.*, 'The Newfoundland fishery', plate 25.
[45] Peter Linebaugh and Marcus Rediker, *The many-headed hydra* (Boston, 2000).
[46] The best analysis of the recruitment of maritime labour is for the Newfoundland fishery. See W. Gordon Handcock, *Soe longe as there comes noe women* (St John's, 1989).

Africa towards the maritime exterior of the Atlantic.[47] Such geographic reorientation, coupled with the huge demand for slaves, focused economic attention on European forts and factories along the coast of West Africa and the native societies that lived there. Tribes that had been at the end of continental trading routes now found themselves in the middle of new circuits, controlling lucrative flows of slaves and trade goods between the interior and the coast. Such economic power was soon resented by interior peoples, leading to political instability and widespread warfare.[48] A similar pattern of reorientation and disruption occurred in the fur trade through Hudson Bay. Like the peoples settled along the coast of West Africa, the Cree living around the Bay were on the margins of continental trading systems until the English arrived in 1670 and began to initiate trade through the Bay. The Cree were now middlemen, controlling flows of furs, guns, gunpowder, liquor, and provisions to interior tribes and also playing English traders against their French counterparts operating through the St Lawrence–Great Lakes network.[49] In both West Africa and northern North America, the European creation of exogenous trading systems disrupted traditional native trade routes, societies, and economies, but left intact native control over territory and internal transportation, a situation much different to that in the European settler colonies along the eastern seaboard of North America.

Supporting and protecting Britain's maritime commercial system were the state and Royal Navy. In the first great struggle for control of the Atlantic, the Anglo-Spanish War (1585–1604), the English state worked closely with commercial interests in supporting privateering and thus loosening the grip of the Spanish on several parts of the Atlantic rim.[50] The state also chartered companies engaged in long-distance trade.[51] Yet such measures were not sufficient to guarantee English control of the Atlantic. As the Dutch commercial empire

[47] This reorientation of trade from continental interior to maritime exterior is well addressed in the Asian/Indian Ocean context by Rhodes Murphey, 'Traditionalism and colonialism: changing urban roles in Asia', *Journal of Asian Studies*, 29 (1969), 67–84. For the increase in the slave trade after the establishment of the sugar industry in the Caribbean, see John Thornton, *Africa and the Africans in the making of the Atlantic world, 1400–1800* (Cambridge, 1998), pp. 116–25.

[48] Kwamina B. Dickson, *A historical geography of Ghana* (Cambridge, 1969), pp. 106–8; Robin Law, *Ouidah* (Athens, GA, 2004); Robin Law, *The Slave Coast of West Africa, 1550–1750* (Oxford, 1991).

[49] Arthur Ray, *Indians in the fur trade* (Toronto, 1974).

[50] Kenneth R. Andrews, *Elizabethan privateering* (Cambridge, 1964).

[51] Elizabeth Mancke, 'Chartered enterprises and the evolution of the British Atlantic world', in Elizabeth Mancke and Carole Shammas (eds.), *The creation of the British Atlantic world* (Baltimore, 2005), pp. 237–62.

expanded rapidly after 1600, the English found themselves competing with the Dutch for commercial and naval supremacy. By mid-century, the Dutch appeared to be sweeping the English from the seas, carrying much of the trade from the English colonies in the Caribbean and North America to the Dutch entrepôt of Amsterdam.[52] In response, the Cromwell Protectorate in 1651 and then later the Stuart Restoration in 1660 introduced measures to protect English trade and navigation. The navigation acts preserved colonial trade for English shipping, directed colonial trade towards the entrepôt of London rather than Amsterdam, and used duties on imported colonial goods to help subsidise the navy, which was charged with enforcing the acts. Through these commercial measures and naval protection, England deflected Dutch shippers away from the colonial carrying trades and encouraged the growth of English shipping and the port of London. At least by the 1660s, tight ties had formed between City merchants engaged in overseas trade and the crown and politicians in Westminster in formulating commercial policy.[53] The English also fought three naval wars against the Dutch during the seventeenth century to gain command of the sea and buttress their commercial system. This intertwining of economic, political, and military power lay at the heart of England's Atlantic empire as it grew and developed during the eighteenth century.

England's geographical position commanding the Atlantic foreland of north-western Europe also gave it an enormous strategic advantage over its European rivals.[54] With a strong fleet and a westerly wind at its back, the Royal Navy was able to control the sea lanes to and from northern Europe and mount blockades of the Dutch and northern French coasts. After the political alliance with Portugal in 1661, which made Lisbon available to the navy, and the capture of Gibraltar in 1704, Britain was able to extend its naval control to the entrance to the Mediterranean and so blockade the Spanish and southern French coasts. Moreover, the establishment of naval bases at English Harbour in Antigua in 1726, at Port Royal in Jamaica in 1735, and at Halifax in Nova Scotia in 1749 allowed the navy to project power more effectively in the western Atlantic. With bases on both sides of the ocean, the navy could protect British possessions, control the principal sea-lanes, and

[52] Jonathan I. Israel, *Dutch primacy in world trade, 1585–1740* (Oxford, 1989).

[53] Perry Gauci, *The politics of trade* (Oxford, 2003). More generally, Daniel A. Baugh, 'Maritime strength and Atlantic commerce: the uses of "a grand marine empire"', in Lawrence Stone (ed.), *An imperial state at war* (London, 1994), pp. 185–223.

[54] H. J. Mackinder, *Britain and the British seas* (New York, 1902), pp. 1–13. For a more qualified view, see Daniel A. Baugh, 'The Atlantic of the rival navies, 1714–83', in Rhoden (ed.), *English Atlantics revisited*, pp. 206–31.

threaten territories belonging to other European powers. The massive defences erected by the Spanish at Havana, San Juan, and Cartagena, and by the French at Louisbourg and Quebec, were testaments to British naval power.[55]

The metropolitan pattern in the Atlantic was most clearly defined in coastal West Africa, the West Indies, Newfoundland, and Hudson Bay. In these littoral and insular spaces, British mercantile capital, state power, and naval force interlocked. Chartered companies and individual merchants controlled much of the shipping and trade, created formidable political lobbies in England, and relied on the navy for protection. The lack of extensive agricultural hinterlands and settler populations ensured that there were few alternative occupations for staple workforces or economic bases for the development of local elites. The populations dependent on the metropolitan outposts were demographically skewed and their societies thinly developed. Hierarchy and order, discipline and brutality characterised this British Atlantic world.

The colonial pattern

Compared with the metropolitan circuits and nodes spread over the extensive maritime space of the Atlantic, the geographic patterns that emerged in the English colonies along the eastern edge of the North American continent were very different. Two major spatial systems can be identified. First, a series of continental staple territories and port towns developed along the eastern seaboard that were connected to circuits of transatlantic commerce as well as backcountry trade. These staple economies and towns provided an economic base for the growth of landed and mercantile elites who dominated the social, political, and cultural life of the continental colonies. Second, away from the coast, three extensive regions of agricultural settlement formed. Although connected through urban intermediaries to Atlantic markets and goods, these regions turned more around their own demographic momentum and geographic expansion than transatlantic trade.

The first areas of staple production developed in coastal New England and around Chesapeake Bay in the early seventeenth century. The English fishery in the waters off the coast of New England began in the early 1600s when West Country fishermen extended the

[55] Conversely, the lack of serious defences in British colonial towns, particularly those along the American eastern seaboard, reflected a reliance on British sea power for protection.

migratory fishery beyond Newfoundland to the Gulf of Maine.[56] This seasonal fishery eventually succumbed to the disruption of transatlantic trade during the English Civil War in the early 1640s and the growth of a resident fishery in New England. By the late seventeenth century, merchants in Boston and Salem controlled the New England fishery, sending out fishing vessels as far as the Newfoundland banks, drying catches on land, and then exporting dried fish to markets in southern Europe. With the expansion of the sugar economy and slave population in the West Indies, further markets developed in Barbados, Jamaica, and the Leeward Islands, providing a tremendous stimulus for the New England bank fishery. By the late eighteenth century, the fishery was the mainstay of the Massachusetts economy and dried fish the most valuable export from New England.

In the Chesapeake, metropolitan and colonial patterns overlapped. English merchants handled the export of tobacco (an enumerated product under the navigation acts) and provided credit to tobacco planters, but the relatively slow growth of the tobacco economy during the seventeenth century ensured that planters remained in Virginia and Maryland rather than following the wealthy sugar planters from the West Indies back to England.[57] As a result, a colonial elite developed by the late seventeenth century and became increasingly powerful as the tobacco economy expanded in the early eighteenth century. By the 1770s, tobacco was not only the dominant cash crop in Virginia and Maryland but had become the leading export staple from the continental colonies. The landscape of the Chesapeake became increasingly marked by large plantations with great houses and extensive tobacco fields worked by numerous slaves. Yet much of this economic growth was underwritten by British credit, leading to widespread indebtedness among the planter class.[58] For all the aping of English ways, the tidewater gentry were increasingly at odds with their metropolitan creditors by the last quarter of the eighteenth century. Diversification from tobacco into the West India provisions trade, as well as speculation in backcountry lands, were two ways of loosening economic bonds to Britain.

A third area of continental staple production developed in the Carolinas in the late seventeenth and early eighteenth century. The

[56] Hornsby, *British Atlantic, American frontier*, pp. 73–88; Daniel Vickers, *Farmers and fishermen* (Chapel Hill, 1994); Innis, *Cod fisheries*; Christopher Paul Magra, 'The New England cod fishing industry and maritime dimensions of the American Revolution', unpublished Ph.D. thesis, University of Pittsburgh (2006).

[57] Hornsby, *British Atlantic, American frontier*, pp. 88–111.

[58] T. H. Breen, *Tobacco culture* (Princeton, 1985).

introduction of rice cultivation, most likely by West African slaves, to the marshy world of the low country, coupled with demand for rice from Europe and the West Indies, created another major agricultural staple on the eastern seaboard.[59] As in the tobacco trade, British merchants handled much of the shipping and trade, while resident planters ran the plantations. As cultivation of rice required a complex hydraulic system of banks, ditches, and flooded fields, planters needed a large labour force that was supplied by slave imports. Such investments in land and labour favoured the emergence of a wealthy planter class. Unlike tobacco planters who resided on their plantations around the Chesapeake, rice planters quickly abandoned the malarial environment of the low country for the urban life of Charleston. There they formed powerful family and business connections with the town's leading merchants. By the outbreak of the American Revolution, rice planters had become the most prosperous of all landed elites in the continental colonies.[60]

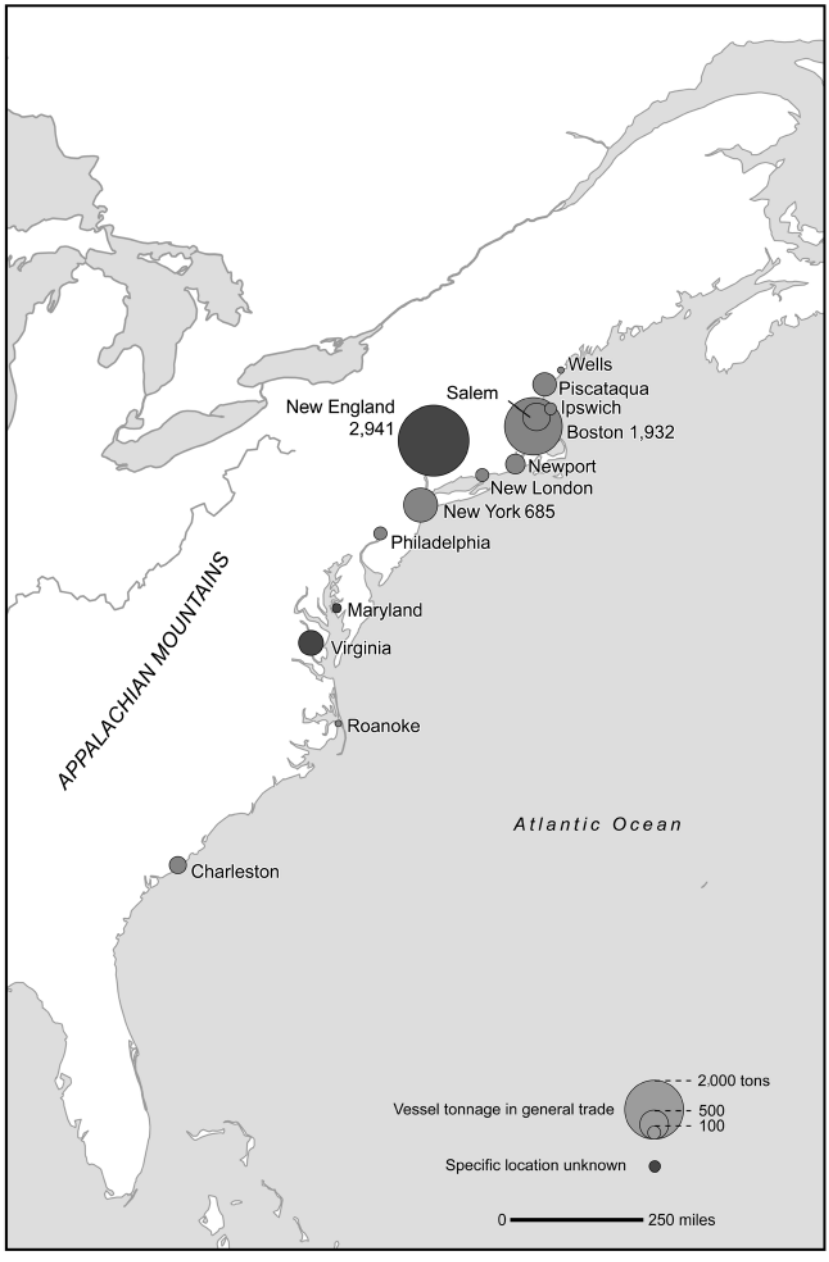
Port towns along the eastern seaboard served as intermediaries between circuits of Atlantic commerce and regions of production on the continent.[61] Compared with British ports engaged in Atlantic trade, the urban hierarchy along the eastern seaboard was considerably more dynamic, reflecting the shifting pattern of English settlement. Boston developed first, serving as the capital of Massachusetts, a market for local agricultural produce, and a centre for importing English manufactured goods and exporting dried fish, lumber, and provisions. With the development of New England's trade to the West Indies in the late seventeenth century, Boston formed a symbiotic relationship with Bridgetown, Barbados, exchanging dried fish, provisions, and lumber for sugar and bills of exchange. Of colonial shipping trading to Barbados in 1686, 80 per cent of tonnage was registered in New England, more than a third of it in Boston (see Map 9).[62] Boston and Bridgetown served as the principal English entrepôts on the western side of the Atlantic during the seventeenth century.

[59] Hornsby, *British Atlantic, American frontier*, pp. 111–23; Judith A. Carney, *Black rice* (Cambridge, MA, 2001).

[60] Alice Hanson Jones, *Wealth of a nation to be* (New York, 1980).

[61] Hornsby, *British Atlantic, American frontier*, pp. 193–203.

[62] TNA, Naval Office shipping list for Barbados, 1686. For mercantile connections between New England and Barbados in the eighteenth century, see Richard Pares, *Yankees and creoles* (London, 1956); S. D. Smith, 'Gedney Clarke of Salem and Barbados: transatlantic super-merchant', *New England Quarterly*, 76 (2003), 499–549. For Boston's control of western Atlantic trade, see Curtis Nettels, 'The economic relations of Boston, Philadelphia, and New York, 1680–1715', *Journal of Economic and Business History*, 3 (1930–1), 186–203.



Map 9 Ports of registry of colonial shipping sailing to Barbados, 1686
Source: TNA, Naval Office shipping lists for Barbados.

Yet by the early eighteenth century, the urban hierarchy was experiencing significant change. Boston's growth had slowed as other port towns expanded in New England, particularly Portsmouth, Salem, Marblehead, Newport, Providence, New London, and New Haven, all towns that either engaged in the banks cod fishery or exported agricultural produce. More significantly, the English settlement of the Middle Atlantic colonies of New York and Pennsylvania and the expansion of their agricultural economies had led to the rapid growth of New York and Philadelphia. By 1770, they were considerably more populous than Boston, and had garnered a considerable amount of the West India provisions trade (see Map 10).[63] Other towns were also growing. In the Chesapeake, Baltimore was siphoning off some of the backcountry grain trade to Philadelphia; farther south, Charleston dominated the low country, serving as the capital of South Carolina, the principal export centre in the rice trade, and the seasonal home of many low country planters.

As trades in fish, lumber, and provisions were in the hands of colonial rather than metropolitan merchants, commercial returns accumulated in port towns up and down the eastern seaboard, strengthening the colonial economy. Larger port towns also had some manufacturing, particularly shipbuilding, rum distilling, and wood-working, and provided a range of lower-order services. Leading towns – Boston, New York, Philadelphia, Charleston, Newport – also had higher service functions in finance and information. Such economic diversification ensured that the leading colonial port towns were 'general entrepôts' of the Atlantic world, rather than 'mere shipping places' dominated by British merchants.[64] If none of the larger colonial towns could challenge London, they were certainly comparable to some of the outports in the British Isles.

The economic vibrancy of the leading colonial port towns was reflected in the development of their urban landscapes. Established on more spacious sites and lacking the medieval inheritance of churches, guild halls, and merchant houses of their English counterparts, colonial port towns were organised in an economically rational manner, with commercial functions dominating the waterfront and institutional functions pushed farther back. The greater the diversity of economic functions, the more sophisticated the urban land use and the

[63] In 1770, the populations of the leading towns were as follows: Philadelphia 28,000; New York 21,000; Boston 16,000; Charleston 10,863; Newport 9,000; Price, 'American port towns', Appendix B.

[64] Price, 'American port towns'.



Map 10 Ports of registry of colonial shipping sailing to Jamaica, 1767
Source: TNA, Naval Office shipping lists for Jamaica.

greater the geographic expansion of the town. At least in Charleston, clear zones of land use had appeared by the late eighteenth century.[65] Following the Georgian rebuilding in London and many provincial towns in Britain, colonial merchants, confident in their cultural sophistication and wealth, embellished their own port towns by building handsome churches, town houses, exchanges, customs houses, and residences.

Compared with British mercantile elites involved in Portugal, West Africa, the West Indies, Newfoundland, and Hudson Bay, colonial elites were rooted to their side of the Atlantic, rarely venturing across the ocean to Britain. Although they had strong economic and cultural connections to the metropole, particularly in the tobacco and rice trades, planters and merchants had strong ties and allegiances to their own colonies. Moreover, planters in Virginia and Maryland and merchants in the leading port towns looked to the expanding backcountry as a place for speculative investment and dynastic advancement. By the late eighteenth century, planters in the Northern Neck of Virginia were looking to expand into the Ohio River Valley, while merchants in Boston were speculating in frontier lands in the Kennebec Valley in Maine.[66] British credit lay behind some of this speculative enterprise but the initiative lay with east coast elites. Such a territorial dynamic scarcely existed in Britain's Atlantic empire and would eventually lead to friction with the imperial government in the 1760s.

In the lee of the staple territories and port towns, three areas of English agricultural settlement developed along the eastern seaboard.[67] The first emerged in New England in the early seventeenth century, the second in the Middle Atlantic colonies in the late seventeenth and early eighteenth century, and the third in the southern backcountry in the mid-eighteenth century. As these areas were not suitable for growing plantation crops, they did not attract significant commercial investment but instead provided considerable opportunity for European settlers to occupy relatively cheap land. Availability of land attracted thousands of immigrants from north-western Europe across the Atlantic, at first from southern and eastern England and then later from the peripheries of the British Isles and the Rhine Valley. Recent estimates of this immigration suggest that some 522,000 Europeans migrated to the mainland

[65] Hornsby, *British Atlantic, American frontier*, pp. 186, 198–9.

[66] Kenneth P. Bailey, *The Ohio Company of Virginia and the westward movement 1748–1792* (Glendale, 1939); Gordon E. Kershaw, *The Kennebeck proprietors 1749–1775* (Portland, 1975). More generally, Bernard Bailyn, *Voyagers to the west* (New York, 1986).

[67] Hornsby, *British Atlantic, American frontier*, pp. 126–79.

colonies between 1601 and 1775.[68] Given the relatively high standard of living in the colonies, people married young and had numerous children. Benjamin Franklin was among the first to notice that the colonial American population doubled every generation or approximately every twenty-five years. By 1770, the rural population of the seaboard colonies was approximately 1,350,000, far larger than the populations in the British West Indies or Newfoundland. While the great dynamic of the Atlantic world was the expansion of maritime commerce, the driving force in the settler colonies was a rapidly growing population.

The increase in population pushed the three agricultural frontiers westward from the coast across the Piedmont until they reached the front range of the Appalachians. Such territorial expansion created conflict with native peoples who inhabited the seaboard and coastal plain. Unlike West Africa and Hudson Bay, where indigenous peoples were essential to British Atlantic trade, native land, rather than trade, was seen as key to economic success in the continental colonies. Native societies were soon subdued. European diseases made considerable inroads into indigenous populations even before permanent European settlement, and native communities were further reduced by intermittent warfare and loss of their traditional territories.[69] By the close of the colonial period, native populations were much diminished; along some parts of the seaboard, all that remained of them were their place names.[70]

For European and American settlers, however, the coastal plain provided ample opportunity for economic and social advancement. Compared with Europe, where land was in short supply and expensive, and labour plentiful and cheap, the American seaboard had abundant land but a shortage of labour.[71] As a result, land was cheap and wages were high, allowing settlers to purchase land relatively easily. After years clearing forest, settlers and their families created semi-subsistence farms, the economic base for the great majority of the colonial population. Although all farmers were enmeshed to some degree in the market, the agricultural frontiers were much less connected to Atlantic commerce than were the staple regions and port towns. To be

[68] James Horn and Philip D. Morgan, 'Settlers and slaves: European and African migrations to early modern British America', in Mancke and Shammas (eds.), *Creation of the British Atlantic world*, pp. 19–44, especially Table 1.2.

[69] Eric Hinderaker and Peter C. Mancall, *At the edge of empire* (Baltimore, 2003).

[70] 'Governor William Bull's representation of the colony, 1770', in H. Roy Merrens (ed.), *The colonial South Carolina scene* (Columbia, SC, 1977), pp. 253–70.

[71] R. Cole Harris, 'The simplification of Europe overseas', *Annals of the Association of American Geographers*, 67 (1977), 469–83.

sure, farmers in areas with good soil and climate and access to water transport such as along the major river valleys of New England, New York, and Pennsylvania could sell their livestock, grain, and lumber to seaboard merchants for sale overseas.[72] But in many areas, particularly in the interior of New England and the southern backcountry, farmers sold only small quantities of produce in local markets. In these circumstances, farms were diversified, providing a subsistence for the settler and his family and some products to sell in order to purchase necessary foodstuffs and manufactured goods.[73]

With small economic returns from mixed farming and plentiful land available, the economic and social hierarchy in the three great agricultural regions was much less pronounced than in the tobacco- and rice-growing areas or in the European countryside.[74] Land was not engrossed into large estates to support a landed gentry or planter class, while the relative availability of land meant that the poor had greater access to property. The social and economic hierarchy of the staple regions and Europe had become compressed, reflected in the modest farmhouses that dotted the landscapes of New England, the Middle Atlantic, and southern backcountry.

The mixing of immigrants on the three agricultural frontiers also created different rural cultures to those in western Europe and the British Atlantic.[75] In the most homogeneous area, New England, families arrived from different parts of England, bringing varied regional traditions. These soon merged to form a common regional culture, well shown in the region's dialect, diet, and building style. In the more heterogeneous Middle Atlantic colonies and southern backcountry, populations were more diverse, and ethnic patterns, particularly in language, religion, diet, and building, persisted through the late eighteenth century. For all the recent emphasis on the consumption of British manners and manufactured goods among the more elite sections of colonial society, well-developed vernacular cultures also existed across the major agricultural regions.[76] Chesapeake and Carolina planters and

[72] Richard Lyman Bushman, 'Markets and composite farms in early America', *WMQ*, 3rd series, 55 (1998), 351–74.

[73] Close analysis of account books for a farm near Worcester in the uplands of central Massachusetts shows just how limited markets were for farmers before the onset of industrialisation; see Tim Brosnihan, 'Commerce and continuity: the evolution of mixed husbandry on the Waters farm, 1760–1840', unpublished MA thesis, University of Maine (2007).

[74] Harris, 'Simplification of Europe'.

[75] Hornsby, *British Atlantic, American frontier*, pp. 175–9.

[76] T. H. Breen, 'An empire of goods: the anglicisation of colonial America', *Journal of British Studies*, 25 (1986), 467–99.

urban merchants were well connected to Atlantic networks of goods and ideas, but farmers in the backcountry were much less connected to these circuits and developed their own vernacular cultures.

The development of these different economic and cultural spaces along the eastern seaboard took place within a political framework very different to that operating in the Atlantic. Whereas the British state increasingly regulated and protected the commerce of the Atlantic from the late seventeenth century onwards, it had much less grip on the continental colonies. With the metropole drawing the greatest wealth from maritime commerce, particularly the West India trade, the British government left the continental colonies in a state of 'salutary neglect' for much of the late seventeenth and early eighteenth century.[77] Colonial legislative assemblies dominated by mercantile and planter elites developed considerable autonomy, and military defence was left to locally raised militias. The military power of the imperial state scarcely impinged on the eastern seaboard until the great conflicts with France in the mid-eighteenth century.

A bifurcated Atlantic

The metropolitan and colonial patterns occupied mainly different spaces in the Atlantic and on the North American continent. The metropolitan pattern was maritime, commercial, and disciplined, dominating circuits to West Africa, the Caribbean, Newfoundland, and Hudson Bay, and overlapping colonial territory in the Chesapeake. The colonial pattern comprised an intermediate space containing staple territories and port towns along the eastern edge of North America, and a backcountry of agricultural frontiers. Like the metropolitan circuits, the staple territories and port towns engaged in maritime trade and commerce, participated in transatlantic flows of goods, ideas, and information, and supported ordered, hierarchical societies. But unlike the metropolitan circuits, the staple territories and towns also had connections to the continental interior and expanding agricultural frontiers. These frontiers occupied the greatest area and supported the most people. Compared with the staple territories and port towns, the expansion of the backcountry depended more on the increase of population and territorial expansion than on Atlantic trade and staple exports.

These metropolitan and colonial worlds are well exemplified by several archetypal figures. Benjamin Lester (1724–1802), a fish merchant

[77] Ian K. Steele, 'The anointed, the appointed, and the elected: governance of the British empire, 1689–1784', in Marshall (ed.), *The eighteenth century*, pp. 104–27.

based in Poole, England, who operated an important fishing station at Trinity, Newfoundland, represents the metropolitan grip on North American resources. His fish business created a well-defined triangular network of trade around the Atlantic, connecting south-west England, Newfoundland, and the Iberian peninsula; required him to shuttle back and forth across the ocean each year; necessitated close connections to government and naval officials in London; and rested on a hierarchical society of indentured servants in Newfoundland.[78] A similar figure was John Pinney (1740–1818), also from the English West Country, who inherited sugar plantations in Nevis, managed them for several years, and then returned to England to run a merchant house in Bristol that specialised in the sugar trade. His sugar business depended on well-developed transatlantic connections and a slave workforce in the West Indies.[79] Although Lester and Pinney probably did not know each other, they would have shared common views about metropolitan control over colonial resources, the need for naval protection in time of war, and the ordered and hierarchical nature of Atlantic society. Thomas Hancock (1703–64), one of Boston's leading merchants, best represents the intermediate space of the American eastern seaboard. He was part of the Atlantic world, having invested heavily in the New England fishery, the West Indies provisions trade, and British military contracting, but he was also rooted in his home town and region, investing in local real estate and speculating on the agricultural frontier of the Kennebec Valley in Maine.[80] Daniel Boone (1734–1820) stands as the archetypal figure of the American frontier. Born and raised in the Oley Valley of south-eastern Pennsylvania, Boone was part of a heterogeneous rural society comprising some dozen ethnic groups that made a living mostly from farming. As land grew in short supply and increasingly more expensive in south-eastern Pennsylvania, the Boone family extended the frontier to the Yadkin Valley in the southern backcountry, and then, after the Revolution, into Kentucky. Through his land dealings, Thomas Hancock would have understood and profited from the backcountry world of settlers like the Boones, but for Lester and Pinney the Oley Valley was literally and figuratively a world away from their transatlantic concerns.

[78] Handcock, *Soe longe as there comes noe women*, pp. 219–32; D. F. Beamish, 'Benjamin Lester', *Dictionary of Canadian biography*, vol. V: *1801 to 1820* (Toronto, 1983), pp. 490–2; Gordon Handcock and Alan Macpherson, 'Trinity, 18th century', in Harris (ed.), *Historical atlas of Canada*, vol. I, plate 26.

[79] Richard Pares, *A West India fortune* (London, 1950). For a biography of one of Pinney's slaves see Christine Eickelmann and David Small, *Pero* (Bristol, 2004).

[80] W. T. Baxter, *The house of Hancock* (Cambridge, MA, 1945); Kershaw, *Kennebeck proprietors*.

To some extent the structural differences represented by these archetypal figures had been masked during Britain's struggles with France during the eighteenth century. But with the removal of the French from North America in 1763, the differences between the Atlantic world of metropolitan commerce and the expansive world of colonial settlement came more to the fore. To contain colonial expansion and prevent conflict with native peoples, the British government reordered the space of eastern North America. The Royal Proclamation of 1763 divided British America into an eastern region of Euro-American settlement and a western area reserved for native peoples. Newly acquired territories in Florida, St John's Island, Nova Scotia, and Canada were opened for settlement, although they were much less attractive than the upper Ohio Valley. British troops garrisoned these territories, ostensibly to maintain authority over French settlers and native peoples and to restrain colonial expansion.

Within the maritime world of the Atlantic, Britain had to rebuild its fleet as a deterrent against a rearming France and Spain. These costs, plus the need to pay down war debt, led to a tightening of the navigation acts and direct taxation of the colonists. Such attempts to reorganise the empire geographically and financially were resisted. In the maritime world of the Atlantic, British imperial power held sway. As John Montresor, one of the more knowledgeable British officers in North America in the late eighteenth century, commented during the 1765 Stamp Act crisis, 'Places where the Stamps pass now current are Quebec, Halifax, Pensacola, Jamaica[,] Barbadoes[,] Antigua[,] and the Grenadas. The singular advantage of troops and fleets to enforce His Majesty's orders are here plainly demonstrated.'[81] Along the edge of the continent, however, such troops and fleets were largely absent or ineffective.

The outbreak of the American Revolution revealed the immense difficulties facing a maritime power in projecting force over a vast continental land mass. Britain could protect the maritime spaces occupied by the West Indies, Nova Scotia, Canada, and Newfoundland, but had little purchase on the continent. British occupation of Boston, New York, Newport, Charleston, and Philadelphia never gave control over the backcountry. Once the conflict spread to include France, Britain's priorities immediately switched to protecting the British

[81] G. D. Scull (ed.), *The Montresor journals: collections of the New-York Historical Society for the year 1881* (New York, 1882), p. 346. See also T. R. Clayton, 'Sophistry, security, and socio-political structures in the American Revolution; or why Jamaica did not rebel', *Historical Journal*, 29 (1986), 319–44.

Isles, possessions in the West Indies, Newfoundland, Gibraltar, and India, and the intervening sea-lanes. The Treaty of Paris in 1783 confirmed the bifurcation of empire: Britain was left with its Atlantic possessions and trade, the former American colonies retained their continental territories. Yet the loss of the thirteen colonies scarcely deflected Britain from expanding its maritime reach around much of the globe.[82]

British Atlantic and British Asia

If the metropolitan and colonial spatial patterns never fully aligned in the British Atlantic, this was not the case in British Asia. The British metropolitan system that operated in the Atlantic was extended into the Indian Ocean and on to the beachheads at Madras, Surat, Bombay, and Calcutta. Like the metropolitan chartered companies operating in the Atlantic, the English East India Company was awarded a monopoly of British trade to the Indies, maintained its headquarters in the City of London, and operated forts and factories at the Asian end of the network. With its monopoly over the Indies trade, London served as Britain's entrepôt between the Atlantic and Indian oceans, redistributing bullion from the Atlantic to the Indies and textiles from the Indies to Africa. At the Asian end, English forts and factories, like those on Hudson Bay and the coast of West Africa, contained accommodation for company employees, warehouses for trade goods, military defences, and, in larger forts, churches.[83] As trading establishments increased in size during the late eighteenth and early nineteenth century, British settlements in India took on some of the morphological characteristics of port towns in the British Atlantic.[84] Within Company settlements, British workforces were male and mostly single, although native 'country wives' were taken, a pattern similar to that in West Africa and Hudson Bay. Workforces were also ordered and hierarchical, with opportunities for advancement only through Company ranks. Until the East India Company extended its grip beyond Calcutta after Clive's

[82] Alan Frost, *The global reach of empire* (Melbourne, 2003).

[83] I. Bruce Watson, 'Fortifications and the "idea" of force in early English East India Company relations with India', *Past and Present*, 88 (1980), 70–87. Watson emphasises the importance of fear in maintaining relations between the English and native peoples; a similar point is made for the fur trade in western North America in Cole Harris, 'Strategies of power in the Cordilleran fur trade', in Cole Harris, *The resettlement of British Columbia* (Vancouver, 1997), pp. 31–67.

[84] Stephen J. Hornsby, 'Discovering the mercantile city in South Asia: the example of early nineteenth-century Calcutta', *Journal of Historical Geography*, 23 (1997), 135–50.

victory at Plassey in 1757, Company traders were largely confined to their coastal factories.[85]

Yet if the East India Company's outreach to South Asia had much in common with that of other chartered companies in the Atlantic world, the contexts of trade were radically different. Whereas the British and other Europeans created coasting and transoceanic networks in the Atlantic, they found themselves operating within long-established trade routes and trading communities in the Indian Ocean and South China Sea.[86] The dramatic reorientation of indigenous West African and North American trade flows from continental interiors towards the coast that occurred in the Atlantic was much less pronounced in the Indian Ocean. Trade was already flowing along maritime routes when Europeans arrived; Europeans merely hitched another long-distance route to existing maritime networks.

Moreover, private British traders took advantage of these existing commercial links to operate in the 'country trade' in the Indian Ocean and to circumvent the East India Company's monopoly by smuggling goods to Europe. Through these networks, British traders spread their commercial influence well beyond the official trade of the Company. Such networks frequently lay outside the metropolitan control of the East India Company and the British state. In a sense, they were the Asian equivalent of the American trade to the West Indies: trades that were not routed through metropolitan ports.

As imperial rivalries between Britain and France increased in the mid-eighteenth century, South Asia became a battleground. The economic importance of the Indies trade meant the British state had to protect Company possessions and shipping against French threats. The government supported the Company's military offensives against the French and their Indian allies by providing loans for hiring native armies, royal regiments to bolster Company forces, and Royal Navy ships to command sea-lanes and transport troops, provisions, and war materiel.[87] As the scale of conflict increased, especially during the Seven Years War, the Company gained territorial concessions from native rulers in order to provide taxation revenue to support the military effort. In the process, the Company was transformed from a commercial concern into a military and territorial power. In geographical terms, the

[85] P. J. Marshall, *Bengal: the British bridgehead. Eastern India, 1740–1828* (Cambridge, 1987).

[86] K. N. Chaudhuri, *Trade and civilisation in the Indian Ocean* (Cambridge, 1985); Michael Pearson, *The Indian Ocean* (London, 2003).

[87] P. J. Marshall, *The making and unmaking of empires: Britain, India, and America, c.1750–1783* (Oxford, 2005), pp. 119–29.

maritime system of circuits and nodes was augmented by extension of control into the continental interior.[88] At the same time, the intertwining of the British state and military in Company affairs ensured that the state claimed ultimate sovereignty over the new territories. Unlike the colonies along the American eastern seaboard, which contested British parliamentary authority, the issue of sovereignty and governance in India was an internal matter to Britain and could be resolved in London. The metropolitan commercial system that had been extended from the Atlantic to the Indian Ocean had been transformed into an even more forceful metropolitan territorial power.[89]

In sum, the British Atlantic world in the seventeenth and eighteenth centuries encompassed two contrasting spatial systems: a metropolitan pattern that comprised a series of maritime circuits and nodes largely centred on the Atlantic but with a significant extension into the Indian Ocean, and a colonial pattern consisting of a combination of nodes, staple territories, and agricultural frontiers along the eastern edge of North America. One pattern was essentially maritime, the other largely territorial. The patterns overlapped at the edges, with metropolitan merchants trading into colonial port towns and investing in staple agricultural economies, while colonial merchants traded around much of the Atlantic rim. Nevertheless, the demographic weight of the colonial pattern was in the backcountry and depended on an ever-expanding agricultural frontier.

If this analysis is correct, the implications are significant. For all the current interest in the Atlantic world by American scholars, the American colonial experience was far from normative. To be sure, the Atlantic world permeated colonial life in myriad ways, especially in port towns and plantation regions along the eastern seaboard. Nevertheless, the great dynamic of American colonial life was demographic growth and geographical expansion into the continental interior. The American empire lay not in the Atlantic but across the Appalachians in the Ohio Valley and beyond.[90] Political claims to much of the continent internalised American imperial expansion and gave rise to an ideology of manifest destiny and exceptionalism. In contrast, the British, through

[88] Of course, the network of circuits and nodes was extended into South-East Asia in the late eighteenth century when the East India Company established enclaves at Penang and Malacca.

[89] John E. Wills, Jr, 'Review article: maritime Asia, 1500–1800: the interactive emergence of European domination', *American Historical Review*, 98 (1993), 83–105 (esp. 105).

[90] D. W. Meinig, *The shaping of America*, vol. II: *Continental America, 1800–1867* (New Haven, 1993).

their maritime expansion, were forced to engage with significant indigenous populations and other European powers around the Atlantic, Indian, and Pacific oceans. For all the friction and conflict, the British interacted with other peoples and cultures in a way that few Americans experienced.

3 Britain in the Indian Ocean region and beyond: contours, connections, and the creation of a global maritime empire

H. V. Bowen

Studies of British activity in the Indian Ocean basin have been dominated by the East India Company's creation and rapid expansion of a territorial empire in South Asia during the second half of the eighteenth century.[1] In view of the eventual centrality of the Raj within Britain's overseas empire this is hardly surprising, but it does serve to impose an organisational and conceptual straitjacket upon studies of British interactions with Asia. Indeed, a 'trader into sovereign' metaphor is now regularly invoked by historians to describe the rapid transformation of the Company's status during the 1760s, a sudden and dramatic occurrence that came as something of a surprise to many in Britain even though it has been argued that a deeply embedded institutional gene within the Company meant that it had harboured territorial and political ambitions during the late seventeenth century.[2] The use of such a framework of interpretation is perhaps understandable, but an unrelenting concentration on land-based imperialism in India serves very much to play down the importance of the process of British 'East Indian' maritime expansion that was occurring simultaneously across the Indian Ocean, and which continued until the Company finally ended its trading days in 1833. Indeed it is quite noticeable that in many, if not most, general histories of the East India Company, the sea disappears almost entirely from view when the story reaches the mid-eighteenth century. Up until that point, much attention is routinely paid to the importance of ships, conflicts at sea, commerce, exploration, and the like, but thereafter maritime subjects seldom feature much at all, except

[1] With the usual disclaimers applying, I thank the following for their advice, criticism, encouragement, and suggestions: Trevor Burnard, Gwyn Campbell, Manuel Llorca, John McAleer, Margaret Makepeace, Steve Sarson, and my two co-editors of this volume.

[2] On the late seventeenth-century East India Company state see Philip J. Stern, *The Company-state: corporate sovereignty and the early modern origins of the British empire in India* (New York, 2011).

perhaps when there is a need to discuss threats to British India or the importance of the tea trade. In this chapter it is argued that any shift of emphasis away from the sea is unfortunate and indeed misleading because it diverts attention from the emergence of a British global maritime empire, several of the most dynamic mainsprings of which were located in the Indian Ocean region.

As well as considering the position, role, and activities of the British within the Indian Ocean basin, the chapter looks well beyond the region to establish a wider set of 'East Indian' connections that served to underpin and drive forward the development of an emerging global empire. This approach is necessary because the Britons who operated in Asia were not confined narrowly within the Indian Ocean itself, and many of them extended their interests well beyond it, on land and by sea. Their ships routinely travelled back and forth between Britain and Asia, which not only facilitated the transfer of people, commodities, knowledge, and information but also brought them into interactive contact with the continents of Europe, South America, and Africa, as well as the Atlantic Ocean world. As Michael Pearson has put it, the Company's ships – the great East Indiamen – should not simply be forgotten about by historians of the Indian Ocean when they enter the Atlantic Ocean from the south-east.[3] But considerable emphasis will also be placed upon the importance of several coexisting private transoceanic East Indian trades that served to integrate the Atlantic and Indian Oceans into one single British commercial and communication system. It will be argued that as well as very obviously embedding the Atlantic Ocean within a much wider maritime system, the East India trade also played an important role in integrating the Atlantic world itself, in ways that have too often been ignored by historians.

The neglect of the importance of East Indian connections that extended across large areas of the Atlantic Ocean arises from the fact that many students of so-called 'Atlantic history' are currently afflicted by an acute form of Atlanto-myopia which leads them to focus narrowly on the oceanic sub-region known today as the North Atlantic. Admittedly, such historians are often very bold in the scope and vision of the British Atlantic 'world' they invoke and conceptualise, but they seldom look much further south than the Equator, other than sometimes to draw the present-day Gulf of Guinea and its hinterlands into their frameworks of analysis. There are signs that this is beginning to

[3] Michael Pearson, 'Introduction I: the subject', in Ashin Das Gupta and M. N. Pearson (eds.), *India and the Indian Ocean, 1500–1800*, 2nd edn (New Delhi, 1999), p. 11.

change,[4] but in historiographical surveys of 'Atlantic history' very little attention is devoted to what is now the South Atlantic,[5] and key collections of essays on the early modern 'British Atlantic world' are focused on the North Atlantic basin.[6] The narrowness or incompleteness of some conceptualisations of the Atlantic world, British Atlantic world, or English/British Atlantic empire is perhaps most strikingly evident in recent visual representations of the early modern Atlantic. Historical maps usually depict east–west, west–east movements of ships and the circulation of people and commodities around the (north) Atlantic, but they do not generally extend to representations of north–south, south–north Atlantic interactions brought about by, among other means, the East India trades of the British and others. As a result, the South Atlantic is often left as an 'empty' maritime zone on these maps, offering a convenient space for the insertion of a legend and scale, and it is presented as disconnected from its northern counterpart which, by contrast, is characterised by the existence of multiple overlapping and interacting networks.[7]

Of course, some historians have acknowledged that Britain had developing interests in the South Atlantic during the early modern period, but these tend to be students of British trade, diplomacy, and naval power rather than those whose work on the Atlantic has grown out of a primary interest in the North American colonies. They have observed that

[4] See, for example, Bernard Bailyn and Patricia L. Denault (eds.), *Soundings in Atlantic history: latent structures and intellectual currents 1500–1830* (Cambridge, MA, 2009). In different ways several of the chapters in this volume integrate the South Atlantic zone into wider Atlantic history.

[5] See, for example, Alison Games, 'Atlantic history: definitions, challenges, and opportunities', *American Historical Review*, 111 (2006), 741–57. As Games rightly points out, what is today known as the 'Atlantic Ocean' was in early modern minds organised as several different seas or maritime spaces, but although she sets out to discuss a single geographical unit, the lacunae and imbalances that exist in the literature mean that she is obliged to concentrate on work produced by historians of the North Atlantic.

[6] David Armitage and Michael J. Braddick (eds.), *The British Atlantic world, 1500–1800* (Basingstoke, 2002). While Armitage and Braddick acknowledge that the 'time is not ripe for a comprehensive treatment of Atlantic history in the fullest sense', the collection of essays does not contain any discussion at all of British activity in the South Atlantic, and attention is fixed unerringly on the world created by the 'kaleidoscopic movements of people, goods and ideas around the North Atlantic basin' (quotations from the Introduction to the volume, on pp. 4 and 1 respectively). Little had changed by the time a second edition of the collection was published in 2009, despite the addition of an essay by Lauren Benton entitled 'The British Atlantic in global context' (pp. 271–89). The same point applies to Jack P. Greene and Philip D. Morgan (eds.), *Atlantic history: a critical appraisal* (Oxford, 2009) and Nicholas Canny and Philip Morgan, *The Oxford handbook of the Atlantic world, c.1450–c.1850* (Oxford, 2011).

[7] See, for example, J. H. Elliott, *Empires of the Atlantic world: Britain and Spain in America 1492–1830* (New Haven and London, 2006), p. 50; Armitage and Braddick (eds.), *British Atlantic world* (2nd edn, Basingstoke, 2009), p. xii.

expanding British activities conducted below the Equator took place within systems of trade, commerce, and communication that extended into the North Atlantic basin. Throughout the eighteenth century legal trade as well as extensive contraband activity had ensured that Britain made 'increasing commercial inroads into the Spanish empire'.[8] In particular, indirect trade conducted via Spain, the West Indies, and North America grew rapidly after 1763, so much so that it has been argued that the overall value of British exports to Spanish America was very much greater than is represented in the official customs records.[9] In addition, Britain opened up trade with Brazil during the 1790s, and by the end of the century the establishment of a small number of commercial houses had led to some penetration of the Southern Cone – that is, present-day Argentina, Chile, and Paraguay – by British merchants.[10] Rio de Janeiro and the island of St Helena were key points in the maritime system of the East India Company, and by the middle of the eighteenth century government ministers were becoming attuned to the need to protect and extend Britain's strategic interests in the South Atlantic. During the 1760s a search was made for land and islands, including Pepys Island, and attempts were made to establish a fishing and naval station in the Falkland Islands. Indeed, these efforts to establish another foothold in the South Atlantic led to the Falkland Islands crisis of 1770 when Spain's expulsion of settlers caused a diplomatic storm which took Britain to the very brink of war. As a result, some in Britain began to pay much closer attention to the region and during the 1770s schemes were developed to ferment civil unrest in Spanish America, along with plans to attack Montevideo and Buenos Aires, although only a small and ill-fated expedition was mounted from Britain in 1783.[11]

Almost inevitably, some critics have pointed to the conceptual limitations imposed upon historians by their use of the 'Atlantic' as a model or unit of analysis. Thus, Peter A. Coclanis has urged Atlantic historians to 'broaden their canvas' by adopting a global or world perspective.[12]

[8] R. Miller, *Britain and Latin America in the nineteenth and twentieth centuries* (London, 1993), pp. 27–34 (quotation on p. 31).

[9] Adrian J. Pearce, *British trade with Spanish America, 1763–1808* (Liverpool, 2007), esp. pp. 230–50.

[10] For a summary overview of literature on this subject, see Manuel Llorca, 'British textile exports to the Southern Cone during the first half of the nineteenth century: growth, structure and the marketing chain', unpublished Ph.D. thesis, University of Leicester (2008), pp. 19–24.

[11] Alan Frost, *The global reach of empire: Britain's maritime expansion in the Indian and Pacific Oceans, 1764–1815* (Melbourne, 2003), pp. 46–63, 95–101.

[12] Peter A. Coclanis, 'Atlantic world or Atlantic/world?', *WMQ*, 3rd series, 63 (2006), 725–42 (quotation on 742). In view of what has been observed above, it is noteworthy

And even though few such historians have ever taken much notice of activities and events located in the South Atlantic, some had already anticipated Coclanis's call to arms by endeavouring to demonstrate the interconnectedness of the Atlantic world and the Indian Ocean during the early modern period.[13] Of course, inward trade flows from Asia helped to ensure that East Indian commodities such as tea and an infinite range of luxury items were re-exported from London (and elsewhere in Europe), thereby helping to define the 'empire of goods' that emerged in Britain's American colonies;[14] and, until they were replaced by cheap British textiles, Indian cottons played an important part in the transatlantic slave trade.[15] This traffic was not confined to commodities, and the growth of Company trade and shipping increased the numbers of Asians, especially Lascar seamen, who found a way to Europe, while from time to time slaves from Madagascar were shipped into the West Indies and mainland British American colonies.[16] At the same time, reverse flows from west to east ensured that British manufactured goods and considerable amounts of South American silver were shipped to Asia from London, and forced and unforced movements of people meant that slaves and adventurers from the Atlantic region were

that Coclanis does not have anything at all to say about the South Atlantic. The same can be said of Benton, 'The British Atlantic in global context'.

[13] For examples of such interconnectedness, see Philip J. Stern, 'British Asia and British Atlantic: comparisons and connections', *WMQ*, 3rd series, 63 (2006), 693–712. One of the key issues raised by attempts to connect Atlantic and Indian Ocean histories is the role played by African maritime history, a subject which in some ways is underdeveloped but in others offers rich opportunities and possibilities, despite a continuing Euro-centrism. For an excellent recent state-of-the-field review of African maritime history, see Carina E. Ray and Jeremy Rich, 'Introduction: charted routes and new directions in the study of Africa's maritime history', in Carina E. Ray and Jeremy Rich (eds.), *Navigating African maritime history*, Research in Maritime History 41 (St John's, Newfoundland, 2009), pp. 1–18.

[14] Among many works on this subject, see especially T. H. Breen, 'An empire of goods: the anglicization of colonial America, 1690–1776', *Journal of British Studies*, 25 (1986), 467–99. For full statistical details of the East India Company's trade with Asia, see K. N. Chaudhuri, *The trading world of Asia and the English East India Company, 1660–1760* (Cambridge, 1978); H. V. Bowen, 'The East India Company: trade and domestic financial statistics, 1755–1838', UK Data Archive, [Dataset] Study No. 5690 (September 2007), see www.data-archive.ac.uk/findingData/snDescription.asp?sn=5690.

[15] There is much information on this subject in Joseph E. Inikori, *Africans and the Industrial Revolution in England: a study in international trade and economic development* (Cambridge, 2002).

[16] There is now a large and growing literature on Asians in Britain during the early modern period. See, for examples and references, Michael H. Fisher, 'Asians in Britain: negotiations of identity through self-representation', in Kathleen Wilson (ed.), *A new imperial history: culture, identity in Britain and the empire, 1660–1840* (Cambridge, 2004), pp. 91–112. On slaves see Virginia Bever Platt, 'The East India Company and the Madagascar slave trade', *WMQ*, 3rd series, 26 (1969), 548–77.

to be found in and around the Indian Ocean basin.[17] Throughout, the officers and crews of European ships were key agents in a process of exchange and circulation that saw objects and ideas carried between and around the Atlantic and Indian oceans, and a small number of entrepreneurs in London became 'citizens of the world' as they created the networks that underpinned global empires of business.[18]

Some scholars have gone much further than simply reconstructing the flows of commodities, people, wealth, plants, and knowledge that occurred between two ostensibly separate oceanic systems. They have suggested that crossovers, interactions, and exchanges between the Indian and Atlantic Oceans were such that there were no dividing lines between the two maritime spaces. Indeed, because the two oceans were both part of one and the same system, certain 'East Indian' elements or characteristics have been located in what is conventionally described as the 'Atlantic world'. Hence, a study of the multilateral connections emanating from the Madeira wine trade led David Hancock to offer the provocative suggestion that 'both analytically and conceptually, India and the [British East India] Company in the eighteenth century were *in the Atlantic*, that they were very much part of that interactive community as they were in Britain or India'.[19] Conversely, Philip Stern has recently drawn attention to the fact that although the island of St Helena fell well outside the East India Company's chartered area of authority, the directors in London were strongly inclined to regard it as being 'in India' during the late seventeenth century. As Stern notes, 'The Company's possession of the island effectively redrew the limits of its jurisdiction and, in a sense, the Atlantic itself.'[20] This suggests that, in terms of at

[17] Alison Games has described some of the adventurers who moved beyond the Atlantic as 'English globetrotters'. See 'Beyond the Atlantic: English globetrotters and transoceanic connections', *WMQ*, 3rd series, 63 (2006), 676–92. Of course, many of those from the British Isles and Ireland were not English, and they were joined by others from elsewhere in the North Atlantic world. In the latter category, to take just one example, were North American pirates. See Robert C. Ritchie, *Captain Kidd and the war against the pirates* (Cambridge, MA, 1986). On the Company's ill-fated attempt to establish a 'plantation' on Madagascar, see W. Foster, 'An English settlement in Madagascar in 1645–6', *English Historical Review*, 27 (1912), 239–50.

[18] David Hancock, *Citizens of the world: London merchants and the integration of the British Atlantic community, 1735–1785* (Cambridge, 1995).

[19] David Hancock, '"An undiscovered ocean of commerce laid open": India, wine and the emerging Atlantic economy, 1703–1813', in H. V. Bowen, Margarette Lincoln, and Nigel Rigby (eds.), *The worlds of the East India Company* (Woodbridge, 2002), pp. 153–68 (quotation on p. 154).

[20] Philip J. Stern, 'Politics and ideology in the early East India Company state: the case of St Helena, 1673–1709', *JICH*, 35 (2007), 9. The Company 'factory' at St Helena did not represent the only Company presence in the Atlantic Ocean world. For a short period of time during the mid-seventeenth century the Company traded at Fort

least some contemporary British conceptions and articulations, as well as in the minds of some modern historians, fixed maritime boundaries did not exist between the Atlantic and Indian Oceans, which supports Kenneth McPherson's observation that the Indian Ocean world always had a 'porous frontier'.[21] In view of this, it is perhaps appropriate to conceptualise the two oceans as a Venn diagram, with a large area of intersection where they overlapped with one another.

In different ways Hancock and Stern raise important issues about the geography and definition of the Indian Ocean as a maritime space that was being extended by British activity into areas beyond any conventionally demarcated limits. During the eighteenth century, Cape Town was sometimes described as being the 'tavern of the two seas', which implies that it was a point where the Indian Ocean met with the Atlantic. But in fact there was no agreed line of division between the two oceans, as there is today with the line of longitude 20° east that runs south from Cape Agulhas to the Antarctic. There was uncertainty and disagreement over where the western extremity of the Indian Ocean ended, and it is revealing that during their sea voyages to Asia, Britons did not mark their moving between two oceans with any of the ritual ceremonies they conducted when they crossed the Equator. As Michael Pearson has observed, 'People travelling by sea … knew nothing of the artificial barriers we have tried to create [between oceans].'[22] Moreover, there has been considerable discussion among modern historians about whether the Indian Ocean region ever had any real coherence and unity, and there has also been debate about what this extensive maritime space should properly be called.[23] Indeed the term 'Indian Ocean' is a somewhat misleading appellation, privileging the position of 'India' and doing scant justice to the interlocking regional maritime systems that stretched from East Africa to the Indonesian archipelago during early modern times.[24]

Cormantine on the Guinea Coast, before trading rights passed to the Royal African Company.

[21] Kenneth McPherson, *The Indian Ocean: a history of people and the sea* (New Delhi, 1993), p. 5.

[22] Pearson, 'Introduction I', p. 11.

[23] Perhaps inevitably, there is a very large literature on this, and historians disagree over the geographical and cultural contours of the Indian Ocean region. For a brief discussion which sets the scene very effectively, see K. N. Chaudhuri, *Trade and civilisation in the Indian Ocean: an economic history from the rise of Islam to 1750* (Cambridge, 1985), pp. 1–33.

[24] For a recent discussion and full supporting references, see Michael Pearson, *The Indian Ocean* (London, 2003), pp. 13–26. The term 'Indian Ocean' appears to have entered general usage around 1700, and before then the maritime space was commonly described as a 'sea'.

No matter how the 'Indian Ocean' is named, defined, and conceptualised by historians, it must be stressed that it was never a British 'lake'. It is perhaps tempting to see the emergence of the Company's Indian empire as running parallel to the establishment of a widespread maritime supremacy, but at no stage did Britain exert any great degree of control over the ocean *as a whole* in the way that it did over the North Atlantic. If any hegemony was ever established by the British in the Indian Ocean basin it was perhaps between 1830 and 1914, but even this is a matter for debate. Before then, any British control over the sea and its trade routes was at best limited, partial, and haphazard. For one thing, the British arrived in the Indian Ocean long after some of their European rivals, and their presence was often hotly contested by the Portuguese, Dutch, and French, with squadrons of France's navy still capable of inflicting heavy losses on East India Company shipping as late as 1809–10. And British vessels often fell prey to well-armed, well-resourced local pirates, especially in the Mozambique Channel, Arabian Sea, and Straits of Malacca. Indeed, in terms of numbers of ships, the British presence in the Indian Ocean was very small. Only twenty-five or so East Indiamen entered the Indian Ocean from the west every year or so during the 1760s, although the number did rise to around seventy a year during the first decade of the nineteenth century. From time to time this annual fleet was supplemented by a small number of naval vessels as well as a rather larger number of privately owned 'country ships' which participated in intra-Asian trade alongside myriad vessels belonging to cosmopolitan local merchant communities. But at any given moment across many parts of the Indian Ocean world there was no sign at all of the British, and entire maritime sectors of activity – fishing, passenger transport, and local port-to-port trade – were not influenced at all by Britons or indeed other Europeans. The Company's great East Indiamen, whose images loomed large in eighteenth-century maritime art, may have provided comforting symbols of maritime strength for people in Britain, but the reality of the situation was that the British did not yet have the capacity to establish dominance over the Indian Ocean.

The British were equally unable to establish control over the Indian Ocean in an economic sense. Here, they did not create an imperial-commercial system in the way that they did in the Atlantic following the enactment of the navigation laws. When English ships first rounded the Cape they found themselves entering a trading world that was mature and sophisticated, with an interlocking series of regional circuits that facilitated the movement of commodities, people, and information around the basin, thereby connecting far-flung littoral societies and

economies. What was certainly new about the arrival of the Europeans was the ability of their ships to cross the ocean routinely and more or less directly, which enabled them efficiently to carry comparatively large bulk cargoes. But, even then, the European transoceanic commercial system that was superimposed over pre-existing regional networks could be badly dislocated when ships fell victim to cyclones, hurricanes, and the like. In 1809, for example, four homeward-bound British East Indiamen disappeared without trace off Mauritius, only a year after the similar loss of three ships in the central zone of the ocean.

Of course, the British did very obviously manage to exert a considerable degree of control and influence over parts of the Indian subcontinent where, from the middle of the eighteenth century, the East India Company expanded its territorial empire inland from its main trading settlements at Bombay, Madras, and, most notably, Calcutta. This process, though by no means continuous or uncontested, endowed the Company with very considerable financial and manpower resources, and as de facto sovereign it was also drawn into new areas of activity and responsibility that went hand-in-hand with governing millions of subjugated Indians, especially in Bengal and the north-east of India. A Company 'state' was constructed, together with a large army, and through trial and error a revenue-extraction machine was developed to fund the whole operation. Within this remodelled scheme of organisation the range and volume of the Company's commercial activity was expanded through the investment of surplus revenues in commodities, and to all intents and purposes trade for trade's sake was abandoned in order to facilitate the transfer of tribute to London. The change of strategy was evident in the rapid growth of trade with China during the final quarter of the eighteenth century as investment was channelled into tea, a grocery for which there was seemingly unlimited demand in Europe and North America.

The great transformation that occurred in the Company's status and *raison d'être* was reflected in the number and distribution of Britons to be found in India. In the mid-eighteenth century, the Company had only very small commercial and military establishments, and the total number of Britons in India probably fell some way short of 5,000.[25] But expansion after 1756 meant that there was a steady increase in the size of the British communities in Bombay, Madras, and especially Bengal. By 1830 around 40,000 'Europeans' were employed by the Company, which was also obliged to carry 20,000 crown troops on its

[25] The figures in this paragraph are based on H. V. Bowen, *The business of empire: the East India Company and imperial Britain, 1756–1833* (Cambridge, 2006), pp. 262–3.

payroll. In addition, there were also men, women, and children who arrived as private individuals in India, and their presence took the number of Britons to around 70,000 during the 1830s. Naturally, the greatest concentrations of Britons were to be found in the main coastal settlements where Anglo-Indian societies emerged in the 'white towns' of Bombay, Calcutta, and Madras. The Company's army provided a more mobile British presence, with (tented) garrisons stationed in key strategic locations such as the state of Awadh in northern India. But, in general, Britons were very thin on the ground across the subcontinent and the factors and residents charged with conducting Company business in the interior often found themselves living in lonely and not-so-splendid isolation. The Company's presidencies thus took the form of 'pales', and beyond the well-populated coastal enclaves the 'reach' of the British imperial-commercial state was often very limited indeed, despite much contemporary bluster about the exercise of 'sovereignty' and control over extensive territories and their peoples. Further afield, in other parts of Asia where the Company had 'factories' or trading stations, such as at Basra, Benkulen, or even all-important Canton, the number of Britons remained very small indeed and their position often proved to be fragile. In China, for example, the enormously important tea trade was managed by only twenty-two supercargoes and writers who, because of restrictions imposed upon them by the Chinese imperial authorities, had to spend part of the year in Macao rather than Canton where the Company's factory was located.[26]

In view of the undoubted importance of the Company's territorial possessions, it is hardly surprising that most studies of interactions between Britain and Asia concentrate on the main termini located at the centre and periphery of the transoceanic empire, and they seldom examine the role played by the intermediate ports and places that supported British maritime enterprise. The scenes of action are conventionally located in London – at East India House, Parliament, and the Board of Control established in 1784 to supervise British Indian affairs – in the Indian Presidency towns of Bombay, Calcutta, and Madras, or in Canton. Of course from time to time historians have acknowledged the significance of the outposts of the British Indian empire that took the form of residencies, factories, and satellite settlements, but in the main the focus has been on where policy was made

[26] *The East India kalendar* … (1800), p. 179. On the British at Canton, see Paul A. Van Dyke, *The Canton trade: life and enterprise on the China coast, 1700–1845* (Hong Kong, 2005).

and decisions taken. Yet, serving to link Britain and Asia were long-distance trade and communication routes, the maritime highways that created a tangled web of British 'East Indian' connections across the Atlantic and Indian Oceans, and which extended into the Indonesian archipelago, the South China seas, and eventually the Pacific. These routes, defined by patterns of currents and monsoon, ran between the ports and safe moorings that provided protection, refreshments, and repair facilities for ships of the Company and the Royal Navy.[27] Few of these places were British possessions or had a formal Company presence, but they became semi-permanent fixtures in the maritime empire, being well known, routinely used, and geared to the servicing of ships sailing to and from Asia. Outbound Company ships often called at one or more of Madeira, the Canary Islands, the Cape Verde Islands, Rio de Janeiro, the Cape, and, for many of those heading to India, the Comoro Island of Johanna, later Anjouan (today Nzwani), which is located at the north end of the Mozambique Channel.[28] Returning ships had fewer options available to them, and St Helena provided the key place where minds, bodies, and vessels were refreshed, although some off-course East Indiamen returned to London via Ascension or even Barbados or Halifax, Nova Scotia.

It would be easy to dismiss these places as points in a voyage which Britons touched only briefly before they moved on as swiftly as possible. Yet such a view seriously underestimates the importance of these places in the survival and strengthening of Britain's maritime empire. They did indeed provide essential support for ships and their crews, but they also gave up commercial information and naval intelligence, offered markets for private trade, and provided opportunities for men to abscond into local land and marine communities. The arrival of an East Indiaman with three hundred men on board could have a significant economic impact on a stopping-off point, and places such as Johanna became heavily dependent on British demand for goods and services.[29]

[27] On climatic conditions in the South Atlantic, see A. J. Farrington, S. Lubker, U. Radok, and S. Woodruff, 'South Atlantic winds and weather during and following the Little Ice Age: a pilot study of English East India Company (EEIC) ship logs', *Meteorology and Atmospheric Physics*, 67 (1998), 253–7. It is sometimes easy to forget just how difficult it was to establish these routes and then use them safely on a regular basis. On this crucially important subject, see Andrew S. Cook, 'Establishing the sea routes to India and China: stages in the development of hydrographical knowledge', in Bowen, Lincoln, and Rigby (eds.), *Worlds of the East India Company*, pp. 119–36.

[28] St Helena became a British possession in 1659; there were British consuls at Madeira and Tenerife; and by the early nineteenth century the Company had an agent in Rio.

[29] For background on the Comoro Islands and Company activity in the western Indian Ocean see Malyn Newitt, 'The Comoro Islands in Indian Ocean trade before the

Indeed, it was only during the 1790s that the mutually dependent relationship between the Company and Johanna began to weaken as the size of ships increased to the point that voyages to Asia could be undertaken without the need for any stops at all. Before then, however, many East Indiamen – especially those heading for Surat, Bombay, or the Coromandel Coast – passed through the Mozambique Channel, and only towards the end of the period did ships heading to Madras begin to take the 'outer passage' by tracing a wide arc into the southern Indian Ocean before picking up a northerly course towards the Bay of Bengal. Johanna provided ample water, fruit, vegetables, and animals, but it also offered a safe haven from pirates, and commanders could re-fix their bearings by using the island as the meridian zero, while awaiting the arrival of the winter (south-westerly) monsoon winds that would help them on the final leg of their voyages.[30] All Company commanders were well aware of the importance of Johanna, and analysis of the voyage patterns of ships dispatched by the Company from London underlines the importance of the island within the Company's shipping system. At times, such as during the 1630s and 1640s, and then again later during the 1760s and 1770s, well in excess of 20 per cent of all Company ships sailing to Asia passed through the Mozambique Channel. In total, 407 outbound ships either touched at Madagascar or passed through the channel, and 368 of them made use of the anchorage located in the roadstead just off the north coast of Johanna, which was safe despite a hazardous approach through very difficult waters.[31] For well over half of these vessels (220), Johanna was the first place of call after leaving

19th century', *Cahiers d'Etudes Africaines*, 23 (1983), 139–65; Malyn Newitt, 'The East India Company in the western Indian Ocean in the early seventeenth century', *JICH*, 14 (1986), 5–32. An important article notes that Madeira and 'Cape Verde' (the Cape itself as well as the Atlantic islands) acted as conduits for London and outport merchants wishing to trade with Africa, which meant that British goods often found their way to West Africa in an indirect way, but no mention is made of the outbound East Indiamen that regularly called at the islands and undoubtedly contributed to this channelling of goods into Africa. See David Richardson, 'Cape Verde, Madeira and Britain's trade to Africa, 1698–1740', *JICH*, 22 (1994), 1–15.

[30] Clive Wilkinson, 'The non-climatic research potential of ships' logbooks and journals', *Climatic Change*, 73 (2005), p. 160. For the currents and monsoon winds of the Mozambique Channel, the significant problems of navigation, and the 'critical role' played by the Comoro Islands in the 'littoral society that developed around the northern boundaries' of the channel, see Edward A. Alpers, 'Littoral society in the Mozambique Channel', in Himanshu Prabha Ray and Edward A. Alpers (eds.), *Cross current and community networks: the history of the Indian Ocean world* (New Delhi, 2007), pp. 125–8.

[31] These voyage details are based upon analysis of information located in Anthony Farrington, *Catalogue of East India Company ships' journals and logs, 1600–1834* (London, 1999).

Britain and it is little wonder that many of those on board were often desperate for their first sight of the island.[32]

For all of the very obvious importance to the East India Company of the far-flung places that supported its maritime operations, the British were by no means wholly dependent upon the sea-lanes to provide connections with Asia. This was because running alongside the sea-borne system of trade and communication was the regular use of couriers who did not sail around the Cape but instead travelled across Europe, the Mediterranean, and the Near East, carrying dispatches which facilitated exchanges of information and instruction between Britain and India. This had long served to free the Company from a dependency upon monsoons and sailing 'seasons'. Important dispatches, together with duplicate copies, were sent in this way not only during wartime, but also when any urgent news was likely to be delayed by unfavourable conditions or the unavailability of ships.

When contemporaries referred to the 'overland' passage between India and Britain, they in fact meant any routes other than those around the Cape.[33] Two such routes had been established during the seventeenth century: the Persian Gulf route via Basra, Baghdad, Aleppo, and Constantinople, and from there on to London via Marseilles or Leghorn and Vienna; and an alternative route via Suez, Cairo, and Alexandria that was considered to be far more hazardous because of generally hostile and unsettled conditions in the Red Sea region. Such overland communication had become routine and systematic during the course of the seventeenth century, but although the Company often referred to 'express' letters carried by couriers along land routes, Lord Cornwallis was still moved to complain in 1788 about the ongoing 'uncertainty and tediousness of dispatches overland'.[34] Specific alterations to the system of overland communication were introduced as a result of recommendations made by the Company's messengers who reported on their experiences to the directors when they submitted their expense claims.[35] General improvements were based upon the establishment and maintenance of good relations between the directors and resourceful correspondents, British consuls, and representatives of the Levant

[32] In 1769 nine of the fifteen Company ships that anchored in the Johanna roadstead had not broken their voyage anywhere else.

[33] This paragraph is based on Holden Furber, 'The overland routes to India in the seventeenth and eighteenth centuries', *Journal of Indian History*, 29 (1951), 105–33.

[34] Cornwallis to the directors, 3 November 1788, *Fort William–India House correspondence*, vol. X: Raghubir Singh (ed.), *Public series, 1786–1788* (Delhi, 1972), p. 628.

[35] See, for example, the letters that Gilbert Seton sent to the directors from Ulm and Venice in February 1781, outlining in great detail each stage of his journey from London (BL, IOR, L/P&S/19, box 3).

Company who were posted along the Persian Gulf route, especially at Aleppo and Constantinople where the Company eventually appointed its own agents in 1792. Within a decade the network of Company agents along the overland route had expanded, with representatives appointed at Baghdad, Basra, Grand Cairo, Venice, and Vienna.

While the Company routinely used the Cape, Johanna, and St Helena to support its maritime operations, it was the first of these three key nodal points that increasingly became lodged at the forefront of the minds of those in government who were charged with protecting India and counteracting threats to British interests in the Indian Ocean–South Atlantic–Pacific region. The Cape, which had been settled by the Dutch in 1652, was indeed a perfectly positioned way-station, but it was recognised that it had considerable potential as a trading entrepôt, source of provisions, penal colony, place of recuperation for those serving in India, and site for scientific enquiry.[36] Most of all, ministers and Company directors came to realise that possession of the Cape was essential if French ambitions in the Indian Ocean were to be thwarted. The whole question of countering the French threat was problematic, however, because before the Seven Years War, the British naval presence in the Indian Ocean had been limited and spasmodic, even though the significance of the dramatic incursion into the Pacific achieved by Anson's voyage around the world (which returned home via the Cape in 1744) had not been lost on Britain's European rivals. But there was little by way of a permanent naval presence in the Indian Ocean to supplement the Company's small marine force – the Bombay Marine – until ministers began to exert more control over the external policy of British India. That process began in earnest during the 1760s, gathered pace during the American war of the 1770s, and then became formalised in the 1780s when Pitt's India Act of 1784 subjected the Company to much greater degrees of supervision and regulation. The deployment of an East Indian squadron became more regular – though not always more effective – and crucially the Bombay dockyards were developed to fulfil the requirements of a British naval base capable of refitting and eventually building 74-gun ships.[37]

[36] For a richly detailed and wide-ranging examination of the importance of the Cape and southern Africa to Britain during the eighteenth century, see John McAleer, *Representing Africa: landscape, exploration and empire in southern Africa, 1780–1870* (Manchester, 2010), pp. 33–58.

[37] Andrew Lambert, 'Strategy, policy and shipbuilding: the Bombay dockyard, the Indian navy and imperial security in eastern seas, 1784–1869', in Bowen, Lincoln, and Rigby (eds.), *Worlds of the East India Company*, pp. 137–51. For the use of naval force to protect British India, see N. Tracy, 'Parry of a threat to India, 1768–1774', *Mariner's Mirror*, 59 (1973), 35–48.

Growing government awareness of the strategic importance of India and the Indian Ocean led to the use of military and naval force to protect, consolidate, and extend British interests. Well aware of the considerable resources at the disposal of the Company in India, ministers sought to deploy East Indian forces alongside those of the crown in combined operations that were increasingly ambitious in their scope and range. This resulted in British power being projected from India further 'forwards', that is to the east, but also 'backwards' in a westerly and south-westerly direction. Perhaps unsurprisingly, the Company was often a reluctant participant in these ventures because of the heavy costs it had to carry.[38] Nevertheless, a sense of loyalty, self-interest, and political expediency ultimately ensured that the directors would always 'chearfully assist' in the execution of plans of a 'great national object', such as the conquest and occupation of Manila in the Philippines that took place at the end of the Seven Years War.[39]

Even though the Manila expedition of 1762–4 eventually served little strategic purpose and brought no lasting benefit to the Company, it created an operational template for later operations combining the use of crown and Company forces. Hence, after France, Spain, and Holland had joined the American war against Britain at various times after 1778, ministers and directors worked closely together in London to plan operations in India and elsewhere. Detailed planning went into proposed expeditions to the 'South Seas' (where the Company hoped to establish a commercial foothold on the islands of Celebes in the Moluccas and Mindanao in the Philippines), the Dutch settlements in the Spice Islands, the Atlantic and Pacific coasts of Spanish South America, the Cape, the Seychelles, and Ceylon.[40] The strength of French naval forces in the Indian Ocean region, together with severe setbacks suffered by the Company's armies against the Indian powers of Mysore and the Maratha Confederacy, restricted these bold plans to only partial execution. Some of them never actually left the drawing board. Nonetheless,

[38] For disputes between the Company and government, see Raymond Callahan, *The East India Company and army reform, 1783–1798* (Cambridge, MA, 1972), pp. 35–9, 70–103.

[39] Nicholas P. Cushner (ed.), *Documents illustrating the British conquest of Manila, 1762–3* (1971), p. 15. See also Nicholas Tracy, *Manila ransomed: the British assault on Manila in the Seven Years War* (Exeter, 1995).

[40] The detailed planning of these expeditions and attacks on enemy possessions can be traced in detail from the minutes of the Company's secret committee, 22 May 1780–26 March 1782, BL, IOR, L/P&S/1, vol. V, *passim*. For an account of some, but not all, of the operations that did take place, see V. T. Harlow, *The founding of the second British empire 1763–93*, 2 vols. (London, 1952 and 1964), vol. I, pp. 104–24. For a recent study that emphasises the development of an increasingly integrated commercial, military, and naval strategy in the region, see Frost, *Global reach of empire*.

discussions of strategic and operational issues became a matter of routine during the last years of the American war. From time to time serious disputes occurred between the Company and government, but necessity dictated a coordinated response to French tactical manoeuvring in Asia. As the 'Chairs' of the Company observed in November 1781, 'if the French are suffered to hold possession of the Cape of Good Hope, they will thereby most certainly acquire the means of possessing the territorial revenues in India; and cannot fail to become the controlling European power in that part of the world'.[41] Captain John Blankett summed up what many felt about the strategic importance of the Cape when he wrote that 'what was a feather in the hands of Holland will become a sword in the hands of France'.[42]

By the 1780s it was acknowledged that the outer lines of defence for British India needed to be drawn several thousand miles from the subcontinent, and some ministers worked on the assumption that India was 'the quarter to be first attacked' in any British conflict with a European power.[43] These fears were heightened when the long struggle against France began in 1793, and considerable attention was devoted to the threats to British India that manifested themselves at the Cape, in Egypt, and elsewhere. The faintest hints of enemy shipping movements in the Indian Ocean or even in the eastern Mediterranean brought agitated responses from London. Ministers made ever-greater use of Company land forces that had become greater in size than those of many European states. By 1805 the Company's three Indian armies numbered almost 200,000 men and they were increasingly maintained at the expense of Indian rulers such as the Nawab Vizier of Awadh. Although lengthy and determined ministerial attempts to unite this force with the regular army foundered in the face of stiff opposition from the directors and Company officers in India,[44] Company troops were often used alongside regular army units. Concerns about cost and uncontrolled expansion ensured that the directors always opposed any 'forward' military policy in India itself, but they were unable to resist ministerial pressure for them to provide support for crown expeditions across the Indian Ocean and beyond.[45] As a result, Company troops and ships were sent to

[41] BL, IOR, L/P&S/1/5, book 3, p. 76.
[42] Quoted in McAleer, *Representing Africa*, p. 54.
[43] Henry Dundas to Lord Sydney, 3 November 1794, quoted in Harlow, *Founding of the second British empire*, vol. II, p. 192.
[44] C. H. Philips, *The East India Company, 1784–1834* (Manchester, 1940), pp. 90–1.
[45] For the background to the overseas use of the Company's Indian soldiers, see Seema Alavi, *The sepoys and the Company: tradition and transition in northern India 1770–1830* (Oxford, 1995), pp. 39–47.

Ceylon (1795), Malacca and the Moluccas (1795), the Cape (which was taken in 1795 and again in 1806), Egypt (1801), Mauritius (1810), and Java (1811). Ambitious long-range operations could go badly wrong, as with Home Popham's infamous unauthorised attack on the River Plate in 1806, and the contribution of Company forces to specific campaigns was not always decisive, but 'East Indian' manpower and resources played a valuable part in securing victory over France and, more broadly, they enhanced Britain's developing capacity to wage war on a worldwide scale.[46] The Cape became a British colony in 1814, and possession of the 'key to India' ensured that southern Africa became the permanent strategic linchpin of Britain's increasingly global empire.

Increasing levels of British military and naval activity south of the Equator reflected the strategic importance of India, fast emerging as the 'jewel in the crown' of the British empire.[47] Yet the government was also seeking to protect and preserve the Company's trade which in different ways had become much more important for the nation's finances as well as the wider domestic economy.[48] The Company substantially reconfigured its trade after 1760, most notably by moving away from its longstanding dependency on the exportation of South American silver to fund the procurement of commodities in Asia.[49] Successive drives to increase the flow of tribute to London resulted in the growth of commerce with India and especially China as ever-greater levels of funds were allocated to the purchasing of tea at Canton, and the overall effect of this, at least in the short term, was evident in the way that 'East India' began to account for a greater share of British overseas trade. In 1752–4 exports to Asia represented 7.9 per cent of total exports, but this proportion rose to 14.7 per cent in 1794–6 before falling away to 9.2 per cent in 1824–6. As far as imports to Britain were concerned, 'East India' accounted for 13.3 per cent of the total in 1752–4, reached a peak of 21.8 per cent in 1784–6 because of the rapid expansion of the tea trade, and then moved between 14.4 per cent and 19.4 per cent of the total between 1794 and 1836.[50]

[46] Michael Duffy, 'World-wide war and British expansion, 1793–1815', in *OHBE*, vol. II: P. J. Marshall (ed.), *The eighteenth century* (Oxford, 1998), pp. 184–207.

[47] On the emergence of the term 'jewel in the crown', see M. E. Yapp, 'The "brightest jewel": the origins of a phrase', in Kenneth Ballhatchet and John Harrison (eds.), *East India Company studies: papers presented to Professor Sir Cyril Philips* (Hong Kong, 1986), pp. 36–7.

[48] See Bowen, *Business of empire*, chs. 2 and 9.

[49] H. V. Bowen, 'Bullion for war, trade, and debt-relief: British transfers of silver to, around, and from Asia, 1760–1833', *MAS*, 44 (2010), 445–75.

[50] These percentage figures are based on data in Ralph Davis, 'English foreign trade 1700–1774', *Ec. Hist. Rev.*, 2nd series, 15 (1962), 285–303; Ralph Davis, *The Industrial*

The late eighteenth-century growth of trade represented a significant success for the Company at a time when heavy political fire was trained on its monopoly privileges. Ultimately ministers bowed to the pressure of those who wanted Asian markets opened to private traders, but this should not be taken to imply that the Company had somehow adopted an uncommercial outlook when it became a territorial power. It was not the obsolete, moribund organisation that is sometimes portrayed in the literature. Vast amounts of commercial intelligence were gathered, trials with new products were routinely conducted in India and China, and attempts were made to establish new markets for British goods well beyond the political frontiers of the Company state. Consequently, while some Company servants were making sustained efforts during the 1760s and 1770s to discover whether trade with Nepal offered an outlet for sales of commodities to Lhasa, Tibet, and western China, others were endeavouring to re-establish a Company presence in Indonesia and the Straits of Malacca. This was attempted through the development of a factory settlement on the island of Balambangan off northern Borneo, and during the early 1770s a series of embassies and expeditions was intended to pave the way for the establishment of factories at Aceh and Kedah on either side of the Straits. These schemes all ended in failure, but they served to rekindle an interest in the region that eventually found tangible expression in the establishment of a Company settlement at Penang in 1786.[51] Later attempts to take commercial advantage of the British seizure of Java from the Dutch in 1811 were short-lived, but eight years later lasting control was established over Singapore which became a British colony in 1824.

By 1800 the Company's monopoly trade had forged a very strong and long-lasting commercial connection between Britain and India, but to focus on the Company alone is to overlook the existence of other important inter-oceanic conduits that played a key role in establishing linkages between the Indian Ocean and the Atlantic. These were the unofficial private trades organised by those who wished to circumvent the Company's monopoly and gain direct access to Asian markets. In the seventeenth century such trade took the form of interloping voyages, most notably those organised by the Courteen Association during the 1630s and 1640s, but other trades emerged in later years. Always

Revolution and British overseas trade (Leicester, 1979). The customs service descriptor 'East India' was applied to the entire region east of the Cape of Good Hope until 1834 when for the first time a distinction was made between India and China.

[51] The development and eventual failure of the 'Borneo enterprise' and the attempts to establish a Company presence in the Straits of Malacca are described in detail in Harlow, *Founding of the second British empire*, vol. I, pp. 70–97; vol. II, pp. 329–56.

of great concern to the Company was the 'clandestine trade' conducted via European ports in vessels that were foreign-registered but otherwise British owned, commanded, and crewed. This was no mere irritant to the Company, but rather a high-volume trade, which at times involved a large number of ships and capital, centred on Ostend but also involving Cadiz, Copenhagen, and Lisbon. Indeed, such was the size and sophistication of this East Indian trade that Holden Furber, one of the few historians to pay it much attention, suggested that these ports 'became the centres of an India trade which was for the most part British in all but name'.[52]

Very similar in organisation and method to the British clandestine trade was the illicit or undercover trade carried on American ships that cleared from London and the outports, and then headed directly or indirectly for India or China, a voyage pattern that served to forge a strong connection between the post-Revolution Atlantic world and the Indian Ocean and South China Sea. It is possible to catch an early glimpse of this type of activity in 1785 when it was reported that an American vessel was 'now fitting in our river [Thames] for India' and would carry east 'every article of commerce that would fall under the description of measurement at the East India House'.[53] It is of course very difficult to quantify this type of illicit activity, but by the beginning of the nineteenth century American merchants and ship owners were enabling British entrepreneurs to break the Company's monopoly and gain access to Chinese markets.[54]

At times, Company officials were equally concerned about a high-volume smuggling trade conducted on board the Company's own vessels.[55] This was again an extremely sophisticated and well-funded operation which involved goods being loaded illegally on to outbound East Indiamen in the English Channel, or off the Canary Islands, Madeira, the Azores, and Cape Verde Islands. 'Supply' vessels followed Company ships to agreed meeting points, and commodities were then transhipped at sea. This was a bulk trade involving armaments,

[52] Holden Furber, *John Company at work: a study of European expansion in India in the late eighteenth century* (Cambridge, MA, 1948), pp. 110–59 (quotation on p. 110).

[53] Petition to the directors of the East India Company from the Society of East India commanders, 8 January 1785; London, Guildhall Library, MS 31376.

[54] James R. Fichter, *So great a proffit: how the East Indies trade transformed Anglo-American capitalism* (Cambridge, MA, 2010).

[55] This paragraph is based on H. V. Bowen, '"So alarming an evil": smuggling, pilfering and the English East India Company, 1740–1810', *International Journal of Maritime History*, 14 (2002), 1–31 and H. V. Bowen, 'Privilege and profit: the commanders of East Indiamen as private traders, entrepreneurs, and smugglers, 1760–1813', ibid., 19 (2007), 1–46.

'naval stores', wool textiles, metal wares, as well as a host of groceries and household items, destined for the Company's main settlements at Bombay, Calcutta, and Madras. There they were 'run' ashore, but it is also clear that those involved, led by the commanders of the East Indiamen, also offloaded part of their cargoes at various points on the east coast of Africa, on the coasts of India where they engaged in illegal port-to-port trading, and in the Straits of Malacca where vessels were sometimes lying in wait for them. And, of course, the very same principles, arrangements, and organisation applied to the return voyages of East Indiamen and clandestine ships, and very large quantities of goods, especially tea and textiles, were often run ashore in Ireland, the south of England, and the continent, contributing enormously to the smuggling problem that confronted eighteenth-century British government officials.

Extensive smuggling ensured that commodities privately exported to Asia fed more directly than ever before into the 'country trade' conducted by British 'free merchants' across the Indian Ocean and South China Sea. As a result, private trade contributed to an integrative maritime process described by the historian Ashin Das Gupta as 'linking the Europe trade with the trade of the Indian Ocean'.[56] But several other points need to be emphasised about these non-official private trades between Britain and Asia, beyond the basic observation that it was a high-volume activity that gave many merchants and manufacturers in Britain access to Asian markets well before the Company's loss of its Indian and Chinese trade monopolies in 1813 and 1833 respectively. They were expansive, dynamic, and innovative trades whose restless participants sought out new commercial openings well beyond those established and maintained by the Company. The sustained challenge made to the Company by these men served greatly to diversify the commodity flows between Britain and Asia, especially as far as the outward flow was concerned, because entrepreneurs moved well beyond the staple woollens and metals that always formed the basis of Company trade. Perhaps most important of all in the context of this chapter, necessity dictated that the illicit East Indian traders made use of ports and stopping-off places where most often there was no formal British presence. Not only did this gain them access to commercial circuits where Company servants did not operate in their official capacity (although

[56] Ashin Das Gupta, 'India and the Indian Ocean in the eighteenth century', in Uma Das Gupta (comp.), *The world of the Indian Ocean merchant 1500–1800: collected essays of Ashin Das Gupta, with an introduction by Sanjay Subrahmanyam* (New Delhi, 2001), p. 214.

of course many of them moonlighted there as private traders), but it also meant that whole new networks of British connections and linkages were mapped on to those created by the Company. These private networks were extensive, flexible, durable, and well capable of reconfiguring themselves as commercial needs and opportunities changed. As such they played a significant (and generally overlooked) part in bringing the Indian and Atlantic oceans together into one maritime system.

It is evident that much British trade with Asia escaped accurate capture on the official contemporary statistical record, and this suggests a need for a revised overall estimate of the share of overseas trade allocated to the 'East Indies', with regard to both exports and imports. This has the potential to revise quite significantly our current understanding of the structure and geographical distribution of British overseas trade during the long eighteenth century, and it might well be that the proportionate share allocated to both northwestern Europe and America needs to be reduced because some commodities dispatched to those regions always had Asia as their ultimate destination. For the moment, the size of any such adjustments must remain a matter for conjecture, but any alterations made to the overall profile of British overseas trade must necessarily impact on the balance of trade and payments equations as they relate to Britain and Asia.[57]

During the long eighteenth century, expansionist British commercial and imperial impulses emanated from within both the Atlantic Ocean world (broadly defined) and the Indian Ocean world (broadly defined). Over time, these impulses created a web of interconnected and interacting networks that projected British power yet further outward beyond the Indian Ocean, but they also consolidated and strengthened internal linkages *within* this interconnected transoceanic system. This meant that the foundations of a greatly extended empire were gradually laid during the eighteenth century, and Britain was then able to build on them much more assertively and aggressively in the decades that followed. The eventual outcome was a global empire which pivoted around southern Africa and this served much more fully to integrate the Indian and Atlantic oceans into a single maritime world.

[57] For two recent detailed and sophisticated studies of the balance of payments by J. Cuenca-Esteban, see 'The British balance of payments, 1772–1820: India transfers and war finance', *Econ. Hist. Rev.*, 2nd series, 55 (2001), 58–66, and 'India's contribution to the British balance of payments, 1757–1812', *Explorations in Economic History*, 44 (2007), 154–76.

Part II

Sovereignty, law, and governance

4 Imperial constitutions: sovereignty and law in the British Atlantic

Ken MacMillan

Roughly a decade before the American Revolution broke out, William Blackstone articulated his vision of an Atlantic imperial constitution in his famous *Commentaries on the laws of England* (1765–9):

> [In] our American plantations … the common law of England, as such, has no allowance or authority there; they being no part of the mother country, but distinct (though dependent) dominions. They are subject however to the control of Parliament; though … not bound by any acts of Parliament, unless particularly named. The form of government in most of them is borrowed from that of England. They have a governor named by the king, (or … by the proprietor) who is his representative or deputy. They have courts of justice of their own, from whose decisions an appeal lies to the king in council here in England. Their general assemblies, which are their house of commons, together with their council of state being their upper house, with the concurrence of the king … make laws suited to their own emergencies. But … all laws, by-laws, usages, and customs, which shall be in practice in any of the plantations, repugnant to any law, made or to be made in this kingdom relative to the said plantation, shall be utterly void and of none effect.[1]

Blackstone's formulation is important for a number of reasons. The first is his disavowal of the English common law's authority in the Atlantic colonies. Though consistent with a number of recent studies, this theory challenges a considerable body of earlier scholarly literature, which tends to see the sovereign and legal foundations of the British Atlantic world being based on the English common law. This argument has been justified by the methods of land distribution employed, the forms of governance and legal institutions established, the injunctions to employ laws agreeable to English laws, and the fact that colonists retained the natural rights of freeborn Englishmen.[2] The strength of this argument

[1] William Blackstone, *Commentaries on the laws of England*, vol. I: *Of the rights of persons* (Chicago, 1979), pp. 104–5.

[2] Viola F. Barnes, 'Land tenure in English colonial charters of the seventeenth century', in Viola F. Barnes *et al.*, *Essays in colonial history* (New Haven, 1931); Patricia Seed,

also derives, in part, from the notion that the English common law transcended all rival legal systems, especially in comparison with those used in continental Europe.[3] Blackstone's formulation is even more valuable for his explanation of centre–periphery relations on the eve of revolution, a topic of considerable interest to modern historians. As described theoretically by Blackstone, the role of the monarch, privy council, and Parliament, as against that of colonial governors and representative assemblies, were matters of some importance to American lawyers, polemicists, and politicians in the decade after Blackstone's writing.[4]

This chapter examines early modern notions of sovereignty, prerogative, and law, and how these ideas framed a series of Atlantic imperial constitutions, including that of Blackstone. The first section explains the European and English brands of legal pluralism that helped to define and control royal sovereignty and prerogative at the outset of Atlantic activities, including the expectation that monarchs rule predominantly through the supranational laws of God, nature, and nations especially when dealing with non-domestic affairs. The next section show how the language in transatlantic charters defined an imperial constitution that was consistent with the conceptions of sovereignty and legal pluralism used within England.[5] This constitution allowed the colonies to develop laws and legal institutions relevant to their unique frontier situations, borrowing as appropriate from the range of legal resources in England. It also provided that the colonists owed the

Ceremonies of possession in Europe's conquest of the new world, 1492–1640 (Cambridge, 1995), ch. 1; Christopher Tomlins, 'The legal cartography of colonization, the legal polyphony of settlement: English intrusions on the American mainland in the seventeenth century', *Law and Social Inquiry*, 26 (2001), 315–72; John C. Weaver, *The great land rush and the making of the modern world, 1650–1900* (Montreal, 2003).

[3] J. G. A. Pocock, *The ancient constitution and the feudal law: a study in English historical thought in the seventeenth century, a reissue with a retrospect* (Cambridge, 1987).

[4] See Jack P. Greene, *Peripheries and center: constitutional development in the extended polities of the British empire and the United States, 1607–1788* (Athens, GA, 1986); Jack P. Greene, 'Negotiated authorities: the problem of governance in the extended polities of the early modern Atlantic world', in Greene, *Negotiated authorities: essays in colonial political and constitutional history* (Charlottesville, 1994), pp. 1–24; Jack P. Greene, 'Transatlantic colonization and the redefinition of empire in the early modern era: the British-American experience', in Christine Daniels and Michael V. Kennedy (eds.), *Negotiated empires: centers and peripheries in the Americas, 1500–1820* (New York, 2002), pp. 267–82; Jack P. Greene, *The constitutional origins of the American Revolution* (Cambridge, 2011).

[5] Mary Sarah Bilder, *The transatlantic constitution: colonial legal culture and the empire* (Cambridge, MA, 2004); Ken MacMillan, *Sovereignty and possession in the English new world: the legal foundations of empire, 1576–1640* (Cambridge, 2006), ch. 1; William M. Offutt, 'The Atlantic rules: the legalistic turn in colonial British America', in Elizabeth Mancke and Carole Shammas (eds.), *The creation of the British Atlantic world*

crown perpetual homage and allegiance in exchange for royal protection and basic natural liberties. While the charters allowed the peripheries to retain considerable independence from the centre, especially regarding land distribution, administration, legislation, and taxation, they also emphasised that the crown would continue to rule British bodies and lands overseas in the same manner as it ruled those within its composite monarchy, without relinquishing or allowing the diminishment of its imperial authority. The third part of the chapter shows how, as Atlantic activities increasingly came to be seen as a broader programme of empire-building, the metropolitan centre enforced and refined the imperial constitution through royal proclamations, conciliar oversight, and ultimately parliamentary involvement. When the 'weak' Stuart imperial constitution transitioned into the 'strong' Hanoverian model, the colonists in America challenged these innovations on the grounds that they breached the original imperial constitution. The final part of the chapter shows how the crown employed the laws of God, nature, and nations when claiming sovereignty over Atlantic lands and peoples, and during various treaty negotiations, in the hopes that its overseas acquisitions would be legally recognised by the supranational community.

I

By the late medieval period, European princes were recognised as possessing *imperium*, independent and absolute sovereignty, and *dominium*, the right to rule territory under their authority. This notion of independent monarchy was articulated in the Act in Restraint of Appeals (1533), which declared that 'this realm of England is an empire, entire of itself'.[6] Subsequently, Secretary of State Sir Thomas Smith would write that the English prince did not take 'any investiture of the empire of Rome or of any other superior prince, but held of God and himself, his people and the sword, the crown, acknowledging no prince his superior'.[7] Similarly, the French legal humanist Jean Bodin in 1576 claimed that 'sovereignty is the supreme and absolute power over citizens and subjects' because a sovereign prince 'recognises nothing, after God, that is greater than himself'. Bodin did not believe that monarchs could rule tyrannically or contrary to reason. Instead, they were bound

(Baltimore, 2005), pp. 285–325; Christopher L. Tomlins and Bruce H. Mann (eds.), *The many legalities of early America* (Chapel Hill, NC, 2001).

[6] 24 Henry VIII, c. 12.

[7] Thomas Smith, *De republica Anglorum*, ed. Mary Dewar (Cambridge, 1982), pp. 54–6.

by indigenous laws (in England, the *lex terrae*, or laws of the land) and by the universal laws of God, nature, and nations, which no sovereign had the right to abrogate 'without treason and rebellion against God'.[8] This ensured that the king did not derogate from the fundamental laws of mankind; as described by contemporaries and digested by Blackstone in his *Commentaries*, these were the natural law rights of life, liberty, the enjoyment of personal property, and freedom from oppression.[9]

Princes with *imperium* possessed pluralistic internal and external sovereignty.[10] Internal sovereignty was the authority exercised within the monarch's territorial dominion. In the case of England, this extended well beyond its geographical borders and into the broader composite monarchy, which included bishoprics and palatinates such as Durham and Lancaster, feudal fiefdoms such as Jersey, Guernsey, Sark, and the Isle of Man, and – by the seventeenth century – Ireland and the Atlantic colonies.[11] External sovereignty governed a monarch's relationship with other sovereign European princes, which in the post-Reformation period involved conforming to the *ius commune*, a body of 'common law' that governed supranational relations.[12] This universal legal system, often expressed as the laws of God, nature, and nations (and only much later called 'international law'), allowed and required holders of *imperium* to function within a corpus of legal languages that were recognised supranationally.

In early modern England, expressions of *imperium* were exercised through the royal prerogative. Like sovereignty, prerogative had pluralistic applications: ordinary and absolute.[13] Ordinary prerogatives, such as the distribution of land in England, were informed by the English common law and the ancient constitution. Here, the monarch was limited in the same manner in which Bodin had argued he was restricted by customary laws. In England, this prevented the king from issuing proclamations that abrogated legislation or interfered with the due process of law, and required the monarch to respect the general principle that judicial decisions should not be countermanded unless the king exercised his ordinary prerogative right to show mercy. Because of

[8] Jean Bodin, *On sovereignty: four essays from the six books of the Commonwealth*, ed. and trans. Julian H. Franklin (Cambridge, 1992), pp. 1, 29, 115.
[9] Blackstone, *Commentaries*, vol. I, ch. 1.
[10] F. H. Hinsley, *Sovereignty*, 2nd edn (Cambridge, 1986), chs. 4–5.
[11] Matthew Hale, *The prerogatives of the king*, ed. D. E. C. Yale (London, 1976), ch. 3.
[12] James Muldoon, *Empire and order: the concept of empire, 800–1800* (New York, 1999), pp. 6–8, 144. See also Anthony Pagden, *Lords of all the world: ideologies of empire in Spain, Britain and France, c.1500–c.1800* (New Haven, 1995), ch. 1.
[13] Glenn Burgess, *The politics of the ancient constitution: an introduction to English political thought, 1602–42* (University Park, PA, 1992), pp. 139–62.

their purely domestic application, however, ordinary prerogatives did not allow English monarchs to express the full range of their *imperium*. Thus, the absolute prerogatives applied when the common law failed to be equitable, which demanded that the king exercise residual judicial powers in courts such as Chancery, Requests, and (before its abolition in 1642) Star Chamber, which were not bound by the common law. Absolute prerogatives also prevailed in other dominions within the composite monarchy and, because the common law had no supranational efficacy, when foreign affairs were involved, such as supranational trade, declarations of war and peace, and diplomatic relations and treaty negotiations.[14] Consistent with Bodin's formulation, absolute prerogatives were informed by the laws of God, nature, and nations, because these laws were based on divine revelation, common human reason, and universal consensus.

The pluralistic theories of sovereignty and prerogative, and especially the requirement that monarchs consistently apply the laws of God, nature, and nations when governing both domestic and foreign affairs, demanded sophisticated knowledge of a number of contemporary legal languages that extended beyond the English common law. To this end, Henry VIII founded Regius Professor of Civil Law chairs at Cambridge and Oxford in 1540, which complemented the existing positions in canon law, hitherto the sole legal curriculum of the universities. The incumbents of this position were responsible for teaching all divisions of Roman law, including natural law and its *ratio scripta*, civil law, as well as the laws of nations, war, peace, prize, merchant, and the seas.[15] These various legal systems, which were written about extensively by English and European 'civilian' lawyers after the mid-sixteenth century and adjudicated in various civil and equity courts in England, including those of Admiralty and Chancery, were needed both to ensure that monarchs were not abusing their sovereignty and prerogatives by functioning outside of fundamental human laws, and because the theory of external sovereignty demanded the use of the *ius commune* when adjudicating diverse matters with other sovereign princes.[16]

All of these contemporary legal pluralisms helped to dictate how sovereignty and law were projected into the Atlantic world. Specifically,

[14] Thomas Egerton, '[A] written discourse … concerning the royal prerogative', in Louis Knafla, *Law and politics in Jacobean England: the tracts of Lord Chancellor Ellesmere* (Cambridge, 1977), tract 9.

[15] See Andrew Borkowski and Paul du Plessis, *Textbook on Roman law*, 3rd edn (Oxford, 2005).

[16] E. P. Cheyney, 'International law under Queen Elizabeth', *English Historical Review*, 20 (1905), 659–72.

these activities were not subject to the ordinary prerogatives and the common law. Instead, they were governed by the absolute prerogatives and were attuned to the laws of God, nature, and nations as guiding legal foundations. Sir Edward Coke, for instance, argued in 1628 that 'The common law meddles with nothing that is done beyond the seas.'[17] Although Coke was principally interested in the legal rights of Scots in the English court system (as adjudicated in *Calvin's Case*, 1608), by extension he indicated that Atlantic colonists could not gain access to the common law courts and that the domestic Parliament had no jurisdiction over these activities. Instead, monarchs extended their own laws (*lex coronae*) through the absolute prerogative, as expressed through charters, proclamations, and ordinances and overseen by the administrative arm of royal *imperium*, the privy council (or king-in-council). Sir Matthew Hale expanded on this notion in his *Prerogativa Regis* (*c.*1650): 'the[se] acquests [in America] … are acquired to the king in the right of the crown of England and are parcel of the dominions though not the [political] realm of England'. Thus, 'the English laws are not settled there'; instead, laws 'are settled according to the king's pleasure' and are not based on 'the concurrence of an act of Parliament'. The king could (and did) 'annex [newfound lands] to the crown of England by referring the allegiance, tenure &c. as of the Crown of England', but these remained distinct dominions, outside of the realm of England, and also its Parliament and common laws.[18] Both Coke and Hale agreed that by virtue of their continued allegiance to the English crown (which the king was entitled to by natural law), the colonists retained 'English liberties that are incident to their persons', or the fundamental rights guaranteed by natural law.[19]

II

These contemporary, pluralistic notions of sovereignty and law coalesced into an imperial constitution within the colonial charters used to initiate Atlantic activities. Between 1578 and 1732, roughly thirty-five

[17] Daniel J. Hulsebosch, 'The ancient constitution and the expanding empire: Sir Edward Coke's British jurisprudence', *Law and History Review*, 21 (2003), 439–82 (quotation at 439). See also Barbara A. Black, 'The constitution of empire: the case of the colonists', *University of Pennsylvania Law Review*, 124 (1975–6), 1174–91.

[18] Hale, *Prerogatives of the king*, pp. 42–3.

[19] David Martin Jones, 'Sir Edward Coke and the interpretation of lawful allegiance in seventeenth-century England', in Allen D. Boyer (ed.), *Law, liberty, and Parliament: selected essays on the writings of Sir Edward Coke* (Indianapolis, 2004), pp. 86–106.

charters sharing similar language were issued by the crown to establish colonies or trading factories throughout the Atlantic world.[20] The colonial charters, more properly known as letters patent, were issued under the direct authority of the crown, whose imperial role was always indicated in their preamble. The New England patent, for example, opens with 'James, by the grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. to all whom these presents shall come, greeting.'[21] As this preamble indicates, the authority for granting whatever rights were bestowed on the patentee came directly from the monarch, who alone had sovereignty by God's grace. As the preamble also implies, these were not documents intended solely for internal, domestic, reading. As indicated by the Latin *patente* ('open'), patentees were expected to use these documents to show to other English subjects and Europeans that their activities had the express authority of an independent, sovereign monarch. Especially by the sixteenth century, they were legally analogous to other European princes' patents and to the Roman Catholic papal bulls. All were open, written, sovereign authorisations by holders of *imperium* and all employed a common medieval legal formula and language.[22] Thus, English letters patent served not only as expressions of internal sovereignty by distributing land and monopolies, establishing legal systems, and ensuring the continuing relationship between the colonies and the crown, they also served vital external functions by speaking to the broader supranational community, indirectly including indigenous peoples. Perhaps not surprisingly, as a result of the duplex nature of these documents, most of the drafters of patents in England – specifically, attorneys- and solicitors-general such as Francis Bacon, Thomas Coventry, and Thomas Egerton – had pluralistic training in common, Roman, and sometimes canon law.[23]

As historians have frequently pointed out, many of the Atlantic charters matched closely the language of land distribution in English law. Humphrey Gilbert and Walter Ralegh were awarded their land in base freehold tenure that allowed it to be sold or inherited forever. Early Stuart

[20] Most colonial charters will be found online at the Yale Avalon Project at Yale Law School, www.yale.edu/lawweb/avalon/pre18.htm and www.yale.edu/lawweb/avalon/states/statech.htm (hereafter YAP). The Africa charters are collected in Cecil T. Carr, *Select charters of trading companies, 1530–1707* (London, 1913), documents 11, 21, 23.

[21] New England, 1620, YAP.

[22] James Muldoon, 'Discovery, grant, charter, conquest, or purchase: John Adams on the legal basis for English possession of North America', in Tomlins and Mann (eds.), *Many legalities of early America*, pp. 25–46.

[23] Brian P. Levack, *The civil lawyers in England, 1603–41: a political study* (Oxford, 1977), chs. 1–2.

proprietors, such as the baron of Baltimore (Avalon and Maryland) and the earl of Carlisle (Barbados and other Caribbean islands), were awarded their land in knight service, superior tenure that was subject to higher obligations to the crown but could also generate revenue for the landlord through enfeoffment. Following the Restoration, owing to the abolition of feudal tenures in 1660, the patentees were awarded land in manorial socage to be held either 'of our manor of East Greenwich' or 'of our Castle of Windsor'. Both meant that the land was held of a manor of the king rather than immediately of the crown (*in capite*). In exchange, most of the patentees were required to remit homage in the form of a percentage of the precious metals found (usually one-fifth), though in the case of Africa it was a share of dividends that reflected the crown's personal investment and, if Charles II visited there (which he did not), two elephants.[24] Similarly, proprietors were expected to remit additional homage, ranging from a white horse, gold coronet, or 'two elks and two black beavers' (Hudson Bay), whenever the king visited the territory (never, therefore, delivered), to 'two beaver skins, to be delivered … on the first day of January in every year' (Pennsylvania).[25]

Unlike in domestic charters, however, in which establishing the form of land tenure and homage reflected the majority of the text, these passages were relatively brief portions of the often very lengthy colonial charters. Much more space was devoted to defining the structure of colonial government, the laws by which the colonies would be governed, and the continuing relationship between the imperial centre (the crown) and the colonial peripheries.

Three distinct types of colonial government were established: proprietary, corporate body, and royal. The proprietors – including Gilbert and Ralegh, Baltimore, and William Penn (Pennsylvania) – were 'true and absolute lords and proprietors' awarded the right to 'exercise, use, and enjoy' the same privileges as were held by 'any Bishop of Durham, within the Bishopric or County Palatine of Durham'.[26] These privileges gave the proprietors vice-regalian powers equal to those held in other palatine jurisdictions within the composite monarchy. Though beneath the powers of the crown, they were above those possessed by the typical English landlord. These passages implied that the specific individuals to whom the land was named were bestowed *dominium*, though not *imperium*, over their land. This meant that the crown, excepting only

[24] Carr, *Select charters*, pp. 174, 176.
[25] Hudson's Bay Company, 1670: www.solon.org/Constitutions/Canada/English/PreConfederation/hbc_charter_1670.html; Pennsylvania, 1681, YAP.
[26] E.g. Maryland, 1632, YAP.

infringements of its sovereignty and prerogative, relinquished certain right to govern the territories, which awarded the proprietors considerable authority. In exchange, however, it was understood that the crown owed the proprietors little in terms of physical protection, thereby reducing the crown's obligations in these regions. This would place these colonies in the same legal relationship to the crown as, for instance, Durham, Lancaster, and other feudal territories. The trading companies (including Newfoundland, Virginia, and Massachusetts Bay) were from 1610 onward granted a system of governance involving a 'body politic and corporate'. These bodies were either initially appointed by the king or elective of the shareholders (sometimes with crown approval), and headed – depending on the corporation – by a company president, treasurer, or governor. Finally, the several royal colonies that came to exist in the seventeenth century (some of which were unchartered and, in the case of the Caribbean, replaced the proprietaries) – Virginia, Jamaica, New Hampshire, the Leeward Islands, Barbados, New England and Bermuda after 1685, and Massachusetts Bay after 1691 – were governed by crown-appointed administrators who represented monarchical (rather than colonial) power and answered directly to the king-in-council.

Whether proprietary, corporate body, or crown colony, governors or governing councils were responsible for introducing laws and ordinances into the colony and appointing legal officials. The latter included judges, magistrates, sheriffs, coroners, and, in the case of corporations whose executive resided in England, local governors and assistants. Consistent with the colonists' belief that they were entitled to representative government, local general assemblies, comprising delegates elected by the substantial freeholders and conducted not unlike the English lower house of Parliament, also came to meet 'from time to time' to provide their 'assent and approbation' to certain matters of legislation, taxation, and administration. Although highly disputed especially in the royal colonies, these bodies also frequently checked the exercise of gubernatorial power. In these assemblies, the governor and his council usually introduced the legislation and served as an upper house. Working through these often-embattled assemblies, the patentees were always authorised to, in the words of the 1609 Virginia Company patent, 'make, ordain, and establish all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy, fit and necessary for and concerning the government of the said colony'.[27] They were also authorised to 'abrogate, revoke, or

[27] Virginia, 1609, YAP.

change' laws 'as they in their good discretion, shall think to be fittest for the good of the inhabitants there', and to 'correct, punish, pardon, govern, and rule all such the subjects of us'. To this end, they were expected to erect courts for all types of offences: ecclesiastical, civil, criminal, naval, trade, and prize. Patentees were further authorised to 'use and exercise martial laws in cases of rebellion, insurrection and mutiny in as large and ample manner as our lieutenants in our counties within our realm of England have … by force of their [royal] commission'. Taken together, these legislative and judicial powers significantly exceeded those held by most landlords and royal officials in England; they represented unique, complex, and pluralistic systems and help to explain why, as Coke and Hale argued, the common law and its courts could have little efficacy in colonial affairs.

In order to emphasise the continued *imperium* of the English crown over these largely self-governing regions, the colonists were assured royal protection in exchange for their perpetual allegiance. Most of the patentees were expected to administer the oaths of allegiance and supremacy to male colonists and were strictly enjoined not to 'withdraw any of the subjects or people of those lands or places from the allegiance of us … as their immediate Sovereign under God'.[28] Other patents, such as that of Georgia, implied that the crown welcomed the allegiance of 'any foreigners', whether 'natural born, denizens or others', which clearly referred to other Europeans and, perhaps, to indigenous peoples.[29] These subjects, whether born in England or in the colonies, were also to have 'all the privileges of free denizens, and persons native of England, and within our allegiance in such like ample manner and form, as if they were born and personally resident within our said realm of England'.[30] In other charters, such as those of Virginia (1606), Connecticut (1662), and Rhode Island (1663), the passages on allegiance and liberties also included variants of the phrase 'or any other of our dominions', which shows the imperial rather than domestic nature of these rights and obligations.

These several passages were important in helping to show where sovereignty lay in the imperial constitution. They ensured that the patentees, colonists, and others continued to recognise the sovereignty of their 'liege' lord, which was a personal legal relationship between subjects and the king, governed by natural rather than common law. As

[28] Gilbert, 1578, YAP.

[29] Georgia, 1732, YAP. On native subjecthood, see Jenny Hale Pulsipher, *Subjects unto the same king: Indians, English, and the contest for authority in colonial New England* (Philadelphia, 2005).

[30] Gilbert, 1578, YAP.

Coke, Hale, and later Blackstone explained, in exchange for their allegiance, those living in the colonies retained basic rights to life, liberty, property, and protection that all subjects enjoyed as part of English subjecthood.[31] This included, for instance, due process, freedom from arbitrary imprisonment, and the right of appeal to the supreme holder of *imperium*. Thus, the crown was claiming sovereignty not merely over the land which the colonists inhabited, but also over the bodies and welfare of its subjects, which transcended physical geography and travelled with Britons wherever they went. This ensured that colonial governors and assistants, no matter how wide their legal mandate, did not govern arbitrarily, injudiciously, or in a manner contrary to human or Christian reason, and that the colonists, when their rights were so infringed, could gain legal remedy through the crown in England. That is to say, in what might be called the 'theory of reciprocal sovereignty', the king had a legal responsibility to protect the natural rights of those subjects who remained loyal to him. The absence of loyalty or homage meant that the king could take proactive steps to reacquire it or could withdraw royal protection entirely. The practical implications of reciprocal sovereignty would, of course, be argued in the events leading up to the American Revolution and in the supreme pronouncement of American liberties, the Declaration of Independence.[32]

To guarantee the continuation of fundamental legal rights, proprietors, company councils, and assemblies were to ensure that the laws they employed, though principally to be consistent with 'the nature and constitutions of the place and people there', were also to be, to quote the Pennsylvania charter of 1681, 'consonant to reason, and be not repugnant or contrary, but as near as conveniently may be agreeable to the laws and statutes, and rights of this our kingdom of England'.[33] As recent historians have suggested, these passages should be interpreted to mean not merely the common law of England, but rather several 'brands of law, [and] types of legal reasoning, an expansive but not infinite range of legal sources'.[34] This could include, for instance, the borrowed common laws of landownership

[31] Jones, 'Sir Edward Coke and the interpretation of lawful allegiance'; and Mark L. Thompson, '"The predicament of Ubi": locating authority and national identity', in Mancke and Shammas (eds.), *Creation of the British Atlantic world*, esp. pp. 72–80. See also Elizabeth Mancke, 'The languages of liberty in British North America, 1607–1776', in Jack P. Greene (ed.), *Exclusionary empire: English liberty overseas, 1600–1900* (Cambridge, 2010), pp. 25–49.

[32] David Armitage, *The Declaration of Independence: a global history* (Cambridge, MA, 2007).

[33] Pennsylvania, 1681, YAP.

[34] Offutt, 'The Atlantic rules', 164; Bilder, *Transatlantic constitution*, ch. 2.

and the impressive range of canon, natural, civil, and equity laws operative in England, legal systems that were appropriate for all 'reasonable creatures' and could not be abrogated in preference for laws repugnant to English sensibilities. In contrast to the employment of customary indigenous laws in British Asia, however, the requirement that laws be 'consonant to reason' and 'not repugnant' implied that indigenous 'infidel' laws were to be replaced with Christian laws. Thus, the passage 'the nature and constitutions of the place and people there' should not be interpreted to mean the laws of indigenous inhabitants. This also reflected Coke's and Hale's subsequent opinion on the matter.

To ensure that colonial laws were reasonable and not repugnant to English laws, in a loose version of Poynings' Law (which subjected decisions of the Irish Parliament to the scrutiny of the English privy council), colonial legislatures were directed to submit duplicates of all laws to the privy council for approval. If unreasonable or repugnant laws were created, 'the said laws shall be adjudged and declared to be void … under our Privy Seal'.[35] In 1620, the Virginia Company noted its intention to 'reduce into a compendious and orderly form in writing, the Laws of England proper for the use of that plantation, with addition of such other, as the nature of the place, the novelty of the colony, and other important circumstances should necessarily require'. The Company also recognised, however, that it had to submit this body of laws 'first to his Majesty's view and approbation', so that the crown could determine whether these were in any way contrary to the pluralistic legal system in England.[36] This continued level of deference to crown authority was emphasised to the patentees, who were to subject themselves to the 'full power and authority' of the privy council, as the administrative arm of *imperium*.[37] The Virginia Company was expected to conform to instructions 'passed under the Privy Seal of England', a passage that was closely repeated in Sir Robert Heath's proprietary patent for Carolina in 1629.[38] In many charters, the privy council was also given the explicit power to allow or disallow the transportation of certain goods and people. In the latter instance, the crown was concerned about individuals seeking refuge from the law and those who were 'discontented with civil and ecclesiastical government' (such as Catholics, Puritans, and Quakers), and who refused to take the oaths

[35] Pennsylvania, 1681, YAP.
[36] Council for Virginia, *A declaration of the state of the colonie and affaires in Virginia* (London, 1620), p. 8.
[37] Gilbert, 1578, YAP. [38] Virginia, 1606, and Heath, 1629, YAP.

of supremacy and allegiance before departing.[39] This concern was also expressed by the crown after the 1630s, when the Massachusetts Bay Company required its colonists to swear an oath of fidelity to the commonwealth of Massachusetts and forbade its settlers from appealing to the privy council. These conflicting allegiances and infringements of basic liberties, which challenged the theory of reciprocal sovereignty, were one reason the Massachusetts Bay patent was revoked in 1637 (unsuccessfully) and again in 1684, which resulted in the creation of the Dominion of New England as a royal domain the following year.[40]

III

As early as the events associated with the dissolution of the Virginia Company between 1621 and 1625, the imperial crown saw the need to enforce its sovereignty and prerogative, and the imperial constitution, against colonial innovation. The busy events of these years involved conciliar committees considering the state of Virginia's financial and political affairs, James I reprimanding the English Parliament twice for its attempts to become involved in non-domestic matters, and the revocation of the Virginia charter through a prerogative writ of *quo warranto*.[41] Charles I then set about clarifying the imperial relationship between the centre and periphery in a proclamation issued in May 1625:

> We do … declare to all our loving subjects, and to the whole world, that we hold those territories of Virginia and the Somers Islands [Bermuda], as also that of New England … to be a part of our royal empire, descended upon us and undoubtedly belonging and appertaining unto us, and that we hold ourselves as well bound by our regal office, to protect, maintain, and support the same … as any part of our dominions: And that our full resolution is … that the government of the Colony of Virginia shall immediately depend upon ourselves, and not be committed to any Company or Corporation, to whom it may be proper to trust matters of trade and commerce, but cannot be fit or safe to communicate the ordering of State affairs, be they never of so mean consequence.[42]

Although the proclamation's principal purpose was to convert Virginia into a royal colony, Charles also took this opportunity to assert his prerogative right to rule through his 'regal office' over the entire 'royal

[39] TNA, PC 2/43–44; Alison Games, *Migration and the origins of the English Atlantic world* (Cambridge, MA, 1999), ch. 1.
[40] Pulsipher, *Subjects unto the same king*, pp. 61–7.
[41] Wesley Frank Craven, *Dissolution of the Virginia Company: the failure of a colonial experiment* (Gloucester, MA, 1932).
[42] Charles I, *A proclamation for settling the plantation of Virginia* (London, 1625).

empire', regardless of how it was chartered and governed. Together, the three colonies named in the proclamation represented the only permanent settlements in America to date, as Newfoundland was not yet settled, and the Amazon and Caribbean grants would not be made until 1625–7. Thus, none of the existing colonies was free from the terms of this proclamation and, by implication, none of the future colonies would be either.

The extent of royal oversight was further refined by the appointment of the 'Lords Commissioners for Foreign Plantations' in 1634. The commission, a sub-committee of senior privy councillors which met weekly in the presence of the king, was charged with 'making laws and orders for government of English colonies planted in foreign parts', with authority to 'require an account of their government', 'hear and determine all manner of complaints from the colonies', and 'have power over all charters and patents'.[43] Although this charge would appear contrary to the early Stuart imperial constitution by granting the commission powers to create and impose laws that might not have been relevant to frontier situations, in practice the commission's task involved ratifying colonial legislation, hearing petitions and appeals, and ensuring that the king's sovereign and prerogative interests were not diminished. When this commission was reappointed in April 1636, the role of the privy council was better explained. It was ordered to govern 'all persons, within the colonies and plantations beyond the seas, according to the laws and constitutions there', a formulation more consistent with the provision of colonial representative government.[44] Setting the standard for conciliar oversight for the next century, the commission generally took a passive role; it reviewed laws and legal systems only when objections arose in the colonies, although colonial acts that in any way impacted the crown's sovereignty and prerogative were subject to a suspending clause until their active confirmation in Westminster.[45] Thus, early Stuart imperial oversight mirrored closely the contemporary and preferred 'weak state' model of English constitutionalism, in which

[43] TNA, CO, 1/8/12.

[44] W. Noel Sainbury (ed.), *Calendar of state papers, colonial series, 1574–1660* (Burlington, Ont., 2004), p. 232.

[45] W. L. Grant, James Munro, and Almeric W. Fitzray (eds.), *Acts of the privy council, colonial series*, vol. I: *1613–1680* (Burlington, Ont., 2004); see also Charles M. Andrews, *British committees, commissions, and councils of trade and plantations, 1622–1675* (Baltimore, 1908); Robert M. Bliss, *Revolution and empire: English politics and the American colonies in the seventeenth century* (Manchester, 1990); Michael Braddick, 'The English government, war, trade, and settlement', in *OHBE*, vol. I: Nicholas Canny (ed.), *The origins of empire: British overseas enterprise to the close of the seventeenth century* (Oxford, 1998), pp. 286–308.

localities retained considerable autonomy from the central government, unless the latter needed to enforce state-wide policies for the benefit of the nation (usually surrounding periods of war and dearth).[46]

This model transitioned over the age of rebellion, restoration, and revolution, first in the form of the interregnum Parliament taking control of imperial affairs, most notably passing the important navigation acts and placing oversight in the executive Council of State appointed by the Rump. After the Restoration, Charles II appointed councils of trade and plantations to advise the privy council. Early on, these councils proved ineffective such that by 1670 most colonial oversight, as in the age of Charles I, was undertaken by a conciliar sub-committee, an arrangement that was formalised in 1675. Under the leadership of the impressive William Blathwayt from 1676 to 1696, the Council for Trade and Plantations routinely drafted instructions to royal governors, reviewed colonial legislation when needed, ensured colonial military protection, and heard petitions and appeals. It also effected the revocation of the Massachusetts Bay and Bermuda Company charters in 1684, imposed direct royal rule over New England in 1685, and saw to the compilation of an imperial atlas to better oversee the entire transatlantic empire.[47] By 1696, the Council would become known as the Board of Trade, a royally appointed body that, like the early councils of Charles II, was separate from, though still answered to, the privy council. Even though the late Stuart imperial councils emphasised a stronger state model than had their predecessors, they rarely became overly intrusive in colonial affairs, accepting that appointed and elected colonial bodies held extensive internal legislative, administrative, and taxation powers.[48]

The accession of George I in 1714 inaugurated a much more significant transition in the imperial constitution, which saw an increase in parliamentary involvement. Spurred on by the advances of a sovereign

[46] On the 'weak' versus 'strong' state, see especially John Brewer, *The sinews of power: war, money, and the English state, 1688–1783* (London, 1989). On the imperial constitution under the early Stuarts, see Ken MacMillan, *The Atlantic imperial constitution: center and periphery in the English Atlantic world* (New York, 2011).

[47] Stephen Saunders Webb, 'William Blathwayt, imperial fixer: from Popish plot to Glorious Revolution', *WMQ*, 3rd series, 25 (1968), 3–21; Webb, 'William Blathwayt, imperial fixer: muddling through to empire, 1689–1717', *WMQ*, 3rd series, 26 (1969), 373–415. See also Jeanette Black, 'The Blathwayt atlas: maps used by British colonial administrators in the time of Charles II', *Imago Mundi*, 22 (1968), 20–9.

[48] Ian K. Steele, 'The anointed, the appointed, and the elected: governance of the British empire, 1689–1784', in *OHBE*, vol. II: P. J. Marshall (ed.), *The eighteenth century* (Oxford, 1998), pp. 105–27; J. M. Sosin, *English America and the Restoration monarchy of Charles II* (Lincoln, NE, 1980). See also Craig Yirush, *Settlers, liberty, and empire: the roots of early American political theory, 1675–1775* (Cambridge, 2011).

king-in-Parliament, cabinet government, royal political apathy, and the rise of the fiscal-military state associated with eighteenth-century warfare and resultant territorial gain, the imperial constitution was implicitly revised to admit Parliament. Under this revised constitution, parliamentary statutes specifically mentioning the colonies were to have effect there. Over the course of the early Hanoverian period, therefore, Parliament slowly but surely took on an imperial, rather than a strictly domestic, responsibility. Even so, the initial application of this Hanoverian imperial constitution was limited (in part because of the Walpolean policy of 'salutary neglect', or the decision not to rigorously enforce legislation affecting America), and the older system of colonial representation and governance was generally respected. With minor touches, it was this theoretical model of the Hanoverian imperial constitution that Blackstone articulated in his *Commentaries*. Though not published until the early 1760s, Blackstone's formulation was delivered as lectures at Oxford in the 1750s, before which imperial parliamentary involvement generally focused on external trade legislation that impacted the colonies only indirectly, and the Board of Trade still retained loose ties to the privy council and monarchy. Most colonists begrudgingly accepted that external legislation was within the rights of the new sovereign, imperial Parliament, as the regulation of trade was an extension of the king's older absolute prerogative powers. Thus, their (and perhaps Blackstone's) interpretation of the extension of parliamentary legislation to America was limited to external legislation, and the central aspects of peripheral autonomy guaranteed by the imperial constitution were retained.

A major transformation of this model occurred following 1763, when the British gained territories in Quebec, Florida, and eastern Canada. This new empire included large non-English European populations and recognised non-English legal systems that (as in Asia) could not be easily expunged, such that Parliament saw the need to administer this imperial diaspora more directly and the policy of 'salutary neglect' was replaced with 'strong state' imperial government. Moreover, the Board of Trade, hitherto a committee of the privy council that exercised its powers in the name of the monarch, by 1763 had come to answer to cabinet and exercised its powers in the name of Parliament. Parliament's passage of the Stamp Act in 1765, which directly taxed the colonies internally for revenue, led to a major crisis of the imperial constitution. As questioned by James Otis, John Adams, and others, did Parliament, even a newly sovereign and imperial one, have the right to tax the colonies directly when the imperial constitutions up to that point allowed colonial legislatures to perform these duties? Few doubted the obligation

of the colonies to help finance the post-1763 American empire, which could help to protect the internal security of the colonies and emphasise the colonists' continued allegiance towards the mother country. The question was, who had the constitutional right to determine these revenues? In part, this was an issue of representation and consent, in which the peripheries argued that they did not elect members of the Westminster Parliament and the central government responded that all had 'virtual representation' in the same manner that the majority of non-voting Englishmen were represented.[49] This debate also reflected concerns over the transition from the weak state to the strong state model of centre–periphery relations that existed in the British Isles and English countryside as much as within the overseas empire. These concerns over retaining local autonomy against central authority would, of course, presage the American federal constitution.

Other participants in the debate, most notably John Adams, addressed the constitutionality of any parliamentary involvement in colonial affairs, asking:

> [B]y what law the Parliament has authority over America? By the law of God … it has none; by the law of nature and nations, it has none; by the common law of England, it has none, for the common law, and the authority of Parliament founded on it, never extended beyond the four seas; by statute law it has none, for no statute was made before the settlement of the colonies for this purpose.[50]

Elsewhere, Adams contended that 'America was never annexed to the [political] realm' of England, and thus the common law (the only branch of English law that governed taxation) did not apply.[51] Adams recognised and indeed triumphed the sovereign authority of George III in the colonies, but saw this as a contractual relationship between the king and the colonists. The colonists assumed the peril and costs associated with overseas travel and settlement and gave the king both overlordship and continued homage and allegiance. In exchange, the king was to grant land and political autonomy (both, Adams and others believed, conferred *dominium*, although proclamations such as that of 1763 belied this interpretation), and protection against all usurpers, both foreign and domestic. Once arranged by charter and refined by

[49] Bernard Bailyn, *The ideological origins of the American Revolution* (Cambridge, MA, 1967), ch. 5; Eliga Gould, *The persistence of empire: British political culture in the age of the American Revolution* (Chapel Hill, 2000), ch. 4; J. M. Sosin, *Agents and merchants: British colonial policy and the origins of the American Revolution, 1763–1775* (Lincoln, NE, 1965).

[50] Quoted in Muldoon, 'Discovery', p. 28.

[51] Ibid., p. 30.

Charles I between roughly 1625 and 1640, this theory of reciprocal sovereignty was not subject to modification by Parliament and, since the monarchs did not originally make the colonies subject to the political realm of England, parliamentary statutes with solely colonial designs had no effect. If the king allowed this direct, reciprocal relationship to be infringed by Parliament, then he was in breach of contract and the colonists had the right to escape its terms. In short, as Brendan McConville has argued, the colonists took 'rhetorical flight' to the power of the 'benevolent monarch' to challenge the authority of Parliament.[52]

This interpretation of the imperial constitution on the eve of rebellion, of course, showed little sympathy for new approaches to sovereignty, prerogative, and imperial government in Britain. The debate, reopened in the Schuyler–McIlwain theses of the 1920s (Schuyler tending to side with Parliament, McIlwain with the colonists), is far from over. More recently, McIlwain's theory has gained currency through the arguments of Barbara Black, Jack Greene, John Phillip Reid, and Ian Steele.[53] Their arguments, which accord with Tudor and Stuart approaches to sovereignty and law, support the notion that the king-in-council retained colonial oversight and that the new British imperial Parliament had external trade, though not internal colonial, legislative, and revenue-gathering authority. Under this interpretation, the right of Parliament to initiate legislation exclusive to the colonies, such as the Stamp Act, was suspect, although its right to issue legislation such as the Townshend duties was historically valid if they could be justified beyond a solely internal revenue-generating device. Although it is unclear in his formulation, Blackstone might have shared this interpretation of how Poynings' Law should be extended. By the time Adams was writing, in the wake of the Coercive Acts, the debate on both sides had become so strained that even the most careful interpretation and enforcement of the early Stuart imperial constitution was not enough to prevent revolution. In 1778, Parliament passed the conciliatory but belated Renunciation Act, by which it formally renounced its right to directly tax the colonies, thereby affirming Adams's interpretation. Though failing to stem the tide of rebellion, the Act would have important repercussions for the post-revolutionary imperial constitution in

[52] Brendan McConville, *The king's three faces: the rise and fall of royal America, 1688–1776* (Chapel Hill, 2006), pp. 8, 247.

[53] Charles H. McIlwain, *American Revolution: a constitutional interpretation* (Ithaca, 1923); Robert L. Schuyler, *Parliament and the British empire* (New York, 1929); John Phillip Reid, *Constitutional history of the American Revolution*, 3 vols. (Madison, 1986–8).

other British overseas territories after 1783, including those in British North America, the Caribbean, Africa, and Asia.[54]

IV

Although the centre–periphery relationship was frequently strained in matters of internal sovereignty, where the colonists perhaps recognised and welcomed the crown's imperial role the most was in its obligations of external sovereignty, which were also laid out in the colonial charters. In all the patents, the monarch's official permission for taking possession of the colony was 'our especial grace, certain knowledge, and mere motion'. The authority invoked in this passage was the absolute prerogative right of the monarch to distribute new-found lands and foreign monopolies. Pope Alexander VI issued the bull *Inter caetera* in 1493 under his '*mera liberalitate, et ex certa scientia, ad de Apostolicae potestatis plenitudine*' ('mere largesse, certain science, and the fullness of our apostolic authority'), which designates the same general source of authority, his divinely appointed status as a ruler who held *imperium*, or independent sovereignty.[55] By drawing upon virtually the same phraseology for English patents, the crown ensured that its letters patent held the same legal authority as the papal bull and similar documents issued by the other European colonising powers. This was particularly important at a time when the Iberian countries continued to claim exclusive rights to the entire extra-European world based on *Inter caetera*.[56]

Also drawing directly on language from the papal bull, many English patentees were authorised to settle only those lands that were 'not actually possessed by any Christian prince, nor inhabited by Christian people'.[57] Present in alternative forms on nearly all of the patents issued from 1497 (John Cabot) to 1632 (Maryland), this pregnant phrase reflected several fundamental Roman law principles. The Spanish and Portuguese justified their sovereignty and possession of the extra-European world based on the discoveries of Columbus and the papal bull. However, neither of these justifications – discovery and grant – secured a clear right of possession. As one historian has pointed out, 'for an assertion of sovereignty by the Crown to be effective internationally the criteria of the

[54] Stephen Conway, *The British Isles and the War of American Independence* (Oxford, 2000), p. 203.
[55] Frances G. Davenport (ed.), *European treaties bearing on the history of the United States and its dependencies* (Gloucester, MA, 1967), vol. I, p. 62.
[56] Muldoon, 'Discovery'; James Muldoon, 'Papal responsibility for the infidel: another look at Alexander VI's *Inter caetera*', *Catholic Historical Review*, 64 (1978), 168–84.
[57] Gilbert, 1578, YAP.

law of nations relating to the acquisition of territory would have to be met'.[58] In the sixteenth and seventeenth centuries, these criteria were to be found, principally, in a single essay of Justinian's *Digest*, entitled 'Acquisition of ownership of things'.[59] Of course, Justinian's essay was never intended to be used in the context of the Atlantic world, but in the absence of newer precedents it was frequently employed by European legalists.

In the *Digest*, Justinian explained that possession of land could not just be mental (*animus*) but must also be physical (*corpus*): 'there can be no acquisition of possession by intent alone, unless there be a previous physical holding of the thing'. Possession stemmed principally from control of the territory and, therefore, although discovery, grants, and charters might establish a mental title to territory, that title remained incomplete unless there was also actual, effective occupation. Justinian wrote that 'if you are holding land', as the Spanish asserted they were doing through the pope's grant, 'and nevertheless intend not to possess it, you will at once lose possession. Possession can therefore be lost by mere mental act, although it cannot be so acquired.' Furthermore, 'suppose a thing has been delivered on a basis sufficient in law … but the recipient has not yet become owner. If he now loses possession, he has no standard real action to claim it.' Similarly, 'logic … supports the view that if an owner abandons a thing the property passes straight away to anyone who takes possession of it'. Thus, at least to the English, regardless of Spain's mental possession of the new world through the bull, the Columbian voyages, and subsequent conquests, their failure to occupy the territory meant that they did not meet the legal burden of possession.[60]

The Justinianic viewpoint regarding effective occupation was emphasised in the charters. In the Virginia Company patent (1606), patentees were authorised to claim those lands 'not *now* actually possessed', while the Somers Island Company patent (1615) granted land 'not at all at this time actually possessed'.[61] It was the present state, rather than any former or mental state of possession, that determined the right to claim *imperium* and *dominium*. This point was made more explicitly in the Newfoundland Company patent (1610): '[B]y the law of nature and nations We may of our royal authority possess our selves and make grant thereof without doing wrong to any other prince or

[58] Kent McNeil, *Common law aboriginal title* (Oxford, 1989), p. 110 and ch. 4.
[59] T. Mommsen *et al.* (eds.), *Digest of Justinian* (Philadelphia, 1985), IV; S. P. Scott (ed.), *Corpus juris civilis* (New York, 1973), II (*Institutes*).
[60] Mommsen (ed.), *Digest of Justinian*, 41.2.3.1–6; Scott (ed.), *Institutes*, 2.1.47, 4.6.4.
[61] Virginia, 1606, YAP; Somers Island (Bermuda), 1615, TNA, CO 38/1.

state, considering they cannot justly pretend any sovereignty or right thereunto in respect that the same remaineth so vacant and not actually possessed and inhabited by any Christian.'[62] In addition to mentioning the law of nature and nations in these matters, and the importance of new world possessions being claimed by a prince with 'royal authority' (*imperium*), this passage reinforces the legal argument that the sole use of the mental component was insufficient. This viewpoint was further nuanced in the New England patent of 1620: '[W]e have been certainly given to understand … that there is no other the subjects of any other Christian King or State *by any authority from their sovereign lords or princes* actually in possession.'[63] Regardless of whether other Europeans were settled in patches of the territory granted in the patents, as was often the case with the Dutch and French presence in early America, unless the possessor had the explicit authority from a holder of *imperium*, there was no right of *dominium*. The official royal charter, functioning as an open, international document, was the official authorisation of *imperium*, without which claims to *dominium* were invalid.

In order to retain clear rights of possession, the patentees were always ordered to 'have, hold, occupy, and enjoy' the territory, to make 'habitation and plantation', and to 'inhabit or remain there, to build and fortify'. In every charter issued from 1606 onward, the patentees were given a specific parcel of land, carefully delineated by either latitude and longitude references, physical landmarks (such as rivers), or a combination of the two. These bounds were often so large as to be untenable: the New England patent granted land east to west 'from sea to sea', while the West Africa patents (1660–72) granted coastal land from 21° north latitude south to the Cape of Good Hope.[64] Nonetheless, these delineations were vital components of the charters. According to Justinian: '[When we say] that one must acquire possession by both physical and mental acts, [it] must not of course be taken to mean that one who wishes to take possession of an estate must visit every parcel of it; it is enough to enter any part of the estate, provided one has the purpose and intention of taking possession of the whole estate to its utmost boundaries.'[65] Thus, in proclaiming in the patent the mental intention to possess a defined area with 'certain knowledge', followed by the physical act of settling somewhere within that region, the colonists fulfilled Justinianic requirements for possession of the whole

[62] Newfoundland, 1610, David B. Quinn *et al.*, *New American world: a documentary history of North America to 1612*, 5 vols. (New York, 1979), vol. IV, p. 133.
[63] New England, 1620, YAP.
[64] New England, 1620, YAP; Carr, *Select charters*, p. 174.
[65] Mommsen (ed.), *Digest of Justinian*, 41.2.3.1.

region 'to its utmost boundaries'. They did so using methods ranging from symbolic ceremonies such as erecting national symbols, performing traditional feudal land transfers, and reciting charters in the presence of an international audience, to mundane acts such as building houses and fences, cultivating the land, and setting up fortifications.[66] Not only did these multivalent methods mirror those used by other colonising powers, they also communicated a clear intention to remain and effectively use the territory and, therefore, conferred rights of possession in Roman law.

In the case especially of North America, the absence of Christian sovereignty and the requirement to inhabit and effectively use land also had the effect of dispossessing indigenous peoples. Natives are first mentioned in the Virginia Company patent of 1606, in which the crown commended the patentees' desires in the 'propagating of Christian religion to such people as yet live in darkness and miserable ignorance of the true knowledge and worship of God, and may in time bring the infidels and savages living in those parts to human civility and to a settled and quiet government'.[67] Similar passages are to be found in the patents for, among others, New England, Carolina, Maryland, Maine, Rhode Island, Pennsylvania, and Massachusetts Bay (1691). The desire to convert natives to Christianity was a fundamental expectation of the canon and natural law principle of 'universal monarchy' (that is, the monarchy of Christ, or 'Christian universalism'). This principle held that all Christians – whether, by the mid-sixteenth century, Catholic or Protestant – had an obligation to convert non-Christians in order to bring about human civility and quiet government, the presumed product of conversion.[68] Alexander VI had issued *Inter caetera* with the understanding that the Spaniards desired 'to lead the peoples dwelling in those islands and countries to embrace the Christian religion', language the English crown borrowed for its own patents.[69] The implication was that in the absence of a godly society, the natives did not have sufficient knowledge of civil society or natural laws to hold *imperium*.[70]

[66] Seed, *Ceremonies of possession*, ch. 1; Arthur S. Keller *et al.*, *Creating rights of sovereignty through symbolic acts, 1400–1800* (London, 1967), pp. 39–40.

[67] Virginia, 1606, YAP.

[68] Pagden, *Lords of all the world*, ch. 2.

[69] Davenport, *European treaties*, vol. I, 62; Andrew Fitzmaurice, *Humanism and America: an intellectual history of English colonisation* (Cambridge, 2003), pp. 138–40.

[70] Jörg Fisch, 'Law as a means and as an end: some remarks on the function of European and non-European law in the process of European expansion', in W. J. Mommsen and J. A. de Moor (eds.), *European expansion and law: the encounter of European and indigenous law in 19th- and 20th-century Africa and Asia* (Oxford, 1992), pp. 15–38.

The charters also implied that the 'vacancy' of the land in question was a further reason for dispossession. The most explicit mention of natives in all of the charters is in the New England patent:

> We have been further given certainly to know, that within these late years there hath by God's visitation reigned a wonderful plague, together with many horrible slaughters, and murthers, committed amongst the savages and brutish people there, heretofore inhabiting, in a manner to the utter destruction, devastation, and depopulation of that whole territory, so that there is not left for many leagues together in a manner, any that do claim or challenge any kind of interests therein, nor any superior lord or sovereign to make claim hereunto … [W]e trust to [God's] glory we may with boldness go on to … the reducing and conversion of such savages as remain wandering in desolation and distress, to civil society and Christian religion.[71]

This passage implies that while native civility and government might once have existed among the natives before 'God's visitation' brought about the 'depopulation' of New England, in its present state the land was only loosely populated with a few natives who no longer enjoyed civil society.[72] It was, therefore, the responsibility of a holder of *imperium* to restore civility and – in contrast to British Asia – impose new laws upon the natives. Furthermore, whether through 'God's visitation', a nomadic hunter-gatherer lifestyle, or living in a 'state of nature' (which provided sustenance without labour), the indigenous populations did not effectively use the land, which remained, in the words of the Heath charter, 'untilled'. By failing to fulfil biblical injunctions to 'replenish the earth, and subdue it', and Justinian's expectation for practical, physical use of the land, the wandering natives allowed the Americas to remain wilderness and failed to establish *dominium*. With writers such as William Bradford, Richard Hakluyt, William Strachey, and – perhaps the best-known example – John Locke lending support to the 'agriculturalist argument', it is hardly surprising that this became a leading justification for dispossession.[73]

These canon, natural, and Roman law arguments, plus the belief that natives could be warred upon for their failure to subscribe to the natural laws of 'trade and friendship' (because of their alleged hostility when such attempts were made), proved particularly useful for English writers who were uncomfortable with the language of conquest

[71] New England, 1620, YAP.

[72] That the 'depopulation argument' was a fiction to justify dispossession is evident from a number of contemporary documents showing the significant presence of natives in New England. See, for instance, William Bradford, *History of Plymouth plantation* (1622), and Francis Higginson, *New England's plantation* (1630).

[73] Fitzmaurice, *Humanism and America*, pp. 140–8.

as justifications for denying native sovereignty.[74] In certain regions of North America, where native cultivation appeared to take place or where it seemed easier to contract and treat with natives than make war on them (such as Massachusetts, Rhode Island, and Pennsylvania), colonists and royal officials 'purchased' land from the indigenous peoples. Although this would appear to be a recognition of native *dominium* and a contractual basis from which to establish possession, neither was true. First, it seems likely that native interpretations of these contracts was consistent with granting rights of *usufruct* (literally, 'use of the fruits', or benefiting from another's land, similar to using common lands in England), rather than conferring perpetual private ownership. Second, as the natives generally did not have the right to withhold consent for such 'sales', this 'forcible expropriation' was largely designed to resolve future negotiations for sovereignty and possession with competing English and European claimants.[75] Even in the Royal Proclamation of 1763, which is sometimes seen as a recognition of native *dominium* (though not *imperium*) west of the Appalachian mountain range, the language makes it clear that the crown held ultimate control over the land. While the crown was assuring natives that land was reserved for them under royal protection in exchange for homage (another example of reciprocal sovereignty in action), this did not imply native *dominium*, which would include rights of self-governance and an indication that native land rights were good against the British crown.[76] Instead, these rights were only good against other English colonists and other Europeans.

The need to demonstrate and maintain effective control to secure clear rights of *imperium* and *dominium* is one reason why all of the patents instructed the colonists to fortify their colony and to 'encounter, expulse, repel, and resist, as well by sea as by land, by all ways and means whatsoever, all and every such person or persons' who sought to enter the territory without authority. These 'persons' included, for example, natives, pirates, and the subjects of other Christian princes with whom England was presently at war. (In contrast, those in amity had natural rights of trade, fishing, and friendship.) To this end, the patentees

[74] For a critical discussion of 'conquest', see Ken MacMillan, 'Benign and benevolent conquest? The ideology of Elizabethan Atlantic expansion revisited', *Early American Studies*, 9 (2011), 32–72.

[75] Stuart Banner, *How the Indians lost their land: law and power on the frontier* (Cambridge, MA, 2005), chs. 2–3; William Cronon, *Changes in the land: Indians, colonists, and the ecology of New England*, rev. edn (New York, 2003), ch. 3; Patricia Seed, *American pentimento: the invention of Indians and the pursuit of riches* (Minneapolis, 2001), ch. 1.

[76] L. C. Green and O. P. Dickason, *The law of nations and the new world* (Edmonton, 1993), pp. 102–4.

were required to muster the men in the colony, train them in the arts of war, erect physical fortifications, and equip the men and forts with, as specified in the Providence Island charter, 'ordnance, powder, shot, armour, and all other weapons, ammunition, and habiliments of war, both for defence and offence whatsoever'.[77] Not only did fortifications and defensive measures protect the colonies from domestic and foreign attack, they were also required by civil and natural law. To Justinian, 'any of these things which we take … are regarded as ours for so long as they are governed by our control. But when they escape from our custody and return to their natural state of freedom, they cease to be ours.'[78] Possession stemmed from the ability to keep effective control over the territory, to the extent that a person who chooses not to defend his land or flees when faced with a superior force is said to have abandoned any possessory rights. As demonstrated in the concerns over the Virginia colony's lack of defence capability, which had resulted in the Powhatan Massacre of 1622, it was the crown's responsibility to ensure that these legal requirements were met. For, as Charles II made clear in the Africa charter of 1660, 'the defence of the said Plantations' guaranteed the continuation of the king's 'sovereign right, power, and dominion over all the said Plantations'.[79]

Until the 1660s, provisions were also made for insurgent acts committed by English colonists against the subjects of Christian princes with whom England was presently in amity. The patentees and their colonists were commanded to respect the Roman laws of war, peace, prize, merchant, and the seas at all times:

> We do hereby declare to all Christian kings, princes, and estates, that if any person or persons … of the said several colonies and plantations … shall at any time or times hereafter rob or spoil by sea or by land or do any act of unjust and unlawful hostility to any the subjects of any king, prince, ruler, governor, or state being then in league or amity with us … and that upon just complaint … the said person … [shall] make full restitution or satisfaction of all such injuries done, so as the said princes or others so complained may hold themselves fully satisfied or contented.[80]

In addition to asserting the monarch's absolute prerogative to deal with foreign matters, this passage recognises that the subjects of other sovereign monarchs had the right to travel the seas unassailed, and to land in certain ports for the express purpose of trade and friendship, or as the

[77] TNA, 124/1, fol. 5v.
[78] Mommsen (ed.), *Digest of Justinian*, 41.1.3, 41.2.7, 43.16; Scott (ed.), *Institutes*, 2.1.12.
[79] Carr, *Select charters*, p. 177. [80] E.g. Virginia, 1606, YAP.

result of shipwreck. If an illegal act occurred, the English crown was responsible to foreign princes, either through diplomatic channels or by turning the matter over to the Admiralty court (a civil law jurisdiction) for adjudication. This is precisely what happened, for example, in 1622, when the Spanish ambassador resident in England claimed that colonists in Bermuda plundered a shipwrecked vessel and its castaway crew. Upon investigation, the Spanish claim was upheld and the Bermuda Company made some restitution.[81]

If full restitution for activity deemed *contra ius gentium* (against the law of nations) or *contra belli praedaeque iura* (against the laws of war and prize) was not made in the prescribed time, then 'the said places within their habitation, possession, and rule, shall be out of our allegiance and protection, and free for all Princes and others to pursue with hostility, as being not our subjects … nor to be holden as any of ours, nor to our protection, or dominion, or allegiance any way belonging'.[82] Consistent with the theory of reciprocal sovereignty, the colonists were assured full protection so long as they respected Roman law and paid restitution when such was ordered by the Admiralty or privy council. Else, royal protection was withdrawn and both the land and the bodies of the subjects who occupied it would no longer be in a state of sovereignty. This clause was consistent with the crown's interpretation of reciprocal sovereignty. In general, the crown accepted its sovereign responsibility to protect its colonists from harm, both through continued conciliar oversight and by engaging in diplomatic disputes with other sovereign powers. In this case, however, the withdrawal of protection was precipitated by the belief that the colonists had withdrawn their allegiance by committing insurgent acts. Since sovereignty is reciprocal, the withdrawal of allegiance allowed for the withdrawal of protection. In that event, the mental component of possession was revoked, without which *dominium* could not be sustained, in effect leaving the territory *de jure* if not *de facto* abandoned.

Consistent with its external sovereign responsibilities, the English crown's formula for claiming *imperium* and *dominium*, as defined in the charters, was articulated by English envoys and ambassadors during various treaty negotiations in the seventeenth and eighteenth centuries. Between 1604 (the Anglo-Spanish Treaty of London), when permanent settlement was not yet underway, and 1713 (the treaties of Utrecht),

[81] Ken MacMillan, 'The Bermuda Company, the privy council, and the wreck of the *San Antonio*, 1621–23', *Itinerario*, 34 (2010), 45–64; see also MacMillan, *Sovereignty and possession*, pp. 116–19.

[82] Virginia, 1606, YAP.

when most of the English Atlantic colonies were established, English commissioners managed to gain recognition for their colonies in the Caribbean and in the interstice between the Spanish and French empires in America. During these negotiations, the English cited Roman legal precedents of sovereignty and possession, emphasising, in the former case, that the crown held perpetual authority over its overseas subject and dominions and, in the latter case, that both mental and physical claims to the territory had been established and could be demonstrated. Part of these negotiations also involved England's successful articulation of the natural law notion of free seas (*mare liberum*), which provided that the subjects of any sovereign prince could travel the seas for the purposes of trade and friendship. This contrasted with the closed sea (*mare clausum*) theory argued by the Spanish and Portuguese, which held that sovereignty could be established over the oceans, thereby allowing for restricted trade and travel. Finally, during these negotiations England also recognised the legal claims of others based on these Roman formulations, notably the Spanish in Florida, the Greater Antilles, and New Spain, and the French in Canada, including Quebec, Acadia, and parts of Maine.[83] Thus, by the early eighteenth century, the precarious British Atlantic world was recognised within the supranational community, although the various European wars of the eighteenth century would force further negotiation.

V

While the British Atlantic world, its imperial constitutions, the theory of reciprocal sovereignty, and the relationship between centre and periphery were being constructed, enforced, refined, and negotiated, the British were engaged in activities in Asia. As Robert Travers and others show in this volume, there were significant differences between the two imperial theatres. Whereas the Atlantic was primarily devoted to settlement and plantation, Asia before the late 1750s focused on trade. Whereas the Atlantic indigenous peoples had British sovereignty and 'reasonable' laws imposed on them, those in Asia were recognised as possessing sovereignty and British agents were required to work within customary laws. Whereas the Atlantic, slowly but surely, became

[83] Elizabeth Mancke, 'Empire and state', in David Armitage and Michael J. Braddick (eds.), *The British Atlantic world, 1500–1800*, 2nd edn (New York, 2009), pp. 202–4; Elizabeth Mancke, 'Negotiating an empire: Britain and its overseas peripheries, *c.*1550–1780', in Daniels and Kennedy (eds.), *Negotiated empires*, pp. 235–66; MacMillan, *Sovereignty and possession*, ch. 6. For the treaties, see Davenport, *European treaties*, vols. I–III.

governed by royal agents and planter assemblies, and trading companies waned, the Asian empire continued to be dominated by the East India Company. As Travers also shows, however, these differences need not obscure similarities. The East India Company charter of 1600, and its successors, shared numerous characteristics with Atlantic charters.[84] Both theatres were concerned about protecting their assets and borders using proactive defensive means. Both needed to navigate careful diplomatic policies with native peoples and other Europeans. Both were impacted by conciliar oversight and external trade legislation of crown and Parliament at a time when both were attempting to bring about their own forms of state-building. And both, especially by the mid-eighteenth century, became concerned by the degree of central control being exercised over imperial territories because of the rise of a strong, fiscal-military state dominated by Parliament. These similar concerns in the Atlantic and Indian Ocean worlds led to major efforts at negotiation between the centre and periphery based on early modern notions of sovereignty, prerogative, liberty, the Stuart and Hanoverian imperial constitutions, the theory of reciprocal sovereignty, and the unique nature of peripheral societies.[85]

Sometimes the relationship between the Atlantic and Asia was more direct than these historic parallels. The 1757 Pratt–Yorke decision, for example, which determined who held dominion over conquered lands in India – the crown or the Company – helped to frame the legal language and reasoning behind the Royal Proclamation of 1763. Making their way east, the terms of the proclamation would subsequently impact the imperial role of the central government and legal theories of *dominium* in Australia, Canada, New Zealand, and South Africa.[86] Likewise, American challenges to parliamentary involvement in the 1760s and 1770s – one aspect of which was the Boston Tea Party, caused by Parliament allowing the East India Company to sell tea in the American colonies without payment of duties – induced the imperial Parliament to look more closely into Indian affairs. The lessons learned in the wake of the Renunciation Act of 1778, the abolition of the Board of Trade in 1782, and the loss of the American colonies in 1783 led

[84] See Philip J. Stern, 'British Asia and British Atlantic: comparisons and connections', *WMQ*, 3rd series, 63 (2006), 693–712.

[85] See also Robert Travers, *Ideology and empire in eighteenth-century India: the British in Bengal* (Cambridge, 2007); Robert Travers, 'Contested despotism: problems of liberty in British India', in Greene (ed.), *Exclusionary empire*, ch. 7.

[86] J. M. Sosin, *Whitehall and the wilderness: the Middle West in British colonial policy, 1760–1775* (Lincoln, NE, 1961), pp. 229–35, 259–67; H. V. Bowen, *Revenue and reform: the Indian problem in British politics, 1757–1773* (Cambridge, 1991), pp. 54–5; Weaver, *Great land rush*, p. 142 and ch. 4.

to the re-envisioning of an enduring imperial constitution that would regulate and mitigate the legal relationship between the centre and periphery. As ultimately embodied in Pitt's India Act of 1784, this new imperial constitution, with cabinet – though not usually an overbearing one – at its centre, would later characterise centre–periphery relations throughout overseas dominions. These parallels suggest that historians should begin thinking about 'transoceanic' imperial constitutions rather than bifurcated 'Atlantic' and 'Asiatic' models.

5 Constitutions, contact zones, and imperial ricochets: sovereignty and law in British Asia

Robert Travers

Britons in the early modern Indian Ocean operated in a world of many sovereignties and many laws.[1] Indeed, as Philip Stern's chapter argues, British 'sovereignty' over people and territories in Asia was itself shared between the overriding suzerainty of the king-in-Parliament and the effective sovereignty of the corporate body of the East India Company. The first part of this chapter lays out some general considerations involved in studying sovereignty and law in the early period of British expansion in Asia. First, it emphasises how the fractured, pluralistic practices of sovereignty and law in Asia have important similarities and points of connection with the pluralistic legal world of the British Atlantic, as described in this volume by Ken MacMillan. The second section highlights the most distinctive feature of British Asia in contrast to the Atlantic, that is, the more pervasive and powerful forms of indigenous sovereignty which Britons encountered, negotiated, contested, and increasingly sought to conquer and subdue.

The remainder of the chapter offers brief and necessarily patchy glimpses into the varied and changing patterns of sovereign encounters and legal interactions in British Asia. Working chronologically, I explore the diverse forms of legality invoked within the 'body politick' of the East India Company as it established its corporate governance over a wide swathe of coastal and island settlements up to the middle of the eighteenth century. The highly fragmented, devolved, and diffuse pattern of 'English' or later 'British' authority in the Indian Ocean arena can now appear as one of the strengths of the emerging empire, enabling a flexible, adaptive network of officeholders and institutions to incorporate many different groups and modes of legality under a broad umbrella of imperial sovereignty. By the later eighteenth

[1] I am grateful to all the participants in the conference on British Asia and the British Atlantic at Sussex University, especially to the organisers, Huw Bowen, Elizabeth Mancke, John Reid, and Trevor Burnard; further thanks for helpful advice go to my colleagues at Cornell, Tamara Loos and Jon Parmenter.

century, however, fragmented sovereignty and legal diversity increasingly appeared as a threat to the integrity of a rapidly expanding British empire as it girded itself against global rivals and proliferating local rebels. Thus, the next section considers the legal and constitutional innovations following from the Company's conquest of Bengal in the 1760s. In the new style of more comprehensive imperial sovereignty, legal pluralism was self-consciously displayed to denote imperial benevolence; but it also enabled new forms of executive privilege in the colonies, and an increasingly sharp divide between a 'domestic' and 'colonial' sphere of law and constitutionalism.

The emergence of a new style of colonial governance in eighteenth-century India raises the problem of the colonial origins of modern South Asian law. This is the subject of a considerable literature in South Asian history. The penultimate section of this chapter briefly highlights some recent moves away from the conventional notion of a sharp jurisprudential 'clash of cultures' in the early colonial state. Rather, new work focusing more on the practice of colonial courts than on jurisprudential theory suggests a varied set of interactions between British, 'colonial', and Indian legal norms and institutions. Finally, returning to the notion of an empire of interlinked constitutional idioms, the chapter considers moments when the expansion of 'English' law into Asia rebounded back into the domestic and Atlantic zones of empire, giving brief notice to a series of cases through which Atlantic norms were reshaped by such 'imperial ricochets', including a recent and surprising echo from Britain's Asian empire in the legal culture of the contemporary American empire.

A transoceanic constitution?

As Philip Stern's chapter amply demonstrates, the conventional distinction between the early modern English/British empire in the Atlantic (considered as an empire of plantations and settlement) and the early modern empire in Asia (considered as an empire of maritime commerce) does scant justice to the connected political and legal fabric of British overseas expansion. The East India Company, as the primary, licensed agent of imperial expansion east of the Cape of Good Hope, shared in the 'Atlantic' culture of corporate governance under royal and parliamentary authority, as a 'body corporate and politick'.[2] The Company became a territorial ruler in Asia during the seventeenth

[2] Philip J. Stern, *The Company-state: corporate sovereignty and the early modern foundations of the British empire in India* (New York, 2011).

century, even though its territories were much smaller than colonies in America or the West Indies. The Company was also a vital prop of the English/British fiscal-military state from at least the later seventeenth century, and attracted political and legal controversy to go with its importance.[3] Its directors and factors, meanwhile, in their dealings with each other, with other Europeans in Asia, and with Asian peoples and rulers, employed similar political and legal vocabularies as British settlers, soldiers, and officials in the Atlantic world.

While the multiple local contexts for the Company's operations in Asia were often substantially different from those in the Atlantic world, and the commercial and political motivations were often specific and distinct, the framework of chartered, corporate governance established an important link between different zones of expansion. Yet, as Ken MacMillan has emphasised in this volume, the constitutional framework of the early modern British empire was always highly pluralistic, and participated in a diverse culture of domestic and international legality. In Asia, too, the notion of the 'law of England' as established by royal charter and Company agency in coastal settlements like Madras, Calcutta, Bengkulu, or Penang, and islands such as Bombay and St Helena, covered, so to speak, a multitude of sins; colonial versions of English law, often subject to provisos and limitations depending on local circumstances, drew variously on diverse sources of legal authority, but most often on ad hoc notions of 'justice and good conscience' applied by traders and officials without formal legal training and largely unsupervised by domestic authorities.[4] The principle that laws in English settlements should not directly contradict, or be 'repugnant' to, English law provided flexible parameters for legal deliberation in all regions of empire.[5] In Asia, as in the Atlantic, Britons also operated in a world of multiple competing sovereignties, in this case both European and Asian, and utilised multiple legal languages, including conceptions of right supposedly drawn from various 'indigenous' legal systems, to administer territories and to justify their claims to *imperium* or *dominium*.

Given that a crucial connecting element between the Atlantic and Asian empires in the early modern period may be exactly the flexible,

[3] Miles Ogborn, *Indian ink: script and print in the making of the East India Company* (Chicago, 2007).

[4] M. P. Jain, *Outlines of Indian legal history*, 2nd edn (Bombay, 1966), p. 27; M. B. Hooker, *A concise legal history of South East Asia* (Oxford, 1978), pp. 124–5.

[5] Jain, *Indian legal history*, p. 8; and for a recent study of the notion of non-repugnancy in British North America, see Mary Sarah Bilder, *The transatlantic constitution: legal culture and the empire* (Cambridge, 2004).

pluralistic, ad hoc, and localised character of sovereignty and legality, it may be problematic to extend Mary Bilder's conception of a 'transatlantic constitution' into the global parameters of a 'transoceanic constitution'.[6] There may come a point, after all, when a flexible constitution ceases to be a single constitution at all. It is important, however, to emphasise that the ties that bound the loosely textured pattern of transoceanic expansion included a shared repertoire of legal and constitutional idioms, which enabled a measure of institutional replication and ideological connectedness even in the far-flung corners of the extended empire. As Stern suggests, the springing up of 'hundreds' in Bombay, or of mayors, aldermen, and burgesses in Madras, replete with silver oars, maces, and robes sent from London, was of much more than merely ornamental significance. Rather, the ornaments of city governance were powerful signs of a diverse but connected sphere of authority, hierarchy, and legality stretching across the emerging British world.

More research needs to be undertaken on this connective tissue of empire, for example on legal appeals from British Asia to the privy council after these were authorised by the charter of justice of 1726.[7] This research may well push us to think in more concrete terms about a connected imperial constitution, at least in regard to judicial institutions in British settlements, if not in terms of legislation and modes of governing those construed as non-British or 'native'. Yet, as we shall see, even when Parliament extended itself to assert a more comprehensive imperial sovereignty in the late eighteenth century, it was still concerned to keep a measure of constitutional distance between the domestic constitution and the authoritarian premises of its overseas empire in Asia.

Legal contact zones

In early modern Asia the pre-existing network of 'native' sovereignties, both local and imperial, pressed more comprehensively and intensely on British sojourners than in the Americas. British discourses of law and sovereignty in Asia were one element in a broad and complex zone of

[6] Bilder, *Transatlantic constitution*.

[7] Jain, *Indian legal history*, p. 51. For a more comprehensive and up-to-date account of the legal fabric of British Indian settlements in the eighteenth century, see Arthur Mitchell Fraas, '"They have travelled to the wrong latitude": the laws of England, Indian settlements and the British imperial constitution, 1726–1773', unpublished Ph.D. thesis, Duke University (2011). Unfortunately I wrote my chapter before I was able to consult this important work.

interaction between Europeans and Asians. Indeed, the notion of law, in all its protean forms and meanings in the Indian Ocean world, might itself be framed as an elaborate form of contact zone, a diffuse discursive and institutional site in which disputes about justice and authority flared and receded, generating new forms of intercultural conflict and exchange.[8]

Historians differ substantially on how to interpret such contact zones in early modern Asia. These differences can be tracked along a spectrum laid out by Sanjay Subrahmanyam between a model of complete 'semiotic incompatibility' precluding meaningful cultural exchange, and 'a counter-position which argues that everything was translatable' in a free-wheeling intercultural dialogue.[9] Recent arguments for certain common trajectories within a broad, interlinked process of Eurasian early modernity have challenged old assumptions that radically different worlds and world-views of Europeans and Asians necessarily produced a series of 'culture clashes'.[10] Thus, for example, Jon E. Wilson has recently argued for a strong element of convergence between 'hierarchical yet participatory' polities in early modern Europe and Asia, rejecting the idea of an 'untraversable cultural gap'. Wilson allows for significant divergences and uneven developments within the connected world of early modern Eurasia, highlighting the unusual strength of European demand for international consumer goods, distinctively high population densities in some regions of Europe, and the unique degree of some Europeans' patriotic attachments to 'national' institutions. Yet he argues for strong commonalities within a Eurasian pattern of diffuse sovereignty, flexible, affective styles of governance rather than rule-bound, bureaucratic systems, and states that 'consisted of the flexible relationships that incorporated individuals and small communities into "political society"'.[11]

[8] My admittedly figurative, abstract usage of the term 'contact zone' draws on and adapts Mary Louise Pratt's much-cited conception of 'contact zones' as 'social spaces where cultures meet, clash, and grapple with each other, often in contexts of highly asymmetrical relations of power'. See Pratt, 'Arts of the contact zone', *Profession*, 91 (1991), 33–40, and Mary Louise Pratt, *Imperial eyes: travel writing and transculturation* (London and New York, 1992), pp. 6–7.

[9] Sanjay Subrahmanyam, 'Frank submissions: the Company and the Mughals between Sir Thomas Roe and Sir William Morris', in H. V. Bowen, Nigel Rigby, and Margaret Lincoln (eds.), *The worlds of the East India Company* (Woodbridge, 2002), pp. 93–4. For another discussion of this spectrum, see William R. Pinch, 'Same difference in India and Europe', *History and Theory*, 38 (1999), 389–407.

[10] Sanjay Subrahmanyam, 'Connected histories: notes towards a reconfiguration of early modern Eurasia', *MAS*, 31 (1997), 735–62.

[11] Jon E. Wilson, 'Early colonial India beyond empire', *Historical Journal*, 50 (2007), 958, 960–1.

Historians of Eurasian contact zones will continue to weigh the significance of power differentials, cultural variation, and the complex 'implicit ethnographies' through which diverse groups of Europeans and Asians analysed their varied early modern encounters.[12] What is important to emphasise here, however, is that early modern Europeans often acted as though there were in fact relatively porous boundaries between different systems of legality, and that conceptions of 'law' in Europe and Asia constituted a flexible continuum rather than a series of incommensurable fragments. Thus, 'rights' established in one jurisdiction or legal framework were frequently carried over into another; or 'laws' generated in one language or interpretative tradition were often regarded as translatable into another language, for example English, and another polity, for example a 'Company state' or a British empire, while still being recognised as 'laws'.

This notion of a continuum of legality or porous boundaries between legal cultures appears at first sight to fit oddly with the pervasive early modern stereotype, nurtured by generations of Europeans, that Asiatic governments were essentially despotic, that they lacked the civilising and humanising comforts of settled law, and were governed instead by the 'arbitrary whims' of Asiatic tyrants.[13] In practice, however, despite these widespread caricatures, European traders, settlers, and governors in the Indian Ocean recognised the necessity of dealing with Asian sovereigns through diplomacy and treaties as well as by force, and frequently tried to understand and manipulate the diverse indigenous notions of legality in play.[14]

It was not the case, then, that early modern Britons lacked the means or the interest in harshly 'othering' indigenous peoples, or that these forms of 'othering' did not often draw on conceptions of barbarity linked to ideas of the absence or brutality of Asian laws. Yet, given the delicate balance between European maritime power and Asian land powers for much of the period until the late eighteenth century, given the need for alliances with Asian rulers to curb the influence of European rivals, given the desire (as Philip Stern has argued) to attract Asians to settle in European enclaves, or given later attempts to co-opt pre-existing

[12] For the concept of 'implicit ethnographies', see Stuart Schwartz (ed.), *Implicit understandings: observing, reporting and reflecting on the encounters between Europeans and other peoples in the early modern era* (Cambridge, 1994), pp. 2–3.

[13] For the pervasiveness of the 'topoi of Oriental despotism', see Subrahmanyam, 'Frank submissions', 77.

[14] See James D. Tracy, 'Asian despotism? Mughal government as seen from the Dutch East India Company factory at Surat', *Journal of Early Modern History*, 3 (1999), 256–80.

principles of social order into emerging colonial states, practices of legal 'tolerance' or 'accommodation' were themselves vital tools of commercial and political expansion.

Thus, while civilisational, religious, and even racial hierarchies were invoked on many sides in the conflict-ridden contact zones of early modern Eurasia, they were deeply unsettled and uneven in their application, and they were not yet fixed into the stronger binaries of modernity and tradition, civilisation and barbarism, the west and the rest that emerged in the nineteenth century. In the realm of law, for example, the sharp distinctions between modern and traditional legal systems, or between modern 'western' notions of 'freedom of contract' and non-western, un-modern principles of 'status', or the tendency to regard 'international law' or the 'law of nations' as a 'regional (purely European) system', bounded by Christendom, were later developments of the colonial world order of the nineteenth century.[15]

Such distinctions were very far from the world-views of educated Britons of the late eighteenth century, such as Warren Hastings (governor-general of British India from 1774 to 1785) or Edmund Burke, castigator of imperial corruption, as they surveyed the newly expanded field of British knowledge about South Asian politics and laws. Hastings, defending the self-sufficiency of indigenous laws (and by implication the continued autonomy of the East India Company) from parliamentary and statutory intervention, wrote to the Chief Justice, Lord Mansfield, outlining the vigorous tradition of 'Hindu law', based on ancient written treatises and nurtured by *pandits* or 'professors of these laws', and also Muslim law, the 'guide of at least one fourth of the natives', which he thought 'as comprehensive and as well defined, as that of most states in Europe'.[16] Similarly, Hastings's great rival Edmund Burke praised the sophistication and richness of the legal system under the great Islamic empires of the Ottomans and Mughals: 'they have laws from more sources than we have, exactly in the same order, grounded upon the same authority, fundamentally fixed to be administered to people on these principles'.[17] For Burke, the root cause of Asiatic despotism, to

[15] For the law of nations, see C. H. Alexandrovicz, *An introduction to the history of the law of nations in the East Indies* (Oxford, 1967), p. 2. For the application of the dichotomy of 'status' and 'contract' to understand the 'clash of legal cultures' in Asia, see Hooker, *Concise legal history*, and Bernard S. Cohn, *An anthropologist among the historians and other essays* (Oxford, 1990), pp. 463–82.

[16] Hastings to Lord Mansfield, 21 March 1774, in G. R. Gleig (ed.), *Memoirs of Warren Hastings*, 3 vols. (London, 1841), vol. I, p. 404.

[17] 'Speech on the opening of the Hastings impeachment', 16 February 1788, in P. J. Marshall (ed.), *The writings and speeches of Edmund Burke*, vol. VI: *India: the launching of the Hastings impeachment, 1786–88* (Oxford, 1991), p. 364.

the extent that he admitted its existence, was not a deficit of good law, but an occasional surplus of sovereignty.

Once again, these grand statements need to be set beside other British descriptions of Hindu law as a system of 'superstition' or of Muslim criminal punishments as 'barbaric' to obtain a full picture of contemporary opinion.[18] But they are suggestive of the way that Britons could claim a certain kind of equivalence, on the basis of legality, between Asian and European states. And they provide a context for the early colonial practice of 'translating' indigenous law codes for use in British courts, and for the high intellectual prestige accorded to the British investigators of 'Hindu' and 'Muslim' laws, most notably William Jones, British judge, founder of the Royal Asiatic Society, and the most famous 'orientalist' of his day.[19]

The traffic in legal meanings and strategies was not simply restricted to appropriations of indigenous legality by expanding European powers. Asian rulers and subjects could sometimes invoke and co-opt European notions of legality for their own ends. Lauren Benton has argued, for example, that Mughal emperors tried to exploit the pretensions of European companies that they were stewards and therefore effective sovereigns over Indian Ocean sea-lanes. In the 1690s the Mughals punished the British East India Company's factory at Surat, stopping its trade and seizing Company ships, when the Company failed to prevent 'pirates' from attacking the vessels of Indian merchants; in effect, as Benton writes, the Mughals were holding Europeans 'accountable to their jurisdictional claims over Ocean space'.[20] Indian litigants who chose to bring their disputes to the East India Company's mayor's courts in its eighteenth-century port towns tried, as Niels Brimnes has argued, to 'instrumentalise' an English court for their own purposes.[21] In the very different context of British expansion into a major territorial power in eastern India in the late eighteenth century, Brahmin *pandits*, employed by the British as interpreters of 'Hindu' laws, worked to re-establish their cultural authority on a new basis within the emerging colonial court system. Even though, as Michael Dodson has argued, *pandits* were substantially constrained by colonial institutions, they also

[18] For the latter point, see Jorg Fisch, *Cheap lives and dear limbs: the British transformation of the Bengal criminal law 1769–1817* (Wiesbaden, 1983).

[19] Michael J. Franklin, *Sir William Jones* (Cardiff, 1995).

[20] Lauren Benton, 'Legal spaces of empire: piracy and the origins of ocean regionalism', *Comparative Studies in Society and History*, 47 (2005), 714–15.

[21] Niels Brimnes, 'Beyond colonial law: indigenous litigation and the contestation of property in the mayor's court in late eighteenth century Madras', *MAS*, 37 (2003), 533.

worked to subvert the hegemonic aspirations of British rulers, articulating 'distinct cultural projects from within the heart of colonial governance'.[22]

Trade, sovereignty, and the law in British Asia to *c.*1750

An important reason for the persistent barriers between Atlantic and Asian histories of the British empire is the fractured origins of the discipline of imperial history itself. It is perhaps not often emphasised enough that even (or perhaps especially) in the high age of British imperialism in the late nineteenth century, British thinkers conceived of plural and distinct empires under the British flag, as much as they understood the British empire as a global unity. The idea of 'greater Britain', animated by kith and kin, tended to exclude many Asian and African dependencies in favour of the so-called 'white settler colonies'.[23] British India, meanwhile, was itself the powerful 'metropolis' of its own colonial empire, 'the Indian empire'.[24] Thus, when archivists and historians began to systematise the imperial archives, the early records of the East India Company fitted into the history of the Indian empire more naturally than they fitted into a unified story of imperialism. 'British India' was, of course, afforded its place in the old *Cambridge history of the British empire*, but it was powerful enough and distinct enough to be accorded two volumes of its own, 'British India' to 1857 and 'The Indian empire', which also served as volumes of the *Cambridge history of India*.[25]

In keeping with this tradition of Indian separatism, Sir Arthur Berriedale Keith, in his *Constitutional history of India* (1926), fleetingly recognised the connected history of chartered corporations in Atlantic and Asian expansion, but emphasised that the East India Company's original charter of 1600 was distinctive in its sole focus on establishing British trade with Asia rather than planting colonies.[26] Later in

[22] Michael Dodson, *Orientalism, empire and national culture: India, 1770–1880* (Basingstoke and New York, 2007), p. 42.

[23] For an excellent recent treatment, see Duncan Bell, *The idea of Greater Britain: empire and the future of world order, 1860–1900* (Princeton, 2007).

[24] Thomas R. Metcalf, *Imperial connections: India and the Indian Ocean arena, 1860–1920* (Berkeley, 2007).

[25] H. H. Dodwell (ed.), *Cambridge history of the British empire*, vol. IV: *British India, 1498–1857* and *Cambridge history of India*, vol. V (Cambridge, 1929); H. H. Dodwell (ed.), *Cambridge history of the British empire*, vol. V: *The Indian empire 1858–1918* and *Cambridge history of India*, vol. VI (Cambridge, 1932).

[26] A. B. Keith, *Constitutional history of India* (1926; repr. New York, 1969), pp. 2, 8.

his account, however, Keith also noted that over the seventeenth century the East India Company gradually claimed and was granted more expansive chartered powers to strengthen its position in the Indian Ocean trade, including powers to make war and peace, to conduct diplomacy, to administer justice in its overseas 'factories', and to punish such violators of the crown's prerogative as unlicensed 'interlopers' and pirates.[27]

Indeed, however much the Company's early operations were driven by commercial motives, the India trade was from the start an armed trade, and this broad fact of European life in the Indian Ocean profoundly shaped both the commercial and political character of the Company.[28] Moreover, the 'idea of force' exercised an important and growing influence on the imaginary of the East India Company service in the seventeenth century. Linked to stereotypes of 'faithless Moors', and charged up by political turbulence within the Mughal empire in the 1680s, the idea that force and fear were the only sound bases for Asian trade was frequently parroted by Company officials at all levels.[29] This language of force was closely linked to another early established goal of the East India Company in the Indian Ocean, to establish secure and fortified bases for trade, which might also serve as sources of revenue for local military settlements.

In order to establish these bases, the Company relied not only on maritime force, but also on diplomatic relations with powerful Asian territorial states. Limited by Dutch competition in its dealings with South-East Asia, the English Company focused its energies on establishing powerful and wealthy factories in South Asia. This meant entering into diplomatic negotiations with Indian powers, most notably the Mughal empire.

In challenging Portuguese claims to a 'sovereignty of the seas' in the east derived from papal bulls, both the Dutch and the English Companies invoked natural law arguments developed by Hugo Grotius. Grotius insisted on the freedom of the seas (*mare liberum*), and also on the legal right, according to the universal imperatives of the 'law of nations', of European powers to make treaty agreements with sovereign rulers in Asia.[30] European Companies frequently entered into reciprocal diplomatic treaties with the same rulers they sometimes portrayed

[27] Ibid., pp. 9–20.
[28] K. N. Chaudhuri, *Trade and civilisation in the Indian Ocean: an economic history from the rise of Islam to 1750* (Cambridge, 1985), pp. 63–97.
[29] I. B. Watson, 'Fortifications and the "idea of force" in early English relations with India', *Past and Present*, 88 (1980), 70–87.
[30] Alexandrovicz, *Introduction to the law of nations in the East Indies*, pp. 41–59.

as 'Asiatic despots'. These treaties were often subject to considerable confusion, resulting from problems of linguistic or cultural translation, and clashing interests. Emphasising the pervasive violence of language as well as action that accompanied commerce and cultural exchange, Sanjay Subrahmanyam has characterised this period of Indian Ocean history as a period of 'uneasy jousting' between European and Asian power-holders, an 'age of contained conflict' rather than an 'age of partnership'.[31]

Mughal emperors granted a series of *farmans* (imperial orders) allowing the English Company to trade in its ports from the early seventeenth century. The expansive interpretations given by the English Company to its supposed 'rights' in Mughal law became a frequent source of conflict with Mughal provincial governors. Whereas the Company claimed that the Emperor Shah Jahan's *farman* of 1650 exempted their trade from all customs dues, recent historians have suggested that this *farman* was a much more restrictive privilege relating not to ordinary customs dues but to internal transit duties.[32] Yet, as Farhat Hasan has argued, Mughal officials sometimes connived in the Company's exaggerated claims, either because of their personal stake in overseas trade, or to encourage English investment in their region.[33] Similar motives induced Indian rulers to allow the Company to purchase rights to revenue and jurisdiction over small territories around the Company factories. Thus, in the 1690s, the Company acquired the rights as *zamindar* (roughly translated as landholder) to three villages on the River Hughli in Bengal including Calcutta.[34] Similarly the Company purchased lordship rights on the Coromandel Coast around Madras. Though these territories remained formally subject to the overriding sovereignty of Indian rulers, Company officials often acted as though these grants had ceded full and independent jurisdiction.[35]

The Company accumulated a complex portfolio of legal claims to powers, territories, and immunities from a range of different sources in

[31] Sanjay Subrahmanyam, *The political economy of commerce: southern India 1500–1650* (Delhi, 2004), p. 254; Sanjay Subrahmanyam, *Mughals and Franks: explorations in connected history* (Delhi, 2005), p. 6.

[32] Sushil Chaudhury, *Trade and commercial organization in the Indian Ocean* (Calcutta, 1975), pp. 28–32.

[33] Farhat Hasan, 'Conflict and cooperation in Anglo-Mughal trade relations during the reign of Aurangzeb', *Journal of the Economic and Social History of the Orient*, 34 (1991), 351–60.

[34] Farhat Hasan, 'Indigenous cooperation and the birth of a colonial city: Calcutta, 1698–1750', *MAS*, 26 (1992), 65–82.

[35] C. A. Bayly, 'The British military-fiscal state and indigenous resistance: 1750–1820', in C. A. Bayly (ed.), *Origins of nationality in South Asia: patriotism and ethical government in the making of modern India* (New Delhi, 1998), pp. 244–6.

India and England. When it suited them, Company officials played on their role as chartered delegates of the English crown, drawing on their royal sponsorship to claim a broad authority over the English nation in Asia. They also sought aid from the crown in strengthening the legal enforcement of the Company's monopoly trade. After the Company complained of a rash of piracies and interlopers, the crown issued a new charter (1683) establishing 'admiralty' courts, sitting in Madras and Bombay. Yet the Company welcomed this kind of royal interference only on its own terms, and its local governing councils soon asserted their own controls over the administration of the courts, after disputes with independent civil lawyers sent from England.[36]

The relationship between the Company as polity and the overriding sovereignty of the crown and Parliament was often fraught and contested. As Elizabeth Mancke has suggested, chartered companies were sometimes more easily 'domesticated' than other forms of colonising institution, such as proprietary colonies, because their central agencies (such as the Court of Proprietors and Directors) were fixed in London.[37] Exploiting mercantile resistance to the Company monopoly, the English, then British, state held out its powers of reviewing and reissuing charters as tools to extract fiscal concessions and valuable loans. Yet, as in other parts of the early modern empire, the lines of control between the domestic state and its colonial agencies were fragile and constantly being negotiated. The crown had established a national trade in Asia by delegating a large measure of sovereign perquisites to the Company. The decision to hand over the island of Bombay to the Company in 1668, after fitful and unsuccessful attempts to establish royal government in the island acquired by Charles II's marriage to a Portuguese princess, suggested the functional independence that the Company enjoyed in the distant lands of the Indian Ocean.[38] Despite the intrusion of greater parliamentary inspection of the 'national trade' after the Glorious Revolution in 1688, the East India Company weathered a period of competition between 'old' and 'new' companies, and re-emerged in the new form of a 'united Company' after 1709.

As in the Atlantic empire, devolution and decentralisation in part reflected the limited fiscal incentives of establishing more direct royal control in the seventeenth century. As the Asian trade grew dramatically after 1700, boosted by expanding sales of Indian textiles and

[36] Jain, *Indian legal history*, pp. 22–4, 37–8.
[37] Elizabeth Mancke, 'Empire and state', in David Armitage and Michael Braddick (eds.), *The British Atlantic world* (London, 2002), pp. 191–2.
[38] R. Kemal, 'Evolution of British sovereignty in India', *Indian Yearbook of International Affairs*, 6 (1957), 148.

later China tea, the incentives for state intervention would grow. The Company's wealth, prestige, and military prowess steadily expanded, and it began to exploit fractures within Indian politics during the age of Mughal decline. The small trading posts of the seventeenth century, Bombay, Madras, and Calcutta, soon grew into expansive emporia, styled as 'presidency towns', with imposing forts, governors, councils, and their own corporate identities. Mayor's courts were established in each city administering law (supposedly the 'English law', with due allowance for local circumstances). These coexisted with other forms of tribunals administering varied forms of law to Indians.[39]

A detailed recent study of the operation of the mayor's court in Madras, founded by Company charter in 1687, and then re-founded by a royal charter of justice in 1726, has emphasised how the court 'added a new dimension to an existing multi-layered landscape of dispute management' in the region. It coexisted, for example, with caste tribunals of the local 'right' and 'left' hand caste groups, which the Company authorities consciously tried to incorporate into its municipal governance. Indians actively sought legal redress in the mayor's court, even when the formal constitution of the court appeared to exclude them; at the same time, the 'court often referred cases between Indians to the arbitration of indigenous authorities' and there were 'no strict boundaries between indigenous practice and colonial law'.[40] The mayor's courts offered flexible venues of dispute resolution, for securing contracts and for administering estates in rapidly expanding commercial communities.

They were also a venue for producing and consolidating hierarchy. Initially, the mayor, aldermen, and burgesses of Madras incorporated diverse community leaders, Indian as well as British. But by 1726, the charter of justice specified that seven of the nine aldermen of the court should be 'natural-born subjects' of the crown. By creating an avenue of appeal to the English privy council, the charter met the desire of British communities in Asia to strengthen their local tribunals in the eyes of British domestic courts, where cases concerning returned 'East Indians' or their wills might be carried on.[41] Tensions occasionally arose between the British judges of the mayor's courts and the sensibilities of Indian inhabitants, for example over attempts by the Madras court to enforce elaborate and unwelcome oathing ceremonies on Hindus. Meanwhile, the Company authorities worked hard to maintain their controlling authority over the occasionally restive corporations. Company servants

[39] Jain, *Indian legal history*, pp. 51–80. [40] Brimnes, 'Beyond colonial law', 522, 525.
[41] Jain, *Indian legal history*, pp. 40, 54.

dominated the mayor's courts, and the Company secured a revised charter of justice in 1753 which strengthened its powers to appoint and dismiss aldermen.[42] Company governors and their councils acted as justices of the peace, administering criminal justice through quarter sessions. As the Company tried to limit the expansion of British 'private trade' after the 1750s, traders frequently complained of the 'despotic' authority exercised by the Company in its settlements, and demanded domestic interventions to remedy the defects of local laws.[43]

The Company's presidency towns, attracting ever-expanding populations, aggressively claiming their immunity from the jurisdiction of other Indian rulers, and generating increasingly conspicuous wealth for Britons and their Indian associates, would become the engines of empire in the eighteenth century. As Michael Fisher has argued, the Company's 'extra-territorial' jurisdictional claims, not just over British subjects but also over Indian clients, took on an increasingly imperialistic dynamic in the volatile context of Anglo-French warfare and the break-up of the Mughal empire. For example, when the Company authorities in Calcutta gave shelter and immunity to a leading revenue official from the court of the Bengal provincial governor (*nawab*), this helped to provoke all-out military conflict in the region.[44] Similarly, the unwillingness of Company traders to submit to the legal authority of the *nawab*'s government worked to undermine a potential settlement of the conflict, and to propel the Company into its portentous conquests.[45] British subjects, like the ships they sailed in, had become what Lauren Benton has called 'vectors of law', pressing into the territories as well as the sea-lanes of Asia.[46]

Conquest, sovereignty, and the origins of British India: Bengal 1757–93

Company servants often framed their growing power in Bengal as a necessary corrective to the broken-down system of Mughal sovereignty,

[42] Ibid., pp. 53, 59–69.
[43] See, for example, William Bolts, *Considerations on Indian affairs* (London, 1772).
[44] Michael H. Fisher, 'Extraterritoriality: the concept and its application in princely India', *Indo-British Review*, 15 (1988), 112.
[45] Robert Travers, 'Ideology and British expansion in Bengal, 1757–1772', *JICH*, 33 (2005), 13. For a longer view of these conflicts, see Sudipta Sen, *Empire of free trade: the East India Company and the making of the colonial marketplace* (Philadelphia, 1998).
[46] Benton, 'Legal spaces of empire', 706. I am grateful to Elizabeth Mancke for sharing her unpublished essay, 'Sites of sovereignty: the body of the subject and the creation of Britain's overseas empire', which explores the wider significance of legal meanings attached to the bodies of 'natural-born subjects'.

disciplining rapacious tyrants in the provinces. From this point of view, the impoverished Mughal emperor's repeated efforts to invade Bengal from 1759 to 1764 created political opportunities for the Company. The emperor, Shah Alam II, did not represent a substantial military threat, but he offered a potential source of legitimacy to the upstart British traders. Captured after the battle of Buxar in 1764, the emperor's grant of the *diwani* in 1765 continued the Company's long practice of using Mughal titles to establish its claims in relation not only to competitors for power in India but also to the British state. The relatively large annual tribute offered by the Company to the emperor, nearly a quarter of a million pounds, may have reflected as much the need to represent the grant as a legitimate transaction in Britain, as the pragmatic value of the alliance with the weakened emperor. As it turned out, the Company rapidly fell into arrears in its payments, and the emperor soon tired of waiting for substantive military assistance and returned to Delhi.[47] In Bengal, however, the Company tried to establish a system of indirect rule, maintaining pliant *nawabs* in power, and appointing Indian 'prime ministers' to direct the day-to-day administration.

While the rhetoric of Company officials often bemoaned the chaos resulting from the proliferation of little unregulated sovereignties in late Mughal India, the Company was itself highly vulnerable in Britain to the charge of being an illegitimate form of sovereignty, not properly subordinate to its sponsoring agency, the king-in-Parliament. Even in the early stages of the conquest, Robert Clive had wondered aloud in correspondence to Pitt the Elder whether 'so large a sovereignty may possibly be an object too extensive for a mercantile Company'.[48] Intense legal and political disputes soon followed concerning the respective rights of Company or crown to the substantial prize of the Bengal tax revenues. A legal opinion of the solicitor- and attorney-generals of 1757 (the Pratt–Yorke opinion) suggested that territories received by grant or cession from local rulers would be the property of the Company (subject to royal sovereignty over British subjects and their settlements), while conquered lands would revert to the crown.[49] Prime Minister William Pitt engineered a parliamentary inquiry into Company affairs in 1766–7, hoping to establish that Bengal was in fact conquered territory and therefore belonged properly to the state. Partly because of

[47] A. M. Khan, *The transition in Bengal: a study of Sayyid Muhammad Reza Khan* (Cambridge, 1969), p. 101.
[48] Cited in H. V. Bowen, *Revenue and reform: the Indian problem in British politics* (Cambridge, 1991), pp. 51–2.
[49] Ibid., p. 54.

uncertainties about which legal authority had powers to decide over the question of sovereignty, the government and the Company came to a compromise. The question of sovereignty over Bengal was left unresolved, while the Company agreed to pay an annual tribute of £400,000 to the treasury.[50]

Thus, Company rule in Bengal appeared to occupy a hazy middle ground between Mughal and British sovereignty.[51] It existed as a kind of masked sovereignty, or, to push the metaphor, an iron fist of the sepoy army in the velvet glove of *nawabi* administrative routines. Yet this was an inherently unstable predicament, not least because of the expansionary dynamics of the Company's militarisation, breeding new conflicts and costs, spawning new ambitions, and driving the Company further into north Indian politics. Within a few years a former Company official, William Bolts, portrayed the supposed sovereignty of the Mughals in Bengal as an elaborate scam, achieved by manipulating 'nominal nabobs'. The Company's acquisitions were 'not legally valid, according to the Constitution of the Mogul Empire, but possessions acquired and held either by violence or usurpation'; indeed, from this point of view, 'no such laws or empire exist'.[52] At the same time, Company officials in Bengal tried to tighten their grip over the Indian administration and squeeze more revenues out of the system. After orders from home to 'stand forth', Governor Warren Hastings seized power from the Indian deputy governors and declared that Calcutta would henceforth be the capital of Bengal.[53]

The Company's odd form of masked or composite sovereignty was also rendered unstable by the renewed imperial aspirations of the British state in this period.[54] After massive expenditure on colonies, including in India, during the Seven Years War, Britons began not only conceiving of empire as a unified global network of territories under central command, but also demanding more colonial bang for the metropolitan tax-payer's buck. Thus, the 1766–7 parliamentary inquiry was followed by a new set of parliamentary committees in 1772–3, leading to Lord North's act 'for the better regulation' of the Company's Indian

[50] H. V. Bowen, 'A question of sovereignty? The Bengal land revenue issue, 1765–67', *JICH*, 16 (1998), 155–76.

[51] For the continuing salience of Mughal sovereignty, see Sudipta Sen, *A distant sovereignty: national imperialism and the origins of British India* (London, 2002), pp. xi–xvii.

[52] Bolts, *Considerations on Indian affairs*, p. 49.

[53] Robert Travers, *Ideology and empire in eighteenth century India: the British in Bengal* (Cambridge, 2007), pp. 100–41.

[54] P. J. Marshall, 'Empire and authority in the late eighteenth century', *JICH*, 15 (1987), 105–17.

territories. Whatever the constitutional and legal uncertainties, North stated his opinion that the Company should be considered as 'farmers to the publick' for the Indian territories, and his statute was an unprecedented parliamentary intervention in Indian affairs.[55] Yet the varied measures of the Regulating Act, including appointing a new supreme council for Bengal, and a new, royally chartered court of judicature for Calcutta, stopped short of the desire of some more radical voices for extending direct crown rule over 'His Majesty's subjects' in Asia.

The Regulating Act did not, for example, create a new constitution for Bengal or extend English law to the newly conquered territories. Rather it maintained the distinction between 'British subjects' in the Company's settlements like Calcutta, who were subject to English law, and 'native inhabitants' who remained in theory governed by their own indigenous legal traditions.[56] The view that the internal government of the *diwani* territories should be regulated by some form of 'ancient constitution' recovered from the remnants of the Mughal empire was widely shared by both Company officials and advocates of state intervention. Thomas Pownall, for example, the former governor of Massachusetts, conceived of the Company as a 'statholder to a province, of which the government is left in its old form and state'.[57] British interpretations of the Roman law of conquest also implied preserving indigenous law. A British judge serving in Calcutta noted in 1777 that:

> According to the known law of England, with respect to conquered or ceded countries, if they have already Laws and Courts of their own, the King may indeed alter and change their Institutions, or give them, absolutely or in Part, the Law of England, but till he does actually change them, the ancient Laws, including Courts and the Practice of those Courts, remain, unless contrary to the Laws of God.[58]

As Peter Marshall has shown, the British emphasis on preserving the rights of native inhabitants of Bengal to be governed by their own laws fitted with a broader current of paternalist imperial rhetoric in the 1760s and 1770s, as an expanded empire confronted its responsibilities towards more diverse subject populations including Caribs,

[55] Cited in Bowen, 'A question of sovereignty?', 171.

[56] Travers, *Ideology and empire*, pp. 143–5. For a recent study of British notions of subject-hood in Bengal and the wider empire, see Hannah Weiss Muller, 'An empire of subjects: unities and disunities in the British empire, 1760–1790', unpublished Ph.D. thesis, Princeton University (2010).

[57] Thomas Pownall, *The right, interest, and duty of government as concerned in the affairs of the East Indies* (1st edn, 1773; rev. edn, London, 1783), pp. 30–4.

[58] Justice Robert Chambers's decision in the case of Kamal-ul-din, Hilary Term, BL, Add. MSS 38400, fo. 71.

Native Americans, and French-speaking Catholics.[59] Indian territories also raised a particular set of issues, not just about the ongoing rights of indigenous sovereign states, but also about whether or not Asian governments, often portrayed as quintessentially despotic by European observers, possessed viable legal systems that were not 'contrary to the Laws of God'. Indeed, the politics of British Bengal in the 1770s revolved around competing versions of what the 'ancient constitution' of the province consisted of and how best it could be restored or preserved under British rule.[60]

The business of discovering and defining the ancient constitution went on largely among the Company service in Bengal. After briefly extending their interest to India in 1772–3, ministers and Parliament became absorbed in the troubled affairs of the Atlantic empire. The Regulating Act, which was intended to help reform and restabilise the Company's affairs, tended in practice to export domestic struggles between state and Company overseas. The factions on the supreme council rallied around distinct versions of the ancient constitution of Bengal, drawing on different accounts of the history of the Mughal empire. Warren Hastings claimed that his judicial reforms of 1772, creating a network of civil and criminal courts under the Company's authority, represented a reversion to 'the ancient constitution of the province'.[61] These courts would administer Muslim and Hindu law in a reserved category of cases, though the British were still not clear what either body of law consisted of, or of the boundaries between 'religious' law and other forms of customary or administrative law. Hastings viewed his new courts as a reversion to an earlier period of centralised Mughal government, before the depredations of local 'usurpers' like *nawabs* and *zamindars* (landholders). He also insisted on interposing his personal authority to reform aspects of the Muslim criminal law which he regarded as barbaric, such as the power of families of murder victims to pardon murderers. He frequently wished to impose more severe legal penalties on criminals than the Muslim law officers (*qazis* and *muftis*) recommended. He tended to justify such revisions of the old constitution by reference to the extra-legal powers supposedly inherent in the absolutist forms of Asiatic monarchy.[62]

[59] P. J. Marshall, *The making and unmaking of empires: Britain, India and America c.1750–1783* (Oxford, 2005), pp. 182–96.

[60] The following paragraphs adhere closely to my account of Bengal politics in *Ideology and empire*, chs. 3–5.

[61] Ibid., pp. 116–17, 123–4.

[62] Ibid., pp. 135–6; see also Fisch, *Cheap lives and dear limbs*, pp. 32–7.

If Hastings saw the Mughal constitution as a weapon of centralisation and absolutist sovereignty, his opponents on the supreme council, notably Philip Francis, painted Company rule as a new kind of tyranny, a rule of monopolists, which threatened longstanding rights of subjects inherent in the ancient Mughal constitution. By this reading, Mughal conquerors (by analogy with the Normans in many Whig versions of English constitutional history) grafted their power on to a more ancient form of law and property in Hindu society. Thus India possessed an unbroken constitutional tradition, and a long history of rights to property, that was only threatened by the rapacious mercantile sovereignty of the Company. Philip Francis concentrated specifically on Company schemes to increase the land tax. Drawing on Mughal administrative records, and making allies with elements from the old *nawabi* administration, Francis advocated a return to the 'policy and justice of the Mogul government', fixing the land tax and protecting the property of the landholders.[63]

Debates about the ancient constitution in Bengal were informed and shaped by many different sources. British encounters with entrenched indigenous claims to different kinds of rights in the agrarian surplus were filtered through their own conceptions of law, property, and sovereignty. Hastings's and Francis's contrasting versions of the ancient Mughal constitution also echoed older debates about the ancient English constitution, dating back to the seventeenth century, about the royal prerogative and its limits.[64] Yet, while the contending parties differed in their views of the indigenous constitution, both began to advocate with potential allies in London for a clarification of the issue of imperial sovereignty. Expansive visions of political renewal tended to assume a clarified British sovereignty as an agency of reform. At the same time, the vulnerable and faction-ridden colonial executive regarded the continuing uncertainty over the source and location of sovereignty as a barrier to the effective consolidation of power.[65]

One reason why the issue of sovereignty appeared so urgent in Bengal was the destabilising impact of the new Calcutta supreme court, the first fully royal court in Bengal, manned not by Company servants and

[63] Philip Francis, *Original minutes of the Governor-General and Council of Fort William on the settlement and collection of the revenues of Bengal, with a plan of settlement, recommended to the Ct of Directors in Jan., 1776* (London, 1782), p. 6.

[64] The classic account remains J. G. A. Pocock, *The ancient constitution and the feudal law: a study of English historical thought in the seventeenth century* (Cambridge, 1957).

[65] Neil Sen, 'Warren Hastings and British sovereign authority in Bengal', *JICH*, 25 (1997), 59–81; Ranajit Guha, *A rule of property for Bengal: an essay on the idea of the Permanent Settlement* (Paris, 1963), p. 145.

traders but by royally appointed British judges. The court straddled an uncomfortable line between the mission of subjecting distant colonial executives to proper legal scrutiny (a mission explicitly championed by Chief Justice Mansfield in several landmark decisions from this period),[66] and also maintaining the supposed rights of indigenous inhabitants to be governed by their own law. Chief Justice Impey and his fellow judges entertained suits against the Company and Company servants from a variety of discontented subjects; they were also empowered by their charter to hear suits against Indians in the service of the Company, and to issue writs including habeas corpus. This led to embarrassing scrutiny of some of the ad hoc methods of the Company government, the arrest and trial of some prominent Indian allies of the Company, and much discontent among a community of British sojourners unaccustomed to being sued by their supposed Indian subordinates.[67] The judges were increasingly vilified not just by the Company government, but also by British inhabitants of Calcutta worried about the levelling effects of the court – for example, its attempt to limit physical coercion inflicted on Indian labourers.[68]

The 1780s were a decisive decade for imperial state-formation in British Asia. As competing factions from Bengal sought reinforcement or vindication from the imperial Parliament, old arguments about the chartered independence of the Company and the relative autonomy of its Indian government tended to lose their salience. At the same time, converging developments in the rapidly globalising sphere of British imperial interests encouraged British ministers to take a more activist approach to Indian affairs. Rebellion and revolution in the Atlantic empire pushed India up the scale of imperial priorities. Lord North's political secretary, John Robinson, signalled this in 1781, looking to India as 'the salvation, as the wealth, the grandeur, the glory of this country'.[69] As before, however, it was as much the seeming fragility of the British position in India as its apparent promise that demanded ministerial attention. Between 1778 and 1782, a series of major wars between the Company and a group of Indian powers highlighted the growing interdependence of the different 'presidency towns' of Calcutta, Madras, and Bombay, and the need for new institutional means for coordinating the Company's affairs on an all-India scale. Meanwhile,

[66] D. K. Fieldhouse and F. Madden (eds.), *The classical period of the first British empire, 1689–1783: select documents on the constitutional history of the British empire and commonwealth*, vol. II (London, 1985), pp. 320–3.
[67] Travers, *Ideology and empire*, pp. 181–206.
[68] B. N. Pandey, *The introduction of English law into India* (Bombay, 1967), pp. 165–9.
[69] Cited in Marshall, *Making and unmaking of empires*, p. 368.

wars precipitated a new crisis in Company finances. As so often in the early history of British India, imperial regulation was closely related to protecting the material interests of 'gentlemanly capitalists' in the metropole.[70]

A series of new statutes gradually asserted a more durable structure of imperial sovereignty for British India. In 1780, Parliament began to consider urgent appeals against the jurisdiction of the supreme court in Bengal from both the Company and British inhabitants of Calcutta. The Company painted the extension of English law to the *diwani* territories as an unwarranted violation of the 'ancient constitution', while the British inhabitants appealed to the liberties of free-born Englishmen in their demand for trial by jury in civil cases. Elijah Impey, the supreme court justice, detected the contagion of 'patriotism' in the demands of British inhabitants, 'like your Bill of Rights men in England', observing that 'they talk of their rights being indefeasible like Americans & in case of want of success to follow their example'.[71] In fact, the Bengal Judicature Act of 1781 largely satisfied the Company's wish to curtail the jurisdiction of the royal court, and limited the court's ability to interfere in the Company's territorial government. On the other hand, Parliament was less responsive to the patriotic sentiments of British settlers in India, refusing to institute trial by jury in civil cases – which was regarded as impracticable given the small number of British inhabitants.[72]

Indeed, the gradual construction of a new imperial constitution in Asia over the coming years involved a delicate balance of interests, between ministers, Parliament, the Company's various home and Indian authorities, and the rights of British inhabitants in India. The rhetoric around the passing of the Judicature Act suggested that British rule would continue to be built on Indian laws, on the supposed model of the Roman republican empire. At the same time, the justification for curtailing the role of an independent royal judiciary was also informed by the supposedly ineluctable logic of Asiatic despotism, and the need to prevent activist judges from disturbing the emerging racial hierarchies of colonial towns.[73]

The Judicature Act of 1781 anticipated the future trajectory of imperial state-formation, combining a further assertion of parliamentary sovereignty with simultaneously enabling the strengthening of local

[70] For the relationship between conquests in India and British 'gentlemanly capitalism', see P. J. Cain and A. G. Hopkins, *British imperialism, 1688–2000*, 2nd edn (London, 2002), pp. 278–84.
[71] Impey to Kerby, 26 March 1779, BL, Add. MSS 16,259, fos. 181–2.
[72] 21 Geo. III, c. 70; Jain, *Indian legal system*, pp. 144–53.
[73] Travers, *Ideology and empire*, p. 203.

executive authorities. As the Company's settlements were more fully absorbed into a wider imperial sovereignty, Parliament proved willing to rearm the Company's executives in India, strengthening the authority of governors vis-à-vis their governing councils, and devolving substantial regulatory powers to local authorities. India was thus in the vanguard of what C. A. Bayly argues was a wider reshaping of imperial governance in the 'new imperial age' after 1783, in which powerful proconsular despotisms tended to replace more conciliar or representative styles of colonial rule.[74] At the same time, newly powerful local executives tended to dispense with aspects of the old rhetoric of ancient constitutions, forging a new style of 'regulation raj', retaining some aspects of indigenous laws within a remade colonial administrative structure.

William Pitt the Younger's India Act of 1784, worked out in tense negotiations with the Company, preserved the patronage powers of Company directors, but made them subject in territorial administration to a ministerial board of control for India. It did not finally settle the issue of formal legal sovereignty over the Company's territories but it did establish a durable framework for imperial governance and for relations between state and Company.[75] Further clarifications of the new imperial constitution soon followed, which tended to reinforce the powers of local executive governors. In 1786, for example, the new governor-general Lord Cornwallis was granted unprecedented powers to overrule his own governing council in extraordinary situations.[76] Cornwallis was also charged by the Company with making substantial reforms of the taxation and legal systems in Bengal. His reforms finally did away with the residual powers of the Bengal *nawabs*, taking over direct control of the administration of criminal justice from Indian magistrates. Cornwallis's remodelling of the judicial system in Bengal was premised on the notion that while Indians possessed viable substantive laws, framed as 'Hindu' and 'Muslim', indigenous political systems did not enjoy adequate institutions and procedures for administering law. These would be provided by the extensive regulations of the Bengal code, which also made a formal separation between the 'judicial branch' and the 'revenue branch' of the Company's administration.[77] The Cornwallis code, declaring a new form of landlord property to be

[74] C. A. Bayly, *Imperial meridian: the British empire and the world, 1780–1830* (London, 1989).
[75] H. V. Bowen, 'British India, 1765–1813: the metropolitan context', in *OHBE*, vol. II: P. J. Marshall (ed.), *The eighteenth century* (Oxford, 1998), p. 545.
[76] B. B. Misra, *Central administration of the East India Company* (Manchester, 1959), pp. 33–4.
[77] Arthur Aspinall, *Cornwallis in Bengal* (1st edn, 1937; repr. Delhi, 1987), pp. 63–99.

a gift of colonial benevolence, was thus framed as a decisive break with both the earlier period of confused Company government and a longer history of arbitrary Asiatic despotism.[78]

As many Britons frankly admitted, British India was still a despotic form of rule, in the sense of being a rule of force by a conquest regime, in which Indians were rigorously excluded from the deliberative heights of state power by virtue of their alleged 'depravity'. It was supposed, however, to represent a new form of despotism, a 'despotism of law', in which strong executive authority was limited by its adherence to elaborate codes of administrative law.[79] In this sense, the political theory of British India after the Cornwallis codes contained strong echoes of European thinking about absolutism, as a form of absolute but legal sovereignty. The authoritarian premises of colonial rule encouraged frequent resort to a 'jurisprudence of emergency', in which regulations could be suspended or martial law instituted, or in which whole classes of people (criminal tribes or castes) could be subjected to special legal provision.[80]

The view of a triumphant yet redemptive, authoritarian yet tolerant imperial sovereignty gradually effaced the earlier project of building on a putative 'ancient constitution' in Bengal. It also underestimated the unevenness of metropolitan interest in distant colonial possessions, and the way that this interest was tied to the domestic financial imperatives. Arguably, at least, the hesitant, ambivalent assertion of parliamentary sovereignty in India was designed as much to insulate the domestic state and constitution from the polluting effects of colonial despotism, as to extend 'rights' to Indian subjects. The legislative power granted to local executives in India protected imperial legislators from the burdens of colonial governance, just as it created and sustained sharp distinctions between the legal rights of 'British subjects' and the legal rights of Indians, and between a rule of liberty and property at 'home', and the rule of despotism and property in the empire.

In fact, formal British sovereignty over the Company's expanding Indian territories, now stretching up the Ganges Valley into the heartlands of Hindustan, was only declared, as an apparent statement of the obvious, in the reissue of the Company's charter of 1813.[81] Even

[78] James Edward Colebrooke, *A digest of the regulations and law, enacted by the Governor General and Council for the civil government of the territories under the Presidency of Bengal*, 3 vols. (Calcutta, 1807).

[79] Radhika Singha, *Despotism of law: crime and justice in early colonial India* (Delhi, 1998).

[80] Nasser Hussain, *A jurisprudence of emergency: colonialism and the rule of law* (Ann Arbor, MI, 2003).

[81] Bowen, 'British India', p. 547.

after this, however, sovereignty in British India remained complex and multiple rather than straightforward and singular. Preferring to leave some Indian rulers in place, dominating territories through a system of 'indirect rule', sovereignty in nineteenth-century India remained divided and uneven, just like the constitutional rights of British and Indian subjects.[82] Public administrative law also varied between the different 'presidencies' under direct Company rule.

Meanwhile, in the Company's expanding territories in South-East Asia, for example in the Penang (1786), and the Straits Settlement (incorporating Penang, Singapore, and Malacca, 1824), sovereignty was accumulated from diverse sources, and remained for some time uncertainly distributed between the Company and the British government.[83] While the 'law of England' was assumed to be generally applicable by the local courts, this did not preclude absorbing different forms of indigenous law into the 'common law of the colony', and the later development of a series of personal laws for Malays, Chinese, Hindus, and Muslims. Again, while this pluralism can be read as a mark of toleration and accommodation, it was also well calculated to give large discretionary powers to local judges as they picked between multiple sources of law, establishing new precedents and new forms of colonial authority.[84]

Sovereignty and law in action

So far this chapter has tended to take a top-down view on sovereignty and the law in British Asia, but some of the most innovative recent scholarship has begun to show how imperial sovereignty was constituted by everyday practices of legal administration. Questions of sovereignty and subject-hood were often less the domain of parliaments or governors-general than they were of crown or Company courts going about the daily grind of judicial practice. Similarly, some of the most important issues facing historians of South Asia revolve less around the making of a new British imperial constitution, than they do around the impact of British imperial rule on indigenous systems of law.

[82] Michael H. Fisher, *Indirect rule in India: residents and the residency system* (Oxford, 1991), pp. 441–54. For a recent study of the way legal reforms in nineteenth-century India tended to reinforce racial hierarchies within a 'rule of colonial difference', see Elisabeth Kolsky, *Colonial justice in British India* (Cambridge, 2010).

[83] H. B. Hooker, 'The East India Company and the crown, 1773–1858', *Malaya Law Review*, 11 (1969), 1–37.

[84] Hooker, *Concise legal history*, pp. 124–37.

Studies of the colonial transformation of Indian law have often posed a stark clash of legal cultures between pre-colonial India and British state-builders. Even though contemporary Britons extolled their apparent benevolence in preserving 'ancient' codes of Hindu and Muslim law, modern historians have argued that British magistrates, law courts, and judicial procedures rapidly undermined and transformed indigenous legal culture. Two related lines of investigation were especially prominent within this broad argument. First, colonial rulers prioritised classical or scriptural versions of Islamic or Hindu law, privileging a highly textual and elitist conception of law over a more fluid pre-colonial culture in which classical legal texts were subject to a greater variety of interpretation and coexisted with diverse forms of state or customary law. This classicisation, textualisation, and rigidification of Indian law was variously related to British associations between authenticity and ancient provenance, a colonial search for certainty in legal decision-making, a 'theocratic' view of Indian society that was supposedly enthralled by 'priestcraft', imported notions of precedent which tended to limit the scope of judicial interpretation, or the collaborative nexus between the colonial state and elite scribal groups like Muslim gentry or Brahmins.[85]

The argument for classicisation has intersected with a second strand of thinking about the colonial impact on legal cultures, which has emphasised the novel claims of the colonial state to a monopoly of violence and judicial authority. In this view, British judicial regulations, starting with Warren Hastings's famous judicial plan of 1772, enunciated a state-centric view of legal authority, tending to delegitimise alternative sources of dispute resolution which existed in a more plural, layered system of pre-colonial sovereignty.[86] State-centric judicial attitudes had an intrinsic centralising dynamic, replacing varied legal regimes operating in different locales and at different levels of power, with novel constructions of relatively monolithic 'Muslim' and 'Hindu' law. For example, the British adopted the Muslim law as the standard for criminal law, in apparent obedience to Mughal precedent. But Radhika Singha has suggested that colonial rule inaugurated a more bureaucratised, centralised court system that 'systematised the

[85] See, for examples, J. D. M. Derrett, *Religion, law and the state in India* (London, 1968); Bernard S. Cohn, 'Law and the colonial state in India', in *Colonialism and its forms of knowledge: the British in India* (Princeton, 1996), pp. 57–75; Michael R. Anderson, 'Islamic law and the colonial encounter in British India', in David Arnold and Peter Robb (eds.), *Institutions and ideologies: a SOAS South Asia reader* (London, 1993), pp. 165–85.

[86] Travers, *Ideology and empire*, pp. 22–3, 118.

reference to Islamic law in a way unknown under the Mughal regime or the successor states'.[87]

While these arguments for the broad impact of colonial rule on indigenous legal regimes still have considerable force, recent scholarship has also tended to complicate our understanding of legal change in early colonial India. Positing broad typological distinctions between the 'colonial' and the 'pre-colonial' may have exaggerated the coherence and consistency of both categories, while overly schematic conceptions of clashing jurisprudential cultures prevent more complex analyses of the dynamics of change. Looking more at the actual practice of the courts, scholars have seen the unevenness and contradictions within colonial administration, and have tracked the instability of colonial conceptions of law as they changed through time.[88]

The British administration of law in India evolved in response to particular and often unforeseen institutional snags and tensions, rather than simply reflecting a colonial will to power or a distinctively 'British' conception of law. Lauren Benton has suggested how the evolution of British legal practice in India can be viewed in the context of a broad set of interlinked transitions from early modern forms of legal pluralism to a more centralised view of law. Yet Benton argues that 'state-centered legal pluralism' often had its roots in a series of institutional fixes to pervasive 'legal jockeying' by colonial subjects. In Bengal, for example, the determined way in which the East India Company's Indian subjects made use of the Calcutta supreme court in the 1770s, appealing to the royal judges to limit the power of the Company, spurred imperial authorities to create a stronger firewall around the 'English court', redefining and limiting the jurisdictional options of indigenous subjects.[89]

If ethnic, racial, or religious distinctions frequently animated jurisdictional politics in British India, gender was also a crucial axis of legal subject-hood. The politics of gender played a prominent role in late eighteenth-century debates about the proper role and limits of English law in the colonial context. Judges of the Calcutta supreme court evoked stereotypes of helpless native women to justify intervening in the allegedly 'corrupt' practices of Muslim courts; at the same time,

[87] Radhika Singha, 'Civil authority and due process: colonial criminal justice in the Banaras Zamindari, 1771–95', in Michael R. Anderson and Sumit Guha (eds.), *Changing conceptions of rights and justice in South Asia* (Oxford, 2000), p. 40.

[88] For a useful survey of literature, making similar observations, see Brimnes, 'Beyond colonial law', 513–18.

[89] Lauren Benton, *Law and colonial cultures: legal regimes in world history, 1400–1900* (Cambridge, 2002), pp. 6–10, 127–52.

the East India Company defended its patronage of Indian laws as a way of protecting the 'sacred' spaces of the indigenous family.[90] Meanwhile, the widespread practice of interracial cohabitation or marriage complicated the neat jurisdictional distinctions between European, Hindu, and Muslim in colonial towns. Durba Ghosh has shown how English judges of the Calcutta supreme court responded to the frequent incidence of interracial households by upholding the patriarchal rights of European men to discipline and punish Indian women and servants within their household within certain limits of 'moderation', and also protecting the rights of inheritance of mixed-race children. At the same time, the rituals of the court became an arena for publicising the putative fairness and benevolence of British rule, and for incorporating a diverse cross-section of native inhabitants within the practices of imperial governance.[91]

Colonial interventions in indigenous law had a series of complex repercussions for practices of gender in Indian society. Family law was one significant arena of contestation and change. Indrani Chatterjee has argued that 'colonial law and education' tended to privilege 'unilliny, patriliny, the sacralised marriage, primogeniture, and ties of blood over relationships established through the bestowal of food, cloth and land'.[92] Colonial family law also tended to reify and marginalise the identity of household slaves, who were considered outside the boundaries of the 'bloodline'.[93] Sometimes such interventions had a narrowly instrumental goal of limiting the liabilities of the state, for example, in distributing pensions to elite households in the old Mughal capitals. Colonial legal practice, and especially the colonial patronage of 'scriptural' versions of Indian law, tended often to reinforce patriarchal norms, and to occlude women's agency, within reinvented traditions of 'Hindu' and 'Muslim' law.[94]

The legal definition of property was from the start a high priority for the 'military-fiscal' state of British India. While colonial officials often emphasised the importance of protecting the property rights of landholders, and creating a vibrant market in land rights, high levels of taxation, combined with the prevalence of various forms of joint

[90] Travers, *Ideology and empire*, pp. 199–200.
[91] Durba Ghosh, *Sex and the family in colonial India: the making of empire* (Cambridge, 2006); Durba Ghosh, 'Household crimes and domestic order: keeping the peace in colonial Calcutta', *MAS*, 38 (2004), 599–624.
[92] Indrani Chatterjee, 'Gossip, taboo and writing family history', in Indrani Chatterjee (ed.), *Unfamiliar relations: family and history in South Asia* (New Brunswick, 2004), pp. 250–1.
[93] Indrani Chatterjee, *Gender, slavery and law in colonial India* (Delhi, 1999).
[94] Lata Mani, *Contentious traditions: the debate on sati in colonial India* (Berkeley, 1998).

property within classicised versions of Hindu and Muslim law, could also restrict the evolution of individual property in land.[95] Jon Wilson's recent study has suggested how British conceptions of Indian property law in the eighteenth and nineteenth centuries were highly unstable, and reflected tense interactions between a fumbling and insecure central state and the expectations and strategies of local elites. Cornwallis's code of regulations was based in part on the notion that the Company state should found its land law on the customary rights to landed property pre-existing within Indian society. Yet the struggle to define what counted as legitimate customary rights in a highly contested sphere of social relations led to repeated uncertainty and frustration within Company courts. In Wilson's analysis, the increasing turn to the codification of Hindu law in the early nineteenth century, and a growing reliance on 'scriptural' law rather than 'customary' usage, resulted less from the introduction of Benthamite notions of positivistic legal reform, than from the need more closely to define and limit rights to land in what the British came to regard as a deeply alien and confusing environment.[96]

Recent revisionist work in the field of early colonial law suggests that this remains a vibrant and open field of inquiry in South Asian history. Exciting new lines of inquiry include the ways in which the legal practices and discourses of British courts reshaped the subjectivities and self-presentation of colonial subjects;[97] the way Indian litigants used courts to challenge or contest the rapacious tax demands of the colonial state;[98] and the links between legal practices and new forms of political identity, including Indian nationalism.[99] New research in legal history should also enable new points of connection between different spheres

[95] D. A. Washbrook, 'Law, state and agrarian society in colonial India', *MAS*, 32 (1998), 913–48. For a more recent study of the way 'colonial legal institutions started to redefine property and personhood by recasting the attachments that family entailed', see Rachel Sturman, 'Property and attachments: defining autonomy and the claims of family in nineteenth-century western India', *Comparative Studies in Society and History*, 47 (2005), 611–37.

[96] Jon E. Wilson, 'Anxieties of distance: codification in early colonial Bengal', *Modern Intellectual History*, 4 (2007), 7–23.

[97] See Mattison Mines, 'Courts of law and styles of self in eighteenth century Madras: from hybrid to colonial self', *MAS*, 35 (2001), 33–74.

[98] See Nicholas B. Dirks, 'From little king to landlord: property, law and the gift under the Madras colonial settlement', *Comparative Studies in Society and History*, 2 (1986), 307–33; David Washbrook, 'Economic depression and the making of "traditional" society in colonial India', *Transactions of the Royal Historical Society*, 6th series, 3 (1993), 237–63.

[99] Pamela Price, *Kingship and political practice in colonial India* (Cambridge, 1996); Mithi Mukherjee, *India in the shadows of empire: a legal and political history, 1774–1950* (Delhi, 2010).

of empire. Durba Ghosh has argued, for example, that legal practices around families and households in British India fit into a continuum of gendered order, maintaining the patriarchal authority of male householders, stretching from the metropolis into colonies in different parts of the world.[100]

Imperial ricochets

The emergence in the nineteenth century of the powerful 'Indian empire' as a distinct form of colonial rule, the site of a neo-Roman civilising mission, by contrast to the Grecian confederacy of the white settler colonies, exercised a powerful impact on the historiography of empire; the Atlantic and the Indian Ocean began to appear as quite different zones of imperialism mapping on to hardening hierarchies of civilisation and race. In the era of the decline of empire and the rise of new nation-states in the twentieth century, national histories and then area studies tended also to separate out old imperial histories into regional packages. Thus, the legal history of British expansion in Asia was studied mostly for its impact on the development of modern law in India or South-East Asia. In our own time, as pressure grows to write 'transnational' histories equal to our notions of 'global' connectivity, and as interest grows in supranational forms of sovereignty and law, the early modern expansion of imperial forms of sovereignty and law has taken on a new salience.

This chapter ends by highlighting certain moments when legal innovations and meanings ricocheted from the British empire in Asia back into the Atlantic.[101] The first case, in which a Hindu merchant sued in the English courts for recovery of a debt contracted by a Company servant in Calcutta, has been extensively analysed by David Lieberman.[102] The English debtor's defence, presented in Chancery court in 1744, arguing before Lord Hardwicke, invoked an impressive number of common law authorities to show that 'an "infidel" could not be a witness in an English court'.[103] In his argument on behalf of the Hindu merchant,

[100] Ghosh, *Sex and the family in colonial India*.

[101] C. A. Bayly uses the notion of ricochet in his account of the interconnected forms of crisis in what he calls the 'age of converging revolutions' in the late eighteenth and early nineteenth century; he describes how the force of events 'ricocheted around the world'. C. A. Bayly, *The birth of the modern world: global connections and comparisons 1780–1914* (Oxford, 2004), p. 86.

[102] David Lieberman, *The province of legislation determined: legal theory in eighteenth century Britain* (Cambridge, 1989), pp. 89–95.

[103] Ibid., p. 89.

Omychund, solicitor-general William Murray, later to become Chief Justice Lord Mansfield, argued instead for the basis of common law in natural law and reason, and for the need to adapt settled law through judicial reasoning on new circumstances. As Edmund Burke later commented, Murray insisted that the English law had to adapt 'to the growth of our commerce and of our empire'.[104] Murray's appeal to 'natural justice and reason' helped to win this case; and it might be said that the domestic courts were now catching up with judicial innovations already well established on the Asian frontiers of the empire.

The second case regarded an attempt by land-speculators in British North America to turn a domestic legal decision regarding India to their own strategic advantage. In the 1770s a group of Quaker merchants from Philadelphia, led by the Wharton brothers, Thomas and Samuel, tried to adapt the legal claims of the British East India Company to full property rights over lands ceded by formal agreements with Indian rulers, to lands which had been 'ceded' or purchased from Native American tribes. Here, East Indian and American Indian histories of dispossession became intertwined in legal discourse, as North American speculators tried to defend the 'right' of Native Americans freely to alienate their own lands.[105]

After several forlorn attempts to gain legal confirmation in London of possession of large tracts of western land, and further opposition from the legislature of Virginia, Samuel Wharton produced a tract vindicating the 'grant' from the six nations of Indians 'to the Proprietors of Indiana'.[106] Defending the claims of natural justice against the pretensions of papal bulls, in the same manner as Dutch and English traders in Asia had opposed the law of nations to the Portuguese claim to stewardship of the seas, Wharton cited the Pratt–Yorke opinion of 1757 justifying the cession or grant of landed property by Indian rulers to the East India Company, without permission of the British crown. The rights of '*Heathen Asiatics*' to dispose of their territories also should

[104] Ibid., pp. 92–4.

[105] James D. Anderson, 'Samuel Wharton and the Indians' rights to sell their land: an eighteenth century view', *Western Pennsylvania Historical Magazine*, 63 (1980), 121–40; Jack M. Sosin, 'The Yorke–Camden opinion and American land speculators', *Pennsylvania Magazine of History and Biography*, 85 (1961), 38–49; Jack M. Sosin, *Whitehall and the wilderness: the middle west in British colonial policy 1760–1775* (Lincoln, NE, 1961), pp. 259–67.

[106] Samuel Wharton, *Plain facts: being an examination into the rights of the Indian nations of America, to their respective countries: and a vindication of the grant, from the six nations of Indians: to the proprietors of Indiana, against a decision of the legislature of Virginia, together with authentic documents proving that the territory westward of the Allegheny Mountains never belonged to Virginia* (Philadelphia, 1781).

apply, Wharton argued, to '*Heathen Americans*'.[107] Again, the extension of 'natural justice' to Asians in Asia reverberated back into the Atlantic, although in these cases 'natural justice' involved the dubious right of indigenous sovereigns to give up their territories. The American congress gradually killed off the land-speculators' hopes of what James D. Anderson has called 'private empires', which again is suggestive of a common pattern of imperial state-building in the Atlantic and Asia, with new states becoming increasingly intolerant of such empires within empires.

The final example suggests how such legal ricochets can work across imperial time as well as across imperial space. Remarkably, US lawyers acting on behalf of detainees in Guantanamo Bay, Cuba recently invoked precedents from eighteenth-century India to defend their clients' right to petition for habeas corpus review in federal courts. In oral arguments in the 2007 case of *Boumediene* v. *Bush*, Seth P. Waxman defended the detainees' rights by reference to the broad historical character of the writ of habeas corpus as it would have been understood by the framers of the US constitution. Supreme Court Justice Antonin Scalia asked Waxman if he could cite 'a single case in the 220 years of our country or, for that matter, in the five centuries of the English empire when habeas was granted to an alien in a territory that was not under the sovereign control of either the United States or England'. Waxman answered 'a resounding yes', citing a number of cases including 'the Indian cases'. Waxman was drawing on an amicus brief of legal historians to claim that eighteenth-century common law precedent, including the use of the writ of habeas corpus by crown judges in the Calcutta supreme court in the 1770s, proved what Scalia termed a 'common law constitutional right of Habeas Corpus' extending to a broad category of subjects, even in territories not formally subject to British or US sovereignty. Scalia appeared to reject this argument, arguing that the 'Indian cases' were governed by special statute, presumably the Regulating Act of 1773 and the Judicature Act of 1781, and noting that the writs issued from courts established in India, not in England.[108]

On 12 June 2008, a five to four majority of justices on the Supreme Court affirmed that the Guantanamo prisoners did have a 'constitutional

[107] Cited in Anderson, 'Samuel Wharton', 138.

[108] *Boumediene* v. *Bush*, Oral Argument from 5 December 2007; the Oyez Project, www.oyez.org/cases/2000–2009/2007/2007_06_1195/argument/ (accessed 8 February 2007). For longer treatments of the historical issues around the writ of habeas corpus and US law, see Paul Halliday and G. Edward White, 'The suspension clause: English text, imperial contexts and American implications', *Virginia Law Review*, 94 (2008); Paul Halliday, *Habeas corpus: from England to empire* (Harvard, 2010).

privilege of habeas corpus', although the majority opinion appeared to question the analogy between Guantanamo Bay and eighteenth-century Bengal.[109] Nonetheless, Waxman's arguments before the court effectively echoed the determination of eighteenth-century judges, such as Chief Justice Mansfield and Elijah Impey, to adapt the remedies of the common law to new circumstances created by imperial expansion. More broadly, the controversy over Guantanamo, stemming in part from the blurred forms of sovereignty in an oceanic military base ceded by a foreign power, recalls many of the issues surrounding sovereignty and law in early modern British Asia: the uses of fragmented forms of sovereignty; the scope of discretionary power; the limits of 'English law'; the nature of legal oversight; and the way that such issues intersect within a transnational, intercultural traffic in legal meanings. This suggests that histories of imperial sovereignty and law will continue to have great relevance in contemporary debates, just as the spectre of uncontrolled power, of despotism, remains thoroughly at large.

[109] *Boumediene* v. *Bush*, 553 US 723 (2008).

6 Company, state, and empire: governance and regulatory frameworks in Asia

Philip J. Stern

From the beginnings of organised English contact with Asia at the dawn of the seventeenth century until the rapid expansion of British territorial power in India in the later eighteenth century, the responsibility for governing British interests, people, commerce, places, and resources in the east was almost exclusively the work neither of the state nor its agencies, but of a corporation: the Governor and Company of Merchants of London Trading to the East Indies. As a result, early Company 'governance', unlike its European, Atlantic, and Asian contemporaries, has tended to be approached most frequently as a problem of business not political history, concerned largely with the Company's techniques of regulating its employees and articulated as the universal quandary of multinationals to regulate an 'employment relationship' between 'principals' (Company leadership in London) and 'agents' (its employees, or 'servants', in Asia) rather than the institutions and ideologies that condition political authority, obedience, coercion, and negotiation.[1] According to this logic, only after the battle of Plassey (1757) and the assumption of the office of *diwan*, revenue collector and administrator, in Bengal (1765) did the Company's 'main executive and administrative duties' shift to 'political matters': that is, from administering over its own servants to governing over South Asians.[2]

Such a shift in the political history of British India – from a government over Englishmen to a government over South Asians – has been far too overdrawn. From its very origins, as a corporate body politic, the East India Company was deeply concerned as an institution with

[1] See, in particular, Ann Carlos and Stephen Nicholas, 'Agency problems in early chartered companies: the case of the Hudson's Bay Company', *Journal of Economic History*, 50 (1990), esp. 857, 863; K. N. Chaudhuri, 'The English East India Company in the 17th and 18th centuries: a pre-modern multinational organization', in Leonard Blussé and Femme Gaastra (eds.), *Companies and trade* (The Hague, 1981), pp. 29–46.

[2] K. N. Chaudhuri, 'The English East India Company and its decision-making', in Kenneth Ballhatchet and John Harrison (eds.), *East India Company studies: papers presented to Professor Sir Cyril Philips* (Hong Kong, 1986), p. 97.

not only government of its employees, shareholders, and corporators, but increasingly broad claims to jurisdiction over all English subjects in Asia as well as an expanding network of coastal and island plantations, their cosmopolitan Eurasian populations, and the maritime space that connected them.[3] Conversely, after its supposed mid-eighteenth-century conversion into a 'sovereign' in Bengal, the Company continued to be deeply invested in disciplining its own employees and exerting its command over Britons throughout its jurisdiction. In both cases, the Company's concern with government was hardly *sui generis*, but rather reflected many of the same preoccupations and strategies as its contemporaries and rivals in Asia, Europe, and the Atlantic, particularly with the crucial interrelationship amongst maritime power, territorial authority, and extra-territorial jurisdiction over a variety of populations. If the East India Company resembled its brethren in the Atlantic, it also shared their fate, as the eighteenth-century British empire increasingly moved to fold this loose early modern network of corporations, companies, and proprietors into a more coherent and centralised imperial system, transforming by the nineteenth century British India from the jurisdiction of a corporate body politic into one 'limb of the [British] government'.[4]

I

As a joint-stock and a corporation, the English East India Company was by its nature not simply a commercial body but 'one body corporate and politick', that is, a corporation, similar in form and function not only to other trading bodies but to municipal corporations, universities, overseas corporations, and even the 'corporation sole', the English crown itself.[5] Certainly its basic governing structure was similar to many of those other institutions. The fundamental organisational principle for the Company was the council and its elemental language was that of government. At the head of its affairs were twenty-four individual 'committees' (as in a commissioner, or one to whom a trust is committed) who were known only after 1709 as 'directors'; this body,

[3] I elaborate upon many of these themes, and the ones that follow, in Philip J. Stern, *The Company-state: corporate sovereignty and the early modern foundations of the British empire in India* (New York, 2011).

[4] Quoted in Peter Auber, *An analysis of the constitution of the East-India Company, and of the laws passed by Parliament for the government of their affairs, at home and abroad* (London, 1826), p. vii.

[5] F. W. Maitland, 'The crown as corporation', *Law Quarterly Review*, 17 (1901), 133; Maitland, 'The corporation sole', *Law Quarterly Review*, 16 (1900), 335–54.

known as a 'court' and headed by a governor and deputy governor, was elected annually by the 'general court' of shareholders, which also met periodically to confirm and pass important resolutions and critical decisions; though the general court rarely diverged from the committees' initiatives and suggestions, it closely enough resembled a legislature that William Pitt later in the eighteenth century derisively referred to it as a 'little parliament'.[6] Government on ships, in factories, and at its settlements was similarly constituted by hierarchically organised councils, ranging from three to six people, headed by a captain or commodore (of a ship or fleet), agent (of a subordinate factory), president (of a presidency factory), a governor (of a fortified settlement), or a general, a post that after the 1680s served as the head of all the Company's affairs in Asia.

Royal charters to the Company throughout the seventeenth and early eighteenth century detailed a growing set of political prerogatives and responsibilities: the right to appoint 'governors and officers' abroad, to make law, erect courts, judge and sentence offenders, erect fortifications, coin money, make war, conduct diplomacy, and in the words of Charles II, to 'chastise correct & punish such of Our Subjects as are or shall bee by the said Govern[r] & Company imployed or under their Comand'.[7] At the same time, the East India Company's charter endowed the Company with a vast hemispheric jurisdiction unique amongst most other such ventures in the Elizabethan 'Expansion of England' – authority to

> traffick and use the Trade of Merchandise, by Seas, in and by such Ways and Passages already found out and discovered, or which hereafter shall be found out and discovered, as they shall esteem and take to be fittest, into and from the said *East-Indies*, in the Countries and Parts of *Asia* and *Africa*, and into and from all the Islands, Ports, Havens, Cities, Creeks, Towns, and Places of *Asia* and *Africa*, and *America*, or any of them, beyond the *Cape of Bona Esperanza*, to the Streights of *Magellan*.

Though usually construed as a 'monopoly' over commerce, such rights and responsibilities were far more capaciously conceived not only as the exclusive English trade to, from, and in Asia, but as a jurisdiction and responsibility to govern and patrol the people that engaged in that 'traffick'. As such, Company charters indicated it was the only

[6] H. V. Bowen, '"The little parliament": the general court of the East India Company, 1750–1784', *Historical Journal*, 34 (1991), 861.

[7] Charles II, warrant to attorney-general, 24 March 1661/2, BL, Sloane MSS 856, fo. 10; *Charters granted to the East-India Company, also the treaties and grants, made with, or obtained from, the princes and powers in India, from the year 1756 to 1772* ([London], 1773), pp. 54–79, 108–24.

body, including the crown, that could legitimately grant licences to 'any [English] Person or Persons, to sail, trade or traffick into the East Indies'.[8]

Thus, the very conception of the scope of East India Company governance in Asia was not unique but resembled, as the late eighteenth-century Company critic and former governor of Massachusetts Thomas Pownall put it, those of all other 'emigrations and settlements *in partibus caeteris*'.[9] While the size and charge of its jurisdiction set it apart from most Atlantic ventures, such efforts to exercise rights of government over vast and ill-defined maritime space did reflect the ways in which the seventeenth-century English state in its various guises progressively made inroads over the Atlantic through naval power, colonial plantation, and expansive legal regimes, like the navigation acts. In the end, the East India Company was continually reconfirmed as *the* English government east of the Cape of Good Hope, responsible for regulating not just trade but 'traffick', determining which English subjects could go to Asia, how they would get there, and who would govern them once arrived.

As in the Atlantic, such proprietary and jurisdictional authority was frequently challenged, by both a variety of 'interlopers' and agents of the English state that had granted those rights in the first place – sometimes in partnership with one another. In 1637, Charles I offered a patent to William Courteen and his so-called 'association' to trade in places not 'haunted' by the Company, which set the stage for vigilant attempts in the following decade to tread upon the Company's jurisdiction; with English Barbados as their model, some even attempted to establish their own rival settlement at Madagascar.[10] In 1653, such forces had become so powerful that Parliament under Oliver Cromwell even refused to issue an exclusive charter for the Company, though he too eventually relented and in 1657, the Company was restored as an exclusive trade with even more vast and expanded powers. On bolstered fiscal and political foundations, the Company's trade and wealth grew through the 1670s and 1680s. Proportionally, this period too was marked indelibly by renewed attempts by English subjects to break into the Company's trade and to take up residence as private traders, ships pilots, crew, and even in posts of authority under governments in Asia. The very capability of the crown to offer such a charter to the Company

[8] *Charters*, 12.

[9] Thomas Pownall, *The right, interest, and duty of government as concerned in the affairs of the East Indies* (London, 1773), p. 7.

[10] Alison Games, *The web of empire: English cosmopolitans in an age of expansion, 1560–1660* (New York, 2008), pp. 208–17.

was disputed before the court of King's Bench in *East India Company* v. *Thomas Sandys* (1682–4), which confirmed the Company's rights but also set the stage for yet another conflict over Company government, as Parliament, in the aftermath of the Glorious Revolution, worked to abolish the 'old' East India Company and charter a rival 'new' one in its stead. The ambiguous question of whether the British multiple monarchy implied the East India Company's jurisdiction over not just English but Scottish and Irish subjects was tested at the same time by the Scottish Parliament's chartering of its own short-lived Company of Scotland trading to Africa and the Indies, which became far more famous for its failed attempts in the late 1690s to settle its colony of New Caledonia in the Atlantic, at 'Darien' in present-day Panama.[11]

This tense alliance between the claims of Company and crown to the rights to govern and regulate British affairs in Asia reflected the uneasy relationship between state authority and corporate and proprietary governance that characterised English overseas expansion more generally. What was considered 'interloping' and 'piracy' in the East Indies, particularly in the latter part of the seventeenth century, was deeply connected to the vicissitudes of English politics as well as a more global and growing underground economy defined by customs evasion, smuggling of goods and slaves, and a variety of local economies in England's Atlantic.[12] Meanwhile, efforts by the English state to rein in the Company's independence echoed its periodic attempts to exert a more coherent authority over colonial affairs abroad, efforts which not coincidentally flared at similar flashpoints in the 1620s, 1650s, and again in the 1690s. The augmentation of Company political powers in the 1670s and 1680s – including the ability to exercise martial law over English subjects – meanwhile coincided with an expansion of proprietary charters and colonies, as in Pennsylvania and the Carolinas, and the chartering of companies with at least a partial intention of fortification and settlement, like the Hudson's Bay and Royal African companies. Still, the political manoeuvring of the East India Company was constantly able to salvage a certain degree of distance from such regulatory regimes, evidenced by the fact that it managed to expand the scope of its independence under the late Stuarts just as the crown was

[11] See Stern, *Company-state*, chs. 2 and 7.

[12] See Robert C. Ritchie, *Captain Kidd and the war against the pirates* (Cambridge, MA, 1986); Douglas Burgess, 'Piracy in the public sphere: the Henry Every trials and the battle for meaning in seventeenth-century print culture', *Journal of British Studies*, 48 (2009), 887–913; Mark Hanna, 'The pirates' nest: the impact of piracy on Newport, Rhode Island, and Charles Town, South Carolina, 1670–1740', unpublished Ph.D. dissertation, Harvard University (2006).

doggedly pursuing the diminution of local and urban corporations in England and, under James II, in the Atlantic, through innovations like the Dominion of New England.[13]

The Company's models for governance derived not only from its function as an overseas chartered company but from its form as a joint-stock corporation, which in theory represented not a consortium of particular traders – like a guild or a regulated company – but a conglomerate society of investors, who prosecuted the trade on behalf of the whole as well as the English nation. Such a conception of the Company meant that, in Asia, Company officials understood their official business to be that of 'publique affairs', which constituted both commercial and political duties, distinguished from the 'private Interest' or 'particular affairs' of their own personal trading concerns.[14] There were numerous checks within the Company's system to ensure that individuals adhered to the court of committees' understanding of this public charge. The Company's 'freedom', like that of any corporation, conferred particular rights of membership in return for serious commitments to its authority, including oaths of allegiance and fidelity.[15] Oaths enjoined corporators to obey the strictures of Company rules and orders, and in particular worked to forbid complicity with interlopers and rivals; as the Company's council at Surat noted in 1684, 'a person that does not value an Oath is noe wayes fit to bee trusted'.[16] For servants, agreements, contracts, and sureties taken in London served to regulate behaviour, and dismissal and the threat of dismissal, backed by these contractual relationships, played a crucial part in the Company's governing regime over its own servants; in the first half of the eighteenth century, around 13 per cent of all covenanted servants in Bengal were dismissed for misconduct, the vast majority of whom were senior members of a factory or of council.[17]

The Company also directed and monitored its overseas establishments through a complex regime of correspondence and writing – letters,

[13] Michael J. Braddick, 'The English government, war, trade, and settlement, 1625–1688', in *OHBE*, vol. II: Nicholas Canny (ed.), *The origins of empire* (Oxford, 1998), p. 300; Paul Halliday, '"A clashing of jurisdictions": commissions of association in Restoration corporations', *Historical Journal*, 41 (1998), 425–55.

[14] BL, IOR, E/3/51, fo. 87; E/3/53, fo. 45.

[15] See Phil Withington, 'Citizens, community and political culture in Restoration England', in Alexandra Shepard and Phil Withington (eds.), *Communities in early modern England* (Manchester, 2000), p. 138; see also Withington, *Society in early modern England: the vernacular origins of some powerful ideas* (Cambridge, 2010).

[16] Swally Marine Consultation, 9 April 1684, copy, BL, IOR, E/3/44, fo. 13.

[17] Santhi Hejeebu, 'Contract enforcement in the English East India Company', *Journal of Economic History*, 65 (2005), 500, 514; Chaudhuri, 'Decision-making', 118.

commissions, reports, and diaries, which were a critical aspect of statecraft in any early modern polity. More than simply the sophisticated market-prediction device they have often been taken to be, Company correspondence and records reshaped and compressed the very geographical space over which its regime functioned, making possible the creation and preservation of a coordinated and coherent political system as well as surveillance over that system.[18] Diaries and accounts, the committees wrote in 1685, revealed the state of a place just as well as if the reader were 'to observe [it] with their own eyes'.[19] Subordinates could be said to be performing their duties with 'Integrity & diligence' when engaging in 'exact & constant Correspondence by letters'.[20] Disorderly writing or violating the Company's strict policies on the secrecy of letters and records was certainly grounds for dismissal of a Company servant, and no one was safe: in 1693, an acting governor of Bombay was himself dismissed for writing private letters to his family, a particularly egregious offence since these critical reports ended up in the hands of the Company's enemies in Parliament.[21]

This concern for maintaining the stateliness of the Company's authority was reinforced by titles of dignity, ceremonies of authority, and other forms of pomp and ceremony. Company leadership demanded a variety of appellations from their subordinates, such as 'Your Honor' and 'Your Excellency'. At Bombay, striking a Company official could bring a steep fine, public whipping, or indefinite imprisonment; violence directed towards the governor or a member of council could bring any degree of corporal punishment – up to but not including death.[22] 'Exclamations & inveighings against the Honorable Company' at Surat could lead to penalties ranging from warnings to imprisonment 'for having violated Public Orders … and allowing a member of council to be abused'.[23] Perquisites of power, such as the carrying of umbrellas or the wearing of swords, were restricted in Company settlements, while ceremonies, public spaces like gardens, medals, coins, and flags and other symbols were clearly designed to establish the 'solemnity' of the Company's government. Commissions were declared, diplomats received, and embassies sent with great circumstance.

[18] See Miles Ogborn, *Indian ink: script and print in the making of the East India Company* (Chicago, 2007), chs. 2–3.
[19] London to Pryaman, 25 November 1685, BL, IOR, E/3/91, fo. 11.
[20] London to Bengal, 3 October 1684, BL, IOR, E/3/90, fo. 235.
[21] Instructions for Sir John Gayer, 26 May 1693, BL, IOR, E/3/92, fo. 271.
[22] Sir Charles Fawcett, *The first century of British justice in India* (Oxford, 1934; repr. Aalen, 1979), p. 26.
[23] Surat Consultations, 23 May 1683, BL, IOR, G/36/5, fo. 39.

II

This regime, however, extended beyond those in the Company's direct employ. Reliance on privateers, independent contractors, and what today would be called 'outsourced' labour – particularly for maintaining military force – was common for early modern states, particularly in the Royal Navy, whose operational scheme, as N. A. M. Rodger has put it, 'blurred and at times obliterated the distinctions between public and private business'.[24] For the Company, government on land was in fact a reflection of shipboard government. Relationships with fleets were regulated primarily through charter parties, a form of lease contract between the ships' proprietors and the Company; these documents required captains and crews to obey Company laws, orders, and governors; they also obligated ships to fight at sea on the Company's behalf. Such demands were reinforced, again, through oaths, commissions, instructions, and sureties, and later in the century, Company officials in London also delegated to their subordinates in India the power to renegotiate and extend charter parties and conduct oaths. Like the correspondence books and diaries in factories and cities, captains' and mates' logs and journals were to be kept properly, to ensure good order aboard ship (including religious observance), deference to hierarchy, and government by council.

Ships were thus more than vehicles for transporting commercial goods; they were sites of government themselves, not to mention naval vessels that served to establish Company claims to maritime jurisdiction and governance over the sea-lanes, not unlike those evidenced by its Dutch and Portuguese competitors.[25] Indeed, violence – or the threat of violence – was critical to the very constitution of early Company governance in Asia, not merely a necessary evil, 'retained in theory but used only strategically'.[26] Like these Dutch and Portuguese rivals, by the end of its first century of operation, the Company had established a clear reciprocal relationship between its ability to exercise power on the seas and its claims to jurisdiction, authority, and ultimately governance of its own cities and forts on land. Like its European and Asian

[24] N. A. M. Rodger, 'Guns and sails in the first phase of English colonization, 1500–1650', in Canny (ed.), *Origins of empire*, 96.

[25] See Philip E. Steinberg, *The social construction of the ocean* (Cambridge, 2001).

[26] Cf. K. N. Chaudhuri and Jonathan Israel, 'The English and Dutch East India companies and the Glorious Revolution of 1688–9', in Jonathan Israel (ed.), *The Anglo-Dutch moment: essays on the Glorious Revolution and its world impact* (Cambridge, 1991), p. 438. See also Bruce Watson, 'Fortifications and the "idea" of force in early English East India Company relations with India', *Past and Present*, 88 (1980), 70–87.

neighbours, the Company issued shipping passes and both threatened and engaged in naval blockades, seizures, and simple demonstrations of force – which, of course, in these early days were always limited and not always successful – to leverage Company interests in Asian territories. It was also a tool to be used in conjunction with Asian powers against European rivals. At times, these occasioned direct conflicts, such as the Company's 1622 alliance with the Persian shah to oust the Portuguese from the port of Hormuz.[27] At others, the Company advertised to authorities across Asia that only by granting expansive rights and privileges of fortification and government could Company sea power free those places from the impositions of other Europeans, especially what the English conceived of as Dutch ambitions to become 'lords over … sea & land'.[28] Yet, to the seventeenth-century Company, the threat and use of naval force was most crucial in exerting authority over 'interlopers', those English subjects who travelled to, trafficked through, or resided in the east without Company licence or permission. The principal problem of interloping was not simply monopoly enforcement, but the defence of the Company's political authority and jurisdiction, and an 'interloper' encompassed both a smuggler in the Eurasian trade as well as Britons residing in Asia without the Company's permission. As such, the offence of interloping was not simply theft or smuggling, but an offence to government itself.[29]

There were many different sorts of interlopers, but in a way the Company created its biggest governance problem through its very own aggressive disciplinary and regulatory regime, as some of the most problematic 'interlopers' in Asia were disgruntled, dismissed Company factors, captains, and governors, who had either returned to England or kept up their private 'country' trade and permanent residence elsewhere in Asia. The Company's highest priority of government was to protect the integrity of its jurisdiction, and the principal threat to this was disrespect for its extra-territorial claim over all English subjects within its chartered bounds, whether or not in the Company's employ. Passes, naval force, and a range of policies were thus designed in the first instance to assert command over the English on the sea and resident in Asia. Company laws in this regard aspired to a sort of 'navigation system' which strikingly resembled that which the English state increasingly claimed in the Atlantic.

[27] Niels Steensgaard, *The Asian trade revolution of the seventeenth century: the East India Companies and the decline of the caravan trade* (Chicago, 1973), p. 117.

[28] Commission to John Brabourn and Daniel Acworth, 29 July 1693, BL, IOR, E/3/50, fo. 118.

[29] Bombay to London, 15 December 1696, BL, IOR, E/3/52, fos. 287–8.

As in the Atlantic, such attempts to gain control over recalcitrant English subjects indicated growing pretensions to naval and fiscal might, while also proving extremely porous, uneven, and difficult to control.[30]

The impulse to exert control over English subjects in maritime Asia was inextricably tied to the other major concern for Company government: its growing network of secure and independent fortified settlements. Only two of these, Bombay (1668) and St Helena in the South Atlantic (1658), were granted on charters from the English government. The rest were acquired on grants and leases from Asian sovereigns, beginning with Madras in 1639 and followed by a spate of new acquisitions in the 1680s and 1690s: Fort St David at Cuddalore, south of Madras; Anjengo, in the modern state of Kerala; Bengkulu in Sumatra; and perhaps most famously, the *zamindari*, or landholdership of three Bengali villages, soon known as Calcutta. Company leadership understood these coastal enclaves as plantation colonies, in which it both exercised juridical rights of government and projected Company power over both interlopers and rivals in the harbour, port, and the sea beyond its bounds. Indeed, fortifications served as a foundation for establishing and enforcing claims to confront a range of Company rivals at sea. One of the first acts in settling the Company's government at Bombay in the 1670s was to propose 'sea laws' with which the Company's council there could commission privateers to patrol for western Indian and Arab ships.[31] In the 1680s, the Company erected its own 'admiralty' courts in Bombay, Madras, and Bengal, with crown licence, to create a legal regime that could enforce its claims to control English subjects in Asia and to condemn interloping and war prize, an authority which later extended to piracy suppression.[32]

However much cities like Bombay and Madras served to establish power on the seas and to connect a maritime network of Company ships, settlements, and people, they were also sites of government in themselves. As colonial proprietors, the committees and their subordinates were particularly anxious about peopling these settlements. In these early days, there were some earnest but ultimately quixotic projects to export English settlers to India, particularly Bombay, on an Atlantic model; efforts to find merchants, fishermen, and 'young maidens that

[30] Braddick, 'War, trade, and settlement', pp. 294–5; Lauren Benton, *A search for sovereignty: law and geography in European empires, 1400–1900* (Cambridge, 2009).
[31] George W. Forrest (ed.), *Selections from the letters, despatches, and other state papers preserved in the Bombay secretariat*, 2 vols. (Bombay, 1887), p. 52.
[32] Benton, *Search for sovereignty*, ch. 3.

have had virtuous education'[33] – reminiscent of Jamestown's early plans to find 'Maides young and uncorrupt' to marry and settle in the colony[34] – ultimately gave way to the reality that Company subjects in India, with the critical exception of its one Atlantic plantation of St Helena, were not to be populated primarily by Europeans but rather by western Indian Rajputs, Persian Armenians, Chinese merchants, Luso-Indian Catholics, and many, many others.

As these cities grew in size and complexity, officials of this 'commercial' company increasingly became responsible for a full range of civic functions quite apart from commercial administration, which, from the mundane to the momentous, would have seemed quite germane to settlement in the Atlantic: maintaining garrisoned forces, raising militias, farming and collecting revenue, administering justice, planning cities, building civic institutions and improvements, and tending to public health. While many of these efforts were clearly practical, they were also fundamentally (even if at times overly ingenuously) driven by a kind of utopianism, a typical colonial belief, as in the Atlantic, that the Company was planting on *terra nullius* and that these cities represented a world of possibilities for creating ideal plantations. Company letters, orders, policies, and institutions revealed less a commercial efficiency than the kinds of ideological concerns common to the British Atlantic: humanist language about cultivating virtue through civic service; godly anxieties preoccupied by piety and the preservation of religion; and a political economy that emphasised the Company's role to build population, maintain security, and *govern* the commerce of settlements to encourage the wealth of their inhabitants, all the while underscoring Company power and particularly its ability to extract revenue through local land taxes, customs and port charges, licensing and court fees, shipping passes, and other sources to fund military and civic infrastructure, from garrisons to town halls, courts, and churches.[35]

Like its jurisdictional authority more broadly, the Company's prerogatives to exercise these rights of government derived from a complex combination of authorities, including English charters and patents, Asian grants, and its own aggressive institution-building and political behaviour. Madras had its rights to administer justice, coin money, and

[33] Minutes of the court of committees, 21 and 26 August 1674, 5 January 1677, in E. B. Sainsbury (ed.), *Calendar of court minutes of the East India Company*, 11 vols. (Oxford, 1938), vol. X, pp. 74–7; vol. XI, p. 2.

[34] Karen Kupperman, *The Jamestown project* (Cambridge, MA, 2007), p. 287.

[35] See, for example, Andrew Fitzmaurice, *Humanism and America: an intellectual history of English colonisation, 1500–1625* (Cambridge, 2003); Karen Kupperman, *Providence Island, 1630–1641: the other Puritan colony* (Cambridge, 1993).

control revenues from local treaties some thirty years before any crown grant authorised any such activity specifically. Meanwhile, Bombay and St Helena were held on crown patents almost identical in form to corporate and proprietary charters in the western Atlantic, established in instruments that at the same time resembled Iberian papal bulls as well as what Michael Braddick has rightly identified as the distinctly 'feudal tone' of Atlantic charters.[36]

Balancing its obligations as a rights-bearing corporate subject and a lawmaking public government, Company authority was constituted by the same sort of complex and overlapping forms of authority familiar in the rest of the British world overseas, though the fact that the legitimacy of English government in Asia rested so firmly in a regime of Asian grants and treaties again also set it apart from the sorts of 'hybrid constitutions' that characterised Atlantic governance.[37] This hybridity was mirrored in the institutions the Company established to govern its plantations. The Company clearly drew on a variety of English models of jurisprudence and civic organisation. The charters of both Bombay and St Helena authorised the Company to establish law, as long as it was 'not repugnant or contrary, but as near as may be agreeable to the Laws of this Our Realm of *England* of the overseas English charters' – the so-called 'repugnancy principle' common across Atlantic plantations as well.[38] At its inception, Bombay was divided into three separate hundreds, each with a justice of the peace and monthly sessions, a clerk, clerk's crier, interpreters, constables, and church wardens.[39] The law code promulgated there in 1669 was specifically designed to supersede the island's previous Portuguese law, and it covered a range of subjects including religion and religious observance, administration of justice, judicial procedures, property laws, systems of probate, civil offences, and military discipline. Gerald Aungier was appointed to the task of formally effecting the Company's establishment of a 'court of conscience', a sort of small claims court 'where the Poore may have justice done them gratis', and a high judicature court.

[36] Braddick, 'War, trade, and settlement', p. 297. See also Ken MacMillan, *Sovereignty and possession in the English new world: the legal foundations of empire* (Cambridge, 2006); Christopher Tomlins, *Freedom bound: law, labor, and civic identity in colonizing English America* (Cambridge, 2010), esp. part I; Craig Yirush, *Settlers, liberty, and empire: the roots of early American political theory* (Cambridge, 2011).

[37] Vicki Hsueh, *Hybrid constitutions: challenging legacies of law, privilege, and culture in colonial America* (Durham, NC, 2010).

[38] See Mary Sarah Bilder, *The transatlantic constitution: colonial legal culture and the empire* (Cambridge, MA, 2004).

[39] 'G. Willcox on the Establishment of English Law on Bombay 30 Dec., 1672', BL, Add. MSS 39255, fo. 4.

George Wilcox, its first judge (who also established the probate office), revelled in one of the earliest convictions under the court's authority of a Company soldier charged with rape, which supposedly gave 'a General Satisfaction to the people and has brought such a repute to our Justice that they think themselves happy under our Government'.[40]

As a colony granted through South Asian, not English, authority, Madras's 'charters' obviously did not charge it as directly as Bombay or St Helena with conforming to the so-called 'repugnancy principle'. Indeed, its rights to coin money and to administer justice rested directly in agreements with Asian, not English, powers. Nonetheless, the Company also experimented there with English models of governance, with ways to govern the populations under its authority while tying them more closely to its rule. In 1678, its governor established a high judicature court very much in the image of the one at Bombay. The committees also frequently sent out English legal texts to all its settlements to guide councils and courts; as William Langhorn was leaving the governorship of Madras in 1677, the council there anxiously negotiated with him to buy his personal library of law books – twenty-eight titles covering issues in common and civil law, admiralty jurisdiction, statute books, and including Bacon, Bolton, and Littleton – 'here being great want of such for their good government in the administration of Justice'.[41] In 1687, the town was itself incorporated, with a charter modelled directly on that of Portsmouth, England, endowing it with a mayor, a mayor's court, aldermen, and burgesses, to be drawn from the various 'Castes' of the town, and empowered to adjudicate disputes and raise revenue for everything from public buildings to the city's defensive walls.[42] By the 1690s, it was Madras which had become the exemplary case within the Company system, and especially for modelling the new government at Calcutta; by 1727, both it and Bombay became incorporated municipalities as well, though by then under crown not Company charter.

If English law and forms of rule served as a model for government, again like many proprietary and chartered colonies in the British Atlantic, this did not mean Company leadership often proved pliant to English authority. Company leaders were explicit that its councils and courts were the final authority of government, often restricting appeals

[40] Ibid., fos. 41–4, 46.

[41] Madras Consultations, 19 December 1677, in *Records of Fort St George: diary and consultation book 1672–1678* (Madras, 1910), p. 127.

[42] See H. D. Love, *Vestiges of old Madras, 1640–1880*, 4 vols. (London, 1913), vol. I, pp. 497–503; London to Madras, 22 January 1691/2 and 3 January 1693/4, BL, IOR, E/3/92, fos. 172–3, 301.

to its own leadership in London and denying any right of appeal to crown courts until the eighteenth century.[43] In Bombay's early days, Company officials were even reluctant to allow appeals from its court to the superior Surat council, for 'it takes a great deale of the Respect from you that is due'.[44] The comparison with the western Atlantic colonies was at times self-conscious; at St Helena, the council was told its laws were a form of ancient constitution for the island, with the Company as 'first Planters or Adventurers' with rights, immunities, and even an independence similar to those in Massachusetts, where colonial government famously insisted upon a vigilant independence from the English state.[45] Despite their royal charters, at both St Helena and Bombay, the Company insisted that though English law and statute books should act as a guide, the authority of English law itself extended no farther than 'the Kingdoms of England, the Dominion of Wales, and the Town of Barwick upon Tweed'.[46]

Perhaps the most notable way in which early Company governance in Asia reflected patterns evident in the Americas lay in the fact that the English were relative latecomers to both; as such, like in the Atlantic, the Company's system of rule not only resembled English government at home and abroad, but in crucial ways was both imitative of and 'entangled' with its Asian and European rivals in the East Indies.[47] The very notion that the Company's jurisdiction extended across the entire hemisphere, as opposed to more particular Atlantic patents, drew upon the model of the Portuguese *Estado da India* and resembled that of new European rivals like the Dutch Vereenigde Oost-Indische Compagnie (VOC). Despite gallons of ink spilt in anti-Dutch invective – from the infamous Amboina massacre in 1622 through to the Company's violent ouster from the Javanese sultanate of Banten in 1682, with three European Anglo-Dutch wars in between – the East India Company through the century also found no greater exemplar for its politics than its Protestant Dutch brethren. By the late seventeenth century, the Dutch had been established as the principal model for the Company's

[43] On the eighteenth-century mayor's courts, see A. M. Fraas, 'English law, Asian subjects, and the development of a British colonial state in India, 1664–1773', unpublished Ph.D. dissertation, Duke University (2011).

[44] Bilder, *Transatlantic constitution*, p. 35; Surat to George Cooke and Barker Hibbins, 13 September 1690, BL, IOR, G/36/92, fo. 169.

[45] London to St Helena, 5 April 1689, BL, IOR, E/3/92, fo. 17; London to St Helena, 1 August 1683, BL, IOR, E/3/90, fos. 89–98; extract from Company letter 5 May 1708, BL, Add. MSS 20240, fo. 3.

[46] London to St Helena, 6 May 1685, BL, IOR, E/3/90, fo. 272; London to Bombay, 28 July 1686, BL, IOR, E/3/91, fo. 83; Bilder, *Transatlantic constitution*, pp. 48–9.

[47] See 'AHR forum: entangled empires in the Atlantic world', *American Historical Review*, 112 (June 2007).

government in India, to be imitated but also innovated upon. The court of committees sought to undercut Dutch settlements by establishing similar but more 'mild' forms of taxation and rule, offering themselves to Asian sovereigns as an alternative and prophylaxis for Dutch ambition in the region. 'Our designe is to set up the Dutch Government among the English in India (than which a better cannot be invented),' the Company's committees announced to their subordinates in 1687, 'for the good of posterity & to put us upon an equall foot of power with them', though insisting they 'will always observe our owne old English termes: Viz^{t} Attorney Generall instead of Fiscall, Aldermen instead of Scepin, Burgessess instead of Burgers, Serjants instead of Balu's President and Agent instead of commandore Directore or Commissaries &c^{a}'.[48]

Moreover, as in other plantations, or almost any form of early modern government for that matter, the Company's early governing constitution was defined by a balance, negotiation, and improvisation of central directives from committees in London, officials 'on the ground', local forms of representation, other forms of political power, and, of course, the 'crowd'.[49] Gerald Aungier's Bombay may have had Anglo-Saxon hundreds, but it also included a system of *panchayats*, caste-based representative and minor judicial bodies; he also proposed forming corporate trading companies or fellowships amongst the inhabitants, modelled after not just English guilds but also the *mahajan* system which was very much a part of Surat commercial and social life.[50] The division of Madras and Calcutta into 'Christian' and 'Gentue' (or 'white' and 'black') towns certainly reflected more the Dutch and Iberian example in Asia and the Atlantic than practice in the British Americas.[51] Local circumstances – from tax revolts to physical geography – imposed serious limits on the Company's ability to implement all of its utopian

[48] London to Madras, 28 September 1687, BL, IOR, E/3/91, fo. 214.

[49] See Elizabeth Mancke, 'Negotiating an empire: Britain and its overseas peripheries, *c.* 1550–1780', in Christine Daniels and Michael Kennedy (eds.), *Negotiated empires: centers and peripheries in the Americas, 1500–1820* (New York, 2002), pp. 235–65; Michael Braddick and John Walter (eds.), *Negotiating power in early modern society: order, hierarchy and subordination in Britain and Ireland* (Cambridge, 2001).

[50] Forrest (ed.), *Bombay secretariat*, pp. 51–3; Frank Conlon, 'Functions of ethnicity in a colonial port city: British initiatives and policies in early Bombay', in Dilip K. Basu (ed.), *The rise and growth of the colonial port cities in Asia* (Berkeley, 1985), p. 50.

[51] P. J. Marshall, 'The white town of Calcutta under the rule of the East India Company', *MAS*, 34 (2000), 307–31; Susan J. Lewandowski, 'Changing form and function in the ceremonial and the colonial port city in India: an historical analysis of Madurai and Madras', *MAS*, 11 (1977), 200; Carl H. Nightingale, 'Before race mattered: geographies of the color line in early colonial Madras and New York', *American Historical Review*, 113 (2008), 52–6.

schemes as well; again, as elsewhere in the colonial world, government responded to contingent circumstances and required a constant degree of compromise, participation, and negotiation.[52]

III

Though it is infrequently credited for it, the century or so from the mid-1650s to the mid-1750s was responsible for establishing the basic structures and frameworks for the forms of government that shaped the early years of Company territorial power in India. Structures and rhythms of Company internal governance and administration also remained consistent over the Plassey divide and did not really begin to change fundamentally until state intervention in the 1790s; if nothing else, anyone familiar with the Company's archives can testify that its system remained dominated by a 'corporate culture' as deeply concerned as their seventeenth-century forebears with correspondence, close control of information, and orderly writing practices.[53] In India, the very backbone of the Company 'raj' – the three presidencies of Madras, Bombay, and Calcutta – were products of this period, as were other institutions, such as the mayor's court, town corporations, churches, systems of revenue collection, and its 'garrison' government. One can also see in this earlier period claims to naval power and governance over the sea that would ultimately lead to the development of the Bombay marine and the absolute dominance of British arms in the Indian Ocean in the eighteenth and nineteenth centuries, presaged not by the *diwani* of Bengal but by the assumption a few years earlier of the post of *qiladar*, or governor of the fort, at Surat – something suggested almost immediately after the acquisition of Bombay in the 1660s.[54] The 'war against piracy' born in the 1690s, once victorious over the Anglo-American pirates by the 1720s, very easily turned its sights on native rivals, such as the 'Muscat' Arabs and the Marathas, whose defeat at

[52] Stern, *Company-state*, ch. 1; Patrick A. Roche, 'Caste and the British merchant government in Madras, 1639–1749', *Indian Economic and Social History Review*, 12 (1975), 381–407.

[53] H. V. Bowen, *The business of empire: the East India Company and imperial Britain, 1756–1833* (Cambridge, 2006), ch. 6 (quotation on p. 152), pp. 184–5; C. A. Bayly, *Empire and information: intelligence gathering and social communication in India 1780–1870* (Cambridge, 2003).

[54] Lakshmi Subramanian, 'Power and the weave: weavers, merchants and rulers in eighteenth-century Surat', in Rudrangshu Mukherjee and Lakshmi Subramanian (eds.), *Politics and trade in the Indian Ocean world: essays in honour of Ashin Das Gupta* (New Delhi, 1998), pp. 54–5; G. Z. Refai, 'Sir George Oxinden and Bombay, 1662–1669', *English Historical Review*, 92 (1977), 575.

sea was central to the extension of Company power in western India and Arabia.[55] Perhaps most strikingly, all of the types of revenue that arose from the *diwani* – rent from land, particular revenue-farming privileges, rights to fines and forfeitures, and rights to customs[56] – had been asserted and extracted in some way in Company territories for almost a century.

Nonetheless, the large-scale acquisition of territorial responsibility in Bengal was significant for the history of Company governance, different as it was both in scale and in kind. The *diwani* brought Company rule to a population with which its previous city-states had been largely unconcerned: a rural peasantry numbering upwards of 20 million people.[57] As Company wars expanded its rule into southern and western India, the proper means for extracting revenue became a fixture of debate; while the most famous arrangement was the 1793 'permanent' settlement of revenue with landholders (*zamindari*) in Bengal, British India soon became a patchwork of revenue schemes, including short-term fixed leases, direct settlements with peasants (*ryotwari*), village leases (*mirasi*), as well as odd combinations of them all. Meanwhile, Company governors found themselves charged with establishing a system and digest of criminal and civil law and courts adequate to the task of governing over that population. What they arrived at, under the leadership of Warren Hastings and subsequently, was a dual system of 'public' and 'private' law, the latter divided to suit both 'Hindu' and 'Muslim' jurisprudential traditions. Company officials, aided by a efflorescence of orientalist scholarship, rooted these policies in their understanding and indeed construction of an Indian past, searching out a Mughal ancient constitution both to guide them in building a system that would have continuity with the immediate past and to justify the innovations they brought to that government.[58]

Despite these new concerns with governing Indians on a different scale and scope – and its consequent historiographical emphasis on territorial government in Bengal – the need to govern Company servants as well as Britons more broadly across Asia did not fade in the wake of this sovereign power in South Asia. Indeed, in the immediate aftermath of

[55] Patricia Risso, 'Cross-cultural perceptions of piracy: maritime violence in the western Indian Ocean and Persian Gulf region during a long eighteenth century', *Journal of World History*, 12 (2001), 293–319.

[56] H. V. Bowen, *Revenue and reform: the Indian problem in British politics, 1757–1773* (Cambridge, 1991), p. 9.

[57] P. J. Marshall, *The making and unmaking of empires: Britain, India, and America c.1750–1783* (Oxford, 2005), p. 207.

[58] See Robert Travers, *Ideology and empire in eighteenth-century India: the British in Bengal* (Cambridge, 2007).

Plassey, regulating the behaviour of the Company's subordinates – particularly their personal and political relationships with South Asians – became a great issue for the directors in London. They continued to be deeply concerned with regulating their own servants on matters ranging from private trade to dress and deportment.[59] Following the tussle over Clive's *jagir*, the taking of 'presents' by Company servants also became a defining issue of Company governance, through to its showcasing in the trial of Warren Hastings.[60] Moreover, as *diwani* and military expansion enlarged the ambit of Company control, what had previously been an extra-territorial claim to govern Britons in Mughal territory quickly became a direct territorial sovereignty. The supreme court of Calcutta, which ultimately supplanted the mayor's court's authority in 1773, became concerned not just with municipal government but with the increasing number of Britons 'up country' and in rural districts outside of the old strictures of urban patrol and control; moral health, civic order, and criminal activity ranging from murder to vagrancy amongst Europeans resident in Company territory continued to be as deep, if not greater, a concern of the post-Plassey state as it had been in seventeenth-century Madras, Bombay, and elsewhere. Policing the growing ranks of 'lower sorts' of English subjects of the Company remained a crucial dimension of its governance. Increasingly, as well, the Company's government, which a century earlier had supported policies (like those of the Dutch) which encouraged soldiers to intermarry, became greatly concerned with regulating the relationships between Indian women and British men at every level of society.[61] Martial discipline also took on greater, but not categorically different, importance as the Company's garrison state expanded. As the stakes (and the army) grew greater, so did the anxieties about martial order, the regulation of prostitution and other sexual behaviour in military cantonments, and soldiers' moral and physical health more generally.[62]

Of course, the concern with the behaviour of Company servants as well as the Company's governing regime more generally did not stay within the Company. Both the fact and the means of the Company's territorial expansion created an intense but complicated debate amongst late eighteenth-century Britons over the propriety and process of the expansion of empire in India, especially under the auspices of a

[59] Bowen, *Revenue and reform*, p. 87.
[60] See Bruce Lenman and Philip Lawson, 'Robert Clive, the "black jagir", and British politics', *Historical Journal*, 26 (1983), 818.
[61] Durba Ghosh, *Sex and the family in colonial India* (Cambridge, 2006).
[62] Kenneth Ballhatchet, *Race, sex and class under the Raj: imperial attitudes and policies and their critics, 1793–1905* (New York, 1980).

company.[63] The rights to the (over)predicted revenues of the *diwani*, the proper nature of colonial government, the supposed excesses and corruption of Company officials in India, and the anxieties surrounding the 'nabobs' returning home, culminating in the impeachment of Warren Hastings, became 'a question of sovereignty', and a preoccupying matter of British politics in the second half of the eighteenth century.[64]

This too was not unprecedented. The ad hoc parliamentary committee of inquiry of 1767 had an antecedent in a similar body convened in 1691. In both cases – as with the 'reforms' that followed in 1773, 1784, 1793, and 1813 – the needs of the war-starved English (British) state drove a debate over the proper roles for Parliament, crown, and Company in the engagement with British Asia, and freely mixed assaults on the Company's government in Asia, its behaviour towards Indians, and critiques of its internal governance, particularly shareholding and the perquisites of leadership; in both cases, the Company's ability to govern itself and to govern in Asia were intimately linked, notably in the creation in 1784 of a parliamentary-appointed 'board of control' to supervise the Company, counterbalance its directors, and manage its patronage.[65] Moreover, as in the 1690s, the immediate moves in the 1750s and 1760s to regulate Company governance must be seen in a wider context, particularly as, across the Atlantic, the British state was attempting to take a more heavy-handed and active role in colonial governance: calling in Atlantic proprietary charters; clamping down on colonial autonomy; and imposing a new regime of law, taxes, duties, and legal supervision, embodied in the attempts to reform American colonial jurisprudence and allow greater rights of appeal from the courts.[66] The Regulating Act of 1773, which created the supreme court in Calcutta as well as a much more centralised system of government headed by a governor-general balanced by a supreme council, took particular aim at Company juridical practices over both Britons and Indians and Company corporate governance, attempting to reconcile Company jurisprudence with British legal custom and practice, including extending the use and

[63] See, amongst others, P. J. Marshall, '"A free though conquering people": Britain and Asia in the eighteenth century', an inaugural lecture at King's College, London (1981).

[64] H. V. Bowen, 'A question of sovereignty? The Bengal land revenue issue, 1765–67', *JICH*, 16 (1988), 155–76; see also Philip Lawson, 'Parliament and the first East India inquiry, 1767', *Parliamentary History*, 1 (1982), 99–114; Philip Lawson and Jim Phillips, '"Our execrable banditti": perceptions of nabobs in mid-eighteenth century Britain', *Albion*, 16 (1984), 225–41; Tillman Nechtman, *Nabobs: empire and identity in eighteenth-century Britain* (Cambridge, 2010).

[65] See Bowen, *Business of empire*, pp. 12–18.

[66] Bilder, *Transatlantic constitution*, p. 74.

power of instruments like habeas corpus, British state supervision of justice in India, and the rights of appeal to and punishment in Britain for offences committed and adjudicated in India.[67] Indeed, through the century, the Company continued to struggle with crown, Parliament, and state lawyers over the extent of its power to license public and private trade in India and from Asia to Europe and the Atlantic. At stake particularly were its long-held exclusive rights to control which Britons could go to India and what they were allowed to do when there. The battle over the rights of the Company and of British subjects abroad played out as much in Company courts as in public and parliamentary inquiries, including in the infamous 1813 debate over allowing evangelical missionaries unfettered access to India. Once again, the questions raised by the expansion of the Company empire in India were not *sui generis*, but rather reflected wider conversations about what constituted a British subject and liberty, articulated not only in rebellion but in loyalty and jurisprudence across an expanding empire in Quebec, the West Indies, West Africa, and the Mediterranean.[68]

Expanding empire in India thus confronted increasingly familiar concerns about the nature of government over Britons abroad, but it also raised questions about the authority of crown, Parliament, and the British empire over the independence of the Company as a corporation and colonial proprietor fundamentally similar to issues at stake in the American Revolution as well.[69] In India, tensions between Company and crown authority, and particularly its naval and military forces, persisted through the eighteenth and early nineteenth century, while in London, the Company vigorously opposed continued attempts by crown and Parliament not only to erode its extant rights but indeed to claim sovereignty in Bengal.[70] As George Pigot, the governor of Madras, complained in 1757, the 'Powers and Prerogatives' claimed by the British state – in this case crown naval and military officers in India – were 'incompatible with the Nature of your Governments, and contrary to your Interest'.[71]

Despite these efforts, the Company was fighting a losing battle. By the beginning of the nineteenth century, governance and regulation

[67] Bowen, *Revenue and reform*, pp. 93–102; Paul Halliday, *Habeas corpus: from England to empire* (Cambridge, MA, 2010), ch. 8; Travers, *Ideology and empire*, pp. 181–206.
[68] Maya Jasanoff, *Liberty's exiles: American loyalists in the revolutionary world* (New York, 2011); Hannah Weiss-Muller, 'An empire of subjects: unities and disunities in the British empire, 1760–1790', unpublished Ph.D. dissertation, Princeton University (2010).
[69] Marshall, *Making and unmaking*, pp. 208, 209.
[70] Bowen, *Revenue and reform*, pp. 84, 88–9.
[71] Extract of a letter from George Pigot, 2 March 1756, BL, IOR, H/94, fos. 77–80.

of British interests and subjects in Asia had become a project of an increasingly global imperial system, and the Company reduced as it never had been to an agency of the British state. This new empire that emerged in the early nineteenth century became much more concerned with introducing English technology, models of unitary sovereignty, religion, education, land tenure, and law to South Asia. The fiction of 'dual sovereignty' and the concern to rule through 'Indian' forms were increasingly dismissed, even quite literally as the Persian language was discontinued as a language of state and as an iconography on coins. After the 1820s, Anglicisation efforts – identified with Macaulay's 'minute on education', the illegalisation of *sati*, and the reforms of Wellesley's governor-generalship – became the guiding principle of Company government, and British government in India began to be a government not by custom but over 'strangers'.[72] At the same time, the British empire was attempting to impose the uniformity of its maritime empire across the seas, particularly by regulating the slave trade and slavery, while still maintaining the West Indian jewels of its Atlantic empire. Meanwhile, its progeny, the new United States of America, was expanding its own empire across a continent and into the seas, similarly attempting to impose a more uniform framework for governance across a newly expanding nation. This move from early modern state and empire to the modern was not, of course, without its tensions as well, as all of these changing empires would discover within the span of one decade: at Mirath, at Fort Sumter, and at Morant Bay.

[72] Jon Wilson, *The domination of strangers: modern governance in eastern India, 1780–1835* (Cambridge, 2008).

7 The oriental Atlantic: governance and regulatory frameworks in the British Atlantic world

Jerry Bannister

While globalisation remains contentious as a geopolitical phenomenon, it has swept through historical scholarship as an analytical framework.[1] Evidence of the globalisation of history can be seen across the academic landscape, from trends in undergraduate curricula to faculty hiring. Nearly everyone seems to agree on the merits of adopting a global framework in principle, but there is little consensus on how to adopt it in practice. This uncertainty can be seen in the ongoing debate over the viability of Atlantic history as a field of study, as scholars try to balance the goal of comparative breadth with the need for contextual depth. If, as this collection's *raison d'être* affirms, narrow specialisation has afflicted the study of British imperialism, the scholarly prescription for remedying this malady remains far from certain. We may agree on the diagnosis, but the course of treatment is a different matter altogether. Bridging the divide between east and west forces us to confront not only ingrained divisions between scholarly fields but also entrenched beliefs about the Orient and the Occident. As Edward Said argued, orientalism is enmeshed in western culture. While scholars continue to debate Said's arguments, most historians would generally accept the basic premise that the British viewed Asia as alien from their own Atlantic world. For the study of governance, this has presented historians with a neat imperial schema: nascent liberalism, economic opportunism, and civilian governance for the colonies where European settlers formed the majority; backward authoritarianism, economic clientelism, and military autocracy for the territories where colonial elites ruled over Asian peoples. This chapter offers an alternative perspective.

[1] For their comments on earlier versions of this chapter, I thank Ruma Chopra, Jack Crowley, Amal Ghazal, Jaymie Heilman, Krista Kesselring, Colin Mitchell, Justin Roberts, and Shirley Tillotson. I also thank Roger Marsters for his research assistance and the editors for their expert guidance and support. Research funding was provided by the Social Sciences and Humanities Research Council of Canada.

The etymology of orientalism offers a useful starting point for rethinking the historiographies of the British Atlantic and British Asia. As its root word suggests, orientalism developed as a spatial concept. In its original usage, 'to orient' meant to build a church with its longer axis running east and west, so that the celebrant at the Eucharist faced east; it also referred to the custom of burying bodies with their feet pointing towards the Holy Lands.[2] As with many Christian traditions, orientation derived from an older pagan custom of praying towards the sunrise. It eventually lost its overt religious meaning and became secularised as a synonym for direction, in the sense of finding one's bearings. By the Enlightenment, oriental had become associated with despotism as scholars drew on Aristotelian notions of climate and culture to explain the distinctiveness of western political traditions. In the same year that Edward Gibbon invoked oriental influence as a major factor in *The decline and fall of the Roman empire*, the American Declaration of Independence accused George III of trying to impose despotism.[3] For modern scholars, orientalism has become one of the most politically charged terms in the historians' lexicon. According to Said, orientalism formed a western construct used to justify the exploitation and attempted subjugation of eastern peoples. As a negative inversion of the Occident, the concept of the Orient provided the rhetorical means to simplify and denigrate non-western cultures.[4] More recently, historians have broadened this debate to encompass an Irish and even an Ottoman orientalism.[5] Ussama Makdisi argues that historians need to move away from the simple dichotomy of western imperialism versus non-western resistance – a point that could be applied profitably to Atlantic scholarship.[6]

The shifting meanings of orientalism have important implications for our analysis of whether British Asia and the British Atlantic were two worlds or one. In a geographic sense, much of our discussion turns on the question of how historians should orient their studies.[7] As a

[2] *Oxford English dictionary*, online version. See www.oed.com/ (accessed 26 May 2008).
[3] Edward Gibbon, *The decline and fall of the Roman empire*, ed. Dero A. Saunders (London, 1981 [1776–89]), ch. 6.
[4] Edward Said, *Orientalism* (New York, 1979).
[5] Joseph Lennon, *Irish orientalism: a literary and intellectual history* (Syracuse, 2004); Ezequiel Adamovsky, 'Euro-orientalism and the making of the concept of eastern Europe in France, 1810–1880', *Journal of Modern History*, 77 (2005), 591–628.
[6] Ussama Makdisi, 'Ottoman orientalism', *American Historical Review*, 107 (2002), 768–9.
[7] For a different perspective, see Peter A. Coclanis, 'ReOrienting Atlantic history: the global dimensions of the "western" rice trade', in Jorge Canizares-Esguerra and Erik Seeman (eds.), *The Atlantic in global history, 1500–2000* (Upper Saddle River, NJ, 2007), pp. 111–27.

recent exchange between John Reid and Luca Codignola put it: how wide is the Atlantic Ocean?[8] Like the concept of orientalism, the idea of the Atlantic world has become a heuristic device used to construct a more inclusive account of the connections among the diverse peoples and cultures of the Atlantic rim. This remarkable wave of scholarship has produced an intellectual rainbow that encompasses, at last count, a black, brown, red, white, green, Catholic, and criminal Atlantic, as well as an English, French, Spanish, Dutch, and Portuguese Atlantic.[9] Despite the wide range of these studies, they tend to share three common traits: they are oriented outwards towards the ocean, rather than inward towards the continents; they view the Atlantic Ocean as a type of highway, linking peoples together, rather than a barrier keeping them apart; and they follow the implicit principle that there is a discrete Occident to which particular qualities can be ascribed. This raises the problem of whether those links produced affinity and collaboration, or antipathy and subjugation. Recent Atlantic scholarship has uncovered a fascinating world of transoceanic connections, but we should not assume that these connections necessarily led to cultural understandings. As Fred Anderson demonstrates in his global study of the Seven Years War, despite all of the time, money, and effort that imperial officials invested in relations with aboriginal peoples, the British retained a remarkable inability and unwillingness to understand native cultures.[10] Diplomacy and negotiation between British and aboriginal peoples are covered elsewhere in the volume; my focus is on the internal governance and regulatory frameworks within British territories.

This chapter questions whether governance in the British Atlantic can be described as necessarily occidental in the conventional sense of the term.[11] It suggests that we think about British rule conceptually as 'oriental' because, for the majority of peoples and territories across the Atlantic world, it was predicated on the principle of adapting English

[8] Luca Codignola and John G. Reid, 'Forum: how wide is the Atlantic Ocean?', *Acadiensis*, 34 (2005), 74–87.

[9] On Atlantic world historiography, see, *inter alia*, David Armitage, 'Three concepts of Atlantic history', in David Armitage and Michael Braddick (eds.), *The British Atlantic world, 1500–1800*, 2nd edn (Basingstoke, 2009), pp. 13–29; Peter A. Coclanis, Alison Games, Paul W. Mapp, and Philip J. Stern, 'Forum: beyond the Atlantic', *WMQ*, 3rd series, 53 (2006), 675–742; Alison Games, 'Atlantic history: definitions, challenges, and opportunities', *American Historical Review*, 111 (2006), 741–57.

[10] Fred Anderson, *Crucible of war: the Seven Years' War and the fate of empire in British North America, 1754–1766* (New York, 2000).

[11] On occidentalism, see Sadik Jalal al-'Azm, 'Orientalism and orientalism in reverse', *Khamsin*, 8 (1981), 5–26; Wang Ning, 'Orientalism versus occidentalism', *New Literary History*, 28 (1997), 57–67; Akeel Bilgrami, 'Occidentalism – the very idea', *Critical Encounters*, 32 (2006), 381–411.

laws and institutions to facilitate the regulation of alien peoples who had little hope of achieving social independence, or 'competency', which many Protestant settlers acquired in early America.[12] Atlantic governance was, of course, never oriental in a literal sense, and it is anachronistic to impose Said's modernist framework directly on to the early modern Atlantic world. Still, if we consider how the British viewed the Atlantic world and attempted to rule its peoples, Said's insights into what he termed the 'contrapuntal ensembles' of identity formation underscore the centrality of perceptions of difference in shaping imperial rule and colonial resistance.[13] Even in the case of propertied white settlers in colonial America – most of whom saw themselves as tied to Britain in a common imperial cause – colonial sentiments of transatlantic fraternity were rarely reciprocated. As T. H. Breen has recently noted, 'The problem was that the English never really perceived the Americans – nor the Scots, for that matter – in such favorable terms. They were people from the provinces who seemed different, in dress and accent, and were in some essential ways not quite English.'[14] Seventy years after the Stamp Act crisis, the dispute over whether propertied men in British colonies deserved the same rights and privileges as their peers in England remained unresolved. As Lord Durham observed in the wake of the Canadian rebellions of 1837, political reformers wanted above all to make 'the Colonial Constitution "an exact transcript" of that of Great Britain'.[15] Their goal was to erase the disparity between subjects living in Great Britain and those living in the colonies.

My argument is that British governance was based on ideas of difference and subordination which, in their geographic and demographic scope, overshadowed the decentralised opportunism typically associated with British commerce.[16] In making this argument, it is important to avoid the type of reductionism that pits a 'many-headed hydra' against a monolithic 'maritime state'.[17] Such a model framework tends to gloss over not only important differences among subalterns, but also

[12] Daniel Vickers, 'Competency and competition: economic culture in early America', *WMQ*, 3rd series, 47 (1990), 3–29.

[13] Edward Said, *Culture and imperialism* (New York, 1993), p. 52.

[14] T. H. Breen, *American insurgents, American patriots: the revolution of the people* (New York, 2010), p. 39.

[15] *Lord Durham's report on the affairs of British North America*, vol. II, ed. C. P. Lucas (Oxford, 1912 [1839]), p. 151.

[16] David Hancock, '"A world of business to do": William Freeman and the foundation of England's commercial empire, 1645–1707', *WMQ*, 3rd series, 57 (2000), 3–34.

[17] Peter Linebaugh and Marcus Rediker, *The many-headed hydra: sailors, slaves, commoners, and the hidden history of the revolutionary Atlantic* (Boston, 2000), pp. 2–7.

changes over time within the imperial state. While historians generally agree that the British expansion into Asia transformed the imperial state, there is less certainty about the role of the British Atlantic after the American Revolution. Peter Marshall concludes that British North America comprised colonial backwaters 'governed largely by default', not integrated parts of an imperial leviathan.[18] However, as Phillip Buckner has pointed out, this perspective fails to account for the continued importance of Atlantic territories in imperial governance.[19] Despite regional differences, there existed powerful parallels between governance in British Asia and in the British Atlantic. As Lauren Benton argues, 'The language of rights embellished by North American British settlers and the discourses about oriental despotism did not stay in their regional contexts but migrated to parts of the repertoire for politics everywhere.'[20]

There may be no single archetype for Atlantic imperialism, but Ireland offers a useful starting point. On the one hand, recent scholarship has emphasised how Ireland, 'England's oldest colony', did not conform to the popular image of relentless violence and repression.[21] On the other hand, it also belied the American teleology of decentralised opportunism, nascent liberalism, and revolutionary independence. Like most British territories, the turn of the nineteenth century brought not republican statehood but a firmer place in a counterrevolutionary empire more tightly regulated than its eighteenth-century predecessor.[22] Despite Benedict Anderson's important work on creole states and the rise of nationalist movements, what is remarkable about the British Atlantic world is the power and tenacity of loyalism.[23] While historians have focused heavily on the revolutionary (or red) Atlantic and the impact of the American Revolution in spawning creole states, we need to remember that the thirteen colonies were deeply divided and rebellion never spread successfully in the British Atlantic world. Colonial loyalty was, of course, continually negotiated and often hotly contested,

[18] Peter Marshall, 'British North America, 1760–1815', in *OHBE*, vol. II: P. J. Marshall (ed.), *The eighteenth century* (Oxford, 1998), p. 392.

[19] Phillip Buckner, 'Was there a British empire? *The Oxford History of the British Empire* from a Canadian perspective', *Acadiensis*, 32 (2002), 110–28.

[20] Lauren Benton, 'The British Atlantic in global context', in Armitage and Braddick (eds.), *The British Atlantic world*, pp. 288–9.

[21] Thomas Bartlett, '"This famous island set in a Virginian sea": Ireland in the British empire, 1690–1801', in Marshall (ed.), *The eighteenth century*, pp. 253–75; Nicholas Canny, *Making Ireland British, 1580–1650* (Oxford, 2001).

[22] Allan Blackstock, *Loyalism in Ireland, 1789–1829* (Woodbridge, 2007).

[23] Benedict Anderson, *Imagined communities: reflections on the origin and spread of nationalism*, revised edition (New York, 1991), ch. 4.

but it endured through the revolutionary era.[24] This 'loyal Atlantic' spanned not only a vast geography – from Rupert's Land and Labrador in the north, down to the Floridas and the British West Indies in the south, and across to Sierra Leone in the east – but also a diverse demography that included large areas where Roman Catholics, indentured servants, or enslaved peoples comprised regional majorities.[25]

Thinking of governance conceptually as oriental offers the opportunity to consider together important themes in Atlantic history that are often treated as separate narratives. It allows us to see the attempted subjugation of diverse peoples – from Africans and Aboriginals to Acadians, *Canadiens*, and Irish Catholics – not as discrete histories but rather as parts of a larger imperial pattern. As historians of British imperialism have looked increasingly to the Iberian empires and the South Atlantic for their points of reference, recent scholarship has emphasised the trans-imperial and entangled nature of Atlantic history.[26] Commenting on the impact of John Elliott's comparative study, Bernard Bailyn observes, 'Gradually, as once "submerged" transnational structures and large-scale patterns are perceived, the outlines of an immensely complex but cohesive multicultural region come into view.'[27] However, if multi-imperial perspectives free us from parochialism and help us to forge a coherent narrative, we also need to keep in mind that imperial entanglements depended fundamentally on perceptions of difference. Such perceptions depended, in turn, on specific trends within imperial culture, which means that intra-imperial patterns across the British empire were as important as inter-imperial patterns across the Atlantic world. For example, the type of gunboat diplomacy later practised in Asia was also a feature of British imperial governance in north-western America, while efforts by nineteenth-century officials and scholars to chronicle 'Indianness' in North America bore fascinating parallels to similar activities in Asia.[28] And while scholars have integrated Africans

[24] Andrew Jackson O'Shaughnessy, *An empire divided: the American Revolution and the British Caribbean* (Philadelphia, 2000).

[25] Jerry Bannister and Liam Riordan (eds.), *The loyal Atlantic: remaking the British Atlantic in the revolutionary era* (Toronto, 2012).

[26] See J. H. Elliott, *Empires of the Atlantic world: Britain and Spain in America, 1492–1830* (New Haven, 2006); Jack P. Greene and Philip D. Morgan (eds.), *Atlantic history: a critical appraisal* (Oxford, 2009); Thomas Benjamin, *The Atlantic world: Europeans, Africans, Indians and their shared history, 1400–1900* (Cambridge, 2009).

[27] Bernard Bailyn, 'Introduction: reflections on some major themes', in Bernard Bailyn and Patricia Denault (eds.), *Soundings in Atlantic history: latent structures and intellectual currents, 1500–1830* (Cambridge, MA, 2009), p. 3.

[28] On gunboat diplomacy in British Asia and north-west America respectively, see Christopher Munn, 'The Chusan episode: Britain's occupation of a Chinese island, 1840–46', *JICH*, 25 (1997), 82–112; Barry Gough, *Gunboat frontier: British maritime*

and Amerindians into imperial master-narratives, French subjects of the crown have received much less attention in surveys of the British empire.[29] For imperial administrators, French Canadians posed significant problems because of their Catholicism, their suspected republicanism, and their alleged racial status.[30] Even in Halifax, arguably the most English of possessions in the Atlantic world, British travellers reacted ambiguously to a place that was at once alien and familiar.[31]

An intra-imperial framework is important also because it recognises the central role of British law in colonial development. At the heart of this law was what William Blackstone termed 'that sole and despotic dominion' of property rights. As John McLaren, A. R. Buck, and Nancy Wright explain, debates over property rights shaped relations within and between settler societies and Amerindian peoples across the British empire.[32] The reach of property rights stretched far beyond landed property, and the law of master and servant defined the boundaries between slavery, servitude, and freedom. While the British and colonial law of master and servant evolved considerably across a global empire, it invariably supported, according to Paul Craven and Douglas Hay, three defining principles: employment relations were a private contract that empowered a master to command his servants to obey; these private contracts were subject to summary enforcement by justices of the peace and other magistrates with little supervision from superior courts; and these magistrates were empowered to punish

authority and northwest coast Indians, 1846–1890 (Vancouver, 1984). On official and scholarly efforts to define 'Indianness' in North America and Asia respectively, see Paige Raibmon, *Authentic Indians: episodes of encounter from the late-nineteenth-century northwest coast* (Durham, NC, 2005); John Sutton Lutz (ed.), *Myth and memory: stories of indigenous–European contact* (Vancouver, 2007); Norbert Peabody, 'Tod's Rajast'han and the boundaries of imperial rule in nineteenth-century India', *MAS*, 30 (1996), 185–220; A. L. Macfie, 'Thuggee – an orientalist construction?', *Rethinking History*, 12 (2008), 383–97.

[29] Colin Coates, 'French Canadians' ambivalence to the British empire', in Phillip Buckner (ed.), *Canada and the British empire* (Oxford, 2008), pp. 181–99; Serge Courville, 'Part of the British empire, too: French Canada and colonization propaganda', in Phillip Buckner and R. Douglas Francis (eds.), *Canada and the British world: culture, migration, and identity* (Vancouver, 2006), pp. 129–41.

[30] Allan Greer, *The patriots and the people: the rebellion of 1837 in rural lower Canada* (Toronto, 1993); Louis-Georges Harvey, *Le printemps de l'Amérique française: américanité, anticolonialisme et républicanisme dans le discours politique québécois, 1805–1837* (Montreal, 2005).

[31] Jeffrey L. McNairn, '"Everything was new, yet familiar": British travellers, Halifax and the ambiguities of empire', *Acadiensis*, 36 (2007), 28–54.

[32] John McLaren, A. R. Buck, and Nancy E. Wright (eds.), *Despotic dominion: property rights in British settler societies* (Vancouver, 2005); Hamar Foster, Benjamin L. Berger, and A. R. Buck (eds.), *The grand experiment: law and legal culture in British settler societies* (Vancouver, 2008).

uncooperative workers with penal measures such as whipping, fines, forfeiture of wages, forced labour, and imprisonment.[33] This cogent regulatory framework helped to define governance in both Asia and the British Atlantic for more than four hundred years.

Atlantic governance also depended upon conceptions of geography. For the British, geography was neither culturally neutral nor politically static: places always carried cultural meanings and connotations that shaped how they were perceived and governed.[34] The orthodox view is that these perceptions followed a fairly clear blueprint: the less a territory resembled England, the more backward a society became. By the early nineteenth century, propertied men participating in public debates over law reform could draw on a common set of attitudes about the Orient, where governance was assumed to be hopelessly venal and habitually violent. Colonists in favour of reform argued that Englishmen living in Atlantic colonies should enjoy the same full rights and privileges as their peers living in Britain. When they sought to undermine the legitimacy of a particular imperial policy, they compared it to oriental despotism. For example, in Newfoundland – one of the oldest possessions in the British empire and the closest geographically to England – Patrick Morris, a leading advocate of law reform, claimed that the island's naval governors had behaved 'more like Persian satraps or Turkish bashaws than men who, it is to be supposed, were well read in the constitutional history of their country'.[35]

This is how the debate over Atlantic governance is supposed to look. Governance and regulatory frameworks are expected to be part of a shared occidental enterprise based on the mercantilist vision of a unitary system of governance. Propertied Englishmen used concepts of savagery and racial primitivism to legitimise their heinous treatment of aboriginals and Africans, but they still saw their Atlantic world as within the pale of civilisation. While their Atlantic empire had to accommodate cultural middle grounds and borderlands during its evolution, it was viewed as essentially a project of colonisation rather than conquest. The result was, as the *Oxford history of the British empire* tells

[33] Douglas Hay and Paul Craven, 'Introduction', in Douglas Hay and Paul Craven (eds.), *Masters, servants, and magistrates in Britain and the empire, 1562–1955* (Chapel Hill, 2005), pp. 1–2.

[34] Matthew H. Edney, *Mapping an empire: the geographical construction of British India, 1765–1843* (Chicago, 1997); John E. Crowley, 'A visual empire: seeing the British Atlantic world from a global British perspective', in Elizabeth Mancke and Carole Shammas (eds.), *The creation of the British Atlantic world* (Baltimore, 2005), pp. 283–303.

[35] Patrick Morris, *Remarks on the state of society, religion, morals, and education at Newfoundland* (London, 1827), p. 10.

us, an empire ordered by skin colour. 'The white population of the American colonies was', according to John Shy, 'arguably the most gently governed, lightly taxed, least oppressed people in the eighteenth-century Western world.'[36] In the wake of the American Revolution, P. J. Marshall asserts, 'The contrast between local self-rule for white societies and autocracy for the rest that marked the nineteenth-century Empire was coming into being.'[37] Yet we should be careful not to divide the British empire too neatly between those who were white and those who were not. Adopting such a schema runs the risk of imposing a selective representation of a relatively small group of people – in this case propertied, Protestant, adult men of European descent living in settler colonies – on to highly diverse societies and cultures. Whereas these representations functioned within orientalism to produce a normative perspective based on cultural antipathy and incivility, within Atlantic history they have produced a perspective based on cultural affinity and civility. This perspective is partly a vestige of the American exceptionalism that once dominated Atlantic history. The most influential proponent for reorienting American colonial history has been Jack Greene, who argued that historians have laboured under the false assumption that the southern colonies were deviant and the New England colonies were normative. Greene claims that it was New England which was exceptional, as nearly every other territory lacked a unified social vision, common political purpose, or sophisticated economic organisation. Only in the years leading up to the American Revolution did the development of the various colonies begin to converge as their societies became increasingly complex.[38] Despite Greene's calls for a more inclusive approach, there remains a common presumption that the thirteen colonies were normative.

Confronting this problem has required new analytical frameworks. One solution, offered by Stephen Hornsby, is to view the Atlantic world through the lens of geographic spheres of governance based on patterns of socioeconomic development. Hornsby argues that British America can be divided schematically into three types of spaces: a British Atlantic, which included Newfoundland, the West Indies, and

[36] John Shy, 'The American colonies in war and revolution, 1748–1783', in Marshall (ed.), *The eighteenth century*, p. 308.

[37] P. J. Marshall, 'Britain without America – a second empire?' in Marshall (ed.), *The eighteenth century*, p. 590.

[38] See, *inter alia*, Jack P. Greene, *Peripheries and center: constitutional development in the extended polities of the British empire and the United States, 1607–1788* (Athens, GA, 1986); Jack P. Greene, *Pursuits of happiness: the social development of early modern British colonies and the formation of American culture* (Chapel Hill, 1988).

Hudson Bay; an American frontier, which covered the settled colonies from Massachusetts to Georgia; and an intermediate space, which comprised port towns and areas dominated by continental staples. The splits between these spaces of power formed the structural faults that eventually divided the thirteen colonies from the rest of the British empire. On the one hand, the British Atlantic formed a type of oceanically oriented marine empire marked by staples trade, naval force, and metropolitan authority. The extreme specialisation of the cod fishery, the sugar islands, and the fur trade inhibited the emergence of alternative economic enterprises, leaving mercantile elites with little local competition for power. The continued dominance of metropolitan capital and political influence meant that these Atlantic territories remained tightly wedded to Britain. On the other hand, the American frontier comprised an agriculturally oriented settler empire marked by population growth, capital accumulation, and local autonomy.[39] The socioeconomic diversification of these agricultural settlements produced colonial elites composed of merchants and planters who were less dependent on metropolitan power. Whereas American expansion was internal and landward, British expansion remained external and seaward. The French territories that Britain acquired following the Seven Years War fit uneasily with the settled American colonies, contributing to the political friction that precipitated the American Revolution.[40]

This reconfiguration of the British Atlantic is part of a larger process of decentring imperial history. The goal of this 'new imperial history', as Kathleen Wilson put it, is 'to rethink the genealogies and historiographies of national belonging and exclusion'.[41] John G. Reid has argued that we need to move beyond the narrative of inexorable imperial expansion and colonial settlement. For early modern north-eastern North America, Reid has suggested an analytical framework based on three interrelated phenomena: imperial outreach, colonial residency, and aboriginal adaptation. Focusing on the variable of colonial residency rather than formal colonisation mitigates the prevailing scholarly bias towards large, permanent settlements peopled by Europeans. Reid argues that the history of the early modern north-east should be seen as Amerindian history, because the British were unable to dominate

[39] William Offutt, 'The Atlantic rules: the legalistic turn in colonial British America', in Mancke and Shammas (eds.), *Creation of the British Atlantic world*, pp. 161–81.

[40] Stephen J. Hornsby, *British Atlantic, American frontier: spaces of power in early modern British America* (Lebanon, NH, 2005), ch. 6.

[41] Kathleen Wilson, 'Histories, empires, modernities', in Kathleen Wilson (ed.), *A new imperial history: culture, identity and modernity in Britain and the empire, 1660–1840* (Cambridge, 2004), p. 3.

this territory until after the American Revolution and the arrival of the loyalists.[42] His argument reinforces a point made by Elizabeth Mancke about the relationship between imperialism, state-formation, and foreign policy. According to Mancke, 'a key element in understanding early modern British empire building is to determine the extent to which the metropolitan government treated the overseas activities of British subjects as a problem of external affairs or of internal governance, or some combination of the two'.[43]

This brings us back to the question of orientation. How the metropolitan government treated overseas activities of British subjects depended in large measure on cultural attitudes towards the particular people and places of the Atlantic rim. The British did not envisage their empire as a neat, colour-coded map. If we return to the example of Newfoundland, arguably the whitest part of the entire empire, we can see how malleable notions of collective identity shaped the governance of not only Amerindians and Africans but also peoples of English ancestry. The island's English settlements dated from the early seventeenth century and, by the early nineteenth century, it had a permanent population of 40,000, the majority of whom were British Protestants. Yet the metropolitan government did not grant Newfoundland representative government until 1832, after a protracted political campaign by colonial reformers. The colonial office maintained that the island's society was too backward to support a legislative assembly. As one commentator in the English press put it, if the Newfoundland fishermen were given an elected assembly, 'we shall next hear of the liberated negroes of Sierra Leone'.[44] While colonial reformers invoked the spectre of oriental despotism to protest against British policy towards Newfoundland, they themselves were portrayed as uncivilised. Though the island had fewer Amerindians and Africans than anywhere else in the empire, its British settler population repeatedly failed the imperial test for civil government.

Atlantic historians have largely dismissed Newfoundland as *sui generis* in the story of imperial governance, but it was far from the exception to the colonial rule. From both a commercial and strategic perspective, Newfoundland was considered a relatively important part of the British

[42] John G. Reid, with contributions from Emerson W. Baker, *Essays on northeastern North America: seventeenth and eighteenth centuries* (Toronto, 2008).

[43] Elizabeth Mancke, 'Empire and state', in David Armitage and Michael Braddick (eds.), *The British Atlantic world, 1500–1800*, 1st edn (Basingstoke, 2002), pp. 175–95.

[44] The quotation is taken from an extract of the *Quarterly* printed in the *Newfoundlander* (St John's), 20 August 1829, cited in Patrick O'Flaherty, *Old Newfoundland: a history to 1843* (St John's, 1999), p. 144.

empire, and in the eighteenth century metropolitan officials kept a relatively close watch over its administration.[45] Like a wide range of territories based on staple economies such as furring and logging – from Rupert's Land in the north to British Honduras in the south – the island did not fit the New England archetype.[46] Two characteristics shaped its legal development: its economy was based almost totally on a migratory cod fishery dominated by a small yet powerful group of English merchants; and its society consisted largely of fishing servants (most of whom were Irish Catholic), and semi-dependent planters with little landed property. Like many territories across the British Atlantic, Newfoundland was peopled by young, single men from Britain and Ireland lured by the relatively high wages in North America to sign indentures and work for masters under difficult conditions. Most European emigrants arrived unfree in some form of servitude in British America, where they lived in their masters' households during the term of their contract.[47] Servitude and unfree labour mobility in various forms were facts of life around the Atlantic rim.

Governance in the British Atlantic functioned to deal with these social facts. 'Land is worthless without laborers,' Alfred Crosby has noted, 'who are as essential to a conquest as the land's flora and fauna.'[48] The challenge for metropolitan and colonial authorities was to design regulatory systems to make the land and the sea productive and secure. Broadly speaking, these systems depended on three independent variables: material power, such as armies and navies; economic doctrines, particularly mercantilism; and political ideologies, especially loyalism and local customs. The variable of material power encompassed the relative presence of not only British forces (the Royal Navy, British army, and colonial militias), but also their European rivals, Amerindian forces, and other groups beyond the control of the imperial state, such as the maroons. Although the economic policies of empire were never uniform, mercantilism influenced how imperial authorities conceived of Atlantic governance as the navigation acts became entrenched during the Restoration. Mercantilism entailed far more than the statutory

[45] Jerry Bannister, *The rule of the admirals: law, custom, and naval government in Newfoundland, 1699–1832* (Toronto, 2003).

[46] Cole Harris, *The reluctant land: society, space, and environment in Canada before Confederation* (Vancouver, 2008).

[47] James Horn and Philip D. Morgan, 'Settlers and slaves: European and African migrations to early modern British America', in Mancke and Shammas (eds.), *Creation of the British Atlantic world*, p. 27.

[48] Alfred W. Crosby, *Germs, seeds, and animals: studies in ecological history* (Armonk, 1994), p. 84.

web of commercial regulation, for it fostered cogent ways of imagining empire, such as the notion of 'nurseries for seamen', which was applied to the cod fishery, the whaling industry, and the slave trade. In William Pitt's strategic calculation, the fishery in particular was vital to Britain's imperial interests.[49] Localism militated against the ability of authorities to impose mercantilist policies consistently across the British Atlantic. The doctrine of customary powers – expressed by the popular English phrase 'the custom of the country', which was used to denote local norms and practices – was deeply imbedded in colonial legal cultures.[50] But loyalism was an even more powerful force in British governance, mitigating the trend towards local autonomy. Imperial authorities endeavoured wherever possible to impose active obedience to the crown and the penal laws, particularly the test acts, which were passed alongside the navigation acts during the reign of Charles II. If one could say that they had a dream of empire, it was of a Protestant, profitable realm where every servant had a master.

Although imperial rule across the Atlantic world was uneven and complex, it followed discernible patterns. Reception and enforcement of English law varied considerably, depending on when and how a particular territory was first established, but statutory law formed a regulatory continuity: the last of the test acts was not repealed until the Catholic Emancipation Act of 1829, and vestiges of the navigation acts remained in place until 1849. These statutes reflected a deeper set of state-sanctioned beliefs about governance – a *mentalité* of rule, in other words – predicated on the axiom that officials acting in the name of the crown had the inherent right to regulate both commerce and conscience. This right was continually negotiated and contested throughout the British Atlantic, and its application stretched or shrunk according to the changing balances of imperial, colonial, and Amerindian power; yet it remained part of the fabric of empire. It bequeathed questions that eventually tore the empire apart: who enjoyed it (the king, Parliament, governors, colonial legislatures, local courts?); and how should it be exercised (by statute, prerogative writ, custom, vote?).[51] Nonetheless, until the late eighteenth century, very few officials or

[49] Anderson, *Crucible of war*, pp. 483–4.

[50] See, *inter alia*, James H. Merrell, '"The customs of our country": Indians and colonists in early America', in Bernard Bailyn and Philip Morgan (eds.), *Strangers within the realm: cultural margins of the first British empire* (Chapel Hill, 1991), pp. 117–56; Bruce Kercher, 'Perish or prosper: the law and convict transportation in the British empire, 1700–1850', *Law and History Review*, 21 (2003), 527–84.

[51] Jerry Bannister and Liam Riordan, 'Loyalism and the British Atlantic, 1660–1840', in Bannister and Riordan (eds.), *The loyal Atlantic*, pp. 3–36.

public commentators questioned the right itself and, like slavery, they took it for granted as a natural part of governance.

The liberal impact of the Glorious Revolution on Atlantic political culture must be balanced against a loyalist legacy that emphasised the battle of the Boyne as much as the Bill of Rights. Lockean ideas circulated widely in the Atlantic world, but the principles of consent and contract need to be placed in the context of early modern legal culture. While the Act of Settlement in 1701 established the Hanoverian succession in English law, actually enforcing loyalty to George I was a different matter. The anti-Catholicism that marked English (and, after 1707, British) loyalism was fuelled in large part by fear of the return of James II and his Stuart successors. Although the Jacobite rebellion in 1715–16 failed, the threat to the Hanoverians remained until 1746, when the duke of Cumberland crushed the last serious Stuart insurrection at the battle of Culloden. Fed by the rapidly expanding fiscal-military state, the imperial state emerged in the 1740s with unprecedented resources with which to enforce loyalty to the crown.[52] As Brendan McConville argues, colonial America remained strongly monarchical and anti-Catholic right up to the eve of the American Revolution.[53] According to Gordon Wood, 'Royal authority never seemed more impressive and acceptable to the colonists than at mid-century, not simply because wars naturally favored a growth in the influence of the crown and the Anglican church was growing in strength, but also because the theoretical underpinnings of their social thought still remained largely monarchical.'[54] From the domestic regulation of women and children to the regulation of trade, public life was based on hierarchical ties that regulated personal freedom.

English Whigs, such as Joseph Addison, drew on ideals of civic duty to argue that liberty and property depended on loyalty to a Protestant king. Addison wrote,

> A Free-hold, tho' it be but in Ice and Snow, will make the Owner pleased in the Possession, and stout in the Defence of it; and *is a very proper Reward of our Allegiance to our present King*, who (by an unparallel'd Instance of Goodness in a Sovereign, and Infatuation in Subjects) contents for the Freedom of His People against Themselves; and will not suffer many of them to fall into

[52] John Brewer, 'The eighteenth-century British state: contexts and issues', in Lawrence Stone (ed.), *An imperial state at war: Britain from 1689 to 1815* (New York, 1994); Geoffrey Plank, *Rebellion and savagery: the Jacobite rising of 1745 and the British empire* (Philadelphia, 2006).

[53] Brendan McConville, *The king's three faces: the rise and fall of royal America, 1688–1776* (Chapel Hill, 2007).

[54] Gordon Wood, *The radicalism of the American Revolution* (New York, 1991), p. 18.

a State of Slavery, which they are bent upon with so much Eagerness and Obstinacy.[55]

Writing in the wake of the Jacobite uprising in 1715, Addison published *The Freeholder* with a clear political aim: 'While many of my gallant Country-men are employed in pursuing Rebels half discomfited through the Consciousness of their Guilt, I shall labour to improve those Victories to the Good of my Fellow-Subjects; by carrying on our Successes over the Minds of Men, and by reconciling them to the Cause of their King, their Country, and their Religion.' His goal was 'to shew them the privileges of an *English* Free-holder which they enjoy in common with my self, and to make them sensible how these Blessings are secured to us by his Majesty's Title, his Administration, and his Personal Character'.[56] In a recent study of liberty in the British empire, historians have reconsidered the importance of constitutional rights, but they have tended to overlook Addison's argument that those rights were secured by the king. Jack Greene argues that the capacity for preserving liberty rested on two institutions, juries and Parliament, which were recreated in the thirteen colonies. The colonies of British America became functionally republican before they became anti-monarchical and, Greene concludes, 'these conditions explain why, during the North American settler revolt that began in 1774–76, the transition from monarchy to republican government was so easy in those polities that had the wherewithal to participate in the revolt'.[57] By isolating liberty from monarchy, this perspective places insufficient weight on a political tradition that saw the crown as guarantor of liberty.[58]

The emphasis on the personal character of the king, which Addison had trumpeted in 1715, reached its apex in Lord Bolingbroke's *Idea of the patriot king*. For Bolingbroke, the polity represented a family:

The true image of a free people, governed by a PATRIOTIC KING, is that of a patriarchal family, where the head and all the members are united by one common interest, and animated by one common spirit; and where, if any are perverse enough to have another, they will soon be borne down by the superiority of those who have the same; and, far from making a *division*, they will but confirm the *union* of the little state. That to approach as near as possible to

[55] Joseph Addison, *The Freeholder*, 1, 23 (December 1715), in Stephen Copley (ed.), *Literature and the social order in eighteenth-century England* (London, 1984), p. 35. Emphasis added.

[56] Ibid.

[57] Jack P. Greene, 'Introduction: empire and liberty', in Jack P. Greene (ed.), *Exclusionary empire: English liberty overseas, 1600–1900* (Cambridge, 2010), p. 13.

[58] On the persistence in the belief in 'rights' as a grant from the king, see Jack N. Rakove, *Declaring rights: a brief history with documents* (New York, 1998).

those ideas of perfect government, and social happiness under it, is desirable in every state, no man will be absurd enough to deny.[59]

The king enjoyed patriarchal status, though his power was not absolute. For Bolingbroke, the king's duty, 'To espouse no party, but to govern like the common father of his people, is so essential to the character of a PATRIOTIC KING, that he who does otherwise forfeits the title.'[60] For propertied men in the British Atlantic, this raised the question of who qualified as members of this figurative family and how the notion of *his people* translated from England to its colonies. As T. H. Breen has argued, the rise of English nationalism in the eighteenth century altered the relationship between the emergent British nation and its multi-ethnic empire.[61]

Shifting boundaries of Englishness and civility shaped the imperial threats that defined the British Atlantic. These threats encompassed disparate peoples who often had little in common: Amerindian peoples, maroons, Jacobites, Catholics, pirates, transported convicts, unemployed labourers, runaways, and vagrants. If we return to the example of Newfoundland, we can observe how mercantilism and loyalism became enmeshed in this process. In 1764 Governor Hugh Palliser issued a proclamation,

1. That no Papist servant man or woman shall remain in any place where they did not fish or serve during the summer preceding.
2. That not more than two Papist men shall dwell in one house during the winter, except such as have Protestant masters.
3. That no Papist shall keep a publick house or vend liquor by retail.
4. That no person keep dyeters during the winter.
5. That all idle disorderly useless men and women be punished according to law [the Vagrancy Act] and sent out of the country.[62]

The term 'dyeters' (usually spelled dieters) was used to refer to fishing servants who stayed in Newfoundland after serving out their contracts. They were part of a much larger group of 'masterless men', a common term used throughout the British Atlantic to describe labourers who were not under an indenture to a master. For Thomas Hobbes, strong

[59] Henry St John, 1st Viscount Bolingbroke, *The idea of the patriot King* (1752), in E. N. Williams (ed.), *The eighteenth-century constitution: documents and commentary* (Cambridge, 1965), p. 86.
[60] Ibid., p. 85.
[61] T. H. Breen, 'Ideology and nationalism on the eve of the American Revolution: revisions once more in need of revising', *Journal of American History*, 84 (1997), 13–39.
[62] Governor's decree, 31 October 1764, Provincial Archives of Newfoundland and Labrador, GN 2/1/A, vol. 3, p. 272.

sovereign power was needed to prevent 'the miseries and horrible calamities that accompany a civil war or that dissolute condition of masterless men, without subjection to laws and a coercive power to tie their hands from rapine and revenge'.[63] This fear of masterless men represented the nightmare of British imperialism, as authorities worried incessantly about the threat of not only petty insubordination but also disloyalty and even revolution.[64] British subjects enjoyed conditional liberties, not inalienable rights; what imperial and colonial authorities granted, they could attempt to revoke if circumstances warranted.[65]

The British tended to view their Atlantic possessions as wild places filled with potentially threatening peoples. Like the sea itself, the Americas represented an essentially alien world, a type of heterotopia fundamentally different from home.[66] Like the jungle, the ocean itself produced exotic peoples – in this case tens of thousands of common sailors, known as 'Jack Tars' – and it was widely believed that going to sea rendered a man unfit for life ashore. According to Marcus Rediker, sailors had a unique dialect, dress, and even way of walking that represented a plebeian subculture which authorities viewed with suspicion.[67] The sea was, of course, the lifeblood of empire, and the treatment of sailors speaks volumes about the nature of Atlantic governance. Seamen were subjected to not only a strict variant of the law of master and servant, but also the regular and very real threat of naval impressment on land and sea.[68] Labour represented the most valuable commodity throughout the Atlantic world, but trained sailors were targeted particularly because of the Royal Navy's insatiable demand for manpower. The forced conscription of sailors through the widespread use of press gangs underscores how the British relied on autocratic measures that placed the prerogative of the crown well ahead of the rights of maritime

[63] Thomas Hobbes, *Leviathan: parts I and II* (New York, 1958 [1651]), p. 152.

[64] Kenneth Morgan, *Slavery and servitude in North America, 1607–1800* (Edinburgh, 2000); Gwenda Morgan and Peter Rushton, 'Visible bodies: power, subordination and authority in the eighteenth-century Atlantic world', *Journal of Social History*, 39 (2005), 39–64.

[65] Michel Ducharme, *Le concept de liberté au Canada à l'époque des Révolutions atlantiques (1776–1838)* (Montreal, 2009).

[66] Jo Stanley, 'And after the cross-dressed cabin boys and whaling wives? Possible futures for women's maritime historiography', *Journal of Transport History*, 23 (2002), 9–22.

[67] Marcus Rediker, *Between the devil and the deep blue sea: merchant seamen, pirates, and the Anglo-American maritime world, 1700–1750* (Cambridge, 1987).

[68] Denver Brunsman, 'The Knowles Atlantic impressment riots of the 1740s', *Early American Studies*, 5 (2007), 324–66; Keith Mercer, 'Sailors and citizens: press gangs and naval–civilian relations in Nova Scotia, 1765–1815', *Journal of the Royal Nova Scotia Historical Society*, 10 (2007), 87–113.

labourers, most of whom were English Protestants. While tales of the Muslim slave galleys entertained the English public, impressment remained a fact of life for most British seamen, and the Royal Navy did not abolish the cat-o'-nine-tails until 1881.

How Britons imagined their Atlantic world heavily influenced its governance, but we must be careful not to adopt a reductive dichotomy of the imperial and the subaltern. Linda Colley has offered stimulating accounts of how concepts of 'the Other' influenced British culture – in the formation of a triumphal Protestant national identity pitted against Catholic France and, in her more recent work, a fearful narrative of captivity at the hands of the Muslims from the Barbary Coast – but it is important to keep in mind that they represent only parts of a more elaborate process.[69] Though the theories of the late Clifford Geertz have fallen out of intellectual fashion, his insights remain relevant to the study of Atlantic governance. Paraphrasing Geertz, Lauren Benton makes an important observation in her analysis of legal regimes in world history: 'the global institutional order has its origins in the stories that people tell themselves about others'.[70] These stories change across time and place according to the changing currents of power: allies become enemies, neutrals become rivals, and heroes become villains. One of the best explorations of this process is Robert Ritchie's landmark biography of Captain William Kidd, who transformed in a few years from friend of the Whig Junto to enemy of the state.[71] Kidd's execution marked a watershed in the early eighteenth century, as the golden age of piracy in the British Atlantic came to an end. From the perspective of imperial governance, the worst threats came as much from *within* the empire as from without. When the political crisis in the thirteen colonies slid into armed rebellion, the English press increasingly portrayed American colonists as savages who were not just disloyal but un-English. Like the degrees of freedom that characterised governance in the British Atlantic, degrees of Englishness marked the shifting boundaries of loyalty and sedition, lawfulness and criminality.

From the earliest stages of British contact with the Americas, the imagination of empire and nation were interconnected. The most prolific and influential of the early commentators was Richard Hakluyt, who saw Atlantic exploration through the lens of English patriotism. Hakluyt's *Principal navigations, voiages, and traffiques and discoveries of*

[69] Linda Colley, *Britons: forging the nation, 1707–1837* (New Haven, 1992); Linda Colley, *Captives: Britain, empire and the world* (New York, 2002).

[70] Lauren Benton, *Law and colonial cultures: legal regimes in world history, 1400–1900* (Cambridge, 2002), p. 263.

[71] Robert C. Ritchie, *Captain Kidd and the war against the pirates* (Cambridge, 1986).

the English nation, first published in 1589, offered readers a compendium of Elizabethan exploits in foreign, dangerous lands.[72] The discovery of new worlds also prompted English writers to imagine new, experimental ways to govern societies. The most important of these works was, of course, Thomas More's *Utopia*, published in Latin in 1516. As Jack Greene and others have pointed out, More imagined the new world as an antithesis of the old.[73] Yet what is perhaps most striking about *Utopia* is not its egalitarianism but its repression. The Utopians may have had no private property, few laws, and no attorneys, but their system of governance subordinated wives to husbands, prohibited idleness in any form, and enforced slavery. Each household had two slaves, who were forced to do the community's dirty work. For their military campaigns, the Utopians employed mercenaries recruited from Venalia, a wild land east of Utopia. 'The Venalians', More affirmed, 'are extremely primitive and savage – like the wild forests and rugged mountains among which they grow up.'[74] More's explanation of the Utopians' reliance on Venalian mercenaries is particularly chilling: 'For the Utopians don't care how many Venalians they send to their deaths. They say, if only they could wipe the filthy scum off the face of the earth completely, they'd be doing the human race a very good turn.' This stark vision of colonialism – based on the Roman term *colonia*, which More's work helped to popularise – influenced a dystopian perspective that became a recurrent theme in English literature. From Shakespeare's *The Tempest* (1611) to Defoe's *Robinson Crusoe* (1719), the Atlantic world appeared to English readers as removed from not only the commonwealth but also, in a symbolic sense, the Occident itself.

In assessing conceptions of empire, it is important to distinguish between imperial prescription and local practice. On the one hand, as Daniel Vickers has argued, many propertied settlers in colonial America were left relatively free to pursue their goal of economic independence.[75] While some sailors lived on the fringes of British society or became pirates, most remained tied to stable, well-regulated maritime communities.[76] Garrison government may have played a

[72] Richard Hakluyt, *The principal navigations, voiages, traffiques and discoveries of the English nation* (London, 1589).

[73] Jack Greene, *The intellectual construction of America: exceptionalism and identity from 1492 to 1800* (Chapel Hill, 1993), pp. 26–9.

[74] Thomas More, *Utopia*, trans. Paul Turner (London, 1972), p. 113.

[75] Daniel Vickers, *Farmers and fishermen: two centuries of work in Essex County, Massachusetts, 1630–1850* (Chapel Hill, 1994), pp. 14–23.

[76] Daniel Vickers with Vince Walsh, *Young men and the sea: Yankee seafarers in the age of sail* (New Haven, 2005).

part in the administration of many American colonies, as Stephen Saunders Webb has suggested, but its actual presence was scattered and often ineffectual.[77] Naval impressment may have been an occupational hazard for mariners, but N. A. M. Rodger has asserted that the Royal Navy was, when judged by contemporary standards, a relatively humane institution.[78] Even slavery itself varied tremendously around the Atlantic rim, as African peoples negotiated and exercised agency to create their own communities.[79] As Michael Jarvis demonstrates, in colonies such as Bermuda slavery was far less brutal than in the West Indies.[80] And if the imperial state was far from omnipotent, it also faced continual resistance. This movement culminated in the Haitian Revolution of 1791–1804, in which the British militarily and unsuccessfully intervened because of what it portended for imperial governance.[81]

On the other hand, imperial governance depended significantly on British state-formation. In many respects, the administration of empire fits Ian McKay's definition of nation-building as 'a historically specific project of rule'.[82] Prior to the mid-eighteenth century, the British avoided large, state-sponsored colonisation projects. Even after the establishment of the Board of Trade in 1696, imperial governance was typically reactive and ad hoc, particularly during the administration of Robert Walpole.[83] This does not mean that imperial rule was necessarily ineffectual – colonial authority was usually uneven rather than absent – but there was a significant time-lag between ideas and

[77] Richard R. Johnson, 'The imperial Webb: the thesis of garrison government in early America considered', *WMQ*, 3rd series, 43 (1986), 408–30.

[78] N. A. M. Rodger, *The wooden world: an anatomy of the Georgian navy* (London, 1986).

[79] Phillip D. Morgan, *Slave counterpoint: black culture in the eighteenth-century Chesapeake and Lowcountry* (Chapel Hill, 1998); David S. Cecelski, *The waterman's song: slavery and freedom in maritime North Carolina* (Chapel Hill, 2001).

[80] Michael Jarvis, *In the eye of all trade: Bermuda, Bermudians, and the maritime Atlantic world, 1680–1783* (Chapel Hill, 2010).

[81] Laurent Dubois, *Avengers of the new world: the story of the Haitian Revolution* (Cambridge, MA, 2004); Jean-Pierre Le Glaunec and Nathalie Dessens (eds.), *Haiti: regards croisées* (Paris, 2007).

[82] Ian McKay, 'The liberal order framework: a prospectus for a reconnaissance of Canadian history', *Canadian Historical Review*, 81 (2000), 620.

[83] Ian K. Steele, 'Metropolitan administration of the colonies, 1696–1775', in Jack Greene and J. R. Pole (eds.), *The Blackwell encyclopedia of the American Revolution* (Oxford, 1991), pp. 11–16; Lee Davison, Tim Hitchcock, Tim Keirn, and Robert Shoemaker, 'The reactive state: English governance and society, 1689–1750', in Lee Davison, Tim Hitchcock, Tim Keirn, and Robert Shoemaker (eds.), *Stilling the grumbling hive: the response to social and economic problems in England, 1689–1750* (New York, 1992), pp. xi–xli.

implementation. Until the emergence of what John Brewer has called a fiscal-military state in the eighteenth century, there existed no formidable, activist imperial state.[84] When the British undertook their first two major government-subsidised settlement projects in the Atlantic world – in Georgia in the 1730s and in Nova Scotia in the late 1740s – they sought to create demographic buffer zones to counter perceived threats to their Atlantic empire. The threats may have differed in each colony (in Georgia, African slaves and Spanish regional power; in Nova Scotia, Acadian Catholics and French regional power), but the regulatory ethos was essentially the same.[85]

This imperial ethos drew on a collection of ideas that stretched back to the sixteenth century. One of the most important of these ideas was the concept of forced migration.[86] The notion of coercing people to migrate to Atlantic territories pre-dated mercantilism. It was based on the twin fears of overpopulation and insurrection, as British officials worried about threats to the social order.[87] The idea of using the Americas as a dumping ground for surplus labourers circulated publicly as early as 1576, in Humphrey Gilbert's *Discourse of a discoverie for a new passage to Cataia*.[88] Gilbert argued that England should ship its poor to America rather than execute them for committing criminal offences. This recommendation was picked up by Richard Hakluyt, who proposed that petty thieves be sentenced to a term in America, where they would produce wealth for the crown through hard labour. Hakluyt's proposal was not incompatible with other plans – Gilbert and, later, Walter Ralegh argued that colonies should be founded as military outposts – and it proved to be particularly tenacious.[89] Transportation of offenders to America began in the seventeenth century and, with the passage of the Transportation Act of 1718, it dramatically expanded. More than

[84] John Brewer, *Sinews of power: war, money, and the English state, 1688–1783* (New York, 1989).

[85] Jeffers Lennox, 'An empire on paper: the founding of Halifax and conceptions of imperial space, 1744–55', *Canadian Historical Review*, 88 (2007), 373–412; Karen Bell, 'Rice, resistance, and forced transatlantic communities: (re)envisioning the African diaspora in low country Georgia, 1750–1800', *Journal of African American History*, 95 (2010), 157–82.

[86] Emma Christopher, Cassandra Pybus, and Marcus Rediker (eds.), *Many middle passages: forced migration and the making of the modern world* (Berkeley, 2007).

[87] Cynthia Herrup, 'The punishing pardon: some thoughts on penal transportation', in Paul Griffiths and Simon Devereux (eds.), *Penal practice and culture: punishing the English 1500–1700* (London, 2004), pp. 121–38.

[88] Humphrey Gilbert, *A discourse of a discoverie for a new passage to Cataia* (London, 1576).

[89] Steven Sarson, *British America, 1500–1800: creating colonies, imagining an empire* (London, 2005), pp. 30–4.

50,000 British and Irish men and women were eventually transported, for terms ranging from seven to fourteen years, and the practice ceased only with the outbreak of war in 1775.[90] Convict transportation not only transformed Britain's domestic penal system but it also, as Gwenda Morgan and Peter Rushton point out, had a profound impact on how Britons viewed American colonists.[91] Many polite Britons were ready to believe the worst about American colonists, whom they associated with wild *banditti*.

Forced migration was a defining feature of Atlantic governance. Imperial authorities participated directly and indirectly in the enslavement of millions of Africans. While slavery was relatively less harsh in some colonies, such as Bermuda, in most of the West Indies it was brutally efficient. As Justin Roberts has demonstrated, slave plantations were tightly regulated and economically viable.[92] The Jamaican planter Thomas Thistlewood may have been more violently sadistic than the Virginian planter Landon Carter, but the difference was of degree rather than kind.[93] By the late eighteenth century, the metropolitan government's treatment of slavery became split between England and its colonies. Lord Mansfield's controversial ruling in Somerset's case in 1772 was understood by the British public – and enslaved Africans – to mean that slavery was now unlawful on English soil, but it remained legal throughout most of the British Atlantic.[94] Though the horrors of sugar plantations were widely known by the late eighteenth century, the slave trade was not suppressed until 1807, and the British Parliament did not abolish slavery until 1833.[95] Equally important, slavery was part of a regulatory system that reached beyond the unfree. In Bermuda, for example, in 1676 Governor John Heydon ordered the deportation of the island's population of free black people and Indians, who were

[90] A. Roger Ekirch, *Bound for America: the transportation of British convicts to the colonies, 1718–1775* (Oxford, 1987).

[91] Gwenda Morgan and Peter Rushton, *Eighteenth-century criminal transportation: the formation of the criminal Atlantic* (New York, 2004), ch. 6.

[92] Justin Roberts, 'Sunup to sundown: plantation management and slave work routines in the British Atlantic, 1776–1810', unpublished Ph.D. thesis, Johns Hopkins University (2008).

[93] Rhys Isaac, *Landon Carter's uneasy kingdom: revolution and rebellion on a Virginia plantation* (Oxford, 2004); Trevor Burnard, *Mastery, tyranny and desire: Thomas Thistlewood and his slaves in the Anglo-Jamaican world* (Chapel Hill, 2004).

[94] Ruth Paley, 'Mansfield, slavery and the law in England, 1772–1830', in Norma Landau (ed.), *Law, crime and English society, 1660–1830* (Cambridge, 2002); George Van Cleve, Daniel J. Hulsebosch, and Ruth Paley, 'Forum: *Somerset's case* revisited', *Law and History Review*, 24 (2006), 601–72.

[95] Kenneth Morgan, *Slavery and the British empire: from Africa to America* (Oxford, 2007), ch. 7.

to be re-enslaved if they did not leave within six months.[96] Like threats to deport masterless men from Newfoundland, this order was never carried out, but the Bermudian government continued to invoke it into the nineteenth century. Colonial officials understood that threats and intimidation were powerful regulatory tools where political and material conditions prohibited them from physically moving a group of undesirables.

To understand the patterns of forced migration, we need to return to the variables of Atlantic governance. Whereas mercantilism and loyalism helped to identify enemies and allies, the balance of local power was often the decisive factor. When the British invaded Jamaica in 1655, for example, they lacked the military resources to enforce their authority and subjugate the local population. Even after they turned for help to buccaneers, notably Henry Morgan, the colonial government failed to conquer the maroons. Eventually, after a long military struggle, in 1739–40 the British negotiated a settlement with the Maroons, who agreed to return runaway slaves.[97] In Nova Scotia, which was nominally under British control since 1710, governance took a different course. Although the French Acadians had secured the status of neutrals, the outbreak of war in 1754 altered the balance of power in the region. When colonial authorities in Halifax failed to force a delegation of Acadians to swear an unconditional oath of allegiance, they ordered the mass deportation of the Acadian people. From 1755 to 1763 more than ten thousand Acadians – some two-thirds of the total population – were forcibly deported on British ships and dispersed throughout the empire. John Mack Faragher has argued recently that the expulsion of the Acadians marked North America's first episode of state-sponsored modern ethnic cleansing, though it was part of a much older and broader Atlantic phenomenon.[98] Deportation was a circum-Atlantic process that continued well after the Seven Years War. In 1796, for example, the British deported 600 Maroons from Jamaica to Nova Scotia for rebelling against the crown; colonial authorities later arranged passage for many of them to Sierra Leone aboard a warship.[99]

The view of the British Atlantic depends as much on the period we study as the place we examine. The broad span of Atlantic governance

[96] Michael Jarvis, 'Maritime masters and seafaring slaves in Bermuda, 1680–1783', *WMQ*, 3rd series, 59 (2002), 590.

[97] Kenneth M. Bilby, *True-born Maroons* (Gainesville, FL, 2005).

[98] John Mack Faragher, *A great and noble scheme: the tragic story of the expulsion of the French Acadians from their American homeland* (New York, 2005); Geoffrey Plank, *An unsettled conquest: the British campaign against the peoples of Acadia* (Philadelphia, 2001).

[99] John Grant, *The maroons in Nova Scotia* (Halifax, 2002).

can be divided conceptually into six periods. In the first period (1480–1649), or 'age of reconnaissance', to borrow the term J. H. Parry coined, the English tried to catch up with their Iberian rivals.[100] They had to rely on pirates as a type of mercenary force to project British rule across the seas and joint-stock companies to fund most colonial ventures. The instability caused by the Civil War inhibited efforts to impose imperial authority, which remained relatively diffused and ineffectual. The second period (1650–1700) started with the consolidation of power under the Protectorate. While mercantilist doctrine emerged with passage of the first Navigation Act in 1651, Cromwell's conquest of Ireland marked a new phase of state-sponsored, Protestant colonisation. The expansion of the Royal Navy during the Restoration allowed the British to send regular squadrons to their Atlantic territories, and while the imperial state remained comparatively weak, the creation of the Board of Trade signalled a stronger commitment to colonial administration. The third period (1701–45) began symbolically with the hanging of Captain Kidd and the onset of the war against the pirates. Successful military campaigns during the War of the Spanish Succession significantly expanded Britain's Atlantic possessions and facilitated the rise of the fiscal-military state, though imperial administration remained cautious as Robert Walpole sought to maintain peace.

The watershed in the British Atlantic began in the 1740s. The outbreak of the Jacobite Rebellion, combined with the ongoing War of the Austrian Succession, inaugurated a new era of imperial activism. The reform movement that swept through both domestic and imperial politics under Henry Pelham's administration signalled the coming end of what Edmund Burke later termed 'salutary neglect'.[101] The British government knew, like most people in North America, that the peace of 1748 was merely a temporary truce in the showdown for imperial supremacy. This period (1746–75) represented the high-water mark of British expansion in the Atlantic, as the Seven Years War witnessed the expulsion of the Acadians, the conquest of New France, and the capture of Havana. The effort to incorporate French Canada through the Quebec Act of 1774 compounded the ongoing American debate over parliamentary authority.[102] The penultimate period (1776–83)

[100] J. H. Parry, *The age of reconnaissance: discovery, exploration, and settlement, 1450–1650* (Berkeley, 1981).

[101] Doron Ben-Atar, 'The American Revolution', in *OHBE*, vol. V: Robin W. Winks (ed.), *Historiography* (Oxford, 1999), pp. 98–9; John G. Reid and Elizabeth Mancke, 'From global processes to continental strategies: the emergence of British North America to 1783', in Buckner (ed.), *Canada and the British empire*, pp. 22–41.

[102] Philip Lawson, *The imperial challenge: Quebec and Britain in the age of the American Revolution* (Montreal, 1989), ch. 7.

was marked by revolution and loyalism. It witnessed the end of convict transportation, which eventually shifted to Australia, as well as the wane of mercantilist thought through the influence of Adam Smith's *Wealth of nations* in 1776. The outbreak of war precipitated another large wave of coerced migration, as tens of thousands of loyalists fled the American Revolution; these refugees included thousands of black loyalists who came to Nova Scotia, many of whom later settled in Sierra Leone.[103] Burke's Act of 1782 abolished the Board of Trade, and imperial administration passed temporarily to the War Office.

The final period (1784–1840) was characterised by counterrevolution and resistance. The metropolitan government created two new colonies – New Brunswick in 1784 and Upper Canada in 1791 – designed to be bulwarks of Protestant loyalism. The War of 1812 renewed the battle between republicanism and loyalism in a divided Atlantic world.[104] The system of government established in British Atlantic colonies was intended to maintain stability and to keep democratic impulses in check.[105] The colonial office circumscribed the powers of elected assemblies, and governors were expected to rely upon their executive and legislative councils, both of which were filled with unelected officials. The system never worked according to design: colonial assemblies repeatedly contested the authority of the appointed councils; persistent public disputes created a volatile political climate and eroded legitimacy; and the colonial office remained relatively weak and understaffed. In many respects, the political conflict of the 1830s in British North America echoed the crises of the 1760s in the thirteen colonies. It culminated in the rebellions of 1837–8 in Upper and Lower Canada, which were firmly suppressed.[106]

The imperial response to the rebellions forms a revealing epilogue to the history of governance in the British Atlantic. The British government commissioned Lord Durham to investigate the causes of the conflict and to suggest ways to stabilise its colonies. Durham's report of 1839 claimed that the colonists' basic grievance was that they did not have the full rights and privileges of free-born Englishmen that their peers enjoyed on the other side of the Atlantic. Added to this

[103] James W. St G. Walker, *The black loyalists: the search for a promised land in Nova Scotia and Sierra Leone 1783–1870*, 2nd edn (Toronto, 1992).

[104] Alan Taylor, *The civil war of 1812: American citizens, British subjects, Irish rebels, and Indian allies* (New York, 2010).

[105] Eliga Gould, *The persistence of empire: British political culture in the age of the American Revolution* (Chapel Hill, 2000), p. 210.

[106] Allan Greer, '1837–38: rebellion reconsidered', *Canadian Historical Review*, 76 (1995), 1–19.

grievance was a second enduring problem: how should British colonies treat French Catholics, whom Durham viewed as inherently backward? His response to this problem harkened back to the union of Britain and Ireland in 1801. He proposed the Union of the Canadas as a way to control the autonomy of French Catholics by subsuming them in a polity with a substantially larger Protestant population. Like generations of officials before him, Durham viewed governance as a means to combat the threatening, foreign peoples of the Atlantic world, in order to create a loyal social order.[107]

Weighing the changes and continuities in imperial governance brings us back to the question of orientalism. According to Christopher Bayly, the reconstitution of the British empire after 1800 gave rise to an 'imperial despotism' dominated by proconsuls who either inherited *ancien régime* systems from previous European colonisers or adapted indigenous regimes to suit their needs. British officials cited the need to check the power of slave-owners as justification to withhold representative government in Caribbean territories taken from the French, Dutch, or Spanish. This despotic paternalism was the byproduct of autocratic principles that endured despite the rhetoric of reform in Britain itself.[108] However, if the notion of an age of reform and a vigorous imperial administration is now outdated, it is time to question whether the 'despotisms' of the second British empire were different from those of the first. The British empire became more ethnically and geographically diverse as it expanded into Asia and Africa in the nineteenth century, but this process was part of a much longer history with roots in the Atlantic world.

[107] Stéphane Dion, 'Durham et Tocqueville sur la colonisation liberale', *Revue d'études canadiennes*, 25 (1990), 60–77.

[108] C. A. Bayly, *Imperial meridian: the British empire and the world, 1780–1830* (London, 1989), ch. 7.

Part III

Diplomatic and military relations

8 Subjects, clients, allies, or mercenaries? The British use of Irish and Amerindian military power, 1500–1800

Wayne E. Lee

English colonists and later British administrators pushing outwards into the Atlantic basin never had sufficient people or money relative to the scope of their ambitions, and European military systems provided limited solutions.[1] Improvements in European military technology and technique brought tactical superiority in most open-field confrontations, with famous exceptions like Tyrone's early victories in the 1590s, the early Highlander successes in 1745, and Braddock's defeat in 1755. Battlefield superiority, however, did not convey rapid strategic conquest capability over land. (At sea western European superiority was more marked at both tactical and strategic levels.) In the long run improved gunpowder weapons and drilled infantry proved adaptable to most contingencies, but their early modern versions were designed to deal with peer enemies and had weaknesses against non-peer enemies, especially in large undeveloped geographic spaces. These weaknesses led colonisers and administrators to rely heavily on indigenous power, through diplomacy, coercion, elite co-option, or some other means. The English necessarily invented or altered traditional ways of mobilising indigenous populations to serve English military needs; the resulting variabilities were manifested in Ireland and North America for the whole period from 1500 to 1800.

[1] The members of the Triangle Early American History Seminar, especially Holly Brewer, Kathleen Duval, Elizabeth Fenn, and John Nelson, provided helpful comments, as did Rhonda Lee, Jacob Selwood, Jason Warren, Kevin McBride, Alex Roland, David Edwards, and Paul Grant-Costa. I am especially grateful to the editors of this volume whose efforts vastly improved the final product. All spelling is left as found in the original sources except where previous editors have modernised it. I have preferred 'Anglo-Irish' to describe the Englishmen living in Ireland at the beginning of the sixteenth century, although I am aware of debate on this subject. For the seventeenth century they are more appropriately referred to as the Old English. For English failure to commit resources, see Bruce P. Lenman, *England's colonial wars 1550–1688: conflicts, empire and national identity* (Harlow, 2001), p. 16.

From an imperial perspective indigenous peoples could be employed militarily in three basic ways: as labour to be folded into a uniform military system, possibly through reclassification as a full imperial 'subject'; as suppliers of speciality skills that added capability to the imperial military system (as mercenary or allied contingents – with a substantial blurring of the line between the two); or as clients who fought without direct assistance from imperial forces. 'Client', as used here, implies an autonomous agent (state or 'tribe') acting to benefit English interests without implying dependency. A tribe, for example, that warred against a third party that was also an English enemy was acting as a 'client' from an English perspective.

Irishmen and Amerindians acted within each of these three categories, but with different results, emphases, and on different historical trajectories. Irish clients became too dangerous too close to home (the Spanish or French could exploit them as independent powers), and the English forced them down or out. Amerindians were long crucial as clients, if highly autonomous and often unpredictable. Eventually they became too weak to merit cultivating extensively. As specialists, the value of Irishmen declined in the late sixteenth century as the English switched to pike and shot formations. As specialists, Amerindians proved indispensable in the continent-sized operations in North America, even in small numbers. The British continued to rely on Amerindian specialists through the War of 1812; Americans used them through the nineteenth century. But their speciality skills did not prove 'exportable' outside North America. As labour in a uniform military system the Irish became progressively more acceptable, but along a bumpy road of anti-Catholicism and rebellion, and might never have been fully incorporated if not for a long fiction of recruiting 'only' Protestants in Ireland. As labour Amerindians simply refused to adjust to the British military system.

There was no simple linear progression in the way colonial or imperial agents imagined the Irish and Amerindians filling these needs. Nor were there exact parallels between the two contexts (and North America had *many* contexts, especially prior to 1720). Employing the Irish an Amerindians varied according to circumstances and administrative personalities, not to mention cultural prejudices. Furthermore, there were many variables that determined use, style of use, or non-use of indigenous military resources.

Nonetheless, we can identify five rough parallels in the English/British experience on both sides of the Atlantic. First, English administrators sought to co-opt native leaders through the granting of heritable titles, hoping thereby to centralise and simplify the process of diplomacy and

mobilisation. Second, Irish and Amerindian auxiliaries were believed to provide special military skills appropriate to a landscape lacking the infrastructure of European-style settlement. Third, personal relationships proved more successful in mobilising Gaelic and Amerindian allies than bureaucratic arrangements. Fourth, English administrators depended on a lack of indigenous unity – divide (or keep divided) and conquer was a crucial strategy. Finally, English/British authority was initially wielded through local, but non-native, agents, whether Anglo-Irish earls (e.g. Kildare and Ormond) or provincial governments (e.g. Virginia and Maryland), who frequently competed with each other as much as they combated indigenes. In both arenas, a metropolitan presence and authority gradually expanded at the expense of local authority and indigenous autonomy. In North America, local authorities' resentment of that process eventually resulted in successful rebellion against the metropole – a rebellion that proved disastrous for Native Americans. In Ireland, indigenous interests eventually merged partly with those of local authorities, but their rebellions failed. Shifting relations among the metropole, local authorities, and indigenes profoundly affected the mobilisation of indigenous military labour.

Ireland

Between 1500 and 1800 the problems English administrators faced in Ireland changed dramatically. In the sixteenth century, bringing few resources to a region filled with warring locals, they were told to combine profitability with the assertion of sovereignty. Increasing hostility to English rule from both Gaels and Anglo-Irish, and the possibility of Ireland becoming a beachhead from which continentals might attack England, complicated governance. To address these issues, English authorities inevitably involved indigenous military resources, but also had to adjust to ongoing shifts in the nature and composition of European armies.

Henry VII grappled with how to govern his lordship of Ireland. The late twelfth-century Norman invasion had eventually controlled perhaps three-quarters of Ireland without effecting any substantial ethnic shift in the population.[2] Successive generations of Norman elites intermarried with and absorbed many customs of the Gaelic lords; though

[2] R. R. Davies, *Domination and conquest: the experience of Ireland, Scotland and Wales, 1100–1300* (Cambridge, 1990), pp. 11, 88; R. R. Davies, *The first English empire: power and identities in the British Isles, 1093–1343* (Oxford, 2000), pp. 146–7, 150–3; Brendan Smith, *Colonisation and conquest in medieval Ireland: the English in Louth, 1170–1330* (Cambridge, 1999), pp. 51, 56.

retaining ties to the English crown, effective central control gradually attenuated. Henry's effort to reverse this trend began uncertainly,[3] but by 1496 it relied on raising military forces from within the now-minuscule English pale, and through the Anglo-Irish earl of Kildare (from 1513, Kildare's son) from within his own domain and from among his Gaelic connections. Kildare's 1518 rental book, for example, recorded his military arrangements with twenty-four Gaelic chiefs situated in a 'wide arc around the Pale, plus a few quite remote chieftaincies'.[4]

The Irish military system

Kildare's reliance on Gaelic, Anglo-Irish, and even English sources for troops reflected the complexities of military mobilisation in Ireland. To encompass the physical and administrative distance between a monarch's will and the weapon points of individual soldiers, who enforced that will or expanded its reach, depended on 'points of articulation' where the royal will was communicated downwards and outwards through numerous and varied military actors. Each point of articulation represented choices concerning available resources and contested or negotiated power relationships. Indeed, the very idea of a central 'standing army' reflected the ambition to curtail the number of points of articulation and the associated need for constant negotiation.

In sixteenth-century Ireland, the king's will was articulated first through a king's 'deputy', himself a great lord with a personal retinue of soldiers, to which he could add additional troops at royal expense – either subject troops raised in England or Wales or mercenaries hired in Ireland. Together they comprised the king's retinue or English garrison. During the early Tudor period, the deputy was an Anglo-Irish lord, whose personal retinue derived from his holdings in Ireland. Later deputies dispatched from England usually raised their retinues before embarking for Ireland and after mid-century relied more and more on royally financed troops. Anglo-Irish lords were expected to assist the deputy through their own 'hostings' of soldiers from their lands. Locally available mercenaries supplemented the personal retinues of the deputy and Anglo-Irish lords, and were paid for by, or quartered

[3] Steven G. Ellis, *Ireland in the age of the Tudors, 1447–1603* (London, 1998), pp. 65–70, 88, 95, 97.

[4] Colm Lennon, *Sixteenth-century Ireland*, rev. edn (Dublin, 2005), p. 75. Compare Kildare's actions at the battle of Knockdoe in 1504. 'The Book of Howth', in J. S. Brewer and William Bullen (eds.), *Calendar of the Carew manuscripts preserved in the Archiepiscopal Library at Lambeth, 1515–1624* [hereafter *CCM*], 6 vols. (London, 1867–73), vol. VI, pp. 183, 185.

directly on, the local peasantry.[5] English military efforts also typically drew on allies among the Gaelic lords, who had personal retinues of permanently maintained mercenaries supplemented by a 'rising out' by sub-chiefs. Those allies were often tied to service by formal indentures.[6] In 1540 Lord Deputy Leonard Grey listed current indentures with Gaelic chiefs: for example, Cahir OmUlloy was obliged for six horsemen and forty kerne for one day and one night if given three days' warning; Tybbot Burgh obliged for 120 galloglass for six weeks; and Fergananym Okarrell obliged to send twelve horsemen and twenty-four kerne to great hostings at his own charge, and eighty galloglass for three months.[7]

'Kerne' and 'galloglass', both types of Irish troops, appeared in virtually every sixteenth-century tabulation of English forces in Ireland, either as mercenaries and/or as allies. A 'kerne' (Irish *ceithearnach*, trooper) was both a soldier with a particular armament and a class of mercenary. Land-poor Irish freeholders could not afford armour and heavy weaponry, and so a kerne was 'a kinde of footeman, sleightly armed with a sworde, a targett of woode, or a bow and sheafe of arrows with barbed heades, or else 3 dartes, which they cast with a wonderfull facillity'. By 1600 they had also 'growne good and ready shott' with firearms.[8] Some made such contract military service a profession. Wealthier lords retained such kerne as standing forces and quartered them among the peasantry.[9] The galloglass (Irish *galloglach*, foreign soldier), in contrast, represented a truly professional class of mercenaries; originally arriving in the thirteenth century from Scotland, they were by the sixteenth century permanently resident as hereditary clans or septs who hired themselves out to landed lords. Serving as standing forces quartered on the peasantry, virtually every significant lord retained some galloglass. Their distinctive accoutrements included a long mail coat and a helmet, a dagger, and the six-foot galloglass axe or 'spar'. These galloglass

[5] *State papers published under the authority of His Majesty's commission, King Henry the Eighth* [hereafter HStP], 5 vols. (London, 1830–4), vol. II, pp. 12–13.

[6] For examples of the complex composition of Tudor armies operating in Ireland, see HStP, vol. II, pp. 32–3, 35–8, 57–8, 75–6, 147, 233, 234, 262–3, 524, vol. III, p. 193. See also Steven G. Ellis, 'The Tudors and the origins of the modern Irish state: a standing army', in Thomas Bartlett and Keith Jeffery (eds.), *A military history of Ireland* (Cambridge, 1996), pp. 117, 120; G. A. Hayes-McCoy, 'The Army of Ulster, 1593–1601', *Irish Sword*, 1 (1949–53), 105–10.

[7] HStP, vol. III, pp. 169–73; an example from 1566 is in TNA, State Papers (hereafter SP) 63/19/8.

[8] John Dymmok, *A treatice of Ireland* (Dublin, 1842), pp. 7–8.

[9] Cyril Falls, *Elizabeth's Irish wars* (London, 1950), p. 67; K. W. Nicholls, *Gaelic and Gaelicized Ireland in the Middle Ages*, 2nd edn (Dublin, 2003), pp. 95–8; Ellis, *Ireland*, pp. 42, 44.

were expected to decide open battle, 'chosinge rather to dye then to yeelde, … they are quickly slayne or wine the feilde'.[10] Each soldier had a servant and a boy, together called a spar, with 100–120 spars to a 'battle'. Although still led by sept members, who retained a separate Scots Gaelic identity, they recruited manpower from rootless Irish peasants and foreign sources, one commentator even referring to them as 'slaves' from abroad. Some lords, including the English crown, tended to hire galloglass through the same septs. For example, in 1568 Elizabeth had three septs in her pay, each hired by the quarter.[11] Finally, wealthier Irish landowners fought as light horsemen, meaning they lacked stirrups and heavy English saddles. They too served in English armies, but typically as Gaelic allies in their own right or via service with Anglo-Irish lords, rather than as mercenaries.

For English administrators, these troop types had three significant advantages. Endemic warfare (or at least cattle raiding) among Gaelic chiefs meant that a military profession as a kerne or galloglass was viable, even hereditary, in Ireland, and they were often more reliable than one's own tenants or clients.[12] It was simpler to keep a body of kerne or galloglass (or both) always ready to hand. Additionally, although heavier English cavalry and longbowmen were superior in open-field battles, fighting frequently occurred in wooded, mountainous, and marshy terrain, where light Irish horse and highly mobile kerne held their own. Henry VIII's council in Ireland in 1540 put high value on retaining 'lyght kerne, whiche can walke the mountaynes, woodes, and marasses, as well as they'.[13] Outside the pale and parts of the south-west, Ireland lacked a settled agricultural landscape, the economy relying heavily on migratory herds of cattle. Militarily, this meant that provisions for an English army had to be either brought along in train or captured 'on the hoof' – the latter a skill readily provided by kerne and Irish horsemen for whom such 'taking of preys' was their normal form of warfare. Irish conditions and troops thus exemplified the value of indigenous troops in an 'imperial' context: they were readily available (in Ireland because of the proliferation of

[10] Dymmok, *Treatice*, p. 7.

[11] HStP, vol. II, pp. 446–7; Falls, *Elizabeth's Irish wars*, pp. 71, 77–8; Nicholls, *Gaelic and Gaelicized Ireland*, pp. 99–104; 'The rate of wages of the galloglass (1568)', appended to Dymmok, *Treatice*, pp. 87–90.

[12] Davies, *First English empire*, pp. 124–5; Katharine Simms, 'Warfare in the medieval Gaelic lordships', *Irish Sword*, 12 (1975/6), 98–109; David Edwards, 'The escalation of violence in sixteenth-century Ireland', in David Edwards, Pádraig Lenihan, and Clodagh Tait (eds.), *Age of atrocity: violence and political conflict in early modern Ireland* (Dublin, 2007), pp. 39–46.

[13] HStP, vol. III, p. 242 (quotation); vol. II, pp. 414–15; Ellis, *Ireland*, pp. 29, 119–20.

mercenaries; in North America because all men were warriors) and had abilities suited to the local environment.

Making the Irish loyal subjects

An enduring English objective for Ireland, from the Normans to the Hanoverians, was to have the island peopled with loyal subjects. Strategies to achieve it varied. During the initial Norman conquest aristocrats merely supplanted Gaelic elites and attempted to forge relations with local people with the eventual goal of cultural and legal homogenisation, a kind of adaptive incorporation.[14] Yet there was a parallel and concurrent stream of thought that identified the Gaelic Irish as somehow different and obstinate, meriting the wholesale supplanting of Irish cultural and legal systems by Anglo-Norman ones.[15] Neither incorporation nor forced acculturation prevailed as the sole approach, nor did either succeed in controlling Gaelic society or making the Irish loyal subjects. The third, and most extreme, strategy was expropriation. All three found expression during the reigns of the Tudors and the Stuarts. Among the associated historical contingencies were shifts in military strategies, particularly the need to raise local armies to serve in a uniform military system. An advantage of such a system was that it reduced the points of articulation, but doing so depended on more uniform expressions of and claims on subjecthood.

Henry VIII and the kingdom of Ireland

Central to Henry VIII's vision for tightening his lordship over Ireland was the transformation of 'the "sundry sorts" of people who made up the Irish population … [into] one class only, the king's subjects'.[16] Indeed, he had little choice after the destruction of the Anglo-Irish Fitzgeralds following their 1534 revolt left him without a suitable magnate to enforce royal control. In one sense Henry needed first to *expand* his control in Ireland in order to *centralise* it more; that expansive vision included the Gaels. Essential to this approach was the 'surrender and regrant', in

[14] The suggestion here of a more open medieval vision of subjecthood is partly derived from Robert Bartlett, *The making of Europe: conquest, colonization and cultural change, 950–1350* (Princeton, 1993), pp. 56, 204–11, 306–8.

[15] Davies, *First English empire*, pp. 114, 120–34; Bartlett, *Making of Europe*, pp. 21–3, 198, 214–17, 220, 236–42; Davies, *Domination and conquest*, pp. 21, 62–3, 112–28; Robin Frame, *The political development of the British Isles, 1100–1400* (Oxford, 1990).

[16] T. W. Moody and F. X. Martin (eds.), *The course of Irish history* (Boulder, CO, 1994), p. 179 (quotation); HStP, vol. III, pp. 347–8; 'Book of Howth', in *CCM*, vol. VI, p. 195.

which Gaelic chiefs surrendered their lands and Irish titles to Henry VIII, now declared the king of Ireland, who returned them via a feudal grant that among other things required military service as vassals. The crown also hoped that English titles passed through primogeniture would replace the traditional Gaelic 'tanist' system of inheritance in which a strong adult relative was designated as heir-apparent. Such a designation assured a strong heir, but also encouraged factional strife that English administrators identified as undermining the predictability of mobilisation. A spate of Gaelic chiefs became English barons and three of the largest lords were ennobled as earls (Thomond, Clanricard, and Tyrone, with more to follow), a substantive gesture of inclusion. Gaelic chiefs holding English titles could sit in the Irish Parliament in Dublin and participate in court life in England.[17]

This process of co-option proved initially successful, even allowing Henry to raise military recruits in Ireland for wars in Scotland and France. Anthony St Leger, Henry's deputy in Ireland, suggested raising Irish troops, praising the hardiness of both kerne and galloglass.[18] In 1544 Henry requested 3,000 kerne, and 600 eventually served as irregulars in France and 400 in Scotland. A separate expedition in late 1545 saw more kerne and even 400 galloglass sent to Scotland, with further kerne detachments sent there in 1548 and 1550.[19] Extraction of kerne from service to their usual Gaelic and Anglo-Irish masters, however, proved difficult and signalled the continuing need to accommodate local demands. Local lords feared losing their mercenary resources and quickly pared Henry's initial request in 1544 for 3,000 kerne down to 1,000. The kerne themselves made clear that they were unlikely to depart the island without some 'noble man of this Realme, to whome they moght truste for ther relieffe in ther necessities'. Their mistrust was well founded, Henry having suggested that the kerne be 'chosen out of the most wild and savage sort of them there, whose absence should rather do good than hurt'.[20] Ultimately, Henry's brief success in raising kerne for service abroad was an aberration.[21]

[17] Lennon, *Sixteenth-century Ireland*, pp. 152–64; Nicholas P. Canny, *The Elizabethan conquest of Ireland: a pattern established, 1565–76* (Hassocks, 1976), p. 33.

[18] HStP, vol. III, pp. 443–8; Dean Gunter White, 'Henry VIII's Irish kerne in France and Scotland, 1544–1545', *Irish Sword*, 3 (1958), 213–25.

[19] White, 'Henry VIII's Irish kerne', 218–22; Gervase Phillips, 'Irish ceatharnaigh in English service, 1544–1550, and the development of "Gaelic warfare"', *Journal of the Society for Army Historical Research*, 78 (2000), 171–2; T. Blake Butler, 'King Henry VIII's Irish army list', *Irish Genealogist*, 1 (1937), 3–13, 36–8.

[20] HStP, vol. III, pp. 497–500, 493–4, 533–5, 535–7.

[21] The idea of using kerne and galloglass in English armies abroad was raised again in the late sixteenth century as part of thinking about how to rid Ireland of them. David

Missing from sixteenth-century Ireland was a stable class of tenants to be recruited into military service and then returned to the land at the end of the campaign. English tenants in Ireland were expected to take this role, but shifting visions of conquest and subjecthood had not yet succeeded in imagining the Irish doing so. Henry VIII's programme of surrender and regrant seemingly held out the possibility of inclusive subjecthood for the Irish. Even Elizabeth would later rebuke her administrators for abusing her subjects simply because they had been 'accompted Irish'.[22] But Henry never committed the resources to entrench the programme, while the Irish refused to abandon the 'wild card' of tanistry. Worse, in the mid-sixteenth century, royal servitors of the Tudors began pushing hard for legal uniformity throughout Ireland, increasingly defined Irish resistance as barbarity, and tilted English policy towards expropriation, beginning with the removal of local Gaelic elites and eventually even of the local Gaels. A practical military calculation may have underpinned this more radical vision of conquest. English military tradition was predicated on armed yeomen capable of rallying to the standard at need, but otherwise peaceably (and cheaply) tending their own land. The apparent unreliability of Gaelic tenant-peasants (typically unarmed) elicited repeated calls for importation of English tenant-peasants. Regardless of cause, a clear division emerged between a royal vision of inclusion favouring legal subjecthood for Irishmen and the personal investment of the so-called 'new English' in expropriation or even elimination.[23]

The failure of large-scale migration of English soldier-settlers to Ireland initially kept this ideological bifurcation inchoate. The royally financed and controlled army within Ireland arguably grew larger after the rebellion of 1534, but Irish military labour remained crucial.[24] Gaelic clients and allies continued to be cultivated via the personal and familial ties of Anglo-Irish lords who in turn served the English king. After the 1534 rebellion, however, the king proved less willing to rely on an Anglo-Irish lord as the chief deputy, and instead tried to co-opt the

B. Quinn, *The Elizabethans and the Irish* (Ithaca, 1966), pp. 119–20. On suggestions that Irishmen in the late sixteenth century actually were being trained in the English style of fighting in order to be sent abroad, see James Perrot, *The chronicle of Ireland, 1584–1608* (Dublin, 1933), p. 18; Charles McNeill, 'The Perrot papers', *Analecta Hibernia*, 12 (1943), 28, 51; John Dawtrey, *The Falstaff saga: being the life and opinions of Captain Nicholas Dawtrey* (London, 1927), pp. 195, 203.

[22] *CCM*, vol. I, p. 355.

[23] Although the literature is vast, the seminal text is Canny, *Elizabethan conquest*.

[24] Ellis, 'The Tudors', 120–1; Ellis, *Ireland*, pp. 147, 179, 186; HStP, vol. III, pp. 356, vol. II, pp. 260–1.

Gaelic chiefs (and their military assets) through surrender and regrant – simultaneously affirming an inclusive medieval notion of subjecthood and the royal need for indigenous military assistance.

Elizabeth and the conquest of Ireland

Elizabeth continued Henry's combination of sometimes violent arm-twisting with co-option. Accepting Shane O'Neill's submission in 1561, Elizabeth declared that henceforth he would be 'reputed a good and natural subject'.[25] This inclusive vision never entirely disappeared. Although Shane's troubled relationship with the English continued, and eventually Elizabeth declared that he had to be 'extirped', after his death in 1567 Elizabeth tried to restart the surrender and regrant policy.[26] In the mid-1580s Deputy John Perrot again tried this tactic, accepting Gaelic chiefs' submissions and incorporating them into a new local English administration.[27] Inclusion, however, was combined with new and forceful attempts at expropriation. Plantation provoked Gaelic or Anglo-Irish rebellions, which in turn justified more drastic measures. Repeated Gaelic or Anglo-Irish rebellions finally culminated in the Nine Years War (1594–1603) against Hugh O'Neill, the earl of Tyrone.

English military strength in Ireland was rarely prepared for these periodic rebellions. Royal forces fluctuated, expanding during major rebellions and reaching the astonishing total of 20,000 during the Kinsale campaign of 1601. During peacetime, the English garrison dipped as low as 1,000 men; at the outbreak of O'Neill's rebellion in 1593, it stood at 1,500 – slightly larger than the royal garrisons at the beginning of the sixteenth century, but still smaller than some of the private retinues in both Gaelic and Anglo-Irish lordships.[28]

The small English garrison in Ireland left royal administrators heavily reliant on Gaelic mercenaries and allies right through to the closing phases of the Nine Years War. Elizabethan strategy anticipated 'maximum use of Irish aid', and accounts of the Nine Years War are replete with tales of Gaelic chiefs aiding the English even at the height of Tyrone's success. Even when Gaelic allies proved reluctant to

[25] *Calendar of state papers, relating to Ireland 1509–1670* [hereafter *CSPI*], 11 vols. (London, 1860–1912), vol. I, p. 194.
[26] SP 63/16/71; SP 63/21/10.
[27] Perrot, *Chronicle*, pp. 37–8; Lennon, *Sixteenth-century Ireland*, pp. 286–9; Hiram Morgan, *Tyrone's rebellion: the outbreak of the Nine Years War in Tudor Ireland* (Woodbridge, 1993), p. 14.
[28] I cite the sources for these numbers in Wayne E. Lee, *Barbarians and brothers: Anglo-American warfare, 1500–1865* (Oxford, 2011), ch. 2.

provide expeditionary forces, they could be expected to keep order in their regions – essentially as 'clients' – and to provide cattle to English forces.[29] Fynes Moryson, a veteran of the Nine Years War, complained bitterly about the long history of propping up one Gaelic lord against another, eventually, he argued, producing a more powerful future rebel.[30] Furthermore, accounts of Tudor armies continued to list mercenary kerne and galloglass. To mention only a few examples spanning much of Elizabeth's reign, the English garrison in 1562 consisted of 440 horse, 1,220 foot, and 540 kerne; a remarkably similar total from 1574 listed 415 horse, 1,288 foot, and 225 kerne; while the English muster in Connacht alone in February 1590 listed 809 soldiers and 228 kerne.[31] Furthermore, English leaders continued to emphasise the skills kerne provided: Sir John Perrot in 1571 described them as indispensable, and Edward Barkley in 1582 advised that English footmen be re-equipped as horsemen and kerne since 'our English footmen are able by no means to annoy them for want of footmanship'.[32] Despite modest immigration of English soldier-settlers, and despite English victories in open battle with Gaelic forces, Elizabethan armies in Ireland depended heavily on Gaelic manpower.

Elizabeth, however, feared the danger posed by a Catholic Ireland, especially as tensions with Spain heightened, and she grew more willing to dispatch English troops in response to major uprisings. It proved only a short step to considering eliminating the Gaelic military class as a necessary prelude to lasting English control.[33] Military developments in England and on the continent reinforced that thinking. Continental armies had been decisively shifting to combinations of pike and shot, albeit in varying ratios and combined formations.[34] The English adapted somewhat more slowly, but by the 1590s the traditional longbow was being officially removed from service, even though gunpowder firearms

[29] Falls, *Elizabeth's Irish wars*, p. 341 (quotation); Standish O'Grady (ed.), *Pacata Hibernia: Ireland appeased and reduced*, 2 vols. (London, 1896), vol. I, pp. xxii–lxiii.
[30] Charles Hughes (ed.), *Shakespeare's Europe*, 2nd edn (New York, 1967), pp. 241–2.
[31] SP 63/7/61; Falls, *Elizabeth's Irish wars*, pp. 41–2; Nicholas P. Canny, *Making Ireland British, 1580–1650* (Oxford, 2001), pp. 97–8.
[32] Falls, *Elizabeth's Irish wars*, p. 70; *CSPI*, vol. II, p. 400 (quotation). Interestingly, Barkley is repeating word-for-word advice offered by Humphrey Gilbert in 1579 (*CCM*, vol. II, p. 176).
[33] Canny, *Elizabethan conquest*, p. 130; Canny, *Making Ireland British*, pp. 130–1.
[34] Geoffrey Parker, *The military revolution: military innovation and the rise of the west, 1500–1800*, 2nd edn (Cambridge, 1996), p. 18; Kevin Forkan, 'Strafford's Irish army, 1640–41', unpublished MA thesis, National University of Ireland, Galway (1999), p. 38; Donal O'Carroll, 'Change and continuity in weapons and tactics, 1594–1601', in Pádraig Lenihan (ed.), *Conquest and resistance: war in seventeenth-century Ireland* (Leiden, 2001), pp. 231–4.

remained unreliable and had low rates of fire.[35] Not until 1594 did Maurice of Nassau suggest the countermarch system that enabled continuous volley fire from matchlock muskets.[36] The advantage of early firearms, however, lay in the ability to learn quickly how to use them, compared with the lifetime's practice required for the longbow. Even the short Irish bow and javelins of the kerne required mastery unlike that for simple firearms. For protection from cavalry, the musketeer was normally combined in a formation with pikemen. The pike formation, originating in medieval Switzerland, was quickly copied in English and Irish armies.[37] James Fitzmaurice Fitzgerald, leading a confederation of Anglo-Irish lords in rebellion in 1569, besieged Kilkenny with 1,400 galloglass, 1,500 kerne, 400 pikemen, and 400 musketeers.[38] Tyrone, in 1595, stunned English observers with a reformed army composed of musketeers clad in red coats, backed by pikemen, organised in English-style companies.[39] Pike and shot formations had become core components of successful armies, but the men in them were not speciality troops chosen for skills associated with their lifestyle.[40] Furthermore, the discipline required for the linear tactics of pike and shot valued soldiers for passive discipline, rather than the aggressive ferocity associated with the Irish in their native formations.[41]

The English shift to pike and shot occurred in conjunction with a gradual move to relying on the royal army rather than locally raised units.[42] The change implied imagining recruits as individuals to be folded into a uniform military system rather than as skilled specialists.

[35] John S. Nolan, 'Militarization of the Elizabethan state', *Journal of Military History*, 58 (1994), 391–404; Gervase Phillips, 'Longbow and hackbut: weapons technology and technology transfer in early modern England', *Technology and Culture*, 40 (1999), 576–93.

[36] Parker, *Military revolution*, pp. 18–23; Geoffrey Parker, 'The limits to revolutions in military affairs: Maurice of Nassau, the battle of Nieuwpoort (1600), and the legacy', *Journal of Military History*, 71 (2007), 331–72.

[37] The pike made its first appearance in Ireland in the middle decades of the century, and it seems that it was only by the 1580s that pike and shot formations in English armies in Ireland became firmly established. See SP 63/7/61; SP 63/11/112; SP 63/13/49; SP 63/13/60 (i); SP 63/14/26 (i); Cyril Falls, 'The growth of Irish military strength in the second half of the sixteenth century', *Irish Sword*, 2 (1954–6), 104.

[38] *CSPI*, vol. I, p. 414.

[39] Ellis, *Ireland*, p. 338; Fissell, *English warfare*, pp. 216, 220, 228; G. A. Hayes-McCoy, *Irish battles* (London, 1969), pp. 96, 106–8.

[40] O'Carroll, 'Change and continuity in weapons and tactics', 211–56; Bert S. Hall, *Weapons and warfare in Renaissance Europe: gunpowder, technology, and tactics* (Baltimore, 1997), pp. 170, 234.

[41] For the shift to preferring men who could 'stand fast' rather than those with 'ferocious aggressiveness', see Robert L. O'Connell, *Of arms and men* (New York, 1989), pp. 118–19.

[42] Canny, *Making Ireland British*, p. 60.

Units of kerne and galloglass in English service became fewer, but Gaelic Irishmen became a growing presence in 'English' companies.[43] When the royal army in Ireland expanded to suppress rebellions, many companies originated in England but were fleshed out with local 'mere Irish' recruits, especially after sustaining losses while on campaign.[44] As early as 1550 officials worried about this pattern and sought to limit the Irish in any English company to between 3 and 10 per cent.[45] The older system of self-contained bands of galloglass or kerne necessarily overlapped with the newer one of employing Irishmen as individuals in English companies, but clear evidence of the transition emerges only episodically. In the mid-1580s, Gaels besieging an 'English' garrison company challenged them to send out an individual duellist; a galloglass in English employ emerged with his axe to meet the challenge.[46] A galloglass and his axe would be conspicuous, but most of the time keeping track of Gaels in uniform English companies proved difficult. Recommended purges of Irish from English companies seem to have failed. A 1564 accounting of 'English' companies (not including the companies of kerne) found that 17 per cent of the men were in fact Irish.[47] By the 1580s and 1590s the real (although technically illegal) percentage had gone up considerably. Canny analysed eight English bands in 1586, 1588, and 1589 that were heavily Irish; another three, led by Irish captains, likely were almost entirely Irish.[48] During the Nine Years War the English regularly integrated Irishmen into existing English companies, despite repeated injunctions limiting the practice, to the point where one muster in 1601 revealed 657 Irishmen out of an entire force of 1,250, while other observers in 1597 claimed more generally that more than a half to three-quarters of the English army were in fact Irishmen.[49] At the end of the war the English commander,

[43] The decline in both total numbers and/or relative percentage of kerne in royal pay can be traced in assorted musters or paybooks from 1558 to 1595: SP 63/1/5; SP 63/7/61; SP 63/14/26 (i); SP 63/13/60 (i); Mary O'Dowd (ed.), *CSPI: Tudor period 1571–1575*, rev. edn (Kew, 2000), pp. 1–3; *CCM*, vol. II, pp. 462–4; vol. III, p. 127; Lambeth Palace Library, London, Carew MS 597, fos. 87a–88a.

[44] Canny, *Making Ireland British*, p. 68.

[45] Such orders were regularly repeated with slight modifications of the percentages. Roger B. Manning, *An apprenticeship in arms: the origins of the British army 1585–1702* (Oxford, 2006), p. 20; *CCM*, vol. I, p. 355, vol. III, p. 72; Canny, *Making Ireland British*, pp. 68, 72; *CSPI*, vol. I, p. 239, vol. V, pp. 267–9; SP 61/2/57.

[46] Perrot, *Chronicle*, pp. 46–7.

[47] SP 63/11/112. The table does not appear to include the lord lieutenant's company, and so is not entirely complete.

[48] *CSPI*, vol. I, p. 269; Canny, *Making Ireland British*, p. 97.

[49] Falls, *Elizabeth's Irish wars*, pp. 200, 201, 215, 217, 225, 244, 326; Ellis, *Ireland*, pp. 339, 343; *CSPI*, vol. VI, pp. 231, 249, 450; Hiram Morgan (ed.), 'A booke of

Lord Mountjoy, openly acknowledged the many Irish 'swordmen' in English companies who would best be sent abroad to preserve the peace in Ireland.[50] Perhaps most tellingly, O'Neill predicated his plan for the crucial battle of Kinsale in 1601 on a hope that Irishmen in English companies would desert as the battle began.[51]

O'Neill based his hope for desertion on real precedent, and his hopes mirrored English fears, compounded by Catholic–Protestant tensions, of the dangerous unreliability of Irish troops within English units. English commanders had long complained of the occasional unreliability of kerne, and even of the indiscipline of Irishmen in the ranks of English companies, but in the 1580s the fear took on a different tenor.[52] A key incident occurred in 1586. The English hoped to demilitarise Munster after the Desmond rebellion and sent Sir William Stanley there to recruit more than a thousand Irishmen – men who had fought on both sides of the Desmond Rebellion – for service as pike and shot in Leicester's expedition to the Netherlands. Soon after their arrival Stanley, a Catholic, deserted to the Spanish and virtually his entire regiment entered Spanish service.[53] During the Nine Years War the question of the loyalty of the now deeply intermingled Irish became crucial. Indeed, early in the war, Captain George Bingham was killed in his own castle by his ensign, a Burke.[54] The English army at the battle of Yellow Ford in 1598 had a high percentage of Irishmen in the companies; as the battle turned to favour the Irish army, Irishmen in the English army deserted and joined their fellow Gaels.[55] Thus, while changing military tactics made recruiting individual Irishmen into existing units easier, religious conflicts with continental enemies increased English fear of such recruitment.[56] On the other hand, recruiting individuals reduced the points of articulation in the English system, eliminating Gaelic aristocrats as middlemen, and thereby undermining

questions and answars concerning the warrs or rebellions of the kingdome of Irelande [Nicholas Dawtrey, *c.*1597]', *Analecta Hibernia*, 36 (1995), 93. The 1601 muster is in Fynes Moryson, *An itinerary: containing his ten years travell*, 4 vols. (Glasgow, 1907), vol. II, p. 403.

[50] O'Grady, *Pacata Hibernia*, vol. II, p. 311.

[51] Ellis, *Ireland*, p. 350; Clare Carroll, 'From defeat to defiance: O'Sullivan Beare's account of the battle of Kinsale, the campaign in west Cork and the great march', in Hiram Morgan (ed.), *The battle of Kinsale* (Bray, Ireland, 2004), p. 222.

[52] SP 63/19/91; HStP, vol. II, p. 506.

[53] *Oxford dictionary of national biography*, *s.v.* Stanley, Sir William (1548–1630).

[54] Perrot, *Chronicle*, pp. 98–9, 104.

[55] Falls, *Elizabeth's Irish wars*, pp. 215–17; other examples pp. 225, 244, 326. See also *CSPI*, vol. VI, pp. 231–2, 249, 429; Perrot, *Chronicle*, pp. 140, 143.

[56] Moryson, *An itinerary*, vol. II, pp. 193–4; O'Grady, *Pacata Hibernia*, vol. II, p. 19; Canny, *Making Ireland British*, p. 68.

their negotiating power with the English government.[57] In the immediate aftermath of the Nine Years War, the short-term solution appeared to be to diminish the Irish as 'subjects' and restrict them from bearing 'Armes in the pay of the state (which should euer be committed to the hands of the most faithfull Subiects)' and further, with rare parliamentary exceptions, to disarm them.[58] In the long term, the potential of the Irish as individual recruits won out, but for at least a half-century their Catholicism made them suspect, and the English attempted to maintain a purely Protestant (if not strictly *English*) army in Ireland.

The Stuarts and beyond

After 1603, the colonisation of English and Scottish subjects in Ireland, deliberate policies of banishing or resettling Irish 'swordsmen', and the increasing unification of Gaelic and Old English Catholic opposition to the Protestant Dublin administration make it difficult to refer to 'indigenous' military labour. Most records fail to distinguish between Gaelic Irish and Old English.[59] Nevertheless, Irish manpower continued to be a crucial English consideration. In the build-up of tensions prior to the Civil War (1642–8) and again after the Restoration, the Stuarts would tap Catholic hopes in Ireland to raise Irish troops in their civil wars.

The English army in Ireland after 1603 (eventually known as the Irish Establishment or the Irish army) was nominally open only to Protestants.[60] Nevertheless, during the crisis preceding the Civil War the earl of Strafford, as deputy, raised Irish troops – including 'as many Oe's and Mc's as would startle a whole council board' – for use against Scottish Covenanters.[61] While the military effect of Strafford's army was negligible, it hints at the extent to which an English king could imagine raising military force within his Irish kingdom. Unfortunately for Charles I, the 1641 rebellion in Ireland deprived him of Irish help in his war against Parliament until the 'Irish Cessation' of September

[57] David Edwards, 'Collaboration without Anglicisation: the MacGiollapadraig lordship and Tudor reform', in Patrick J. Duffy, David Edwards, and Elizabeth FitzPatrick (eds.), *Gaelic Ireland, c.1250–c.1650* (Dublin, 2001), p. 95.

[58] Hughes, *Shakespeare's Europe*, p. 251.

[59] Canny, *Making Ireland British*, pp. 200–5, 240, 412–14.

[60] One exception was the Irish regiment composed heavily of Gaels sent on the disastrous 1627 Isle of Rhé expedition, and later allowed to remain in the Irish Establishment. Aidan Clarke, 'Sir Piers Crosby, 1590–1646: Wentworth's "tawney ribbon"', *Irish Historical Studies*, 26 (1998), 142–60.

[61] Forkan, 'Strafford's Irish army'; Jane H. Ohlmeyer, *Civil war and restoration in the three Stuart kingdoms*, 2nd edn (Dublin, 2001), p. 84 (quotation); Canny, *Making Ireland British*, pp. 291, 296, 458; James Scott Wheeler, *The Irish and British wars, 1637–1654: triumph, tragedy, and failure* (London, 2002), p. 75.

1643, when the earl of Ormond successfully sent some troops across the Irish Sea. Scholars disagree on the number of Irish Catholics in royal armies outside Ireland and on its degree of significance.[62] However, the broader point in the context of English visions of foreign military manpower (if no longer quite 'indigenous') was the king's hope for such aid in a civil war, the extent to which he was willing to bargain for that manpower, and the intensely charged response to such negotiations among English Protestants.[63] Jacobite wars after the Revolution of 1688–9 provoked similarly charged responses. Initially, however, the Cromwellian settlement in Ireland excluded Catholics from the army, a policy the later Stuarts reversed.[64] Catholics were freely admitted, and quickly became the majority of the army, with predictable political results when James II tried to summon that army to England in response to William of Orange's 1688 invasion.[65] Late in 1688, William III again stripped the Catholics from the ranks, even going so far as to imprison some 1,500 men from predominantly Catholic regiments.[66]

The eighteenth century saw a major shift in the use of Irish Catholic manpower. The Protestant ruling elite in Ireland saw the Irish Establishment forces as their bulwark against another Catholic uprising. In contrast, the ruling elite in the British Parliament envisioned the Irish Establishment as a strategic reserve, safely located outside England and financed by the Irish Parliament. Over the long eighteenth century, repeated war and attendant demands for manpower brought more and more Irish Catholics into the British army, and may also have helped spur Catholic relief legislation.[67] At the outset of the century Catholics were strictly weeded out of the ranks, Irish Protestants were forbidden from enlisting in the Irish Establishment to forestall 'backdoor enlistments' of Catholics, and men were to be recruited solely in England

[62] For examples of contrasting views, see Joyce Lee Malcolm, 'All the king's men: the impact of the crown's Irish soldiers on the English Civil War', *Irish Historical Studies*, 22 (1979), 239–64; Ian Gentles, 'The civil wars in England', in J. P. Kenyon, Jane H. Ohlmeyer, and J. S. Morrill (eds.), *The civil wars: a military history of England, Scotland, and Ireland 1638–1660* (Oxford, 1998), p. 105.

[63] Wheeler, *Irish and British wars*, pp. 122, 150–3, 178, 207, 220; Mark Stoyle, *Soldiers and strangers: an ethnic history of the English Civil War* (New Haven, 2005), pp. 65–72.

[64] John Childs, *The army of Charles II* (London, 1976), p. 208.

[65] Alan J. Guy, 'The Irish military establishment, 1660–1776', in Bartlett and Jeff (eds.), *Military history of Ireland*, pp. 213–14.

[66] John Childs, *The British army of William III, 1689–1702* (Manchester, 1987), pp. 10–13.

[67] Thomas Bartlett, '"A weapon of war yet untried": Irish Catholics and the armed forces of the crown, 1760–1830', in T. G. Fraser and Keith Jeffery (eds.), *Men, women and war* (Dublin, 1993), pp. 66–85.

and Scotland.[68] Irish Protestants were allowed to enlist in 1745, and the demands of the Seven Years War further opened the door to Catholics. By 1757, Irishmen comprised 27.5 per cent of the British army in North America.[69] Officially, Catholics and dissenting Protestants were still excluded from service, but such men were clearly enlisting in considerable numbers as officials in Britain and Ireland tacitly agreed that Irish Catholics in regiments sent overseas posed no threat to the Protestant regime in Ireland. In 1771 the 15th Foot was 'said to be almost entirely Catholic'.[70] There is considerable confusion over when the ban on Catholics was formally lifted, but they seem to have been recruited legally on a large scale during the American Revolution, and all restrictions seem to have disappeared by 1799.[71]

During the Napoleonic Wars Ireland became a major source for British infantry. Besides filling the thirteen named Irish battalions, some 159,000 Irishmen joined English regiments between 1793 and 1814.[72] In 1809 34 per cent of the 57th (West Middlesex) were Irish.[73] In one study of twenty-two British unit rosters from the Napoleonic Wars, only

[68] R. E. Scouller, *The armies of Queen Anne* (Oxford, 1966), pp. 125, 293; Guy, 'Irish military establishment', 217; Bartlett, '"A weapon of war"', pp. 68–9. The recruitment of Irish Catholics into the navy seems to have been both common and without political backlash. See Stephen Conway, *War, state, and society in mid-eighteenth-century Britain and Ireland* (Oxford, 2006), pp. 182–3.

[69] Stephen Brumwell, *Redcoats: the British soldier and war in the Americas, 1755–1763* (New York, 2002), p. 318. The religious affiliations of these Irishmen in British regiments are uncertain.

[70] Terence Denman, '"*Hibernia officina militum*": Irish recruitment to the British regular army, 1660–1815', *Irish Sword*, 20 (1996), 150–63; S. H. F. Johnston, 'The Irish Establishment', *Irish Sword*, 1 (1949–53), quotation on 35.

[71] Part of the confusion results from the nature of the empire's overlapping jurisdictions and multiple armed forces: Irish, British, militia, volunteers, colonial, etc. Bartlett, '"A weapon of war"'; J. A. Houlding, *Fit for service: the training of the British army, 1715–1795* (Oxford, 1981), pp. 45–6; P. J. Marshall, *The making and unmaking of empires: Britain, India, and America c.1750–1783* (Oxford, 2005), pp. 339–41; Sylvia Frey, *The British soldier in America: a social history of military life in the revolutionary period* (Austin, 1981), pp. 10–11; Guy, 'Irish military establishment', pp. 229–30; Thomas Bartlett, '"This famous island set in a Virginian sea": Ireland in the British empire, 1690–1801', in *OHBE*, vol. II: P. J. Marshall (ed.), *The eighteenth century* (Oxford, 1998), p. 264; Johnston, 'The Irish Establishment', pp. 34–5; P. J. Marshall, 'A nation defined by empire, 1755–1776', in Alexander Grant and Keith J. Stringer (eds.), *Uniting the kingdom? The making of British history* (London, 1995), pp. 209–11; Thomas Bartlett, *The fall and rise of the Irish nation: the Catholic question, 1690–1830* (Savage, MD, 1992), pp. 57–8, 82–3; Conway, *War, state, and society*, p. 183.

[72] Peter Karsten, 'Irish soldiers in the British army, 1792–1922: suborned or subordinate?', in Peter Karsten (ed.), *Motivating soldiers: morale or mutiny* (New York, 1998), p. 36.

[73] Michael Glover, *Wellington's army in the Peninsula 1808–1814* (New York, 1977), p. 25.

one (the Royal Dragoon Guards) contained no Irish surnames.[74] Peter Karsten argues that these volunteers did not 'view themselves as joining the British army, but as joining "the Army". Seven centuries of British rule, of one sort or another, had led most Irish people to accept the fact that, like it or no, they were part of the United Kingdom.' Karsten defines the social profile of such a soldier as 'Catholic, poor, sometimes of an adventurous, bellicose sort, apolitical, and he saw himself as a soldier by occupation'.[75] These Irish recruits stand in marked contrast to the collectively recruited, socially respected, and skilled men of the sixteenth century, and indeed to Native American peoples, who retained greater control over the conditions of their military service.

Patterns and themes in Ireland

Several important patterns emerge in examining the English experience with indigenous military labour in Ireland. Perhaps the clearest is the length and difficulty of the process of English conquest. Indeed, one could argue that the so-called 'military revolution' was *not* crucial to the sixteenth-century conquest. Technology and tactical changes were less important than the continual co-option and dividing of the indigenous Irish and the final reluctant commitment of massive resources. This strategy exemplified a key characteristic of any imperial power: the ability to act in a more uniform manner than the divided peoples it faced. But English centralisation was far from perfect, as shown by the number of rebellions initiated by Anglo-Irish lords. Centralising control over the British American colonies proved even more tenuous, but *in extremis* the colonies generally worked together to defend each other in ways that were not the case among the Gaelic Irish or Amerindians. Occasional moments of pan-indigenous cooperation – the Nine Years War in Ireland (1689–97), King Philip's War in New England (1675–6), or later 'Pontiac's War' (1763–6) – loom large, but indigenous peoples were still found on both sides.

The retention of local, indigenous control over conditions of military service reflected the imperial power's belief that indigenes possessed unique and necessary military skills, a belief that lent those peoples power. It provides a lens to see how indigenous 'peripheries' negotiated the terms of their relation to the core.[76] In early modern Ireland

[74] Mark Bois, 'Men, cohesion and battle: the Inniskilling Regiment at Waterloo', unpublished MA thesis, University of Louisville (2006), p. 84.

[75] Karsten, 'Irish soldiers', p. 57.

[76] Thomas D. Hall, 'Incorporation in the world-system: toward a critique', *American Sociological Review*, 51 (1986), 398; Thomas D. Hall, 'Frontiers, ethnogenesis, and

only limited fractions of locally available military labour served the English directly as mercenaries. Most Irish soldiers served as retainers of a Gaelic lord, who calculated political advantages from cooperation with the English or not. In turn, the English envisaged feudal mechanisms of mobilisation for their end of the negotiation. Although English and Gaelic versions of those mechanisms differed, there were strong similarities, particularly in contrast to forms of mobilisation among Native Americans, and the English had to adjust to their expectations. Ironically, English reliance on Gaelic chiefs probably impeded efforts to peacefully incorporate Gaels as subjects under English law.[77]

Crucial to the tapping of Irish manpower, either as skilled mercenaries or through allied Gaelic chiefs, were personal relationships. In the fifteenth and sixteenth centuries, the Anglo-Irish lords acting for the English crown depended on personal and familial ties to bring allies into the field. Later, English administrators replaced Anglo-Irish ones, and English commanders had markedly different success in using Irish mercenaries and allies depending on their sensitivity to personal relations among Gaels.[78] This ability proved even more essential in North America.

The English faced marked limitations when attempting to use indigenous manpower outside local contexts, especially when recruited as separate, special-skill troops. With the exceptions of Henry VIII's use of kerne in Scotland and France in the 1540s, Irish troops only fought outside Ireland in circumstances of civil war, from Lambert Simnel's fifteenth-century claim to the throne to Strafford's army of 1639 and the ensuing English Civil War. Indigenous manpower was used primarily against indigenous enemies: when a subordinate people were considered 'indigenous' in military practice, imperial overlords generally only imagined them useful against indigenes of a similar type. As the Irish shifted from being merely indigenous to being *dangerous* and indigenous, particularly as military technology shifted towards increasingly uniform troop types, the English desisted from employing the Irish for military labour, in part because of the political dangers they posed. The exception proving the point was their use in civil wars when manpower needs were more desperate and political control contested. Later their transition from 'indigenous' to more acculturated, but still 'subordinate' from the political and ideological viewpoint of the metropole, made

world-systems: rethinking the theories', in Thomas D. Hall (ed.), *A world systems reader* (Lanham, MD, 2000), pp. 237–70.

[77] Ellis, *Ireland*, p. 285.

[78] Falls, *Elizabeth's Irish wars*, p. 34.

them attractive candidates for recruitment into a uniform military system, where they literally disappeared into the uniform itself. Crucially, this recruitment of Irish labour into the military occurred despite the objections from local Protestant elites, who still found the Irish 'dangerous' and feared the consequences of arming Catholics. Ironically, the Hanoverian British, like their Tudor predecessors, returned to treating the Irish as 'subjects' to be incorporated into the army like any other subject; indeed the lord lieutenant of Ireland in 1777 believed that his recruitment of the Irish for the American war helped connect 'parts of a great empire'.[79]

Native Americans

The extent, complexity, and necessity of the English use of Native Americans in aid of colonial and then imperial expansion in North America is now a familiar theme in early American history. In 1984 Francis Jennings frankly argued that 'Indian *cooperation* was the prime requisite for European penetration and colonization of the North American continent.'[80] Subsequent scholarship marked out several basic characteristics, now considered axiomatic, regarding the military potential of Native Americans and their use by the English. First, the tremendous impact of disease on Amerindian populations greatly diminished their capacity for military resistance to colonisation and may have encouraged them to ally with the new arrivals to enhance their power over traditional enemies. Second, initial English 'policy' regarding alliances with Native Americans was inconsistent and decentralised: each colony developed its own approach. That said, virtually every Anglo-Indian war had Amerindians on both sides. English (and later British) reliance on Amerindian aid occurred within two different ideological contexts. Initially, the English imagined Amerindians as both 'good' and 'bad'; the former would not only make good allies, but eventually good Christians. Over time, Europeans increasingly perceived Amerindians as incorrigible, allies only out of necessity, and not susceptible to any larger project of civilisation. Lastly, and crucially, scholars have established how the value of Native American military assistance escalated as French–English imperial competition heightened

[79] Quoted in Marshall, *Making and unmaking*, p. 341. Marshall sees a persistent English refusal to imagine the Irish as 'British', but the trajectory of recruiting Irishmen is markedly different to the recruitment of Native Americans, suggesting gradations of 'not-British'. See also Marshall, 'A nation defined by empire'.

[80] Francis Jennings, *The ambiguous Iroquois empire* (New York, 1984), p. 367, emphasis in original.

from 1689 to 1760, a period coinciding with a shift towards viewing Amerindians as uncivilisable. The defeat of the French made it easier for the British imperial centre to diminish the value of Amerindians as subjects or as allies, even as white imperial subjects escalated their violent pressure on Amerindian land. Native American confederations in the mid-eighteenth century temporarily reversed declining estimations of Amerindian usefulness and suggested greater demographic power. Yet, despite regional and personal variations, a greater sense of linear progression occurred in North America than in Ireland, *if only* because of the demographic decline of indigenous Americans.[81]

Early exploration and contact

England, a late arrival to colonial competition in North America, brought two crucial perspectives on the possible roles of indigenous peoples. The first derived from experience in Ireland, but this precedent had limited applicability.[82] The stubbornly Catholic Irish population was more damned than a pagan people potentially open to Protestantism. Furthermore, Ireland's proximity to England made any loss of control far more dangerous than the loss of a North American colony might be. Lastly, Ireland had centuries of history as an English 'colony', while early English explorers in North America (the Puritans excepted) anticipated establishing bases for preying on the Spanish or for finding gold – goals that differed markedly from sixteenth-century visions of Ireland. The second crucial perspective was the Spanish presence and experience as refracted through English sensibilities. In essence, they feared the Spanish more than the Amerindians, who, they hoped, would share their anti-Spanish attitude.[83]

These twinned perspectives shaped the experience of the early colonists at Roanoke, Jamestown, and in New England as they wrestled with how best to exploit Amerindian military potential. In practice

[81] Emerson W. Baker and John G. Reid, 'Amerindian power in the early modern northeast: a reappraisal', *WMQ*, 3rd series, 61 (2004), 77–106; Jon Parmenter, 'After the Mourning Wars: the Iroquois as allies in colonial North American campaigns, 1676–1760', *WMQ*, 3rd series, 64 (2007), 39–82.

[82] The Irish precedent is now a commonplace in early American history, but continues to need development. See Canny, *Elizabethan conquest*; Howard Mumford Jones, *O strange new world – American culture: the formative years* (New York, 1952); Stephen Saunders Webb, 'Army and empire: English garrison government in Britain and America, 1569 to 1763', *WMQ*, 3rd series, 34 (1977), 1–31; Nicholas Canny, 'England's new world and the old, 1480s–1630s', in *OHBE*, vol. I: Nicholas Canny (ed.), *The origins of empire* (Oxford, 1998), pp. 148–69.

[83] Edmund S. Morgan, *American slavery, American freedom* (New York, 1975), pp. 6–24.

English settlers attempted to project the kind of dominance they imagined the Spanish to have achieved. They staged ceremonies to crown Amerindian leaders as kings subject to Elizabeth or James (Manteo and Powhatan), and wrote treaties that nominally subordinated a people to English control (the Plymouth colony's treaty with Massasoit). The hard reality, however, was the initial demographic dominance of the Amerindians. Failing to persuade or dominate Amerindians in any significant numbers during those early years (roughly 1585 to 1630), the English resorted to a defensive policy reminiscent of mid-sixteenth-century Ireland – fortified garrisons and a coercive approach informed by an edge of paranoia.[84]

The Native American military system

Irish mobilisation techniques and tactical methods determined the potential and limits of their use by the English; similarly Amerindian mobilisation and tactics shaped their relations with the English. Scholars continue to debate the ultimate causes for which a Native American society went to war (other than to defend themselves when attacked), but they are agreed that the process of mobilisation hinged on both community consensus and individual willingness to participate. Individual men had varying motives: personal hopes to achieve status; a family or clan's need for revenge; confidence in the abilities of a particular war leader to bring success; and assorted spiritual and material rewards of success. Europeans seeking militant allies quickly learned to cultivate the young men eager for the social status conveyed by successful combat. Conversely, tribal elders could use the well-known aggression of their young men as a diplomatic threat. The Onondagas and Cayugas once reminded the Virginia governor: 'Our Young Warriors are like the Wolves of the Forrest as you Great Sachem of Virginia know.'[85] Once they embarked on a campaign, a primary tactic for Amerindian forces was surprising an enemy, perhaps a village, perhaps warriors on the march, or perhaps just a few people caught in the fields. A war party's success depended on capturing prisoners while sustaining minimal casualties of its own: surprise and ambush were the

[84] Webb, 'Army and empire', 7–8; Neal Salisbury, *Manitou and Providence: Indians, Europeans, and the making of New England, 1500–1643* (Oxford, 1982), pp. 99–100, 123.

[85] Quotation from Peter Wraxall, *An abridgment of the Indian affairs … transacted in the colony of New York, from the year 1678 to the year 1751* (Cambridge, MA, 1915), pp. 11, 100; Colin G. Calloway, *The American Revolution in Indian country: crisis and diversity in Native American communities* (Cambridge, 1995), p. 143.

best ways to achieve both. Those goals, combined with the forested terrain of eastern North America, produced a style of fighting that emphasised loose order, individual initiative, marksmanship, and fluidity.[86] Usually one or two successful actions would gain sufficient rewards to send the group home again. Sieges of, or even assaults on, palisaded villages were not unknown, but Amerindians usually preferred to cordon off targets and pick off or capture individuals exiting a palisade for water, food, or help.[87]

Within this framework European technology had limited impacts. Firearms made open battle more lethal, and any native tendency for close-order battle disappeared in favour of the already prominent raid and ambush. The flintlock musket or rifle relatively smoothly replaced the bow, but rendered Native Americans dependent on Europeans for gunpowder and for repairs.[88] The ability of Europeans, if provided with logistics and cannon, to overcome Native American fortifications had two crucial implications. Native villages were no longer defensible against that kind of threat and Indians had to adopt new defensive tactics.[89] Furthermore, Europeans could now persuade Native Americans to accompany expeditions as allies in hopes of plundering their enemy's villages – now vulnerable to cannon.

'Persuade', however, remains a key verb. The British could not mobilise Native Americans through force or conscription. In the European imagination 'persuasion' often included threats of disaster, or more positively arguments of self-interest. For Native Americans a distinctive sense of 'self-interest' was never absent, but persuasive mobilisation implied warring in mutual partnership with someone else. One method to establish relationships was through 'trade'. Exchanging goods both satisfied certain material and luxury needs and served as an act of reciprocity in which both parties acknowledged the worthiness

[86] Leroy V. Eid, 'American Indian military leadership: St Clair's 1791 defeat', *Journal of Military History*, 57 (1993), 71–88; Leroy V. Eid, '"A kind of running fight": Indian battlefield tactics in the late eighteenth century', *Western Pennsylvania Historical Magazine*, 71 (1988), 147–71.

[87] Craig S. Keener, 'An ethnohistorical analysis of Iroquois assault tactics used against fortified settlements of the northeast in the seventeenth century', *Ethnohistory*, 46 (1999), 777–807; Wayne E. Lee, 'Fortify, fight, or flee: Tuscarora and Cherokee defensive warfare and military culture adaptation', *Journal of Military History*, 68 (2004), 713–70.

[88] Wayne E. Lee, 'The Native American military revolution: firearms, forts, and polities', in Wayne E. Lee (ed.), *Empires and indigenes: intercultural alliance, imperial expansion, and warfare in the early modern world* (New York, 2011), pp. 49–80. Cf. Patrick Malone, *The skulking way of war: technology and tactics among the New England Indians* (Lanham, MD, 1991), pp. 91–9.

[89] Lee, 'Fortify, fight, or flee'.

and value of the other. Mobilisation required multiple points of articulation between some central authority and the individual warrior; in Anglo-Indian negotiations trade served as a crucial lubricant at the critical articulation point between a European emissary and a native people. Amerindian superintendent Edmond Atkin recommended that the British send gunsmiths to live among the Amerindians (as the French had done), noting that providing a gun was a beginning, but having a gunsmith in a village sustained an ongoing relationship.[90] The Native Americans were not shy about making this point. The Iroquois Confederacy acknowledged in 1712 that 'it is well known the original Foundation of their Alliance with the Christians were the Advantages they received by Trading with them. That antiently they made use of Earthen Pots, Stone Knives & Hatchets & Bows & Arrows, that after they had purchased from the Christ[ns] Good Arms they conquered their Enemies … (say they) our first entering into a Coven[t] with you was Chiefly grounded upon Trade.' Having acknowledged that truth, the Iroquois leaders then complained that the current low prices for their beaver furs 'may be the occasion of breaking that Chain of Peace & Friendship wch hath subsisted between us'.[91]

A trading relationship, however, was only the start. Most Native American mobilisation occurred through kin relationships. Blood relationships defined one form of kin connection and adoption a second. Even more important militarily were fictive kinships between individuals and between peoples.[92] References to the English (or French) king as 'great father' were no mere affectations. Rather they laid a foundation for cooperation, although they did not guarantee aid.[93] The English often failed to understand the full meaning of both trade reciprocity and fictive kinship in setting conditions and boundaries on relationships, although their own cultural background provided them with analogous mobilisation mechanisms that proved easily adaptable to the reciprocity/kinship dynamic. While early English efforts at designating 'emperors' or 'kings' usually flopped, the offering of specific tokens to signify such roles proved more successful. Paper commissions, medals,

[90] Wilbur R. Jacobs (ed.), *The Appalachian Indian frontier: the Edmond Atkin report and plan of 1755* (Lincoln, NE, 1967), pp. 8–10.

[91] Wraxall, *Abridgment of the Indian affairs*, pp. 95 (quotation), 111, 153; Jacobs, *Appalachian Indian frontier*, p. 13.

[92] Richard R. Johnson, 'The search for a usable Indian: an aspect of the defense of colonial New England', *Journal of American History*, 64 (1977), 629–30; Bruce Wilson, 'The struggle for wealth and power at Fort Niagara, 1775–1783', *Ontario History*, 68 (1976), 142; Jacobs, *Appalachian Indian frontier*, p. 80.

[93] Nancy Shoemaker, *A strange likeness: becoming red and white in eighteenth-century North America* (New York, 2004), pp. 117–21.

gorgets, scarlet uniform coats, and other tokens of rank in English society fitted neatly into Amerindian value systems as symbols of reciprocity and kinship.[94]

The first settlements

Most of the major British American colonies went through an 'early' phase in their military relationship with Amerindians that shared several features, regardless of timing of settlement. The chronologies of these relationships are thus 'relative' to the maturity of a European settlement and to the limited or non-existent commitment of resources from the central British government. The key variable in the early phase of all these settlements was the numerical inferiority of the English, who if engaged in offensive warfare relied heavily on numerically dominant contingents of allied Amerindians for crucial numbers and special skills.

Two regional examples are illustrative. Initial New England efforts against the Pequots in 1637 were frustrated by the mobile Pequots' unwillingness to engage in an open-field battle. Eventually the English persuaded the Narragansetts and Mohegans, regional rivals to the Pequots, to join in the attack. The allied Indians provided the crucial guidance through the swamps of Connecticut to the Pequot village at Mystic and also provided the bulk of the allied army in the attack. The Narragansetts' supposed horrified reaction at the destruction of Mystic and its population did not stop them from fighting a battle against the Pequots immediately afterwards, and some stayed with the English force for the remainder of the campaign.[95] As suggested elsewhere, the Narragansetts' horror merely reflected the destruction of the prisoners they had hoped for, and not culture shock at a way of war that used fire and mass killing.[96]

Decades later, South Carolina showed a similar dependency on Amerindians. English attacks on St Augustine, the Tuscarora War, and the Yamasee War all depended on Amerindian allies to fill out the

[94] Ibid., pp. 35–60; Calloway, *American Revolution*, pp. 60, 135, 250–1, 257; Jacobs, *Appalachian Indian frontier*, p. 85; Milton W. Hamilton, 'Guy Johnson's opinions on the American Indian', *Pennsylvania Magazine of History and Biography*, 77 (1953), 321; Kathleen DuVal, *The native ground: Indians and colonists in the heart of the continent* (Philadelphia, 2006), p. 135; Alan Gallay, *The Indian slave trade: the rise of the English empire in the American South, 1670–1717* (New Haven, 2002), pp. 138–40.

[95] Alfred A. Cave, *The Pequot War* (Amherst, 1996), pp. 153–4.

[96] Wayne E. Lee, 'Peace chiefs and blood revenge: patterns of restraint in Native American warfare, 1500–1800', *Journal of Military History*, 71 (2007), 730.

combined army. If those allies refused, as they did on numerous occasions, English forces frequently had to abandon the campaign.[97] The 1702 attack on St Augustine included 500–600 white men and 300–600 allied Amerindians from assorted nations (Yamasees, Chiluques, Apalachicolas, and others). South Carolina's first expedition in the Tuscarora War of 1712 had 30 whites and 500 Yamasees; the second expedition in 1713 had 33 whites and 800–900 Amerindians from different groups.[98]

South Carolina also provides examples of Amerindians acting independently of direct English military aid but in English interests, reflecting 'client' activity. The term 'client' denotes independent operations with simultaneous pursuit of indigenous and English interests. Proprietors and colonists, however, differed over the best way to use the Amerindians as clients. The proprietors (generally resident in England) preferred a stable long-term relationship with one people who could serve as a defensive buffer against hostile powers further afield. South Carolinians, in contrast, were mainly interested in the Amerindian slave trade and the short-term profits it provided, generating war among nearby peoples to produce slaves, and then turning to another group. Successive Amerindian peoples served as slave raiders on peoples progressively further into the interior for sale into the slave market in Charlestown.[99] These client wars for slaves may have been the dominant pattern of warfare in the south-east. Even the attack on St Augustine in 1702, nominally a territorial attack on a Spanish fort, was partly or even wholly motivated by the slave trade, as was the later attack in 1739.

Virginia provides a telling exception to this pattern of early settlers relying on numerically dominant contingents of Amerindians. The Virginians' experience of the Powhatan attack in 1622 seems to have permanently soured them against Amerindians as allies, despite official efforts to persuade some Amerindians to join their side, and despite the contact-era efforts to incorporate the Powhatans as subject-allies.[100] Virginia's seventeenth-century wars after 1622 were singularly lacking in Amerindian allies. On the one occasion in 1656 when more than a hundred Pamunkeys mobilised to help Virginians deal with the 'western Indians', the English fled at the outbreak of fighting and left the

[97] Gallay, *Indian slave trade*, pp. 84–6.
[98] Charles W. Arnade, *The siege of St Augustine in 1702* (Gainesville, FL, 1959), pp. 5, 32; Lee, 'Fortify, fight, or flee', 735, 739.
[99] Gallay, *Indian slave trade*, pp. 53–4, 59–61, 134.
[100] Karen Ordahl Kupperman, *Indians and English: facing off in early America* (Ithaca, 2000), p. 72.

Pamunkeys to bear the brunt of the lost battle.[101] The lack of Virginian–Amerindian military cooperation reflected both English choice and Amerindian reaction to the clumsy if not violent interactions created by the Virginians. If there was a xenophobic colony, it was Virginia.[102]

The maturing settlements

As colonies matured (the mid- to late seventeenth century for New England, New York, and the Chesapeake, the early eighteenth for Pennsylvania and the southern colonies), white demographic expansion and continued non-interference from England shaped military relations with Native Americans. Colonial interest in trading with Amerindians withered as interest in Amerindian land exploded. That shift paralleled the demographic decline of Amerindians under the greatest English influence, 'praying Indians' in New England, or 'settlement Indians' more generally.[103] The weakness of centralised British control tended to engender competition among colonies, for Amerindian land and for what Amerindian trade remained, competition that also diffused British capabilities to raise large Amerindian allied contingents. When hostilities with Amerindians or with other Europeans broke out, British governors did reach out for Amerindian alliances, but increasingly with small contingents of Amerindians whose limited numbers restricted

[101] William L. Shea, *The Virginia militia in the seventeenth century* (Baton Rouge, 1983), p. 79, see also pp. 38, 46, 68.

[102] For later momentary exceptions, the fragility of which proves the point, see James H. Merrell, *The Indians' new world: Catawbas and their neighbors from European contact through the era of removal* (Chapel Hill, NC, 1989), pp. 57–8, 91; Michael Leroy Oberg, *Dominion and civility: English imperialism and native America, 1585–1685* (Ithaca, 1999), p. 202.

[103] The role of settlement Indians as subjects or as soldiers in English (or American revolutionary) armies needs further work. Jenny Hale Pulsipher, *Subjects unto the same king: Indians, English, and the contest for authority in colonial New England* (Philadelphia, 2005); Gallay, *Indian slave trade*, pp. 54, 94–5; Johnson, 'Search for a usable Indian', 644–5; Daniel K. Richter, 'Native peoples of North America and the eighteenth-century British empire', in *OHBE*, vol. II: P. J. Marshall (ed.), *The eighteenth century* (Oxford, 1998), pp. 347–71, 360–1. Emerging work includes Jason W. Warren, 'Connecticut unscathed: an examination of Connecticut colony's success during King Philip's War, 1675–1676', unpublished MA thesis, Ohio State University (2009); Michelle Schohn, 'The Pee Dee Indian people of South Carolina', *People of One Fire*, 3 (May 2008), 9–12; Brian D. Carroll, 'Native American masculinity in the provincial militaries of Massachusetts and Connecticut, 1689–1763', Paper presented at 14th Annual Omohundro Institute Conference, Boston, 7 June 2008. For early results of Jason Mancini's substantial work on the military and maritime service of Connecticut settlement Indians in American service, much of which he has shared with me, see Jason R. Mancini and David J. Naumec, *Connecticut's African and Native American Revolutionary War enlistments: 1775–1783* (Mashantucket, 2005).

their roles to that of guides and scouts. When traditional means of persuasion failed to stir adequate numbers of Amerindians, colonial governments created a more mercenary device: the scalp bounty. Bounties for enemy Amerindians' scalps could be paid to anyone who took them, though the flesh and hair of friendly and enemy Amerindians were virtually impossible to differentiate. Amerindians and white men both took Amerindian scalps indiscriminately; bits of flesh and hair could be taken from friends or enemies, and friends were usually easier to find. In filling this role Amerindians approached a more European notion of 'mercenary', but utterly without oversight or direction.[104]

King Philip's War (1675–6) in New England exemplified all of these devices as well as a newly emerging approach to mobilising Amerindian power. Officially New Englanders struggled desperately to raise Amerindian allies with little initial success. Scalp bounties were quickly approved to encourage the militia and potential Amerindian help; some praying Indians allied with the English, although English fear confined their participation.[105] Public opinion in Massachusetts strenuously opposed using Amerindians, while Connecticut did to a limited extent, dispatching 'combined parties of white and Indian volunteers in search of the enemy with the promise of pay, provisions, and the profits of their plunder', and scalp bounties. In the end, the most significant, even decisive, help came from an unexpected source and heralded a new beginning for English–Amerindian military cooperation. The Mohawks, instigated by the English though also having a longstanding enmity with New England Algonquians, attacked King Philip's encampment near the Hudson River with destructive force. Mohawks acted as clients: independent of English forces, serving their own interests but also English needs.[106] If doubts about their autonomy existed, the Mohawks summarily demonstrated it in October 1676: asked to aid New Englanders against Amerindians in Maine, they instead raided Mohegans friendly to New England, including the praying town of Natick in 1677.[107] Subsequent diplomatic negotiations between New York and the Iroquois formalised relations at a crucial turning point in the British colonial project.

[104] John Grenier, *The first way of war: American war making on the frontier, 1607–1814* (Cambridge, 2005), pp. 39–43, 65.

[105] James David Drake, *King Philip's War: civil war in New England, 1675–1676* (Amherst, 1999), pp. 101–4.

[106] Johnson, 'Search for a usable Indian', 627, 633–4; Malone, *Skulking way of war*, pp. 107–15; Parmenter, 'After the Mourning Wars', 42–3; Allen W. Trelease, *Indian affairs in colonial New York: the seventeenth century* (Ithaca, 1960; Lincoln, NE, 1997), pp. 231–4.

[107] Trelease, *Indian affairs*, pp. 236–7.

The imperial wars

At the end of the seventeenth century, a number of trends among both Amerindians and Europeans began converging, first observable in New England, then farther south. Native American populations showed marked creative adjustments after the disease holocausts of the seventeenth century. Overall populations probably did not rebound significantly, but Native American peoples increasingly confederated, often geographically situated to render them crucial players in the British and French imperial contests. In Europe, Britain and France lurched into a long century of warfare that would end only with the defeat of Napoleon. In response, the French, many operating out of Canada, became imperially proactive: their relations with New York and New England were more militant; they planted settlements on the Gulf of Mexico and the Mississippi River; they destroyed English fishing stations in Newfoundland and captured Hudson's Bay Company factories. Meanwhile, the British government began centralising control over the disparate North American colonies. This trend was not continuous, as witness the destruction of the Dominion of New England by colonists in the Revolution of 1688–9. The metropolitan government also shifted its attention to other imperial arenas and at times was simply neglectful. Nevertheless, imperial wars repeatedly drew the imperial eye back to North America until the conflagration beginning in 1754.

The first systematic English effort at Amerindian policy, as distinct from episodic engagements, occurred through successive governors of New York, Edmund Andros and Thomas Dongan, who helped forge the covenant chain with the Iroquois.[108] The English interpreted the agreement as an Iroquois yielding of sovereignty, or at least a recognition of English claims to any territory or people over which the Iroquois could claim sovereignty.[109] This hope for exercising sovereignty through the Iroquois reflected the longstanding objective of finding or creating a figurehead leader who could manipulate an entire people. The English envisaged the Iroquois as conveyors of sovereignty for a host of peoples, as well as being allies and clients in wars, in the first instance providing much-needed manpower to English military expeditions, in

[108] Richter, 'Native peoples of North America', 353; Parmenter, 'After the Mourning Wars', 77–82.

[109] Trelease, *Indian affairs*, pp. 245, 253–94; Jennings, *Ambiguous Iroquois empire*, pp. 191–2. Royal instructions to the governors of New York in later years assumed the submission and subjecthood of the Iroquois. E. B. O'Callaghan (ed.), *Documents relative to the colonial history of the state of New York* [hereafter *NYCD*], 12 vols. (Albany, NY, 1853–87), vol. III, p. 690.

the second providing a buffer between the English and the French.[110] Dongan went so far as to claim that he could 'have three or four thousand of their men at call'.[111]

Naturally the Iroquois perceived the situation differently, and they rearranged the 'terms' of their 'client' status at will.[112] In 1701, after heavy costs from too-active participation during King William's War, the Iroquois opted out of Queen Anne's War by concluding the Grand Peace between themselves and both the French and the English.[113] In subsequent imperial contests, New Yorkers profited from that peace as the French avoided crossing Iroquois territory, while New Englanders in frontier towns paid the price for the lack of an active Iroquois ally. Francis Jennings argues that over the next two decades the Iroquois became increasingly dependent clients of the British.[114] Jon Parmenter challenges that view, arguing persuasively that the Iroquois continued to manipulate and set terms to their own advantage, in part because the British continued to view Amerindian aid as indispensable.[115]

Amerindians were in fact indispensable during the imperial wars of the eighteenth century. The British continued to hope for full-scale client participation, encouraging whole peoples to act on their behalf, and occasionally with modest success. But even small contingents of Amerindians were invaluable for providing intelligence of the land and of enemy movements, thereby contributing to the security of columns marching deep in the wilderness. Without them English soldiers often proved unable to move: John Tracy complained to governor Fitz-John Winthrop in 1700 that 'our English souldiars wait and loosse their time for want of Indians not knowing the woods or manners of that work, and Indians we can git none'. The New England expeditionary forces against Acadia and Canada may have been as much as 25 per cent

[110] Calloway, *American Revolution*, p. 37; Gallay, *Indian slave trade*, pp. 138–40; Eric Hinderaker, 'The "four Indian kings" and the imaginative construction of the first British empire', *WMQ*, 3rd series, 53 (1996), 487–526; Colin G. Calloway, *New worlds for all: Indians, Europeans, and the remaking of early America* (Baltimore, 1997), p. 111.

[111] *NYCD*, vol. III, p. 393.

[112] Johnson, 'Search for a usable Indian', 642–3; Trelease, *Indian affairs*, pp. 265–7; Richard L. Haan, 'Covenant and consensus: Iroquois and English, 1676–1760', in Daniel K. Richter and James H. Merrell (eds.), *Beyond the covenant chain: the Iroquois and their neighbors in Indian North America, 1600–1800* (Syracuse, 1987), pp. 51, 53–4.

[113] Gilles Havard, *The Great Peace of Montreal of 1701: French–native diplomacy in the seventeenth century* (Montreal, 2001).

[114] Jennings, *Ambiguous Iroquois empire*, pp. 211, 289–90.

[115] Parmenter, 'After the Mourning Wars', 74 and *passim*.

Amerindian during King William's War, and 13 and 14 per cent in the expeditions of 1707 and 1710 during Queen Anne's War.[116]

Inter-colonial friction and recognition that military success in imperial wars required Amerindian participation led the British government to consider further centralisation of its control over Amerindian relations. In 1755 Edmond Atkin suggested that it was

> generally known and understood … that the prosperity of our Colonies on the Continent, will stand or fall with our Interest and favour among [the Amerindians]. While they are our Friends, they are the Cheapest and strongest Barrier for the Protection of our Settlements; when Enemies, they are capable by ravaging in their method of War in spite of all we can do, to render those Possessions almost useless.[117]

In anticipation of another and larger imperial war, the British government appointed in 1755 Indian superintendents, William Johnson and Edmond Atkin, for the northern and southern peoples, respectively. Johnson's ability to persuade Mohawks to fight on behalf of the British was based on his personal relationship with them. Born in Ireland and an adopted Mohawk, he was more adept than most Englishmen at understanding and manipulating Amerindian diplomatic forms.[118] Atkins, in contrast, modelled a more 'imperial' approach to Amerindian diplomacy. Although clearly aware of the basic issues in mobilising Amerindian help, he lacked Johnson's personal intimacy. Atkin's 1755 report revealed many of the basic hopes and problems with British visions of Amerindians as allies or clients. He planned, though in vain, to forge a new covenant with the Cherokees like that with the Iroquois, which could become the core of a confederacy of the southern Amerindians. Controlled by a centralised British administration, southern Amerindians would 'make Peace or War with other Nations by joint Consent'.[119]

The French and Indian War (1754–63) sent contradictory signals to British administrators. Serious British losses during the early years of the war reinforced the lesson that Amerindians were crucial in wilderness warfare. British military and diplomatic failures stripped away Amerindian allies, and officers identified inadequate backcountry expertise as underlying their strategic problem. Lacking Amerindians, and finding colonial 'backwoodsmen' both expensive

[116] Johnson, 'Search for a usable Indian', 628, 631, 640 (quotation).
[117] Jacobs, *Appalachian Indian frontier*, pp. 3–4.
[118] Fintan O'Toole, *White savage: William Johnson and the invention of America* (New York, 2005).
[119] Jacobs, *Appalachian Indian frontier*, p. 92.

and truculent, British officers tried to create their own version of a frontier soldier, with limited success. The lack of Amerindian allies and hostility among Amerindians in the Ohio Valley, fanned by indiscriminate murders by white settlers, engendered punishing Amerindian raids on the Pennsylvania and Virginia frontiers.[120] The later years of the war seemed to send a different message. Successes came as the British committed more and more regular troops to the continent and engaged in more conventional operations, including sieges and even a traditional linear battle on the Plains of Abraham outside Quebec. What may have remained hidden from British vision, however, was the impact that their naval blockade had on the ability of the French both to supply their troops and to provide the necessary trade goods and gunpowder to their Amerindian allies. As French trade dried up, so did native allies. Furthermore, as the British sent regular troops in ever greater numbers, their diplomatic efforts with Amerindians finally began to bear fruit. Major diplomatic initiatives brought Mohawks and Cherokees into the war on the British side. Both groups formed allied contingents within British forces, although British officers remained suspicious of their value.[121] British regular forces and expeditionary militia armies that lacked major Amerindian allied contingents still employed small groups of 'settlement Indians' as rangers or scouts within the expeditionary organisation.[122]

After the war, with apparently mixed signals about the importance of the Amerindians and no French threat, General Jeffery Amherst curtailed the traditional diplomatic gifts the British had distributed to maintain relations with Amerindian allies. Meanwhile, colonists, in a manner similar to the English administrators of late sixteenth-century Ireland, saw their interests not in relations with the indigenes but in the acquisition of their land. The imperial failure both to maintain proper relationships and to control the rapacious behaviour of white subjects quickly led to violent reaction, popularly known as 'Pontiac's War', but in reality a multi-polar uprising of Amerindians against their former allies.[123] A similar situation had erupted south of the Ohio River. The royal governor of South Carolina seriously violated Amerindian norms of relationships when he imprisoned numerous Cherokee headmen

[120] Matthew C. Ward, *Breaking the backcountry: the Seven Years' War in Virginia and Pennsylvania, 1754–1765* (Pittsburgh, 2003).
[121] Parmenter, 'After the Mourning Wars', 70–5; David H. Corkran, *The Cherokee frontier* (Norman, OK, 1962), p. 129.
[122] See note 113 above; Brumwell, *Redcoats*, pp. 210–11.
[123] Calloway, *American Revolution*, p. 21.

and set off a war that consumed the southern frontier from 1759 to 1761.[124]

The American Revolution

The dangers and costs of the Cherokee War and Pontiac's War convinced British imperial administrators to re-establish basic relationships with the western Amerindians, and they made at least nominal efforts to control land-hungry white colonists.[125] Their efforts left British administrators better positioned than the rebels to raise Amerindian assistance during the American Revolution. Convinced of Amerindians' military utility, the British had great hopes for using them against the Americans. Some British administrators recognised, however, that the political costs could be high; almost all were surprised at the financial cost, as well.

The Amerindians contributed materially to the British war effort, but their help proved expensive.[126] Indian agent John Stuart argued that, despite high costs, 'we have not been able to do it without them', and indeed the numbers could be impressive: in the first ten months of 1781 some 75 war parties totalling almost 3,000 warriors set out from Fort Niagara.[127] But the situation at Niagara illustrates the difficulties of balancing costs and effectiveness. After the rebels' 1779 campaign into Iroquois country, Niagara became a refugee centre with approximately 5,000 Amerindians camped in the area, all demanding provisions. Costs for maintaining the women, children, and some warriors ballooned to £100,000 in 1781. Bruce Wilson calculates that the cost of 'provisioning the Indians at the three major upper forts, Niagara, Detroit and Michilimackinac, reportedly exceeded the cost of the whole military establishment in Canada exclusive of provisions'.[128]

[124] John Oliphant, *Peace and war on the Anglo-Cherokee frontier, 1756–63* (Baton Rouge, 2001). For another roughly contemporaneous indigenous effort to force an adjustment in the imperial relationship that occurred in Nova Scotia, see John G. Reid, '*Pax Britannica* or *Pax Indigena*?: planter Nova Scotia (1760–1782) and competing strategies of pacification', *Canadian Historical Review*, 85 (2004), 683–4.

[125] Marshall, *Making and unmaking*, pp. 190–3.

[126] In addition to the other works cited here, key works on British Indian policy during the war include Paul Lawrence Stevens, 'His Majesty's "savage" allies: British policy and the northern Indians during the Revolutionary War: the Carleton years, 1774–1778', unpublished Ph.D. thesis, State University of New York at Buffalo (1984); Robert Allen, *His Majety's Indian allies: British Indian policy in the defence of Canada, 1774–1815* (Toronto, 1992); Jim Piecuch, *Three peoples, one king: loyalists, Indians, and slaves in the revolutionary South, 1775–1782* (Columbia, SC, 2008).

[127] Calloway, *American Revolution*, pp. 225, 144.

[128] Wilson, 'Struggle for wealth and power', 139.

In contrast, during the French and Indian War Lord Loudoun's staff calculated that a regiment of 1,000 colonial rangers cost £42,400 in its first year of operations, slightly less thereafter, a cost considered exorbitant at the time.[129] British General John Burgoyne claimed, with some exaggeration, that 1,000 Amerindian warriors cost more than 20,000 regulars.[130] Thus, although the British had a potentially large pool of motivated Amerindian allies, they needed substantial resources to keep them, and frequently their dependants, on task. The Seminoles in Florida arrived in large numbers to assist the British, but lack of resources obliged British officials to turn them away. East Florida's governor, Patrick Tonyn, complained that he remained powerless without an ability to supply the Seminoles, leaving him 'invested with the mere shadow of authority'.[131]

Financial costs were compounded by profound political costs for involving Amerindians as allies. Their use pushed potentially neutral Americans into the rebel camp and disturbed the sensibilities of the political public in Britain, which in turn gave leverage to the opposition party. The rebels famously included the British use of Amerindian allies as a grievance in the Declaration of Independence, and evidence suggests that Cherokee attacks in 1776 converted many colonists to the rebel cause.[132] Troy Bickham suggests that in Britain public opinion quickly and overwhelmingly condemned the use of presumably savage Amerindian allies; such rejection, Bickham argues, did not extend to using slaves or loyalists, nor entirely to the rebels (despite the opprobrium implicit in that term), thus supporting the idea of an eventual British rejection of natives as potential subjects within the empire.[133]

Themes and patterns

The skills that Amerindians provided to European forces in North America – intelligence, local knowledge, skill at irregular war, and security, all made necessary by the nature of the wilderness – are well

[129] Grenier, *First way of war*, p. 133.
[130] John Ferling, *Almost a miracle: the American victory in the War of Independence* (Oxford, 2007), p. 213.
[131] Quoted in Calloway, *American Revolution*, p. 262.
[132] Ferling, *Almost a miracle*, pp. 226–7, 264; Wayne E. Lee, *Crowds and soldiers in revolutionary North Carolina: the culture of violence in riot and war* (Gainesville, FL, 2001), pp. 142–3.
[133] Troy O. Bickham, *Savages within the empire: representations of American Indians in eighteenth-century Britain* (Oxford, 2005), pp. 243–71; Marshall, *Making and unmaking*, pp. 190–3.

recognised by historians.[134] Yet they may be usefully re-examined through the framework suggested by John Landers's analysis of pre-industrial economies in Europe and the relation between an organic economy and state expansion.[135] Landers argues that state expansion is fundamentally an areal extension of coercive authority, but not all 'area' is equal. Natural barriers, such as mountains, swamps, and forests, complicate a state's capacity to impose its authority. Authority often followed trade, he argues, because trade constituted a separate and multi-polar dynamic areal extension of influence, independent of state funding but partially subject to state control because of trade's ultimate links to the metropole. The creation and 'smoothing' of trade routes eased the extension of truly coercive authority. In the huge expanse of North America, Amerindians proved susceptible to trade integration – the novelty of European goods provided an important initial entrée, and the importance of trade for establishing reciprocity lent the system durability. Trade pursued by independent European agents provided knowledge of routes and peoples behind which coercive authority could follow. Militarily, however, European forces, which customarily used roads to move troops and supplies, were not equipped or prepared to move through the roadless tracts of North America without aid.[136] Amerindians, therefore, provided the only available organic means of deploying coercive authority over long distances – either as clients acting on their own, or as guides and enablers for conventional European forces. Like Irish kerne, they provided special skills adapted to their environment. They provided that aid, however, on their own terms.

Two separate trends mitigated the indispensability of these Amerindians' skills. The demographic and areal expansion of white settlement pushed accessible organic fuel and labour sources deeper and deeper into the interior together with a capillary-like network of local roads. Eventually regular forces could march inland and find white-provided food sources. Where such white demographic expansion had not yet occurred, political will and capital was required to build otherwise uneconomic military roads, as Generals Edward Braddock and John Forbes did on the Virginia and Pennsylvania frontiers, respectively. On the northern front the 'roads' were the St Lawrence River and

[134] A typical summary is Colin G. Calloway, *Crown and calumet: British–Indian relations, 1783–1815* (Norman, OK, 1987), pp. 196–202.

[135] John Landers, *The field and the forge: population, production, and power in the pre-industrial west* (New York, 2003), *passim*, esp. p. 98.

[136] Ferling, *Almost a miracle*, p. 565.

the Hudson River–Lake Champlain axis.[137] Military roads were built for political needs, not in response to the normal course of economic development. Yet military roads could not be built for all needs, and thus Amerindians retained their military value as 'speciality skill troops' for much longer than did the Irish. In this sense Amerindians were famous as 'pathfinders' and scouts; they were road substitutes and without them English forces sometimes could not move.[138] Amerindians became a second-order areal extension of coercive authority, but only in the context of competition with other imperial powers or other Amerindians. As 'secondary' components they were not perceived as suitable for coercion within one's 'own' cultural and political sphere. Thus their use during the American Revolution generated intense cultural friction – similar to the reaction to the use of Irish troops in England.

Calling Amerindians 'secondary agents', however, does a disservice to their persistent maintenance of autonomy. They retained a vision of their interests, and always conditioned their aid upon agreement within their home societies. Dependence on certain European trade goods, especially gunpowder, constrained their flexibility in responding. Similarly, the French departure in 1763 deprived the Amerindians of diplomatic leverage, but Pontiac successfully, if temporarily, reasserted the need for reciprocity in the imperial–Amerindian relationship. Another factor favouring Amerindian autonomy, especially during the seventeenth century, was the variable, even competitive, policies of the different British colonies, though fortunately for the British, even greater variability existed among Amerindian peoples. Divide and conquer remained a viable strategy for both colonists and imperial administrators – even as it had in Ireland.[139]

Over the long term, the major difference between Ireland and North America turned on the acculturation of the indigenous population. By 1600 the English were recruiting individual Irish soldiers into uniform military units. While fear of Catholicism slowed their full incorporation until the late eighteenth century, the long-term convergence of Irish subject with British soldier was clear. Native Americans, in contrast, remained 'special skill' warriors, used as allies, clients, or mercenaries

[137] Ian K. Steele, *Warpaths: invasions of North America* (New York, 1994), p. 214. In a manuscript guide to war in North America there is much discussion of how to build and secure roads into the wilderness. See 'On war in North America', TNA, Amherst Papers, WO 34/102.

[138] Johnson, 'Search for a usable Indian', 640. Peter Schuyler's journal of his 1691 expedition to Canada provides a vivid daily account of the logistical, intelligence, and 'mobility' services provided by his contingent of Amerindians, *NYCD*, vol. III, pp. 800–5.

[139] See Jeremy Black, 'Introduction', in Jeremy Black (ed.), *War in the early modern world, 1450–1815* (Boulder, CO, 1999), p. 13.

through to the end of the first British empire, a difference arising, in part, from their value as scouts and guides within a vast continental theatre and, in part, from the frequent English inability (or unwillingness) to differentiate between friendly and enemy Amerindians. From the 1587 Croatoan request for some token by which to identify them as friends to Edmond Atkin's issuing of special passports in 1760, Anglo-Americans repeatedly demonstrated that to be Amerindian *and* friendly required visible proof.[140] That persistent need for a badge masked a deeper and more visceral shift in attitudes towards Amerindians, whether as allies or in general. Early generations of colonists imagined the transformation of Amerindians into Christian and civilised Englishmen. The failure of assimilation efforts and the devastation of King Philip's War contributed to 'policies of segregation and discriminatory legislation' and countenanced fears of Amerindians, even those who continued to serve colonists.[141] Like the Irish, Amerindians had gone from being different and useful, to being different and useful, but *dangerous*. Amerindian usefulness meant that they would continue to be employed, but positive Anglo-American attitudes remained contingent on the continued usefulness of Amerindians.[142] James Fitch wrote in 1696 that 'if now our Indians are kindly used, you may hereafter have more, if other wise non will stir'. In contrast, General John Campbell during the American Revolution reportedly thought of Amerindians as people to 'be used like slaves or a people devoid of natural sense'.[143] Virginians' aforementioned reluctance to use Amerindian allies may merely make them precocious rather than aberrant. Yet the greatest reason for a failure to incorporate Native Americans as subject-soldiers was the equally potent rejection of subjecthood by most Native Americans. Bribed, persuaded, bullied they might be, but conscripted or lured by pay and rations into a uniform military system they would not be.

Conclusion

At the outset of this chapter it was suggested that there were five basic parallels in England's military relations with Ireland and with Native America. Perhaps the key issue that connects all five, however, is the

[140] Kupperman, *Indians and English*, p. 188; Jacobs, *Appalachian Indian frontier*, p. xxv.
[141] Johnson, 'Search for a usable Indian', 648–9 (quotation). Recent discussions of these changes in attitude include Pulsipher, *Subjects unto the same king*; Patrick Griffin, *American Leviathan: empire, nation, and revolutionary frontier* (New York, 2007); Peter Silver, *Our savage neighbors: how Indian war transformed early America* (New York, 2008); Lee, *Barbarians and brothers*, chs. 6 and 8.
[142] Marshall, *Making and unmaking*, pp. 190–3; Calloway, *Crown and calumet*, p. 123.
[143] Johnson, 'Search for a usable Indian', 647; Calloway, *American Revolution*, p. 228.

relationship between subjecthood and military role. The capacity to 'imagine' a nation is fundamental to the expansion and coherence of the modern state.[144] One way for an outsider to be included in that imagined community is through military service. Irishmen and Amerindians were valued for their military capabilities, but since their initial military role was to provide unique 'native' skills, such service actually worked *against* imagining them as subjects. In one example, after the Peace of Utrecht in 1713, Massachusetts settlers felt freer to violate the boundaries of the lands that had been set aside for their converted and allied Indians – who had served in some numbers in the preceding two wars. Military service in this sense had acted as a prop to legal protections, but because their service was 'ethnic', based on speciality skills, their military labour provided a less durable claim on full subjecthood.[145] The homogenisation of European armies around firearms progressively limited the usefulness of indigenous skills, and persistent cultural fears of the 'wild (Catholic) Irish' or the 'savage Indian' delayed their full admission to a new uniform military. Furthermore, the Irish and Amerindians resisted becoming subjects, and the power of their resistance forced the English to adopt models of incorporation other than outright conquest. In the sixteenth century, in both Ireland and North America, the English approached colonisation via the 'conquistador' model, assuming that conquest of the land would be followed by parcelling it out into estates (plantations) protected by soldier-settlers.[146] The indigenes proved resistant to these plans. In Ireland 'conquest' and plantation only succeeded after an enormous climactic military effort *and* after the flight of the defeated Gaelic earls. In North America English settlement occurred more haphazardly, not as the result of any particular military success. Native resistance was prolonged and powerful, overcome in the end by disease and the progressive expansion of a white settler infrastructure which could support the movements of a European-style military. Irish and native resistance therefore forced the English to accommodate and *use* native power rather than exterminate it. One form of accommodation was to hold out English subjecthood and English civility to the Irish and the Amerindians. Both groups in turn toyed with subjecthood, using it to their advantage where possible, but in the end rejecting it, and with that rejection the offer was progressively withdrawn only to be restored in a different (and attenuated)

[144] Benedict R. Anderson, *Imagined communities: reflections on the origin and spread of nationalism* (London, 1983).

[145] Daniel R. Mandell, *Behind the frontier: Indians in eighteenth-century eastern Massachusetts* (Lincoln, NE, 1996), pp. 40, 42–3, 51, 66.

[146] Quinn, *Elizabethans and Irish*, pp. 106–7; Canny, *Elizabethan conquest*.

form much later.[147] A major reason for that mutual rejection was local English authorities seeking their own gain at the expense of the indigenes, stoking conflict and actively undermining the metropole's nominal hopes for incorporation.[148]

[147] I do not refer here to the strictly legal definition of 'subject', but rather to a more generalised sense of acceptance and incorporation into the imagined polity. Compare: Jacob Selwood, '"English-born reputed strangers": birth and descent in seventeenth-century London', *Journal of British Studies*, 44 (2005), 728–53; Gavin Loughton, 'Calvin's case and the origins of the rule governing "conquest" in English law', *Australian Journal of Legal History*, 8 (2004), available at www.austlii.edu.au/au/journals/AJLH/2004/8.html. There is also a large and growing literature on the shifting English legal vision of their sovereignty over the Indians as subjects. In addition to Griffin, Pulsipher, Oberg, and Silver, already cited herein, see especially Ken MacMillan, *Sovereignty and possession in the English new world: the legal foundations of empire, 1576–1640* (Cambridge, 2006); Jack P. Greene (ed.), *Exclusionary empire: English liberty overseas, 1600–1900* (Cambridge, 2009); Anthony Pagden, *Lords of all the world: ideologies of empire in Spain, Britain and France c.1500–c.1800* (New Haven, 1995); Patricia Seed, *Ceremonies of possession in Europe's conquest of the new world, 1492–1640* (Cambridge, 1995).

[148] See Quinn, *Elizabethans and Irish*, p. 125; Pulsipher, *Subjects unto the same king*; Oberg, *Dominion and civility*, pp. 136, 150, and *passim*.

9 Diplomacy between Britons and Native Americans, *c.*1600–1830

Eric Hinderaker

To characterise diplomatic relations between English colonists and Native Americans in the seventeenth century is doubly problematic. On the American side, native populations with whom England had contact were organised into a large number of relatively decentralised, semi-sedentary polities that differed enough from European states in their basic structural and cultural elements that Englishmen struggled to understand them in ways that were conducive to practices that might be termed diplomatic in nature, especially during the first several decades of contact. In Europe, diplomacy was grounded in its shared traditions of Christianity, feudal custom, and Roman law, which gave to the kingdoms of Europe a common identity that in some ways transcended dynastic and cultural divisions.[1] English colonists did not initially consider the Native American communities with whom they came into contact to be either sufficiently like themselves or sufficiently powerful to merit serious diplomatic engagement. Moreover, Englishmen in America often saw their enterprises in a utopian light: Native Americans either accepted a subordinate role or came to be understood as dangerous obstructions. Under these circumstances, the early history of contact is filled with negotiations of convenience and bad faith and punctuated by violence and warfare. Expedience was often the rule even with Amerindian groups that Englishmen considered to be their allies.[2] The failings of cross-cultural diplomacy are especially evident when the American context is compared with South Asia, where, as Michael Fisher's chapter in this volume makes abundantly clear, well-defined institutions and personnel made diplomacy a central feature of England's engagement with native peoples.

[1] Garrett Mattingly, *Renaissance diplomacy* (London, 1963), pp. 17–25 and *passim*.

[2] The utopian aspirations of many Englishmen could give rise to a condition in the colonies akin to the 'anti-diplomacy' or 'utopia of terror' described by James der Derian in *On diplomacy: a genealogy of western estrangement* (Oxford, 1987), pp. 134–67.

The diplomatic context for early English colonisation in North America was further complicated by the fact that the era was marked by civil war, revolution, and instability at home. Those disruptions led to contestation and uncertainty about the foundations of Anglo-American legitimacy and authority.[3] In the absence of a clearly defined imperial centre to which colonists owed subordination and allegiance, and in the face of unfamiliar and even bewildering Native American societies, the earliest English colonies in North America improvised relations with neighbouring peoples. The consequences were often ruinous, generally unintended, and diplomatic in only the most limited sense of the word.

For Native Americans, the encounter with Europeans unfolded in a disastrous context. Beginning with sixteenth-century explorers and traders and intensifying as permanent European settlements developed in their midst, native peoples throughout coastal North America experienced devastating epidemics of Eurasian diseases. With population loss approaching 50 per cent in many communities during the first generation of contact, and eventually rising as high as 90 per cent, they met Englishmen during an era of profound social, cultural, and political disorientation.[4] At first, most communities tried to persevere even as their numbers melted away. Eventually, some Amerindian groups, like the Iroquois Confederacy, relied heavily upon war captives to sustain themselves, while others, like the Catawbas, consisted of polyglot remnant populations that hastily regrouped in the face of colonial pressures. This fundamental fact underlay every other aspect of the Anglo-Native American encounter and conditioned the dynamics of intercultural contact in eastern North America. It shaped diplomatic relations because Indian groups repeatedly found themselves in positions of weakness and vulnerability in the face of English colonisation. Though Englishmen overestimated their military superiority over the native peoples of North America, epidemic disease achieved for colonists what military intimidation alone never could have: the acquiescence of indigenous polities in colonial expansion into, and eventual domination of, the continent.

[3] For Massachusetts Bay, see Jenny Hale Pulsipher, *Subjects unto the same king: Indians, English, and the contest for authority in colonial New England* (Philadelphia, 2005), pp. 8–37 and *passim*; for the Chesapeake, J. Frederick Fausz, 'Merging and emerging worlds: Anglo-Indian interest groups and the development of the seventeenth-century Chesapeake', in Lois Green Carr, Jean B. Russo, and Philip D. Morgan (eds.), *Colonial Chesapeake society* (Chapel Hill, NC, 1988), pp. 47–98.

[4] Russell Thornton, *American Indian holocaust and survival: a population history since 1492* (Norman, OK, 1990).

By the late seventeenth century, the barriers to diplomacy were giving way to more consistent diplomatic efforts and expectations as Englishmen came to appreciate the strategic significance of alliances and to understand some aspects of Native American culture. Similarly, certain Amerindian groups developed more sustained strategies for dealing with their European neighbours. Cross-cultural diplomacy first took shape in Indian country, and Native American practices disproportionately shaped its early forms. The most influential template for successful diplomacy was drawn from the New York–Iroquois borderlands, where a set of diplomatic protocols that have come to be known as covenant chain diplomacy originated and shaped diplomatic encounters throughout Britain's eighteenth-century colonies. The Iroquois example influenced British expectations in the south-east, where colonial officials tried to apply covenant chain principles to their relations with the Cherokees and Creeks.

Only in the last phase of Britain's American involvement did the empire itself – as opposed to its individual American colonies – attempt to develop a self-conscious and coordinated diplomatic system and administrative policy with respect to the colonies' Native American neighbours. Broadly speaking, during the seventeenth century the Anglo-American colonies pursued relations with Amerindians in highly localised contexts, based on immediate assessments of colonial needs and interests and expedient actions. Rarely did Anglo-American colonies cooperate with one another in these efforts prior to the 1670s. Thereafter, imperial considerations began to impinge on the local interests of individual colonies, and by the eighteenth century colonial officers sometimes pursued more coordinated and integrated policies. Yet such cooperation was not uniform; even well into the eighteenth century, colonies might use diplomatic relations with Native Americans as a tool of inter-colonial competition. Only with the Albany Congress of 1754 and the creation of the offices of Indian commissioner for the northern and southern colonies did imperial administrators seek a sustained, coordinated policy. That effort, however, produced little during the Seven Years War and collapsed in the events leading up to the American Revolution.

In this chapter it is assumed that diplomacy comprises a set of practices designed to establish mutual confidence between polities. Not all relations are diplomatic: it is possible to trade, to proselytise, to go to war against, or even to make a wartime alliance with another nation without engaging in the sustained contacts and practices implied by the term 'diplomacy'. The first requirement of diplomacy is a mutual effort to discover or create the basis for reciprocal relations, in which

both parties to the relationship operate with some degree of confidence that the other can promise something useful and deliver on that promise. Without the Christian, feudal, and Roman law traditions that European nations shared in the early modern era, or the clan networks, traditions of reciprocity, and shared understanding of animist spiritual power that underlay relations among Native American polities, diplomacy emerged gradually, through trial and error. Though such practices were never fully institutionalised, sustained contact gradually generated the shared vocabulary, rituals, and expectations that together served as the ligaments of a diplomatic system.[5]

Early relations

The tone of early English relations with Amerindians was anticipated by the remark of Thomas Harriot, a participant in the Roanoke venture, who wrote of the region's native inhabitants in 1585, 'they in respect of troubling our inhabiting and planting, are not to be feared; but that they shall have cause both to feare and love us, that shall inhabit with them'.[6] Behind Harriot's formulation lay a confidence in cultural and military superiority that was widely shared among early English colonists and did much to shape, and to limit, diplomatic initiatives in the early decades of colonisation. In part because there was no effective central authority governing these early contacts, there was no single approach to Amerindian relations. In the two earliest regions of mainland settlement, the Chesapeake and New England, colonists hoped to dominate their Native American neighbours without conceding the legitimacy of their territorial claims or political integrity. Both regions experienced an alternating pattern of uneasy peace and something approaching total war. But the configuration of native polities in the two regions was significantly different, and that produced important differences in the patterns of early Anglo-Amerindian interaction. Because the Chesapeake was dominated by a single, powerful chiefdom, Virginia's early leaders tried to make Powhatan, its pre-eminent leader, into a king who was subordinate to English authority. New England, by contrast,

[5] For definitions of diplomacy, see, e.g., José Calvet de Magalhães, *The pure concept of diplomacy*, trans. Bernardo Futscher Pereira (New York, 1988). For European diplomacy in the early modern era, see M. S. Anderson, *The rise of modern diplomacy, 1450–1919* (London, 1993) and Mai'a K. Davis Cross, *The European diplomatic corps: diplomats and international cooperation from Westphalia to Maastricht* (Basingstoke, 2007).

[6] Thomas Harriot, *A briefe and true report of the new found land of Virginia* (Frankfurt, 1590; repr. New York, 1972), p. 24.

was populated by a relatively large number of competing polities that saw in the arrival of English colonists the opportunity to gain leverage against their regional rivals. Generally speaking, New England's leaders responded to this circumstance by making alliances with weaker groups to triangulate conflicts with more powerful ones. Both approaches led to ruinous warfare, but the dynamics of New England relations were more complicated and their implications took longer to unfold.

Virginia: subordinate kingship

In a series of publications based on his early experience in Virginia – the earliest permanent colony in mainland English America – Captain John Smith produced the most thoughtful and penetrating analysis of the Powhatans available to an English audience. The Powhatans were a complex chiefdom made up of some twenty-six distinct communities or tribes that shared a common allegiance to Powhatan, who was called in his own language a 'werowance' and whom modern anthropologists would describe as a paramount chief. Virginia's wildly vacillating relationship with the Powhatan Chiefdom dominates its early history.[7] At times the colony seemed to enjoy cordial and mutually beneficial relations with the Powhatans, but at other times events plunged spectacularly towards mistrust, violence, and war. At the centre of this experience lay the efforts of early Virginians to make Powhatan a subordinate king within the English sphere of power and influence. Two contradictory wishes drove the attempt to turn Powhatan from a werowance into a king. On the one hand, Virginians wanted to confirm and capitalise on Powhatan's apparently uncontested power over his subjects. On the other hand, they hoped, by confirming Powhatan's kingly status, to make him subordinate to the English monarch.[8] Virginia's leaders hoped to make Powhatan an intermediary in a chain of command that originated in London, extended to the colony, and, through Powhatan,

[7] For the Powhatans, see Helen Rountree, *Pocahontas's people: the Powhatan Indians of Virginia through four centuries* (Norman, OK, 1990); Rountree, *The Powhatan Indians of Virginia: their traditional culture* (Norman, OK, 1989). For Powhatan–Virginia relations, see Rountree, *Pocahontas, Powhatan, Opechancanough: three Indian lives changed by Jamestown* (Charlottesville, VA, 2005); Frederic W. Gleach, *Powhatan's world and colonial Virginia: a conflict of cultures* (Lincoln, NE, 1997). For Jamestown, see Karen Ordahl Kupperman, *The Jamestown project* (Cambridge, MA, 2007).

[8] One model for subordinate kingship may have been Spanish *caciques*, native leaders who were incorporated into the Spanish empire and were expected to deliver tribute or labour drafts to Spanish administrators in exchange for validating their leadership status. See Rebecca Horn, 'Caciques', in Davíd Carrasco (editor-in-chief), *The Oxford encyclopedia of Mesoamerican cultures: the civilizations of Mexico and Central America*, 3 vols. (New York, 2001), vol. I, pp. 15–17.

might reach far into the Virginia hinterlands. They hoped he would be paramount – king-like – in his dealings with other Amerindians, but subordinate to the ultimate authority of the English crown and the individuals empowered to act in its name in the colony.

The effort to make a subordinate king out of Powhatan produced decidedly mixed results. In 1608, in an effort to win Powhatan as an ally who would behave as a vassal to King James I, the Virginia Company instructed Captain Christopher Newport to arrange a coronation of the powerful werowance. It was their hope that, by crowning Powhatan under the authority of King James I, they could persuade Powhatan to accept both the honour and the obligations that would accrue to a subordinate of England's royal authority.

Smith, who frequently criticised Company policy and scoffed at the pretensions of his social superiors in the colony, thought the idea of crowning Powhatan was both foolish – he believed Powhatan would interpret the gesture as a show of weakness – and comical. As it happened, Smith was right on both counts. In the first place, Powhatan scorned Newport's invitation to come to Jamestown to receive the honour. 'If your King have sent me Presents, I also am a King, and this is my land,' Smith quoted Powhatan as saying. 'Your Father [i.e. the English king, of whom Captain Newport was a representative] is to come to me, not I to him.' Accordingly, in the spring of 1608, Newport, accompanied by a handful of counsellors and fifty gunmen, made his laborious way some hundred miles upriver. He brought presents for the occasion: a basin and ewer, a bed and bedstead, clothing that included a scarlet cloak, and of course a crown. The coronation itself was a strained, awkward affair that met with only the most limited success. When the time came for Powhatan to receive his crown, he refused to kneel. 'At last by leaning hard on his shoulders', John Smith later wrote derisively, 'he a little stooped, and three [men] having the crowne in their hands put it on his head.'[9]

Thenceforth Powhatan and the Jamestown colonists cooperated with each other only intermittently. Though he halfheartedly participated in the charade of coronation, Powhatan refused the responsibilities of subordinate kingship. Virginia and the Powhatan Chiefdom quickly developed an uneasy pattern of relations that swung between extremes of friendship and violence. Sometimes seeking to ingratiate themselves with neighbouring Indian communities through gifts and acts of

[9] John Smith, *The generall historie of Virginia, New-England, and the Summer Isles* (London, 1624), in Karen Kupperman (ed.), *Captain John Smith: a select edition of his writings* (Chapel Hill, NC, 1988), pp. 168–9.

friendship, at other times marching armies of destruction through their towns, Virginia leaders browbeat some neighbouring communities into periodic deliveries of corn and other food to Jamestown. The English understood these deliveries as tribute payments, while the Powhatans seem to have regarded them as intermittent gifts to keep their unpredictable and violent neighbours at bay. Though Powhatan was technically a 'king' in alliance with the English throne, and though his daughter Pocahontas married the Englishman John Rolfe, was baptised as a Christian, and travelled to London in 1616, the alliance between the Virginia colony and the Powhatan Chiefdom never stabilised.[10]

Powhatan was succeeded in 1618 by his brother Opechancanough, who always looked less favourably on the English than his predecessor had. In April 1622, in response to the colony's territorial expansion, Christian evangelism, and ongoing conflicts with its Powhatan neighbours, Opechancanough ordered an all-out attack on Virginia. The result of the 'massacre of 1622', as the English soon called it, was the death of 347 colonists, more than a quarter of Virginia's total population. Retaliation followed in the form of a decade-long war between Virginia and the Powhatans. In 1632 the Powhatans, defeated, sued for peace. Twelve years later they attacked again. This time the defeat was decisive: Virginia's military victory over the Powhatan Chiefdom in 1646 effectively dissolved it as a functioning political unit.[11] The attempt to make Powhatan a king subordinate to English authority failed, and the colony and chiefdom never established a stable foundation for diplomatic engagement or constructive relations.

New England: triangulation

The attempt to make Powhatan a king under English authority failed principally because Powhatan was unwilling to subordinate himself to English power. In other contexts, and as time went on, some Native American leaders grew more willing to accept some degree of subordination in exchange for the heightened security and economic opportunity that could derive from an English alliance. This pattern

[10] For Pocahontas's relations with the Jamestown colonists, see Kathleen Brown, *Good wives, nasty wenches, and anxious patriarchs: gender, race, and power in colonial Virginia* (Chapel Hill, NC, 1996), pp. 42–74.

[11] J. Frederick Fausz has labelled 1609–14 the First Anglo-Powhatan War, and the conflict following 1622 the Second Anglo-Powhatan War. See Fausz, 'The First Anglo-Indian War in Virginia, 1609–1614', in Warren Hofstra and Kevin Hardwick (eds.), *Virginia reconsidered: new histories of the Old Dominion* (Charlottesville, VA, 2002), pp. 11–47.

is especially clear in the early history of New England, where five colonial settlements – Plymouth, Massachusetts Bay, Rhode Island, Connecticut, and New Haven – sought to manage relations with their native neighbours by partnering with weaker groups and triangulating their conflicts with stronger ones. Though it proceeded through various permutations, some version of this strategy shaped patterns of alliance and warfare throughout New England through the first half-century or more of English occupation.

The Wampanoags were the first New England nation to enter into an alliance with an English colony. Massasoit, leader of the Pokanoket band of the Wampanoags and also grand sachem of the Wampanoags, is famous to generations of Americans as the leader sympathetic to the struggling Plymouth colony who was instrumental in that colony's famous 'first Thanksgiving'. For Massasoit and the Wampanoags, the possibility of an alliance with Plymouth offered them a counterweight in their dealings with powerful neighbours. The Wampanoags around Plymouth had been devastated by epidemic disease triggered by contact with English fishermen-traders in the decade prior to the Pilgrims' arrival, when their numbers fell from about eight thousand to about two thousand. This made them vulnerable to their neighbouring rivals the Pequots and the Narragansetts. In 1621, to stave off disaster, Massasoit agreed to a treaty between Plymouth and the Wampanoags that promised mutual aid against enemies and restoration of goods in cases of theft. It also stipulated that Wampanoags would be unarmed when they visited Plymouth, and that any Wampanoag who caused harm among the colonists would be delivered to the colony for punishment. The terms of the treaty clearly did more to address the colonists' concerns than those of the Wampanoags, but Massasoit accepted partial subordination to English authority in exchange for the assurance that 'our Soveraign Lord King James should esteem him as his Friend and Ally'.[12]

In 1636, the Narragansetts signed a similar agreement with the Massachusetts Bay colony. Though they were less vulnerable than the Wampanoags, the Narragansett sachems recognised the benefits that had accrued to Massasoit's people by virtue of their connection to Plymouth, and they sought a comparable relationship with the Boston

[12] For Massasoit, the Wampanoags, and the Plymouth colony, see Neal Salisbury, *Manitou and Providence: Indians, Europeans, and the making of New England, 1500–1643* (New York, 1982), esp. pp. 110–40. The 1621 treaty is discussed on pp. 114–16; the treaty text is in N.S. [Nathaniel Saltonstall], *A continuation of the state of New-England …* (London, 1676), reprinted in Charles H. Lincoln (ed.), *Narratives of the Indian wars, 1675–1699* (New York, 1913), pp. 68–9.

Puritans. The first victims of this alliance were the Pequots, a powerful Indian group situated between the infant settlements of Rhode Island and Connecticut. After making their own overture to Massachusetts Bay, the Pequots sought an alliance with the Narragansetts against the colony. Instead, Narragansett warriors joined with militia units from Plymouth and Massachusetts in a night-time march on the Pequots' Mystic River fort. In a dawn attack on 25 May 1637, the combined force surprised the fort, massacred its inhabitants, and burned its wigwams. Pequot survivors were enslaved or sought refuge among neighbours, and the nation ceased functioning as a viable political entity. In response, several smaller native groups sought English protection.[13]

In the wake of the Pequot War, the Narragansetts discovered that the English understood their alliance as an unequal relationship in which the Narragansetts were subordinated to Massachusetts Bay authority. When the Narragansett sachem Miantonomi learned that the English would not recognise his authority and share control of the Pequots' conquered lands, and then suffered a series of personal insults at the hands of colony leaders, he became increasingly assertive and troublesome in English eyes. In 1643, at the instigation of Massachusetts Bay officials, the Mohegan sachem Uncas assassinated him. In the same year, as Jenny Hale Pulsipher has noted, Massachusetts Bay and Connecticut stopped referring to the authority of the king in their treaties and other public documents – a reflection of the civil war between Puritans and royalists that was raging at home, in which the colonists' allies were fighting against the crown. With the support and advice of Rhode Islanders who were also unhappy with Massachusetts Bay leaders, the Narragansett sachems petitioned the king to seek satisfaction for their complaints against the colony. Paradoxically, they submitted themselves to royal authority in order to escape submission to Massachusetts. Despite this effort, the Narragansetts soon fell far enough into debt to the English colonies that they lost their lands to them as a result.[14]

During these same years, Massasoit was more successful than his Narragansett counterparts in maintaining cordial relations with the Plymouth colony. The relationship was based, in part, on English colonists and Wampanoags keeping a respectful distance from each other; an early treaty provision prohibited unofficial visits from Wampanoags to Plymouth in search of provisions or entertainment. This stipulation

[13] Pulsipher, *Subjects unto the same king*, pp. 20–2.

[14] Ibid., pp. 24–36. The slights to Miantonomi's honour included being seated at a table reserved for Amerindians rather than that of the governor and magistrates of Massachusetts. For Uncas see Michael Leroy Oberg, *Uncas, first of the Mohegans* (Ithaca, 2006).

may have protected the colony, but Plymouth's impact on its neighbouring Indians was substantial. The close proximity to English settlements quickly drove deer and other wild game away from the Wampanoags' territory, and unfenced English livestock periodically trampled their fields. Yet by mid-century, some Wampanoags had adopted English-style animal husbandry, especially hog rearing, for themselves. They could raise hogs with relatively little disruption to their traditional round of activities, and hogs provided them with a constant source of protein and a commodity they could sell in Plymouth and Boston.[15]

Wampanoags and their native neighbours were also drawn into New England villages and farms as labourers. They acted as domestic servants, herdsmen, and unskilled labourers; less commonly, they also became skilled artisans. As they came into closer contact with colonists, Native Americans often grew more dependent upon their English neighbours. Native labourers were also especially likely to find themselves before English magistrates, accused of theft, drunkenness, and non-payment of debts.[16] Under the pressure of colonial expansion and lacking any structures to protect their rights in the face of colonial power and English law, many Amerindians in eastern New England grew to question the strategy of coexistence and alliance pioneered by Massasoit.

Upon Massasoit's death in 1656, his oldest son, Wamsutta, succeeded him as leader of the Pokanoket band. Shortly thereafter, Wamsutta asked Plymouth colony officials to give him and his younger brother Metacom English names. The colonists obliged; Wamsutta was named Alexander and Metacom became Philip, presumably in reference to Alexander the Great and his father, Philip of Macedon. Whether this was intended as a sign of respect or a joke is difficult to tell. In any case, whatever goodwill this renaming might have generated between Plymouth and the Wampanoags soon dissipated. Shortly thereafter Wamsutta, now Alexander, was dragged to Plymouth for questioning. He was rumoured to be involved in a land sale to residents of Rhode Island – at this time still a small collection of outcast settlements that were rivals of the Plymouth colony – and a war alliance with the Narragansetts. Within a few days of his arrival in Plymouth, Wamsutta suddenly and mysteriously fell ill; he died on his return home. His

[15] Virginia Anderson, 'King Philip's herds: Indians, colonists, and the problem of livestock in early New England', *WMQ*, 3rd series, 51 (1994), 601–24.

[16] See, e.g., Joshua Micah Marshall, '"A melancholy people": Anglo-Indian relations in early Warwick, Rhode Island, 1642–1675', in Alden T. Vaughan (ed.), *New England encounters: Indians and Euroamericans, ca.1600–1850* (Boston, 1999), pp. 84–108, for related developments among the Shawomets and Pawtuxets.

brother Metacom, now known to the English as King Philip – a title that echoes Virginia's attempt to make Powhatan a subordinate king – suspected poison. Nevertheless, it fell to him to sustain the Pokanokets' alliance with Plymouth.[17]

In English eyes, Philip turned out to be an undependable and duplicitous 'king'. Thirteen years after Alexander's death, he led a large-scale revolt against English power in New England. Like Opechancanough before him, Philip weighed his options and concluded that it had become impossible to coexist with an English colony. In 1664 and again in 1671, Philip signed forced agreements with Plymouth. In the first, he promised not to sell land to Rhode Islanders; the second included a confession that he had been planning an attack against Plymouth. Many of his fellow Pokanokets found Philip's acquiescence to Plymouth's leaders intolerable, and in the end Philip himself reached the same conclusion. In the spring of 1675, he pieced together a coalition of Amerindians throughout south-eastern New England to make war on their English neighbours. The war that followed was devastating to English and natives alike. More than thirty English communities were attacked during Metacom's, or King Philip's, War; twelve were destroyed. Among these was Providence, Rhode Island, which was burned to the ground. An estimated 600 colonists and 3,000 Native Americans were killed in the war; many more Natives were driven westward or sold into slavery in its aftermath. New England's frontier communities would not recover for a generation.[18]

Diplomatic origins

Though the English colonies prevailed in their seventeenth-century wars with Amerindians, they did so at a very high cost. As the colonies of New York and Pennsylvania took shape after the Restoration of the English crown in 1660, their leaders sought to place cross-cultural

[17] Francis Jennings has argued that Wamsutta and Metacom sought these names as a 'gesture of respect', while the response of the Plymouth general court 'was derisive'. See Francis Jennings, *The invasion of America: Indians, colonialism, and the cant of conquest* (New York, 1976), p. 290, n. 21. For the events leading to Wamsutta's death, see ibid., pp. 289–90, and Eric B. Schultz and Michael J. Tougias, *King Philip's War: the history and legacy of America's forgotten conflict* (Woodstock, VT, 1999), pp. 22–4.

[18] King Philip's War has been the subject of lively interpretive debates. Jenny Hale Pulsipher places the war in the context of a complex power struggle in *Subjects unto the same king*, pp. 101–237; Jill Lepore highlights the contest over the war's interpretation in *The name of war: King Philip's War and the origins of American identity* (New York, 1998); James D. Drake provocatively characterises it as a civil war within a complex multiethnic polity in *King Philip's War: civil war in New England, 1675–1676* (Amherst, 2000).

relations on a more stable and strategically useful footing than their predecessors in Virginia and New England had done. The first English architect of this effort was Edmund Andros, governor of New York, and his partner was the Mohawk nation of the Iroquois Confederacy. (The five nations of the Iroquois Confederacy were, from east to west, the Mohawks, Oneidas, Onondagas, Cayugas, and Senecas.) At a moment of extreme vulnerability on both sides, the Mohawks and New York established a partnership of mutual advantage. From the colony's point of view, the Mohawks became proxy warriors who fought English enemies and served as a buffer against New France. For the Mohawks, the alliance with New York provided the support they needed to assert their dominance over neighbours and make the Iroquois Confederacy the pre-eminent Native American power in the region. This was a halting process, but by 1701 the Iroquois Confederacy was poised between New France on one side and New York and New England on the other, and both French and English administrators believed that the Iroquois held the balance of power in the north-east. At the same time, they grew to dominate their Amerindian neighbours. And the diplomatic system that originally linked the Mohawks to New York had become the structuring metaphor for Anglo-Amerindian relations, and for relations among Native American polities, throughout the north-east. It is here, rather than in the efforts of Virginians and New Englanders two generations earlier, that the origins of effective Anglo-Amerindian diplomacy are properly located.

The covenant chain

Major Edmund Andros became governor of New York in 1674, when the English recaptured the colony from the Dutch. (Chartered as New Netherland in 1614, it was conquered and renamed New York in 1664. The Dutch briefly reclaimed the colony in 1673 during the Second Anglo-Dutch War; the English took it for good in the following year.) Not yet forty years old at the time of his appointment and only recently commissioned a major in the English army, Andros brought uncommon energy and engagement to the interrelated problems of Amerindian relations, trade, and war.[19] It is harder to identify the Iroquois architects of the covenant chain, but the Mohawks were central to the Iroquois relationship with Andros and the colony of New York. In the spring of 1675, and again in the following year, Andros visited Mohawk country

[19] Mary Lou Lustig, *The imperial executive in America: Sir Edmund Andros, 1637–1714* (Madison, WI, 2002).

to resolve the conflict between the Mohawks and Mahicans (Mohegans) and draw the Mohawk interest away from New France. In 1676 Andros forbade the sale of gunpowder to any Native Americans except the Mohawks, a decision for which he won the praise of James, the duke of York and future king of England, on the grounds that the 'friendship' of the Mohawks was 'necessary to be preserved'.[20]

From Andros's early visits to Iroquoia emerged the essential elements of covenant chain diplomacy. The Iroquois had used the image of a 'chain of friendship' to describe their relationship with the Dutch in earlier years, so the metaphor itself was not new, but the covenant chain was formalised in new ways. Building on the condolence rituals of the Iroquois League, Andros's Iroquois partners taught him a series of ceremonial practices through which they were able to exchange gifts, air grievances, and make requests of one another. These meetings originated in a time of dire need on both sides: many members of the Iroquois Confederacy, especially among the Mohawks, were seeking a way to blunt the rise of French power, particularly the influence of Jesuit missionaries, and the fracturing of their communities it had caused. For his part, Andros hoped to discover in the Iroquois connection a way to respond to the threat of New France on New York's north-western frontier, strengthen the hand of royal authority against the pretensions of the Massachusetts Bay Puritans, and counteract the chaos that was engulfing the Anglo-American backcountry from New England to Virginia. Each found a willing partner, and in the rituals and agreements of covenant chain diplomacy they were able to build sufficient trust and mutual confidence to address their most pressing needs. They began to meet regularly to 'brighten' the chain by giving one another gifts and conferring regularly on matters of shared concern.[21]

Andros viewed the Mohawks as proxy warriors who could support the interests of his colony, and the Mohawks proved willing to fill that role as a way to restore their waning fortunes and gain a greater measure

[20] Sir John Werden, secretary to the duke of York, to Governor Andros, 15 September 1675, and Werden to Andros, 31 August 1676, in E. B. O'Callaghan and Berthold Fernow (eds.), *Documents relative to the colonial history of the state of New York* [hereafter *DRCNY*], 15 vols. (Albany, 1853–87), vol. III, pp. 232–4, 238–40 (quotation on p. 238).

[21] See especially Daniel K. Richter, *Ordeal of the longhouse: the people of the Iroquois League in the era of European colonization* (Chapel Hill, NC, 1992), pp. 133–44. Richard L. Haan argues that the covenant chain proper was not forged until the 1680s. See Haan, 'Covenant and consensus: Iroquois and English, 1676–1760', in Daniel K. Richter and James H. Merrell (eds.), *Beyond the covenant chain: the Iroquois and their neighbors in Indian North America, 1600–1800* (University Park, PA, 2003), pp. 41–57.

of English support. Andros helped to engineer three crucial victories by the Mohawks that together brought them a dramatic reversal of fortune. The first came in the context of Metacom's War, which raged in New England through 1675 and much of 1676. Andros and his Mohawk allies recognised in this conflict an opportunity for the Mohawks to assert their value as English allies, and Andros offered their warriors in support of the colonies' cause. New England leaders mistrusted Andros's intentions and refused Mohawk aid, but Mohawk warriors fought anyway and decisively influenced the outcome. They conducted a series of raids against the New England Algonquians that helped to ensure the failure and defeat of Metacom's forces. The Mohawk role in Metacom's War led to a second triumph. The Mahicans, a powerful neighbour and enemy to the Mohawks, were closely allied with Metacom's New England supporters. Following their defeat, Andros invited Metacom's dispossessed allies, including the Mahicans, to move to Schaghticoke, a short distance north of Albany, New York on the Hoosic River. There they fell under the joint protection of New York and the Iroquois Confederacy. By 1680 the Mahicans, recently a dangerous enemy to the Mohawks, recognised the Mohawks and the English as their fathers and protectors and accepted a subordinate status on the eastern margin of Iroquoia.[22]

The third diplomatic achievement of these years involved another war between Amerindians and colonists, this one in Maryland and Virginia. In 1675–6, exactly coincident with Metacom's War, Bacon's Rebellion grew out of a frontier conflict between Virginians and various Native American polities and threatened the colony of Virginia with overthrow. The principal victims of this fighting were the Susquehannocks, a formidable group that had dominated the lower Susquehanna Valley for many years but were nearly destroyed in a massacre inflicted by Bacon's followers. With Andros's approval, the Iroquois Confederacy offered the Susquehannocks, like the New England Algonquians, refuge in Iroquoia. Some Susquehannocks accepted adoption into Onondaga and Cayuga communities; others returned to the lower Susquehanna Valley (where they were now known as Conestogas) under Iroquois protection.[23]

The events of the late 1670s transformed Iroquois relations with neighbouring Amerindians and English colonies alike. Schaghticoke and Conestoga became buffer communities through which the Iroquois managed their relations with other native groups to the north-east and

[22] Richter, *Ordeal of the longhouse*, pp. 135–6.
[23] Ibid., p. 136.

the south. Leaders of other English colonies soon began to use the newly forged covenant chain to manage their own Amerindian affairs. Andros brokered meetings between the Iroquois nations and Colonel Henry Coursey, a spokesman for Lord Baltimore and representative of Maryland, in the summer of 1677, and did the same for Colonel William Kendall representing the government of Virginia in 1679. Both hoped to curb violent encounters between colonists and Native American warriors, and Iroquois leaders agreed to help pacify the Chesapeake backcountry.[24]

In New York, where Iroquois League condolence rituals were creatively adapted to meet the needs of cross-cultural diplomacy, the search for mutual advantage that was common to Amerindian–European interactions in the seventeenth century produced something resembling a durable diplomatic relationship. Representatives of other colonies travelled to Iroquoia and acquiesced in covenant chain rituals as their leaders recognised that the Iroquois Confederacy could help them manage cross-cultural relations throughout the Anglo-American borderlands. At century's end, conflicts rooted in decades of exploitation and hostility were reaching a climax at the same time that new diplomatic initiatives, linked to imperial interests and reaching across large expanses of the continental interior, began to stabilise Anglo-Amerindian relations and dampen cross-cultural conflict.

As important as these developments were to Anglo-Amerindian diplomacy, Iroquois relations with the English colonies comprised only half the story. At the same time as the confederacy established the covenant chain through the initiative of pro-English Mohawks, pro-French Iroquois centred in the confederacy's western nations continued to cultivate ties with New France. By the end of the seventeenth century, the balance of power in the confederacy council lay with neutralists who tolerated the Anglophiles and Francophiles in their midst, but who insisted on keeping both empires at arm's length. In 1701 the confederacy signed treaties with both New France and New York that historians have named the 'grand settlement'. It established the principle that the Iroquois would remain on friendly terms with both imperial powers, but would fight proxy wars – a practice that almost destroyed the Iroquois in the last decade of the seventeenth century – on behalf of

[24] Lawrence H. Leder (ed.), *The Livingston Indian records 1666–1723* (Gettysburg, 1956), pp. 42–52; Richter, *Ordeal of the longhouse*, pp. 137–8. At about this same time, Andros also intervened in the Maine theatre of Metacom's War, where he brokered a peace with the Kennebecs, but neither Mohawk warriors nor covenant chain diplomacy played a role there. See *DRCNY*, vol. III, pp. 248–9; Pulsipher, *Subjects unto the same king*, pp. 207–37.

neither.[25] Thus the Iroquois Confederacy pioneered a play-off system in its relations with French and English colonies. They were understood by both empires to hold the balance of power in the north-east, and their relations with each imperial power grew stronger as a result of their alliance with the other.

The south-east

At the beginning of the eighteenth century, the centre of gravity in Anglo-Amerindian relations in the south-east had shifted from Virginia to the new colony of Carolina, which managed in its early years to wreak even greater havoc on its native neighbours than John Smith's contemporaries had. Carolina's early Amerindian policy was shaped by its proximity to Spanish Florida and its search for a viable commercial economy. Colony officials recruited native warriors to attack Florida missions and seek captives among neighbouring tribes who might be traded as slaves in Charles Town. Carolina traders began to push far into the interior and encourage Amerindian warriors to buy English wares with deerskins and captives. All of these activities triggered shockwaves among the colony's native neighbours. Carolina paid the price in two costly wars early in the eighteenth century. The Tuscarora and Yamasee wars (1711–15) placed the struggling Carolina settlements in jeopardy, but the retaliation that followed inflicted much more damage on the colony's Amerindian neighbours. Some, like the Tuscaroras, responded by migrating northward and receiving protection from the Iroquois; other refugee groups coalesced into new polities. By the second quarter of the eighteenth century, small remnant communities like the Catawbas, Tutelos, and Saponis clung to shrunken holdings in close proximity to Virginia and Carolina, while two larger nations, the Cherokees and Creeks, controlled large swaths of inland territory. Both of these polities had a prior existence as loosely confederated communities, but the pressures of colonisation led them to coalesce and function as integrated nations in certain ways, especially for diplomatic purposes.[26]

[25] The term 'grand settlement' was coined in Anthony F. C. Wallace, 'Origins of Iroquois neutrality: the grand settlement of 1701', *Pennsylvania History*, 24 (1957), 223–35. The treaty with New France was part of a comprehensive Amerindian strategy in that colony known as the 'great peace'. See especially Gilles Havard, *The great peace of Montreal of 1701*, trans. Phyllis Aronoff and Howard Scott (Montreal, 2001).

[26] Verner W. Crane, *The southern frontier, 1670–1731* (New York, 1981 [orig. pub. 1929]); J. Leitch Wright, Jr, *The only land they knew: the tragic story of the American Indians in the old South* (New York, 1981); James H. Merrell, *The Indians' new world: Catawbas and their neighbors from European contact through the era of removal* (Chapel Hill, NC, 1989); Peter H. Wood, Gregory A. Waselkov, and M. Thomas Hatley (eds.),

Beginning in the second decade of the eighteenth century, a pattern of diplomatic stability developed in the south-east that paralleled the Iroquois-centred one that had taken shape to the north. Like the Iroquois, the south-eastern nations benefited from the ability to play English interests off against those of their imperial rivals – in this case, Spanish Florida to the south and the French forts and settlements in the Mississippi Valley to the west. The Creek Confederacy – an English name for a group of eleven 'lower towns' on Ochese Creek and a larger number of 'upper towns' farther west on the Chattahoochee, Coosa, Tallapoosa, and Alabama rivers – became especially important to British commercial and diplomatic interests in the south-east.[27] Just north of Creek territory, the Cherokees dominated the Appalachians in the Virginia–Carolina borderlands.[28] Like their counterparts the Choctaws and Chickasaws, who maintained relations with the French outposts in the Mississippi Valley, the Creeks and Cherokees were increasingly caught up in imperial rivalries among Spanish, French, and British colonies, and all learned to capitalise upon those rivalries to further their own ends during the course of the eighteenth century.[29]

Trade ties and military alliances gradually led the Creeks and Cherokees to develop diplomatic relations with the British colonies of the south-east. British traders grew to know south-eastern native cultures intimately, while Creek headmen travelled regularly to Charles Town (and, after Georgia was chartered in 1732, to Savannah) to meet with colony officials. British expectations and practices drew extensively on administrators' familiarity with the covenant chain, but the diplomatic language and rituals of south-eastern diplomacy also incorporated narratives, objects, and symbols native to that region. By the mid-eighteenth century, diplomatic practices had developed between Britain's southern colonies and the Cherokee and

Powhatan's mantle: Indians in the colonial southeast (Lincoln, NE, 1989); Alan Gallay, *The Indian slave trade: the rise of the English empire in the American South, 1670–1717* (New Haven, 2002).

[27] For Anglo-Creek relations, see David Corkran, *The Creek frontier, 1540–1783* (Norman, OK, 1962); Kathryn E. Holland Braun, *Deerskins and duffels: the Creek Indian trade with Anglo-America, 1685–1815* (Lincoln, NE, 1993); for transformations in Creek society, see Claudio Saunt, *A new order of things: property, power, and the transformation of the Creek Indians, 1733–1816* (New York, 1999).

[28] John Philip Reid, *A better kind of hatchet: law, trade, and diplomacy in the Cherokee nation during the early years of contact* (University Park, PA, 1976); Tom Hatley, *The dividing paths: Cherokees and South Carolinians through the era of revolution* (New York, 1993); Theda Perdue, *Cherokee women* (Lincoln, NE, 1999).

[29] Daniel H. Usner, *Indians, settlers, and slaves in a frontier exchange economy: the lower Mississippi Valley before 1783* (Chapel Hill, NC, 1992).

Creek nations that roughly paralleled covenant chain practice in the north-east.[30]

The culture of diplomacy

As diplomatic practices became more standardised, Amerindian headmen and colonial officials grew increasingly familiar with one another's expectations and actions. The outward form of diplomacy derived from Amerindian practices, but its structure and purpose blended the needs of colonists and natives. In the long run, the imperatives of Anglo-Amerindian diplomacy favoured British interests because the balance of power lay with the rapidly growing colonies to the east. But diplomacy gave Native Americans an important way to voice their concerns, protect their interests, channel colonial development, and shape cross-cultural relations.

Diplomacy was never conducted by professionals who permanently resided in one another's central settlements. Instead, Amerindian spokesmen and colonial negotiators travelled periodically to sites of mutual convenience, where they enacted a series of rituals that made the proceedings official. Covenant chain ritual usually began with the 'At the Wood's Edge' ceremony, which was adapted from Iroquois League practice. This ritual acknowledged the dangers that travellers had endured as they made their way to the meeting site, and at the same time used these dangers as a metaphor for all the sources of misunderstanding that might have arisen between the parties since their last gathering. A host speaker would identify the dangers that travellers might have met on the road, and might also refer to events that had caused grief or unhappiness since the parties had last met. He would metaphorically clear the travellers' ears, eyes, and throat and attend to any other sources of uneasiness. All this was intended to put the travellers' hearts and minds at ease before the meeting's business began. Though this ritual originated with the Iroquois, it was already in use among other native nations when English officials began meeting with them. By the mid-eighteenth century, colonial officials likewise received Amerindian travellers with their own versions of the 'At the Wood's Edge' ceremony.[31]

[30] Daniel K. Richter, 'Native peoples of North America and the eighteenth-century British empire', in *OHBE*, vol. II: P. J. Marshall (ed.), *The eighteenth century* (Oxford, 1998), pp. 347–71.

[31] James Merrell, *Into the American woods: negotiators on the Pennsylvania frontier* (New York, 1999), pp. 20–2 and *passim*.

Sometimes, diplomatic encounters brought colonial officials – either governors or their councillors – together with groups of sachems; at other times, spokesmen were delegated to speak for one or both sides. Amerindian speakers generally followed a carefully prescribed formula. They began by recounting the history of relations between their people and the colony with which they were meeting to emphasise the strength and longevity of the alliance, often highlighting the wisdom of important colonial leaders. Then they proceeded to make the points they had been instructed to deliver. Their remarks were carefully rehearsed and, in covenant chain diplomacy, punctuated with the presentation of wampum belts and strings. Wampum beads were made from white and purple seashells and considered sacred by the Iroquois; woven into belts and strings, they became the central artefacts of Iroquois diplomacy. Each belt or string was created to convey a specific message, and Iroquois speakers had to conform strictly to the messages encoded in the wampum. Through his presentation of strings and belts, a speaker demonstrated that his words carried authoritative weight. Strings and belts also functioned as an analogue to paper records like minutes and treaties in European diplomacy. They were carefully stored by native communities and served as a kind of archive of past meetings and agreements. Though wampum was the most common artefact of diplomacy employed in Anglo-American settings, two other ceremonial objects appeared periodically in Anglo-Amerindian diplomacy as well: the calumet, which originated among the peoples of the Mississippi Valley and Great Lakes and found its way into various Anglo-Amerindian settings during the course of the eighteenth century; and the white eagle feather, a sacred object in the south-east that was used to solemnise agreements in much the same way that wampum was.[32]

Amerindian spokesmen and colonial officials rarely spoke the same language, and diplomacy could only proceed through the efforts of translators who facilitated conversations and, in so doing, often did their best to dampen conflict. Sometimes translators did nothing more than interpret speeches in formal conference settings, but in other cases they became go-betweens who acted in a variety of roles in intercultural relations. Usually drawn from the ranks of traders, these go-betweens generally worked on behalf of the colonies. By the mid-eighteenth

[32] Michael K. Foster, 'Another look at the function of wampum in Iroquois–white councils', in Francis Jennings *et al.* (eds.), *History and culture of Iroquois diplomacy: an interdisciplinary guide to the treaties of the six nations and their league* (Syracuse, 1985), pp. 99–114; Merrell, *Into the American woods*, pp. 187–93; Nancy Shoemaker, *A strange likeness: becoming red and white in eighteenth-century North America* (New York, 2004), pp. 64–8.

century, they were practised in the art of cross-cultural diplomacy. Unlike Amerindian speakers, who could not deviate from the messages their sachems had instructed them to deliver, these negotiators often improvised their messages in response to the immediate pressure of circumstance. This ability to improvise created a fundamental asymmetry in Anglo-Amerindian negotiations. While native participants in such councils arrived with carefully formulated responses to current issues and controversies, spokesmen for the colonies sometimes had only loose guidelines, and at other times ignored their instructions to respond to a crisis. This helped them smooth over misunderstandings, but could also diminish the accuracy or legitimacy of their remarks.[33]

Diplomatic encounters were intended both to address immediate issues of concern and to renew the goodwill necessary to sustain an alliance. Gift exchange was central to both of these purposes. If violence had broken out between colonists and Amerindians, gifts were generally given to 'cover the dead' and prevent a blood feud. If a colony wanted allied Amerindian warriors to fight against an enemy, gifts of guns, powder, and lead were generally offered. A colony usually offered a larger and more general supply of gifts in a diplomatic encounter as well, including useful items like blankets, cloth, and metalware along with consumables, especially rum. Such gifts were intended to 'brighten the chain' that bound allies together. For their part, Native Americans generally brought furs and skins to such meetings. They might offer them either as gifts for specific purposes, like covering the dead, or as a general gift to brighten the chain.

British officials generally wanted three things from their Amerindian allies. First, they implored them to go to war on their behalf, especially against the French and their allies during times of war in Europe. This was the era of the 'second hundred years war', when war with France and its continental allies was an endemic feature of British life. Second, British officials often used the Iroquois, in particular, as peacemakers in their relations with troublesome native neighbours. By virtue of their wide-ranging military exploits in the seventeenth century, the Iroquois claimed pre-eminence over many Amerindian groups in the north-east. Generally this was expressed in the metaphor of family or gender relationships. They were fathers or elder brothers to some nations; they had made women of the Delawares; they functioned as the protectors of many refugee groups.[34] Thus, British officials could often rely on

[33] Merrell, *Into the American woods*, pp. 197–202 and *passim*; Eric Hinderaker, 'Translation and cultural brokerage', in Philip J. Deloria and Neal Salisbury (eds.), *A companion to American Indian history* (Malden, MA, 2002), pp. 357–75.

[34] Shoemaker, *A strange likeness*, pp. 105–24, 90–3.

the Iroquois to intervene on their behalf and press other nations to lay down their arms or give up contested lands. Third, with increasing frequency the colonies used treaties as a means of acquiring land.[35] Though Amerindians resisted unrestrained colonial expansion, at the point of contact between European and Native American settlement the steady acquisition of land became a common pattern.

Native Americans generally sought two things in their relations with British colonies. The first was support, in the form of arms to aid them in fighting common enemies, of missionaries and teachers whose presence was commonly requested by Indians who had had the most sustained contact with Europeans, or of food and other necessaries in times of particular need. The second kind of request Amerindians most often made of British officials was a call for the restraint of disruptive colonists. Traders who charged too much for their goods, abused their trading partners, or used rum in unscrupulous ways were frequent subjects of complaint, as were settlers whose farmsteads encroached on native lands or whose livestock trampled fields.

Diplomatic encounters also offered opportunities to exchange information. Colonists informed Amerindians about the declarations of war and peace in Europe that shaped English policies in the backcountry, while Amerindian spokesmen passed along news about the activities of France and its native allies. Information often shaded into rumour and misinformation; Native Americans and Anglo-American colonists alike periodically had to make sense of unreliable reports.[36] Conversations in diplomatic settings did not resolve all such sources of confusion or concern, but they at least offered a context in which worrisome rumours might be addressed.

Amerindians in Britain

While the great majority of diplomatic encounters between Britons and Amerindians took place in North America, where events were shaped by native cultural norms, Native American embassies also visited London several times during the eighteenth century. In Britain, diplomatic protocols shifted to reflect European norms and expectations. In place of covenant chain protocol, Amerindian visitors enjoyed formal audiences with royalty and carefully orchestrated social events with leading

[35] Dorothy V. Jones, *License for empire: colonialism by treaty in early America* (Chicago, 1982).

[36] See, e.g., Gregory Evans Dowd, 'The panic of 1751: the significance of rumors on the South Carolina–Cherokee frontier', *WMQ*, 3rd series, 53 (1996), 527–60.

gentlemen of church and state. Three such transatlantic missions had particular diplomatic significance: the visit of four 'kings' from Iroquoia in 1710, of seven Cherokees in 1730, and of nine Creeks in 1734. These three visits raised the alliances with the Iroquois, the Cherokees, and the Creeks to a pre-eminent stature in the Anglo-American world.

Though Native Americans had made their way to England since the sixteenth century, the 1710 visit of the 'four Indian kings' of Iroquoia – in reality, three Mohawks and a Mahican – established the potential diplomatic importance of such ventures for the first time. It came in the wake of a failed attempt to invade Canada in 1709, at a time when Anglophile Mohawks had tried in vain for two decades to win support for their alliance. During a five-week stay in London, the delegation had an audience with Queen Anne, to whom they made a speech requesting a renewed invasion of Canada and Anglican missionaries in Mohawk country; they met with Matthew Aylmer, admiral of the British navy, and the duke of Ormond, soon to be captain-general of the army; they had audiences with both the Board of Trade and the governing board of the Society for the Propagation of the Gospel in Foreign Parts (SPG). They also enjoyed a whirlwind tour of popular entertainments and tourist sites in and around London, and their visit was widely noticed in the city's burgeoning print culture. The trip's organisers, Samuel Vetch and Francis Nicholson, planned carefully and thoroughly to ensure both that the delegation was taken seriously and that the substantial costs of the embassy were met by the colonies that sponsored it. The American delegation got everything it asked for: Britain redoubled its efforts to conquer Canada (though the 1711 invasion failed again), the SPG sponsored a chapel and missionary in Mohawk country, and the Board of Trade developed a new regard for the strategic significance of the Iroquois Confederacy.[37]

The 1710 visit established a precedent that other backers would follow. In 1730, Sir Alexander Cuming escorted seven Cherokee 'kings' to England. They visited King George II at Windsor Castle four times and toured many of the same sites visited by the four kings in 1710. The Board of Trade, persuaded that the Cherokees were a formidable power that could influence the outcome of imperial rivalries in the south-east just as the Iroquois did in the north-east, proposed a treaty of alliance and trade. The Cherokees accepted and became formal allies of

[37] Alden T. Vaughan, *Transatlantic encounters: American Indians in Britain, 1500–1776* (New York, 2006); Richmond P. Bond, *Queen Anne's American kings* (Oxford, 1958); Eric Hinderaker, 'The "four Indian kings" and the imaginative construction of the first British empire', *WMQ*, 3rd series, 53 (1996), 487–526.

the crown. Unlike the 1710 visit, which came after decades of alliance between New York and the Iroquois Confederacy, the 1730 delegation inaugurated a new diplomatic relationship between the Cherokees and South Carolina. Thereafter, the colony regularly renewed the Anglo-Cherokee alliance. Four years later, General James Oglethorpe, a founding trustee of the colony of Georgia, organised an embassy of nine representatives of the Creek Confederacy for a similar mission. The Yamacraw headman, Tomochichi, and the rest of his party spent four months in London and Westminster, where they met with King George II, the Georgia trustees, and other leading gentlemen, and also explored the city's many tourist attractions.[38]

All three of these eighteenth-century embassies were occasions of state in which diplomatic protocol was shaped by European expectations. Royal audiences were the first, indispensable ticket to credibility. In each case, the Amerindians pleaded their case before the monarch, arguing for defensive support, trading alliances, and, in the case of the Iroquois, missionaries. Each embassy was well received. After they bore the imprimatur of royal approval, the Native American delegations made their way from the royal court to sites of power in and around the city. They attended the business meetings of the governing boards of institutions that oversaw affairs important to them; they enjoyed private audiences with men of influence; they sat for portrait painters. Throughout their stays, the visitors also enjoyed a variety of genteel diversions and entertainments. Their public comportment was scrutinised in much the same way that the behaviour of refined gentlemen was. The members of all three of these delegations were expected to meet the exacting standards of the eighteenth century's culture of refinement. According to all the published accounts, they performed their roles admirably.[39]

These three transatlantic missions served as essential confirmation of the diplomatic efforts undertaken in North America during the eighteenth century. They ensured that the Iroquois, Cherokees, and Creeks were taken seriously in the imperial metropole and that the statements of support offered by colonial governors, and even by go-betweens and traders, were backed by the authority and interests of the crown. They also elevated the Native American participants to the status of transatlantic celebrities. Images of the four kings, the seven Cherokees, and Tomochichi and his fellow Creeks entered into the stream of public

[38] Vaughan, *Transatlantic encounters*, pp. 137–50. Vaughan correctly notes that the treaty of 1730 delivered much more to the crown than it did to the Cherokees.

[39] Ibid., pp. 113–64; for the culture of gentility, see Richard Bushman, *The refinement of America: persons, houses, cities* (New York, 1993).

consciousness in many forms and ensured that the native peoples of Britain's American empire gained new force in the imaginations of Britons at home.[40] Though several other diplomatic embassies were attempted in the eighteenth century, none had the significance of these three visits, which established the Iroquois, the Cherokees, and the Creeks as pre-eminent American allies of the British crown.

By the mid-eighteenth century, emerging patterns of diplomacy appeared for a short time to offer effective means to dampen conflict and manage intercultural relations. A generation of Amerindian and colonial leaders had grown accustomed to mediation and compromise. Two unanticipated developments arose that first complicated, and then ultimately poisoned, this brief era of cross-cultural cooperation: extraordinary land hunger on the part of Anglo-American colonists, and a war for imperial domination that engulfed the eastern half of the continent. Both the diplomatic system that was being pioneered in the eighteenth century, and Britain's American empire itself, were casualties of these developments.

The Seven Years War and its effects

By mid-century, a growing number of imperial administrators and reform-minded writers were calling for the collective defence of the colonies and emphasising the importance of Amerindian alliances in meeting the challenge of French power in North America. Thomas Pownall, James Abercromby, Henry McCulloh, Archibald Kennedy, Cadwallader Colden, and others all advocated some form of colonial union to counter the threat of French hegemony in Europe and North America. All saw diplomacy with Native Americans, and especially with the Iroquois – whose reputation was dramatically inflated by many British writers in these years – as a central and pressing concern of imperial policy. As events near the headwaters of the Ohio River led towards international war in the spring of 1754, the Board of Trade instructed the governors of Britain's American colonies to consider a comprehensive plan of union that might provide for their mutual defence and place Amerindian relations on a more stable, centralised footing.[41]

The Albany Congress of 1754 drafted such a plan, but neither Parliament nor the colonial assemblies could accept its implications.

[40] On this theme, see Hinderaker, '"Four Indian kings"'; Hinderaker, *The two Hendricks: unraveling a Mohawk mystery* (Cambridge, MA, 2010).

[41] Timothy J. Shannon, *Indians and colonists at the crossroads of empire: the Albany Congress of 1754* (Ithaca, 2000), pp. 52–82; Hinderaker, *The two Hendricks*, pp. 216–34.

Nevertheless, it helped to raise awareness in Britain of the importance of Amerindian diplomacy. When General Edward Braddock arrived in North America to take command of Britain's forces in the emerging imperial war with France, he commissioned William Johnson, a Scots-Irishman who had amassed substantial landholdings on the Mohawk River and cultivated close ties with the Mohawks, as his representative in dealing with the Iroquois Confederacy. In 1756 the crown formalised and extended this arrangement when it created superintendents of Indian affairs for the northern and southern colonies. Johnson was appointed to the northern post; Edmond Atkin, a Charleston merchant, became his southern counterpart. Atkin had claimed the attention of the Board of Trade in the previous year, when he submitted a plan for regulating contacts between colonists and Amerindians in the southern colonies. Its principal aim was to prevent further alienation of interests between the colonies and their neighbours through trade regulation, which he hoped would curb abuses and protect Amerindian interests. Johnson drafted a similar plan for the northern colonies. Like Atkin, Johnson argued for trade regulation; in addition, he highlighted the problem of privately negotiated land sales and called for a centralised system of property transfer.[42]

Both commissioners' plans, like the plan of union itself, ran against long-established traditions of colonial autonomy and an unregulated backcountry. They gave way to the more pressing concerns of the Seven Years War, in which both French and British forces employed Native American warriors as allies on a larger scale, and with greater effect, than had ever happened before or would ever happen again. In the war's early years, Britain alienated its potential native allies while the French used mixed forces of French regulars, Canadian militia, and Amerindian warriors to devastating effect. The alienation of Britain's allies was epitomised by Braddock, who famously dismissed his prospective Delaware and Iroquois allies immediately before his disastrous defeat at the headwaters of the Ohio River. But Braddock's arrogance was not the only reason Britain struggled to maintain its alliances. The formerly British-allied Amerindians in the Ohio country – Delawares, Shawnees, and Mingoes (western Iroquois) – had been unsatisfied with their support from Virginia and Pennsylvania for several years. In response to Braddock's overconfidence and catastrophic defeat, the

[42] Hinderaker, *The two Hendricks*, pp. 234–49; Milton W. Hamilton, *Sir William Johnson: colonial American, 1715–1763* (Port Washington, WI, 1976), pp. 187–200 and *passim*; Fintan O'Toole, *White savage: William Johnson and the invention of America* (New York, 2005); Wilbur R. Jacobs (ed.), *Indians of the southern colonial frontier: the Edmond Atkin report and plan of 1755* (Columbia, 1954).

Native Americans of the upper Ohio defected to the French *en masse*. Farther north and east, Johnson managed with difficulty to sustain the Iroquois alliance, but very few warriors joined the British cause.[43]

If Britain's prospects in the Ohio country were initially damaged by a failure of diplomacy, the war in North America turned in part on Britain's ability to win back the Amerindians on the Ohio. France, by contrast, initially enjoyed the support of thousands of Native American warriors but alienated many of them in the wake of the capture of Fort William Henry in 1757 and thereafter turned to more traditional military tactics that were ill-suited to North American conditions. The fortunes of war turned on the pivot of Amerindian diplomacy at the headwaters of the Ohio, where representatives of Pennsylvania persuaded Delawares and Shawnees not to help the French defend Fort Duquesne. With their neutrality secured, in November 1758 British General John Forbes captured the fort (soon rebuilt and renamed Fort Pitt) without a fight. In the two subsequent campaign seasons, British fortunes in North America experienced an astonishing revival as the French forts at Ticonderoga, Niagara, Montreal, and Quebec fell. Three years later, in the Treaty of Paris that concluded the war, France and Spain ceded all of their continental North American territory east of the Mississippi to Britain.[44]

This unexpected outcome could not have been more favourable to British interests in North America, but it did much to undermine the cross-cultural diplomatic system that had emerged in preceding decades. In the first place, the French and Spanish cessions meant that borderlands Amerindians could no longer play opposing European interests off against one another. This loss of leverage led British administrators to react much more harshly than they previously had to perceived threats to imperial interests. When violence arose on the Cherokee–South Carolina frontier in 1760, Governor William Henry Lyttleton chose war rather than diplomatic accommodation, with results that were disastrous to both the Cherokees and the colony's backcountry trading interests. A short time later, General Jeffery Amherst, commander-in-chief of British forces in North America, imposed stringent new regulations on the Amerindian trade and severely limited gifts in diplomatic relations at all of the formerly French posts in the Great Lakes, Ohio Valley, and Mississippi basin. To the large and diverse

[43] Fred Anderson, *Crucible of war: the Seven Years' War and the fate of empire in British North America, 1754–1766* (New York, 2000); Matthew Ward, *Breaking the backcountry: the Seven Years' War in Virginia and Pennsylvania, 1754–1765* (Pittsburgh, 2003).

[44] See, in addition to Anderson, *Crucible of war*, Ian K. Steele, *Warpaths: invasions of North America* (New York, 1994).

Native American populations in this vast region, who had hoped that peace would bring a return of trade and amicable diplomatic relations, post-war conditions were an appalling surprise. Famine and epidemic disease soon compounded their misfortunes and inspired a violent, coordinated response.[45]

Beginning at Detroit in the spring of 1763, a series of uprisings against British power in the west devastated the empire's interests. By summer's end, every British post in the west had been attacked or besieged; only Detroit and Fort Pitt held out. While these attacks were not coordinated, they reflected the growing sense of collective interest and shared grievance among Amerindians occupying the western borderlands of British North America. The uprisings were inspired in part by the teachings of prophets who taught that the Master of Life had created Native Americans and Europeans as separate peoples. This idea encouraged the growth of a pan-Amerindian identity, but worked against the forces of diplomatic accommodation. Militant Native Americans decried the efforts of moderates who sought peace and reconciliation with colonies or empire. On the colonial frontier, white settlers were likewise increasingly disillusioned with diplomatic settlements that allowed hostile Native Americans to hide behind supposedly peaceful communities and, in time of war, raid their settlements at will. Belief in essential racial difference grew on both sides of the early American frontier.[46]

As tensions steadily rose in the British borderlands, imperial administrators hammered out the contours of a policy towards western lands and Amerindian relations. The Royal Proclamation of 1763, which set aside the trans-Appalachian west as Native American land, was originally intended to set the stage for a process of slow, controlled expansion; instead of haphazard, private land sales, future land transfers would come as the result of diplomatic agreements. This notion of a gradual, centralised process of western growth soon gave way to an alternative vision, championed by Wills Hill, the earl of Hillsborough – who rose to preside over the Board of Trade in 1763 and later served as secretary of state for the colonies – in which the Proclamation Line would be carefully adjusted and then made permanent. It fell to commissioners John Stuart (who succeeded Atkin in 1762) and William Johnson to make a careful study of settlement patterns along the Proclamation Line and

[45] Anderson, *Crucible of war*, pp. 457–75.

[46] Gregory Evans Dowd, *War under heaven: Pontiac, the Indian nations and the British empire* (Baltimore, 2002); Gregory Evans Dowd, *A spirited resistance: the North American Indian struggle for unity, 1745–1815* (Baltimore, 1992); Peter Silver, *Our savage neighbors: how Indian war transformed early America* (New York, 2007).

then arrange for treaties with the Amerindian nations that held claims to those lands to draw a final boundary. Stuart proceeded according to instructions and, in the treaties of Hard Labour (1768) and Lochaber (1770), arrived at an agreed-upon boundary between British and Cherokee territory. Johnson acted less straightforwardly. Though he had precise instructions, at the Treaty of Fort Stanwix (1768) he conspired with his Iroquois counterparts to alter the line to include most of modern-day Kentucky; this additional land was intended as a gift for the so-called 'suffering traders' of Pennsylvania, with whom Johnson had close ties. The Amerindians in the Ohio country, and particularly the Shawnees, contested the Iroquois's right to sign away land that they considered to be their hunting ground, while Hillsborough was furious at Johnson's presumption in extending the Fort Stanwix boundary.[47]

In response to the Stanwix treaty, a group of unhappy Shawnees called together a large body of Ohio, Illinois, and Detroit Amerindians to form the Scioto Confederacy, which pledged to resist British expansion into Kentucky and the Ohio country. And, contrary to Hillsborough's wishes, speculators in Britain and the colonies formulated new plans to exploit the newly acquired lands. The most powerful of them coalesced into the Walpole Associates, who pursued a grant of 2.4 million acres at the headwaters of the Ohio. After 1768, Hillsborough's plan for centralised management of western lands and Amerindian diplomacy foundered on the ambitions of leading men in Britain and the colonies, thousands of aspiring landholders, and dozens of resistant Native American communities, all of whom had goals and wishes that were at odds with an integrated, centrally controlled sphere of imperial authority.[48]

The end and beginning of empire

Had Great Britain effected a successful transition to power in the two dozen formerly French posts of the trans-Appalachian west, and had the treaties of Hard Labour, Lochaber, and Fort Stanwix fulfilled Hillsborough's wishes, the effort to manage Amerindian affairs through a newly centralised imperial administration might have met with some success. But the dramatically expanded imperial landscape defeated

[47] Jack M. Sosin, *Whitehall and the wilderness: the middle west in British colonial policy, 1760–1775* (Lincoln, NE, 1961); J. Russell Snapp, *John Stuart and the struggle for empire on the southern frontier* (Baton Rouge, 1996).

[48] Eric Hinderaker, *Elusive empires: constructing colonialism in the Ohio Valley, 1763–1800* (New York, 1997).

Britain's efforts to impose a tidy system of management on the region's large, diverse Native American population. The empire relied too much on its longtime allies the Iroquois, the Cherokees, and the Creeks, and understood too little of the other Amerindian polities in the west. It also struggled against powerful forces within the colonies that resisted centralised management and preferred to pursue Amerindian relations in a more autonomous and opportunistic way, in keeping with longstanding tradition. Between 1768 and 1775, the authority of the British empire collapsed beneath the weight of these unmanageable, imponderable difficulties. Though the American Revolution is nearly always cast as a seaboard tax revolt, it was most fundamentally a result of the empire's failure to manage its affairs in the trans-Appalachian west.[49]

During and after the American Revolution, Amerindian diplomacy entered a new phase. The split between the empire and the newly independent, confederated states seemed to offer the Native American polities occupying the borderlands between British Canada and the United States – especially the Iroquois – a chance to return to a play-off strategy, but their success was mixed and short-lived. The individual most closely associated with this effort was Joseph Brant, a Mohawk leader who had been a close associate of William Johnson and was central to Britain's effort to rally the Iroquois to their cause during the war. Brant visited London in 1776 and promised to lead Iroquois warriors against the rebels in the Mohawk Valley. But the Iroquois were fractured and Brant's position precarious: the confederacy had long been divided between Catholic communities allied to French Canada and situated near Montreal, on the one hand, and those who remained in Iroquoia on the other. Now the latter were increasingly disunited as Oneidas allied with the United States while Senecas resisted Mohawk leadership. By war's end, the Iroquois had suffered devastating losses: their population had declined by a third, their villages were destroyed, and they were concentrated in refugee communities at Schenectady, Niagara, and Montreal.[50]

After the war, Brant and other Iroquois leaders made common cause for a time with the Ohio and Detroit Amerindians, who hoped to keep the United States at bay and preserve the region between the Ohio and the Great Lakes as an independent Amerindian territory situated between British and American holdings. British leaders regarded this

[49] Eric Hinderaker and Peter C. Mancall, *At the edge of empire: the backcountry in British North America* (Baltimore, 2003), pp. 125–60.

[50] Alan Taylor, *The divided ground: Indians, settlers, and the northern borderland of the American Revolution* (New York, 2006), pp. 77–108.

plan favourably, since such a territory could serve as a buffer between Canada and the United States. Brant, meanwhile, led an effort to resettle Iroquois and a smattering of other refugees at Grand River, west of Niagara and north of the US–Canadian border. But in diplomatic terms, the Iroquois, like the rest of Britain's Amerindian allies, had been abandoned and forgotten in the Peace of Paris in 1783. In the following year, the United States forced a treaty on the six nations that conceded their status as a defeated polity that must submit to United States authority. This was the first in a series of forced, questionable treaties intended to extinguish Native American claims to the Ohio Valley.[51]

The pan-Amerindian effort to resist American expansion into the Ohio country inspired nearly three decades of intermittent warfare, in which militant Native Americans were supplied with British arms and the fighting was punctuated with treaties and land cessions, often of dubious validity. In the USA, the diplomatic strategies of both state and federal governments were made more aggressive by the competition between them to control Amerindian relations and capture new lands, while the ambitions of frontier populations threatened to make the efforts of both levels of government irrelevant. The dispossession of Native Americans in the Ohio and Great Lakes regions in the last two decades of the eighteenth century and the first two decades of the nineteenth was followed by the relocation of Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles – the so-called 'five civilised tribes' of the south-east – in the 1830s. The most notorious of these removals was that of the Cherokees, whose forced migration along the infamous Trail of Tears remains a hallmark of the failure of US–Amerindian relations in the nineteenth century. With these acts of dispossession and removal, the legacies of British–Native American diplomacy south of the Canadian border reached their unfortunate culmination.[52]

[51] Ibid., pp. 111–41; Hinderaker, *Elusive empires*, pp. 226–36 and *passim*.

[52] On the competition between states and the central government, see Taylor, *Divided ground*, pp. 142–66 and *passim*; Jill Norgren, *The Cherokee cases: the confrontation of law and politics* (New York, 1995). On the post-war frontier, see Patrick Griffin, *American Leviathan: empire, nation, and revolutionary frontier* (New York, 2007). For the northern removals, see Hinderaker, *Elusive empires*, pp. 226–70; Dowd, *Spirited resistance*, pp. 90–201. For the southern removals, see Angie Debo, *And still the waters run: the betrayal of the five civilized tribes* (Princeton, 1972); Anthony Wallace, *The long, bitter trail: Andrew Jackson and the Indians* (New York, 1993); Theda Perdue and Michael Green, *The Cherokee nation and the Trail of Tears* (New York, 2007). For US–Amerindian relations generally, see Francis Paul Prucha, *The great father: the United States government and the American Indians* (Lincoln, NE, 1984).

In Canada, Great Britain and its colonies maintained diplomatic relations with Amerindian nations on terms that also had their roots in the earlier period. As in the United States, the Native American nations of Canada struggled to maintain their independence. Government policy towards Native Americans remained largely unarticulated until the creation of the Dominion of Canada in 1867, while Protestant missionaries sought Amerindian conversions and the growing settler population pressed against Native American lands.[53] In both countries, the legacy of diplomatic engagement was a dubious one for native peoples. Though individuals like Joseph Brant, and nations like the Cherokees, went to extraordinary lengths to accommodate themselves to Euroamerican standards of comportment and ideas of civilisation, such attempts counted for little in times of peace and only made them more suspect and threatening in times of crisis.

Contra Hillsborough, leaders of both nations hoped to establish an expansive settler frontier. In the United States, that effort was freighted with special ideological significance because it served as the foundation for a vast democratic republic that Thomas Jefferson called an 'empire of liberty'. Amerindian land claims rested uncomfortably alongside this utopian vision. In the United States and in Canada, events of the nineteenth century illustrated the extent to which the energy and dynamism of these two nations ran against Native American claims to land, political rights, and diplomatic recognition. In 1831, the US Supreme Court denominated Amerindians 'domestic dependent nations', a status that granted them neither rights comparable to those of citizens nor the respect due to independent foreign powers.[54] This understanding of the status of Native American nations, which was anticipated but never fully articulated in their relations with Great Britain in the eighteenth century,[55] facilitated the most expansive possible claims against Native American lands and resources and marked the end of meaningful diplomacy between the British-descended polities of North America and the native populations they encountered.

[53] Robert Surtees, 'Canadian Indian policies', in Wilcomb E. Washburn (ed.), *Handbook of North American Indians*, vol. IV: *History of Indian–white relations* (Washington, DC, 1988), pp. 81–95; Wilcomb E. Washburn, 'The Native American renaissance, 1960–1995', in Bruce G. Trigger and Wilcomb E. Washburn (eds.), *The Cambridge history of the native peoples of the Americas*, vol. I: *North America*, pt 2 (New York, 1996), esp. pp. 413–20.

[54] *Cherokee nation* v. *Georgia* (1831).

[55] Dowd, *War under heaven*, pp. 174–212; Shoemaker, *A strange likeness*, pp. 101–3.

10 Diplomacy in India, 1526–1858

Michael H. Fisher

Over the centuries between the first arrival of Englishmen at the Mughal imperial court in 1609 and the end of both the Mughal empire and the East India Company in 1858, the competing concepts and practices of diplomacy prevalent in India shifted haltingly, inconsistently, yet profoundly through asymmetrical interactions among Indians and Britons.[1] Unlike North America, India presented early Britons with long traditions of elaborate diplomatic protocols among well-established kingdoms, small and large. In particular, the predominant and expanding Mughal empire, at its peak, exceeded all of Europe in territory and population. Further, the East India Company, although a joint-stock corporation that recognised both English and Mughal sovereignty, itself conducted formal political negotiations with many Indian states having varying degrees of independence and sovereignty. The Company and its own British envoys recruited Indian career diplomats to serve them, to gather political information, and to negotiate treaties, thereby projecting British power beyond its own territories into both independent and subordinated Indian polities. Countervailing efforts by Indian rulers and diplomats sought to shape British policies in both India and Britain. Yet the Company's burgeoning colonial system ousted rival European powers and then, from the mid-eighteenth century onward, extended its indirect control over ever more of India through resident political agents: British men who were nominally diplomats but effectively supervisors over the hundreds of surviving, *de jure* sovereign but actually tributary Indian rulers.

This chapter considers the competing, self-serving, and adaptive concepts and practices of diplomacy used by Mughal emperors, their high-ranking imperial officials, Indian regional rulers, the English East

[1] I thank Huw V. Bowen, Elizabeth Mancke, and John Reid, as well as the other participants of the British Asia–Atlantic Conference, for their valuable suggestions in revising this chapter. N. R. Farooqi, 'Diplomacy and diplomatic procedure under the Mughals', *Medieval History Journal*, 7, 1 (2004), 59–86.

India Company, and the English state, during centuries of unequal relations among them. All parties recognised the need for diplomacy, which this chapter defines as efforts at negotiating sustained political relations among polities – relations not primarily martial or commercial in nature. But as this chapter demonstrates, the meaning and contours of 'diplomacy', as respectively conceptualised and practised by these diverse men, disparate polities, and various corporate bodies, remained contested and changed over time. The Mughal emperor and his courtiers created synthesised Indo-Persianate protocols for diplomacy with numerous neighbouring and distant polities, both Muslim and non-Muslim. A range of men recognised by the Mughals as diplomats of various grades appeared at their imperial court bearing official credentials in order to negotiate alliances, show respect, exchange or gather information, solicit advantage for their employer, and/or make veiled threats. The Mughals often permitted Muslim, Hindu, or Christian envoys to display deportment according to their own diplomatic protocols, as long as these did not violate Indo-Persianate norms. Such diplomats included men representing empires and kingdoms, Indian regional states with various degrees of subordination to the Mughals, religious dignitaries, the Portuguese, English, and other European monarchs, and European commercial corporations including the English, French, and Dutch East India companies. On their part, European diplomats largely recognised Mughal sovereignty and sought (decreasingly over time) to conform to what they believed were Mughal protocols, as long as they did not violate European ones. With the rising military and political power of the English East India Company, however, diplomacy became a means for indirect colonial rule over the Mughal emperor and the surviving Indian regional kingdoms and principalities, but also a means for these Indian states to retain or recover their own political power in the face of colonialism. This chapter considers how these various competing men, polities, and corporate bodies conceptualised and practised diplomacy as they interacted in India and England over three tumultuous centuries.

The Mughal empire and early English diplomacy

In 1526, the Mughals (Timurids) invaded India from the north-west, importing their own ideas about diplomatic relations largely based on central Asian and Persian protocols but also incorporating pre-existing Indian models. Over the next century, the Mughals annexed or subordinated into tributaries most of the multitude of other kingdoms of South Asia. By 1700, the Mughals had extended their imperial

umbrella across more than a million square miles – virtually the entire subcontinent barring the far south. Particularly under Emperor Akbar (r. 1556–1605) and his three powerful successors, the emperor bonded subordinate rulers as well as his own high officials to him by having them submit a *nazr* ('offering of submission') personally or through a representative, customarily entitled a *wakil* (literally 'one entrusted' or 'support'), stationed at his court.[2] These *wakils* also garnered news of the imperial centre and the empire generally for their employer. Further, various types of diplomatic emissaries to and from the many independent monarchs of India, and west and central Asia conveyed missives and presents as well as negotiated treaties and alliances or threatened war. The Portuguese, who had reached India three decades prior to the Mughals and established enclaves at Goa and elsewhere along India's coasts, also posted envoys at the Mughal court. Thus, dense, complex, and multi-centred networks of diplomacy carried out political representation and information gathering among diverse polities long before the earliest English East India Company ambassadors reached India.

In 1600, the English East India Company received a charter from Queen Elizabeth granting it a trade monopoly in Asia. But this joint-stock corporation's political and legal relationships with both the Mughal emperor and the English crown remained fraught and varied over time. Although the Mughals were Muslims, and therefore outside the European intra-Christian, feudal, and Roman law traditions of European diplomatic conventions, the East India Company recognised the emperor's sovereign authority and his power to grant or deny access to India's rich commerce. Hence, the earliest English ambassadors came as supplicants, only able to offer 'toys' (as they called their modest preciosities and curiosities) to the fabulously wealthy emperor and to make pleas for his permission to enter trade and to establish 'factories' (warehouses).

On initially entering the sophisticated world of Mughal diplomacy, English envoys adapted to some Indo-Persianate protocols, even as they sought to adhere to the most valued of their own European-based conventions. Issues such as the emissary's removal or donning of headgear or footwear, appropriate gestures of respect or submission, titles and languages of address, and status and location in court relative to various rival representatives (including other European ambassadors)

[2] The Mughals developed what has been termed a 'patrimonial-bureaucratic' state. See Stephen Blake, *Shahjahanabad* (Cambridge, 1991) and John Richards, *The Mughal empire* (Cambridge, 1993).

all had to be negotiated. Some early English diplomats were experienced dealing with the Ottoman empire, its diplomatic models, and the Turkish language (the original Mughal family language) which enabled them to communicate directly with the emperor and many of his highest officials.

One Englishman who also spoke Turkish, William Hawkins (*c.*1585–1613), arrived in 1609 as the first English ambassador to the Mughal court, representing both the East India Company and King James I. In addition to providing Hawkins with the European-customary written diplomatic credentials in Latin, the Company instructed him to wear a violet and scarlet outfit with a taffeta-lined and silver lace-trimmed cloak – attire appropriate for a European envoy but unusual in Mughal experience. Yet, Hawkins also conformed to some Mughal customs. He accepted appointment and salary as a subordinate official of Mughal emperor Jahangir (r. 1605–27) – and also an Indian wife, Mariam, arranged for him by the emperor. Nonetheless, during Hawkins's years at the Mughal court, he was threatened and eventually out-manoeuvred and out-bribed by rival, black-robed, and tonsured Portuguese Jesuits there who explained to the emperor that Hawkins represented only a king of fishermen on an insignificant island. Hawkins reported that the Portuguese also warned Jahangir against

> suffering of English to come into his countrey, for that we were a nation that, if we once set foot, we would take his countrey from him. The King called me to make answere to that they said. I answered His Majestie that, if any such matter were, I would answer it with my life, and that we were not so base a nation as these mine enemies reported …[3]

This Portuguese warning was prophetic, although two centuries premature.

Eventually, Hawkins and his Indian wife departed the Mughal court with none of the commercial privileges he sought; he died on the voyage home. However, his own posthumous report and his widow in person informed Company authorities in London about Mughal wealth, power, and protocols. Hawkins and his contemporaries, both European and Indian, were reasonable (if mistaken) in dismissing the likelihood of British colonial control over all of India.

Until the early eighteenth century, successive British envoys struggled for success at the Mughal court, in part by adopting some of its diplomatic conventions. Many British officials learned Persian, which the Mughals had designated their imperial language. (Persian remained

[3] Reprinted in Michael H. Fisher, *Visions of Mughal India* (London, 2007), p. 69.

the official language of the Company in India until 1835.) Thus, unlike the North American or African cases where the English occasionally felt the need to create 'kings' with whom they could then practise invented kinds of diplomacy, in India the Mughal imperial state often incorporated English envoys into long-established protocols and checked them by using the information and influence extracted from Portuguese, French, and other rival European ambassadors.

Throughout its history, the East India Company was not itself a stable entity, nor was its actual relationship to the English crown fixed.[4] During the seventeenth century, competing bodies of English merchants vied for access to trade in India until they merged as the United East India Company in 1709.[5] Further, for centuries, Company officials in India competed with ambassadors from many rival monarchs, not just Portuguese and French, but also English ones. For example, in 1656, Catholic-convert Viscount Henry Bard approached the Mughal court as ambassador from the exiled King Charles II; before reaching the Mughal emperor, however, Bard was reportedly assassinated by English Company officials loyal to Parliament and Oliver Cromwell.[6] But then in 1661, newly enthroned King Charles II received Bombay (and all its trading privileges) as part of his dowry from Portuguese Princess Catherine of Braganza and then leased it to the Company. Later, in the 1760s and 1770s, King George III empowered Royal Navy admirals Sir John Lindsay and then Sir Robert Harland as his own plenipotentiary envoys to Indian rulers, rivalling and undercutting ongoing diplomacy by the East India Company.

Yet, even during the early nineteenth century, when Parliament legally asserted the British crown's control over the Company's political functions, this control in practice remained contested and incomplete. For instance, the East India Company's ambassador to Persia, Sir John Malcolm, clashed with ambassadors sent there by the British king: Sir Harford Jones and then Sir Gore Ousely. Finally, in 1858, Parliament officially displaced the Company's direct and indirect rule

[4] For discussion of sovereignty and the East India Company during this period, see Robert Travers's chapter in this volume and his *Ideology and empire in eighteenth-century India: the British in Bengal* (Cambridge, 2007).

[5] For histories of the Company, see K. N. Chaudhuri, *The English East India Company: the study of an early joint-stock company, 1600–1640* (London, 1965); Lucy Sutherland, *The East India Company in eighteenth-century politics* (Oxford, 1952); H. V. Bowen, *The business of empire: the East India Company and imperial Britain, 1756–1833* (Cambridge, 2006).

[6] This according to Niccolao Manucci. Reprinted in Fisher, *Visions*, pp. 124–5. See also Sanjay Subrahmanyam, 'Further thoughts on an enigma: the tortuous life of Nicolo Manucci', *Indian Economic and Social History Review*, 45 (2008), 35–76.

over India with that of the British crown, creating the British Raj. Thus, throughout its history, East India Company officials worked within often discrepant diplomatic and political systems, Mughal Indo-Persianate and British European, while Indian rulers and envoys often remained unclear as to the legal relationships among the British crown, Parliament, and East India Company.

From Mughal-centred to Company-centred diplomacy

Over the eighteenth century, the Mughal imperial centre lost power, although, even as the emperors became palace prisoners, they retained nominal sovereign status. Consequently, the practice of diplomacy shifted, reflecting and affecting power relationships among the rising regional states, including the East India Company. The lingering prestige of the Mughals meant that rulers and other notables continued to delegate agents to the imperial court and collect news about it long after the emperor could exert any independent authority. But the various de facto independent regional states also deputed representatives to each other's courts. These agents carried out diplomacy: negotiating political relationships, gathering, analysing, and transmitting information of value to their employers, and also contributing to the ceremony and dignity of the court to which they were posted. To be effective, these agents had to cultivate sophisticated skills of both deportment and intrigue; some men specialised in diplomacy as a career, including some East India Company officials who concentrated on what was informally called the 'political line', reporting to the governor-general's Persian department. On their part, Indian diplomats and rulers attempted to sustain their own traditional patterns of diplomacy well into the colonial period, in India and then in Britain, but they faced increasingly powerful challenges from East India Company officials.

During the eighteenth century, as well, global wars and diplomacy empowered the East India Company's dramatic territorial expansion at the cost of its European rivals, particularly the French East India Company (founded 1664). During the European War of the Austrian Succession (1740–8), the French East India Company triumphed in south India, but English diplomats by the Treaty of Aix-la-Chapelle (1748) traded Madras (which Frenchmen and their Indian allies had captured) back to the English Company in exchange for Louisbourg, Nova Scotia (which Britons and their American allies had captured). During the Seven Years War (1756–63), the Royal Navy and the East India Company's armies eventually marginalised the French in India,

which British diplomats consolidated in the Treaty of Paris (1763); by this treaty, France and Spain also ceded all of their continental North American territory east of the Mississippi to Britain.

From the mid-eighteenth century, the English Company also embarked on a series of diplomatic assertions and wars against Indian rulers. The 1757 battle of Plassey (in Bengal), which initiated the East India Company's first major territorial aggression, was more a negotiated than a military victory since, during the heat of battle, several of the nawab of Bengal's generals defected with their troops to the English as previously arranged. This victory gave the Company de facto control over provinces three times the size of England itself. Subsequently, the Company gradually took away from other rival Indian regional rulers (within what was nominally still the Mughal empire) the power to define and determine their political relations with other states. From 1757 to 1857, the Company annexed into its direct colonial rule two-thirds of India and brought the surviving 550–600 nominally sovereign Indian 'princes' who governed the remaining one-third under indirect rule by British political agents.[7] Throughout this transition, diplomatic intercourse remained a central and conflicted issue, reflecting and affecting the altering imbalance of power among Indian rulers and the British.

In particular, from the late eighteenth century onward, the East India Company forced the extant network of Indian *wakils* unevenly and grudgingly to give way before a new system of British political agents who resided at Indian courts. These British 'residents' both employed

[7] For recent studies of this system, see Manu Bhagavan, *Sovereign spheres: princes, education, and empire in colonial India* (New York, 2003); Ian Copland, *The princes of India in the endgame of empire, 1917–1947* (Cambridge, 2002); Margret Frenz, *From contact to conquest: transition to British rule in Malabar, 1790–1805* (New Delhi, 2003); Edward Haynes, 'Lineage, state, and symbolism of rule in late-18th-century eastern Rajputana', in Richard B. Barnett (ed.), *Rethinking early modern India* (New Delhi, 2002), pp. 33–83; Dick Kooiman, 'Meeting at the threshold, at the edge of the carpet or somewhere in between? Questions of ceremonial in princely India', *Indian Economic and Social History Review*, 40 (2003), 311–33; John McLeod, *Sovereignty, power, control: politics in the state of western India, 1916–1947* (Leiden, 1999); Margrit Pernau, *The passing of patrimonialism: politics and political culture in Hyderabad, 1911–1948* (New Delhi, 2000); Barbara Ramusack, *The Indian princes and their states* (Cambridge, 2003); Susanne Hoebner Rudolph and Lloyd I. Rudolph with Mohan Singh Kanota (eds.), *Reversing the gaze: Amar Singh's diary: a colonial subject's narrative of imperial India* (New Delhi, 2000); Satadru Sen, *Migrant races: empire, identity and K. S. Ranjitsinhji* (Manchester, 2004); Waltraud Ernst and Biswamoy Pati (eds.), *India's princely states: people, princes and colonialism* (London, 2007); Aya Ikegame and Andrea Major (eds.), *Indian princely states*, special issue of *Indian Economic Social Historical Review*, 46 (2009); Aya Ikegame, *Princely India reimagined: a historical anthropology of princely Mysore from 1799 to the present* (London, 2012).

the expertise of Indians but also gradually subordinated them and diminished the prestige of their Indo-Persian diplomatic protocols. Gradually, these residents came to function collectively as a relatively coordinated system, particularly after 1773 when the governor-general in Calcutta subordinated the governors of Bombay and Madras and generally took charge of choreographing Company diplomacy across India.

This emerging residency system relied on both Britons and Indians. Each resident hired Indian *wakils* who reported to him regularly about the people, resources, events, and rumours from the local court, from other courts involved with that state, and from beyond the frontiers of the Company and its allies. Each resident had this knowledge recorded and assessed by Indians in his own intelligence office and then transmitted it both to other concerned residencies and also to Calcutta and London. The Company's court of directors in London and the governor-general in Calcutta collected and codified this information from across India into coherent patterns of colonial knowledge and then transmitted it back to the scattered residents to aid them in their asymmetrical negotiations with Indian rulers.[8] Thus, in contrast to most Indian courts of the eighteenth and early nineteenth century which were increasingly isolated diplomatically, the Company created centralised, bureaucratic, and relatively effective colonial archives of the relevant precedents and condition of each ruler individually and also of the political and diplomatic policies which worked – or failed – thus enhancing their negotiating advantage against Indian rulers generally.

Even as the Company's own colonial archives and networks of surveillance developed, Britons sought to obscure from Indian eyes (both in princely states and also in British-administered India) the true nature of colonial rule in India, British politics domestically, and imperialism globally. Neither the British government nor the Company was a monolith; rather, internal tensions and factionalism divided them. Nonetheless, British officials projected their own constructed image of Britain for Indian audiences, deliberately blurring the real differences among rival British authorities and policies in India and in London. On occasion, the governor-general suppressed news about a rebuff from Parliament, or the Company's directors, or a governor overruled by one of the above refused to inform the Indian ruler concerned. There

[8] See Bernard S. Cohn, *Colonialism and its forms of knowledge* (Princeton, 1996). For the use of Persian, see Muzaffar Alam, *The languages of political Islam: India 1200–1800* (Chicago, 2004).

were also instances where the English-language version of a treaty with an Indian ruler (intended for readers in Britain) specified one British entity but the Persian version (intended for Indian readers) specified another. By such means, the colonial administration strove to establish its residents as the exclusive channel for political communication among Indian rulers and also between those rulers and Britain. Imperfect as British systems of surveillance and control proved to be – punctuated by 'information panics' and 'breakdowns' – they proved vital in the establishment and enforcement of colonial rule across India.[9] Critically, this expanding system of British residents also sought to prevent any diplomatic intercourse and the passage of political information among Indian rulers except through the exclusive medium of the resident himself; both formal treaties and the East India Company's armies enforced this restriction.

Indian rulers and diplomats resisted such British efforts to monopolise the flow of political information and diplomatic representation. Mughal emperors and regional rulers deployed *wakils* to represent them before British authorities, both in India and also in Britain. In the face of growing British power, these *wakils* struggled to sustain their status as diplomatic representatives by persuading the British to recognise the authority both of their rulers and of their Indo-Persianate protocols. These *wakils* worked to bypass and undercut the dominance of the resident at their home court by gathering information about events and circumstances in the East India Company's presidency capitals of Calcutta, Madras, and Bombay and also in London. In all these sites, Indian diplomats negotiated and lobbied for advantages for their ruler by using the often conflicting institutions of British political authority: bargaining with and bribing British officials, and gathering first-hand information about their plans, policies, and internal conflicts. Further, these *wakils* also had their own personal agendas and careers, sometimes making arrangements with the Company advantageous to themselves personally even if these disadvantaged their princely employers. Conversely, the Company's officials in India and the court of directors and British government in London worked hard to try to isolate, repulse, and severely limit the effectiveness of these Indian political agents. To demonstrate how conflicted and contingent was this long and halting transition in diplomatic models and praxis from Mughal-centred to British-centred imperia, this chapter looks first at British and then at Indian initiatives.

[9] See C. A. Bayly, *Empire and information* (Cambridge, 1996).

The Company's residency system

Innovative diplomatic practices contributed significantly to the unprecedented rise of a joint-stock corporation, the East India Company, to make itself the ruler of the entire Indian subcontinent. Actions by British officials of the Company, often unauthorised by London, resulted in vast territorial expansion and deep political involvement with the many rulers of India. Over time, the Company devised a colonial system which relied heavily on the decisive influence of British officials residing in the courts of nominally independent Indian rulers, a residency system widely known as indirect rule.

During the late eighteenth century, the English East India Company's role in India shifted from primarily commercial to predominantly political. As it did so, the Company's needs and the functions of its representatives changed fundamentally as well. After 1757, British officials in Calcutta and London clashed over whether the Company, or the British crown, or an Indian puppet should rule the vast territory the Company had suddenly conquered. When the British government declined to take charge, the Company left these lands under the nominal authority of Indians they installed as nawabs of Bengal. Then, in 1764, the Company won another decisive victory at Buxar over the Mughal army led by the emperor in person and commanded by his *wazir* (chief minister), the nawab of Awadh. After this battle, the Company itself received the imperial offer of appointment as a Mughal official: *diwan* (imperial revenue collector) of Bengal province. Consequently, the Company decided that it needed official diplomatic representatives residing in the three Indian states most crucial to British interests.

The first of these British Company political agents went to the court of the nawab of Bengal. Indeed, since the nawab owed his tenure in office to the Company, it needed someone by his side to 'superintend the Transactions of [his] court, to keep an eye over the conduct of his Guardian [the Regent] and his Dewan, in the care of his education and the management of his household, to furnish the advances of his stipend according to the orders of the [Company's] President and Council'.[10] By treaty, the nawab accepted that 'an English gentleman shall reside with me, to transact all affairs between me and the Company'.[11]

[10] Extract from Proceeding of committee of circuit, 20 August 1772, BL, IOR, Foreign Secret Consultations [hereafter FSC], no. 3, 29 August 1772.

[11] C[harles]. U. Aitchison, *A collection of treaties, engagements, and sanads*, 5th edn (Calcutta, 1929), vol. II, pp. 233–5; Select Committee, Secret Letter to Court of Directors, 10 November 1772, *Fort William–India House correspondence* [hereafter *FW–IHC*], vol. VI, ed. Bisheshwar Prasad (Delhi, 1960), p. 448.

Next, the Company sent an envoy to the court of the nawab of Awadh. By the mid-eighteenth century, the nawab of Awadh had emerged as the wazir of the Mughal empire as well as its most militarily powerful official. His goal had been to control the empire through his possession of the emperor. His territorial ambitions had ranged across north India to Bengal and therefore across the lands then controlled by the Company. Following his defeat at the hands of the Company at Buxar in 1764, the nawab of Awadh, while still extremely powerful in military and financial terms, turned from opposition to the English to cooperation with them. The Company's diplomatic representatives involved themselves increasingly in the political affairs of Awadh, although only from around the beginning of the nineteenth century did they gradually come to exercise indirect rule there.

The Company also posted a diplomatic representative at the court of the nizam of Hyderabad. The nizam dominated central and south India, much as the nawab of Awadh did the north. The wazir of the Mughal empire in the early part of the eighteenth century and a major rival of the nawab of Awadh, the nizam had abandoned the Mughal imperial court for rule over the de facto independent but nominally loyal southern provinces of the empire. For the East India Company's interests in the south, based in Madras and Bombay, influence with the nizam was therefore vital. As in Awadh, the British political agent residing in Hyderabad gradually became a centre of political power that eventually rivalled the ruler himself.

In 1772, the governor-general and council in Calcutta discussed the legal right – as well as the practicality – of the Company to appoint an 'ambassador', customarily the representative of a monarch not a joint-stock corporation.[12] Three years later, the Calcutta supreme court sent down a detailed but inconclusive discussion on the distinct legal statuses of an 'embassador', an 'elchey' (Persian *ilchi*), and a *wakil* as well as on the legal rights of either an Indian regional ruler or the Company to dispatch or receive each of these three types of diplomatic agents. The chief justice argued that since the Company's officials 'are authorized to make Treaties, War and Peace with the Country Powers in India', they therefore had the right to dispatch and receive diplomats: 'among powers capable of making real treaties and making war and peace it is absolutely necessary there should be intermediate agents … otherwise nations must live in Eternal war or in invidious Peace for if there were not persons Harbingers of peace … the horrors of war must continue'.[13]

[12] Minutes of 29 August 1772, BL, IOR, FSC, no. 3.
[13] Resolution of supreme court, 10 July 1775, ibid.

The chief justice nevertheless refused to decide whether the Company's political agents had 'the situation of Foreign Ministers at European Courts' or not. The council also sought the opinion of an Indian expert on Indo-Persianate diplomatic protocols. This Indian informant, however, confessed himself unable to reconcile European terminology with his understanding of Indo-Persianate Mughal practice: 'I understood Vakeel, but what is the meaning of Public Minister, I do not know, Vakeel is one thing and Elchei is another.'[14]

To obviate such confusion, but only after extensive internal debate, the Company decided that its diplomats sent to reside at the courts of India's major regional rulers should hold none of these Persian diplomatic ranks but should rather be entitled 'resident'.[15] In Europe, the institution of permanent diplomatic missions had only developed during the early sixteenth century. Prior to that time, embassies had been exchanged between major European states. But the cost and the frequent 'disputes about precedence and ceremonial … led to the appointment of agents or *Residents*, who were not entitled to the same ceremonial honors as ambassadors'.[16] The title 'resident' continued in use in Europe until the end of the eighteenth century.

In India, the title of resident for the Company's diplomat at major Indian courts seemed particularly appropriate to the British in light of the Company's peculiar role with respect to both the Mughal and the British sovereign.[17] From 1765, the Company formally acknowledged its subjection to Mughal sovereignty (when it finally accepted the long proffered Mughal appointment as *diwan* of Bengal). Even after the Company captured the Mughal capital in 1803 and made the emperor its palace prisoner, the Company's resident there, Sir David Ochterlony, ceremoniously submitted *nazr* to the Mughal emperor. Further, as did other residents, Ochterlony (who had been born and raised in Massachusetts) adopted many Indo-Persianate customs and boasted an honorific title, Nasir ud-Daula ('Defender of the State'), bestowed by the emperor. Simultaneously, the Company also acknowledged the sovereignty of the British crown. The governor-general, however, deliberately concealed

[14] Translation of affidavit of Ray Radachun, 4 July 1775, ibid.

[15] For dialogue between Britons in Britain and in India over political theories, see Sudipta Sen, *Distant sovereignty: national imperialism and the origins of British India* (New York, 2002).

[16] Ernest Satow, *A guide to diplomatic practice*, 4th edn, ed. Neville Bland (London, 1961), p. 165.

[17] Customarily, the Company used the term political agent for diplomats supervising Indian rulers of smaller states. The Dutch and later the Germans also used the title resident for their agents of indirect rule in Java and Africa, respectively. See Michael H. Fisher, *Indirect rule in India* (New Delhi, 1991).

this from the people and rulers of India, fearing it would unnecessarily excite the people against the Company for being treasonous towards its legal emperor.[18] In this ambiguous situation, appointing a resident instead of an ambassador thus had advantages for the Company not only of lower cost but of fewer problems of ceremony or precedence and conflicts with European legal precedent. Nonetheless, the Company continued inconsistently to label residents as diplomats posted to 'foreign courts' and 'foreign countries'.[19]

Indian rulers also had to adjust to the novel status of these Company diplomats at their courts. Persian-language texts of the day, generated largely in Indian states, concurred that the Company's agents did not quite fit into any pre-existing Mughal diplomatic category. Some texts used the term *wakil* for residents; others transliterated the English term 'resident', or used the proper name and/or the Mughal-style personal titles of the British officials.[20] Further, wherever possible, Indian rulers attempted to 'flip' the resident by seducing him with honours, pleasures, or pelf into sympathy with the ruler's interests rather than those of the Company. Consequently, the governor-general occasionally transferred the resident from one court to another, sacrificing the resident's expertise in local conditions for his continued self-identification with the Company. Overall, each Indian ruler in turn had to deal with these British diplomats as the Company's residency system spread inexorably across India.

The number of Indian courts to which a resident or political agent was posted climbed unevenly over the decades. Contributing to the uneven quality of this rise was the continuing conflict between the aggression generated by Company officials in India (sub-imperialism) and the checks on that aggression exerted from London. Between 1767

[18] Minutes of 18 November 1814, BL, IOR, Bengal Secret Consultations [hereafter cited as BSC], no. 19.

[19] Secretary to governor-general to commercial resident Radnagore, 16 September 1791, BL, IOR, Foreign miscellaneous, vol. 14; Secretary to government to Fort St George, 15 September 1807, BL, IOR, Foreign Political Consultations [hereinafter FPC], 15 September 1807, no. 30; Persian secretary to government to Resident Delhi, 22 July 1811, 26 July 1811, no. 105; Minute of the president, Fort St George, 6 May 1815, BL, IOR, FPC, 11 July 1815, no. 3; Resident Hyderabad to secretary to government, 31 August 1822 and reply plus dissents, 25 October 1822, BL, IOR, FPC, 20 December 1822, nos. 1–7; Political superintendent Pahlunpore to secretary to governor Bombay, 3 December 1856, BL, IOR, FPC, 12 February 1858, nos. 19–32. In a similar way, whether Indian princes were 'sovereigns' remained at issue through to 1947.

[20] Salar Jung, Tohfa-i Dekkan, T series, pp. 154–60; Waqai Dekkan, History V series, no. 459, Salar Jang Library, Hyderabad; First assistant resident-in-charge Mysore to chief secretary to government Fort St George, 12 May 1809, BL, FPC, 3 June 1809, no. 34.

and 1783, the number and influence of these residents grew significantly, as did the role of the Company in India. This period of uncertain growth had at its heart the most dynamic years of Warren Hastings's leadership in Calcutta (governor of Bengal, then governor-general, 1774–85).

Following this initial modest growth, the number of residents sank from a peak of eleven states (1782), fluctuating around four (1786) or five (1789, 1790, 1796, and 1797), and residents played a reduced role as well. This mild retrenchment was apparently brought on, at least in part, by the generally restrictive policies of the Company's court of directors and British government in London. During this phase particularly, the Company came under increasing pressure from London to withdraw from its costly and dangerous involvement in Indian politics and diplomacy. Pitt's 1784 India Act embodied this policy, and apparently largely led to Warren Hastings's resignation. Its preamble stated:

> to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour and the policy of this nation … it shall not be lawful for the Governor-General and Council, without the express command of the Court of Directors … either to declare war or commence hostilities or entering into any treaty for making war, against any of the country Princes or States in India, or any treaty for guaranteeing the possessions of any Country, Princes or States.[21]

The Company's court of directors also supported this policy of withdrawal from involvement with the Indian states in a large measure as a result of the financial cost of the residencies.[22] The conservative policies of the directors found support under some governors-general, including Cornwallis (appointed in 1786, five years after his defeat at Yorktown), who assured the directors: 'The expenses attending residencies and Deputations suggest the Propriety of discontinuing them whenever circumstances will admit.'[23]

During this phase, many Indian rulers believed themselves to be the equal or superior of the Company, militarily and/or politically, so they demanded control over its resident at their courts.[24] Some Indian rulers, including the Mughal emperor, requested that the Company recall

[21] See *FW–IHC*, vol. XV: *Foreign and secret, 1782–1786*, ed. C. H. Philips and B. B. Misra (Delhi, 1963). This Act is also cited in K. M. Panikkar, *The evolution of British policy towards Indian states 1774–1858* (Calcutta, 1929), p. 20.

[22] Court of directors to governor-general, 11 April 1785, *FW–IHC*, vol. IX, ed. B. A. Saltore (Delhi, 1959), p. 178.

[23] Governor-general to court of directors, 9 January 1789, *FW–IHC*, vol. XVI, ed. Syed Hasan Askari (Delhi, 1976), p. 212.

[24] Lt. Col. Upton to governor-general, 22 January 1777, BL, IOR, BSC, 26 February 1777; BL, Add. MSS 28987.

its agent as unnecessary or discourteous.[25] Further, many residents functioned more as diplomatic representatives than as agents exercising indirect rule. Conversely, some local rulers requested residents be sent to serve as an agent through whom they could communicate with the Company, just as they maintained their own *wakils* in Calcutta, Bombay, or Madras to represent them.[26]

When the Company's closed frontier policy shifted in 1798 to an aggressive policy, a dramatic expansion of the residency system began. This advance not only created larger numbers of residents, it also changed their roles. The Company, by means of its residents, gradually assumed a position of indirect control over most of the Indian states including the largest ones: Awadh, Hyderabad, and Mysore. Although this clearly resulted from more than the actions of a single man, the aggressive policies initiated by Richard Wellesley (governor-general, 1798–1805) certainly gave additional impetus to this expansion. As Wellesley's chief secretary instructed the resident at Delhi in 1805:

> The various and important additions which have been made to the British territory in India during the last seven years [i.e. since 1798] have originated in the prosecution of just and necessary wars or, of positive right under established treaties. The augmentations of territory which have accomplished either the success of our arms or the improvements effected in our subsidiary alliances with various Native States, have been justified in point of policy as well as of right by their inseparable Connections with the foundations of our security, public faith, honour and independence in India … [These alliances are] the main spring of our interests, power, and glory in India.[27]

Many British officials in India concurred with Wellesley's aggression. For example, a career civil servant in India, George Barlow, wrote in 1803: 'It is absolutely necessary that no Native State should be left to exist in India which is not upheld by the British power or the political conduct of which is not under its absolute control.'[28]

British authorities in London, however, disagreed. In 1805, they recalled Wellesley and reappointed Cornwallis as governor-general to administer a policy of non-interference in the Indian states. After Cornwallis's death, in the same year that he reached India, British

[25] Browne to Macpherson, 20 April 1785, BL, IOR, BSC, 12 May 1785, no. 2; also Panikkar, *Evolution*, p. 4.

[26] Letter from Shujauddaula, BL, BSC, 30 September 1772; Bombay government to Lt. Col. Upton, 3 January 1777, BL, Add. MSS 28987; Arzee from Vakeel of Ranna of Gohad, 6 December 1779, BL, BSC; Governor-general to David Anderson, 4 November 1781; BL, BSC, 10 December 1781, BL, Add. MSS 13612.

[27] Secretary to government to resident Delhi, 13 January 1805, *Poona residency correspondence*, vol. XI, ed. Nirod Bhushan Roy (Bombay, 1943), p. 123.

[28] Memorandum of 8 July 1803, quoted in Panikkar, *Evolution*, p. 39.

officials in India regained their initiative for greater Company involvement and expansion; a series of sub-imperialisms resulted. This interaction between directives for restraint from London and drives for territorial extensions by the Company's officials in the field thus contributed one factor in the uneven increase in the number of residents.

Over time, the residency system enabled the Company largely to shift the circulation of political information in India from the hands of Indian rulers towards control under its own auspices. Beginning in 1792, the Company forced or persuaded some fifty-five Indian states individually to agree by treaty to channel all 'foreign' political communication exclusively through its residents. These included Tanjore (1792), the Carnatic (1792), Travancore (1795), Awadh (1798), Mysore (1799), Hyderabad (1800), Gwalior (1804), and Cochin (1809), followed by others in Rajasthan and central and western India. Although the exact phrasing of the clause varied somewhat, a typical treaty stated that the ruler in question abjured any 'negotiation or political correspondence with any European or Native power without the consent of the said Company'. This pattern of treaties including such a clause marked the Company's assertion of exclusive control over interstate relations in expanding waves over India.[29] While the Company thus did not literally forbid rulers from having a foreign policy, it did insist all communication pass through its hands and meet its approval. In practice, however, the Company expected all states to observe this restriction from as early a time as the resident could enforce it. For example, although the raja of Nagpur would not conclude a treaty prohibiting such communication until 1826, the Company nevertheless forbade the practice in Nagpur as early as 1813.[30] In exchange for such submission, Indian rulers received guarantees that they and their heirs would continue on the throne.

The form that British expansion took also contributed to the uneven rise in the number of states with residencies over the period to 1840. The Company's first formal involvement with a state often began with the posting of a resident to it. Should the resident not be able to control that state himself, the military branch of the Company took over. The Company's armies tended to concentrate their efforts, thrusting themselves – and therefore the Company's control and influence – into one state at a time. Once conquered by the Company, a state was either

[29] During the 1841–57 period, the Company contracted no further such treaties.

[30] Secretary to government to acting resident Nagpore, 15 October 1813, BL, FPC, 15 October 1813, no. 4.

annexed into direct British administration or left to the resident to control indirectly, perhaps to be annexed by the Company later.

Rather than a radical shift in Company policy or practice, in 1841, the forces of consolidation overcame the forces of expansion; the peak of the growth of the residency system had been passed and the pace of the Company's incorporation of the territories of Indian states into direct rule began to accelerate. The facts of physical geography affected this transition to consolidation rather than expansion since, by this time, the Company's armies had reached the physical boundaries of the subcontinent. Indicative that the Company had reached its geographical limits was the disastrous – for the Company – First Afghan War (1838–42). This war thus marked the furthest extent of the Company's hitherto virtually unchecked military expansion. The Company's failure to bring Afghanistan into its indirect control through a resident revealed to British policy-makers some of the limits of indirect rule.

Since, after 1841, the Company's extension of its influence over new states in India effectively halted, the number of states with residents did not increase, although the depth of the Company's involvement and interference within the Indian states did not necessarily decline. On the contrary, states including Awadh, Jhansi, Nagpur, and a number in the Punjab were annexed and taken under direct Company control. Others, like those of Rajasthan, were consolidated under a fewer number of residencies. As a result, the number of states with residents registered a net decline from a peak of forty-seven (1840) to a low of thirty-three in 1857.

The bloody conflict that engulfed much of north India in 1857 radically altered the relationship between Indian rulers and the British. In addition to popular hostility to British rule and mutiny among Indian sepoys in the Company's Bengal army, many Indian rulers and ex-rulers (deposed by British annexations) rose up to expel the British. Yet, key states, including Hyderabad, were held out of the battle against the British by their rulers and residents. After finally crushing most overt Indian resistance in 1858, the British convicted the Mughal emperor of treason and exiled him, while Parliament abolished the Company and made the British crown sovereign in India, with all of India's princes under its suzerainty. Thereafter, the British annexed few of the remaining states. Indeed, British policy depended on the Indian rulers as the 'natural leaders' who would hold the people of their states in loyalty to the British crown with residents as their guardians. Thus, over the century from 1757 to 1857, the Company's diplomats conformed, at least in part, to Mughal protocols, while residents gradually became the

agents for British indirect rule over the many surviving Indian rulers and their substantial territories and populations.

Indian rulers, *wakils*, and the British

Over the eighteenth- and early nineteenth-century transition to British colonialism, Indian rulers and *wakils* interacted with the rising East India Company in complex and changing ways. Regional rulers tried to inform and influence the Company by passing on political information that their own skilled *wakils* had collected. Indian rulers also negotiated the sending of *wakils* from their courts to the presidency capitals in exchange for receiving a British resident. Some rulers also sent Indian diplomats to London in an effort to bypass the Company and establish direct political relations with the British crown. These Indian efforts to incorporate the British into their own diplomatic agendas and extant Indo-Persianate political protocols, however, confronted British interests and models. Over time, the Company's residency system dominated political communication within India, but it was never hegemonic.

Especially during the Company's early years of involvement in the complex world of Indian diplomacy, Indian rulers conveyed political information that Britons sometimes did not comprehend. For example, in 1752, the nawab of Bengal gave the Company news evidently originating with the nawab's *wakil* in Delhi. This news – that the imperial chief minister had threatened to depose the Mughal emperor in favour of a pretender to the imperial throne – much interested the nawab but conveyed little meaning to Company officials since they as yet lacked the context to understand its significance.[31]

Some Indian *wakils* proved willing to instruct the Company about events and diplomatic protocols. In 1754, for example, the Company requested Madura Lole to represent it at the court of the nawab of Bengal 'in the quality of Vaqueel [*wakil*]', relying on him because he had earlier served 'in that capacity and acquitted himself with great integrity'.[32] This gentleman casually replied that he would be willing to call upon the Company's agents to enlighten them. Especially after the beginning of the Company's military expansion in India, however, increasing numbers of the traditional service elite, who had served

[31] Letter of Mr William Watts, chief of Cossimbazar, 10 October 1752, proceeding 16 October 1752, no. 9 in National Archives of India [hereafter NAI], Public proceedings, September to December 1752, pp. 391–4.

[32] NAI, Home public proceedings, 29 April 1754, 6 May 1754.

the Mughals or regional rulers, looked to the East India Company for employment that was decreasingly available elsewhere.[33]

Initially, the Company depended heavily on existing indigenous networks of *wakils* controlled by Indian rulers. This gave Indians power to filter and 'spin' information that passed through their hands to the British. It might also delay information from reaching the Company both by lengthening its travel-time and also because Indian rulers could pace its release to suit their own purposes. From about 1775, for example, the nawab of the Carnatic began to send to the governor-general edited versions of the secret reports of his *wakils* at the courts of Hyderabad, Mysore, and the various Maratha rulers. At one point, the nawab sent the Company copies of intercepted letters from Haidar Ali Khan of Mysore to his *wakil* which, the nawab coyly explained, 'fell into [the nawab's] hands' through his secret agents. Such news from hostile courts did not come easily. The nawab warned that, by revealing secret intelligence to the governor-general, he was putting 'the life of his news-writer … at stake'. In addition to any concerns the nawab may have had for his informant, he also thus highlighted the rarity and hard-earned nature of the information he was offering to the Company in exchange for its favour.

Some Indian rulers expressed concern about the Company's lax security over such vital and dangerous political intelligence. The Mughal emperor himself complained bitterly that a confidential letter from the governor of Bengal which British representatives presented had already reached 'our sacred Presence' via the nawab of Awadh and several other hands. The emperor remarked to the governor: 'It is this circumstance which has raised our astonishment.' He continued, wondering whether it was 'customary for the English' to so betray a confidence or otherwise whether the copies had been sent 'clandestinely', without the governor's knowledge. In the latter case, 'it is proper that you can guess out who this traytor is who betrays these secrets and transactions of his master to others'. When the governor complained to the nawab of Awadh about such leaks in their confidential correspondence to Indian rivals and European critics of the Company, that ruler protested that his own security was tight: 'In regard to the Secrets being betrayed, and your letters exposed … it is impossible and God forbid that the secrets of the Company and Council etc. be discovered either in past or future

[33] E.g. from Sayid Farid al-Din Khan, Imperial records department, *Calendar of Persian correspondence* [hereafter *CPC*] (Calcutta, 1911–), vol. VI, no. 193 (4 July 1781) and no. 614 (19 October 1782). For an analysis of the practices in Bengal at this time, see P. J. Marshall, 'Indian officials under the East India Company in 18th-century Bengal', *Bengal Past and Present*, 84 (1965), 95–120.

[due to my negligence]. Whatever letters I receive from you, after having read them in private, I seal them up and keep them with all care…' Therefore, the nawab retorted, the leak must have come from someone in the Company.

Especially after 1757 in north India, and after subsequent British military triumphs in the Deccan and south India, the Company's political role rose markedly to one of evident significance for all the surrounding Indian rulers. Rulers began to deploy their *wakils* into the Company's presidency capitals and also to London so as to project their own influence there. These *wakils* conveyed formal political messages between their ruler and the Company. They also gathered knowledge about the Company from public and private sources and sought to influence Company policy to the advantage of their masters.

Over time, various Indian rulers and *wakils* sought to educate the Company's officials about proper protocols, which they recognised Britons were unfamiliar with. In 1781, the Maratha Bhonsle instructed the governor-general about the supposed inferiority of European diplomacy compared with Indian practice:

> The practice in Europe is this, that two Kings will sit down on the same carpet and will play at chess together and their armies will remain peaceably together, while they receive continual accounts of each other's intentions; and if they wish to put an end to the hostilities, they agree to a cession for a certain number of years, after which they renew their attitudes and hostilities. But this is not the method in the Deccan for whatever engagements are entered into there are lasting and perpetual.[34]

Bhonsle thus warned the British not to blindly import inferior political practices into India, but also revealed his own inaccurate conception about the practices prevalent in Europe at that time.

Similarly, in 1782, the nawab of Arcot explained to the Company the formal protocols for *wakils*: 'From the beginning of my friendship with the English I have, according to the custom of all the Soubahdars [governors] of the Carnatic and according to the invariable custom of these countries, kept a Vakeel with the Government of Madras to inform me what my Friends stood in need of that I might immediately furnish them and to make the said government acquainted with my own affairs and necessities.'[35] The nawab of Arcot also expensively hired various Britons to lobby on his behalf in London, with only limited effect.[36]

[34] From maharaja Modajee Boosela, 9 January 1781, *CPC*, vol. VI, no. 7.
[35] 1 May 1782, from nawab of Arcot, 9 April 1782, *CPC*, vol. VI, no. 478.
[36] For example, the nawab of Arcot tried to use the knowledge his agent gained in London to play the governor-general off against the governor of Madras. From nawab of Arcot, 21 April 1782, *CPC*, vol. VI, no. 462.

In their rivalry with each other, rulers apparently perceived the acceptance by the Company of a *wakil* from one of them as a political expression of their relative status compared with the others. The Company's Bombay presidency lay in the midst of the several rival Maratha states and therefore found its diplomacy among them particularly delicate. In 1776, one among the conflicting pretenders for the office of Maratha peshwa sent a *wakil* to the Bombay government. Mahadji Sindhia (at that time the most militarily powerful of the Marathas) objected to his rival's presumption, as well as to the hostility of the Company implied by the acceptance of that *wakil*. The Bombay government at first rejected Sindhia's protest: 'We cannot allow the Minister [Sindhia] any right to complain of our receiving Vakeels from any power whatsoever … [It] is the indisputable right of every Government.'[37] Overriding this, however, the governor-general warned the Bombay government against the dangerous implications of its action since he feared offending Sindhia.

While many men who worked as *wakils* remained loyal to their princely employer, they all had personal interests of their own. A skilled diplomat might serve as *wakil* for several nobles during the course of his career, or even at the same time. Ray Sidhmal, for example, reported in 1778 that he had served as *wakil* in Calcutta on behalf of 'different nobles and grandees',[38] and for the past two and a half years, he had acted as *wakil* to the Company in the service of nawab Munir al-Daula and that man's mother. Now, however, he feared the displeasure of his current masters: for some six months the governor-general had not answered his letters. Ray Sidhmal explained: 'The situation thus created is likely to affect [the writer's] service as well as the esteem he enjoys at the hands of his master.' He asked not only that the governor-general respond but also that he 'will kindly drop a few lines in [Sidhmal's] favour so that his services may not be dispensed with'. In this way, the *wakil* thus appealed to the governor-general on a personal rather than purely professional basis.

Indeed, the governor-general seems to have expected *wakils* to serve his purposes rather than those of their masters. In a number of instances, he stood forth as the patron of *wakils* posted to Calcutta on behalf of a regional ruler. For example, the governor-general wrote to Nawab Muzaffar Jang of Farrukhabad about his *wakil*, Sibghatullah Khan, in 1781, recommending that this man's four years of service as *wakil* in Calcutta 'entitle him to a reward' from his employer.[39] Such patronage

[37] Governor-general's letter to Bombay, 9 December 1776, consultations, 9 December 1776, BL, Add. MSS 28,986 (Warren Hastings Papers).
[38] From Ray Sidhmal, 19 October 1778, *CPC*, vol. V, no. 1164.
[39] To Nawab Muzaffar Jung of Farrukhabad, 10 November 1781, *CPC*, vol. V, no. 287.

by British officials would have appealed to the *wakil*'s personal interests and thus might affect his official performance in the Company's favour and to the detriment of his official employer. Another *wakil*, Raja Gobind Ram, reported to his Awadh ruler that the governor-general had called him privately and chided him for never having said anything negative about the state of the Awadh administration during his eight or nine years living in Calcutta as its representative. Nonetheless, the governor-general must have been pleased with Gobind Ram's behaviour generally since he recommended strongly to the Awadh ruler that the *wakil*'s allowance should be increased 'commensurate with the dignity' of his office.[40] One *wakil*, Beniram Pandit, who served the Maratha Bhonsle, in 1784 named his son 'Hastin' after Warren Hastings, assuring the governor-general that this name conveyed a whole series of appropriate meanings in Sanskrit, including 'elephant-like'.[41] Since the Company's Persian records contain much of the 'confidential' correspondence between many *wakils* and their masters, even including instructions from the latter explicitly discussing what information to withhold from the Company, it seems clear that many *wakils* – for personal profit or advancement – regularly passed on such secret material to the Company.

As had been customary between the Mughal emperor and other states, some rulers expected the Company to reciprocate for these *wakils* by posting accredited British representatives to reside at their courts. A few rulers professed to prefer to communicate through the British resident at their court rather than through their own representatives in Calcutta. For example, the Awadh ruler in 1768 explained to the governor of Bengal that he would in future explain everything to the resident at his court: 'he will write then in English to you, for what I write [in Persian] to [my *wakil* in Calcutta] I do not know how it is translated into English so that you do not clearly understand my real meanings. Now from [the resident's] letter you will learn them perfectly.' The Company received requests for a British representative from a number of Indian rulers including the nawab of Bengal (1763), the nawab of Awadh (1768, 1772), the peshwa of the Marathas (1776), the raja of Tanjore (1776), the rana of Gohad (1779), the Bhonsle raja of Nagpur (1781), and the maharaja of Coorg (1809).[42]

[40] From governor-general, 27 August 1782 and 4 October 1782, *CPC*, vol. VI, nos. 587, 607.

[41] From and to Beniram Pandit, 10 June 1784 and 27 June 1784, *CPC*, vol. VI, nos. 1146, 1172.

[42] Shujauddaula to president, BL, IOR, BSC, 30 September 1772, no. 1; Secret consultations, 23 December 1776, BL, Add. MS 28,977; Minute of the governor-general,

As the actual practices of these competing and overlapping networks of Indian *wakils* from rulers and British residents from the Company developed over many decades, they interacted in complex ways. Overall, each tried to use political information to gain advantage. As power shifted, so too did the functions of these networks. For example, Mahadji Sindhia continued repeatedly to assert his exclusive right to link all the Marathas with the Company. Hoping to avoid antagonising Sindhia over the deputation of a resident to the court of a rival Maratha ruler (the Bhonsle raja at Nagpur) in 1781, the Company ordered that resident to 'act under the control' of the resident at Sindhia's court, thus respecting the superiority of Sindhia over the other Maratha powers.[43] By 1783, Sindhia had apparently intimidated the Bhonsle raja, inducing him to distance himself from the resident at his court. That resident, in frustration at his subsequent lack of influence and access to the Bhonsle raja, returned to Calcutta.[44] In 1785, Sindhia objected when the governor-general wished to appoint a resident at Poona with the Maratha peshwa. Sindhia indicated through his own British resident his opposition to, and then 'repugnance' at, the appointment of a resident for the peshwa.[45] As with the resident at Nagpur discussed above, the Company sought to avoid exacerbating Sindhia's hostility and therefore ordered the Poona resident to report to it via the resident at Sindhia's court.[46]

Owing to his strong military position, Sindhia proved particularly successful at using the resident at his court, including demonstrating to his enemies that the British supported him. The resident with Sindhia observed in frustration in 1787:

7 August 1776, BL, FSC, 7 August 1776, no. 15; Arzee of Vakeel of Ranna of Gohud, n.d., BL, BSC, 6 December 1779; Governor-general to David Anderson, 4 November 1781 and governor-general to Chapman, 28 November 1781, BL, 10R, BSC, 10 December 1781; First assistant resident-in-charge, Mysore residency to chief secretary to government, Fort St George, 12 May 1809, BL, FPC, 3 June 1809, no. 34. Eventually, the presence of a resident at court meant higher status for the prince. In 1843, the maharaja of Mysore pleaded, in vain, for the continuation of the appointment of a British official with even the nominal title of resident, offering to pay any costs that might be involved. The maharaja explained that the elimination of that office at his court made him appear a mere landholder (raja Mysore to secretary to government of India, 12–13 December 1842, BL, FPC, 25 January 1843, nos. 118, 122; raja Mysore to secretary to government of India, 11 March 1843, BL, FPC, 19 April 1843, no. 150).

[43] Governor-general to board, 28 November 1781, BL, IOR, BSC, 28 November 1781.

[44] Governor-general in council to court of directors, 20 October 1783, *FW–IHC*, vol. XV, esp. no. 202.

[45] Resident (Poona) to governor-general, 11 May 1785, BL, MSS Eur. F.149, Malet collection of private letters.

[46] Minute of the governor-general, 7 December 1785, BL, IOR, FSC, 7 December 1785, no. 7a.

That the attendance of the English Resident is highly useful to Sindia in the prosecution of his ambitious schemes … Hence, it would seem as if the appointment of a Resident at the Durbar of this Chief were less calculated for the service of our own Government than for the advancement of his views.[47]

Further, Sindhia continued in some degree to control communications between the Company and other Indian states. In 1790, he induced the governor-general to refuse to meet with the *wakil* of the Maratha Holkar.[48] In 1797, Mahadji Sindhia's successor blocked official contact between the British resident at his court and the Mughal emperor.[49] The Sindhias remained the controlling 'guardians' of the emperor until the Company captured Delhi in 1803. Even in 1807, the Bombay government sought to placate the envoy from the Court of the Maratha Guicowar (who had just arrived in Bombay), but then sent him home as quickly as possible for fear of alienating Sindhia.[50]

Sindhia was not alone among rulers in using independent linkages with other powers to counter the resident. The court of the peshwa of the Marathas (up to 1799) used the *wakils* of Tipu Sultan of Mysore to try to stave off domination by the resident. The resident at Poona had to make severe threats to the peshwa's court before he was induced to make these Mysore *wakils* leave. Even when the resident had forced the Poona court to expel the Mysore *wakils*, the peshwa did not require them to depart suddenly, rather tolerating their slow movement away in short, hesitant stages. The peshwa clearly did not wish to lose the presence of these alternative agents who, to some degree, balanced the resident.[51]

On occasion, the information sent by a regional ruler's *wakil* in Calcutta gave that ruler an advantage over the Company's resident. For example, in 1786, the resident at Poona wrote petulantly to the governor-general when a letter of secret instruction to him from the Company prematurely reached the court via the Poona ruler's agent in Calcutta:

[47] Resident (Scindia) to governor-general, 17 March 1787, in Jadunath Sarkar (ed.), *Poona residency correspondence*, vol. I (Bombay, 1936), pp. 144–5.

[48] Secretary to government to resident (Sindhia), 6 October 1790, BL, IOR, Foreign miscellaneous series, vol. 14 (no pagination).

[49] Sindhia to resident with Sindhia, 4 December 1797, BL, IOR, FSC, 6 February 1798, no. 14. See also governor-general to resident Sindhia, 4 May 1795, Political Consultation, 4 May 1795, no. 5, BL, Add. MSS 13,600.

[50] The Maratha Guicowar was heir to Mahadji Scindia. Secretary to government of Bombay to chief secretary to government, 6 March 1807, BL, IOR, FPC, 2 April 1807, no. 16.

[51] See resident (Poona) to governor-general, 1 March 1799, in G. S. Sardesai (ed.), *Poona residency correspondence*, vol. VI (Bombay, 1939), pp. 351 ff.

This [purloined] letter has caused me a good deal of Embarrassment … Such a letter reaching the Minister so immediately after my arrival at the Durbar, through a channel unknown to me and containing matter so very opposite to his wishes … must necessarily be very inauspicious to the commencement of my Commission.[52]

Even at the beginning of the nineteenth century, at least one ruler persuaded the Company to subordinate its residents to his *wakils*. The resident at Poona reported himself frustrated in obtaining effective access to the peshwa's court. The governor-general then advised him that

His Highness the Nizam possesses facilities of communication with the Peshwah which you cannot acquire. His Highness has also a deep interest in the success of my proposed negotiation at the Court of Poonah. Adverting to these considerations, I have determined to commit to the management of the Court of Hyderabad a negotiation, in the issue of which the Nizam is as much concerned as the British Government … I therefore desire you to suspend all further proceedings … I request you merely to second, as far as you may be able, the endeavours which may be employed by the Nizam's Agents …

The Company soon learned, in this instance and others, that it could not assume that the interests of any Indian rulers were identical to its own. Consequently, rulers found the Company increasingly unwilling to entrust its business to their *wakils* instead of its residents. Overall, the Company thus met with particular frustration at courts where means of communication with other powers persisted outside the residency system.

Many Indian rulers continued to appoint *wakils* at each other's courts and at the Company's presidencies and other headquarters, which undercut the British monopoly over information control. Even if these *wakils* could not officially convey 'political correspondence', they often persisted in trying to do so. Occasionally, the resident at a court discovered 'secret' communication between rulers, leading to censure or sanctions by the Company against the rulers in question. In other cases, rulers themselves reported to the Company other rulers who were attempting to initiate such surreptitious correspondence. The raja of Tanjore revealed to the resident in 1813 that *wakils* and agents from the rulers of Mysore, Berar, and Nagpur had come secretly to his court. The governor-general commended the raja of Tanjore for his revelations and warned the rulers and residents at the offending courts to terminate such unauthorised communication at once.[53] In 1814, the

[52] Resident (Poona) to governor-general, 12 March 1786, BL, MSS Eur. F.149, Malet collection.

[53] Resident Tanjore to chief secretary to government, Fort St George, 31 August 1813, BL, IOR, FPC, 15 October 1813, no. 3.

governor of Madras refused to recognise the *wakil* from Mysore, insisting that all communication come through the resident at that court.[54] Even where such *wakils* were accepted by the Company on the basis of precedent or treaty, the British gradually constricted their role, excluding political matters from their purview.

Individual rulers also attempted a number of other tactics, in addition to maintaining a *wakil*, to get around the confining channel of the resident. One was to try to set up a direct correspondence with the resident's superiors. In his conflicts with the resident, the Travancore ruler sent letters to the governor of Madras via his *wakil* (1803) and then even by the ordinary mails (1809), rather than allow the resident to monitor his communications. To counteract this, the governor of Madras published in the *Government Gazette* an order prohibiting

> all persons in the Service of the Honourable Company and all others enjoying the protection of the British Government under the Presidency of Fort St George from holding any Communications, correspondence or personal intercourse whatsoever with His Highness the Rajah of Travancore or with any of the Ministers or Officers of that Prince, excepting with the express consent and concurrence and through the official Channel of the British Resident at His Highness' Durbar.

Despite such proclamations, such tactics met sufficient success that rulers continued to write directly to governors, the governors-general, or even English monarchs.

A number of rulers continued to maintain their *wakils* with the Company for other reasons. These *wakils* gathered knowledge and information and influenced Company policy on behalf of their employers, using overt and covert means. On several occasions, a dismayed resident found that the ruler had obtained – by means of his agents in Calcutta – copies of the Company's instructions even before the resident had himself received them. In 1844, for example, the Awadh resident complained:

> [A] copy of this identical letter arrived at Lucknow three days before the original reached me and its contents were actually known to the King, Minister and one or two others before I was myself aware of them … [M]y Head Intelligence Writer, previously to the perusal of the original, read out to me a letter which tallied with it nearly word for word … secretly transmitted to the Minister by a friend from Calcutta.

[54] Secretary to government, Fort St George, secret department to resident Mysore, 4 January 18, NAI, Foreign miscellaneous, vol. 127.

Such situations proved highly awkward for the resident. Moreover, knowledge obtained through his *wakil* in Calcutta could forearm a ruler about the resident's next move. In addition to rulers, even ministers of some states maintained personal *wakils* in the presidency towns to look after their own interests, occasionally as distinct from those of their ruler. For example, as late as 1843, the chief minister of Hyderabad state was reliably reported to spend some 200,000 rupees annually on his *wakils* at Calcutta 'to acquire the information and establish the influence necessary for that purpose at the seat of the Supreme Government'.

As rulers gradually lost control over their foreign relations, however, the continued presence of their *wakils* at the Company's presidencies became increasingly a matter of prestige. In 1833, the Awadh ruler wished to continue the office of his *wakil* in Calcutta by appointing a new man, the incumbent having died in office. The governor-general opposed the appointment, thinking thereby to reduce the status of the ruler by terminating the office of *wakil*. The latter objected vigorously (as paraphrased by the resident), saying

> there had always been a Vakeel from this Durbar at Calcutta … [A]s other Native Rulers had Vakeels at the Presidency, it was somewhat injurious to his dignity that no one should attend the Governor General's Durbar from Lucknow, and [he] assured [the resident] that he had no political objects in view.

Thus, the Awadh ruler, even eschewing a formal political role for this *wakil*, valued that office as a symbol of his dignity and, presumably, a useful means of informal communication and influence. In this instance, the ruler prevailed, at least until 1853. At that point, the governor-general of the day objected firmly to the presence of an Awadh *wakil* in Calcutta. The incumbent ruler again appealed that abolition of the *wakil* would reduce his honour. The resident thereupon worked out a compromise acceptable to the dignity of the ruler but effectively accomplishing the goal of the Company: the office of *wakil* would be left vacant but labelled only 'suspended' rather than terminated. Not until 1885 did the last ruler, the maharaja of Kashmir, lose his right to maintain a *wakil* in Calcutta.

Further, many of the smaller and medium-sized Indian princely states who had no resident of their own maintained *wakils* to the resident or political agent who supervised them.[55] For residents, this added pomp

[55] Well into the 1830s, *wakils* from Loharu, Jhajjar, Ballamgadh, Bikaner, Jaipur, and Jodhpur all attended upon the Delhi resident. I thank Margrit Pernau for this information (personal communication, 24 April 2004).

and prestige to their durbars. For rulers, their *wakils* to residencies and presidencies provided highly valued communication and representation to the outside world in both practical and symbolic terms.

The Company's attitudes towards the continuing place of these *wakils* were mixed, however. Well into the nineteenth century, some residents and the governor-general urged specific rulers to send them a *wakil*.[56] In other cases, the Company either rejected or discouraged the appointment of *wakils*. To guarantee their rights to maintain *wakils* in Calcutta and the other presidency capitals, a number of Indian rulers negotiated it into their treaties with the Company, including the rulers of Bengal (1757), Nepal (1801), Baroda (1802), Gwalior (1803), Nagpur (1804), Sind (1809), and Indore (1818). Nonetheless, the Company insisted on its 'right' to approve of the individual posted as *wakil* by an Indian ruler, rejecting men whom it did not approve on several occasions.[57] At least once, the governor-general intentionally humiliated a *wakil* by formally revoking his credentials, including seizing his official seal, in front of his assembled fellow *wakils*; this would be a salutary lesson to the others.[58] Over time, however, the Company subordinated the Indo-Persian model of *wakils* to its own rising residency system.

On their part, some Indian rulers tried from the start of British territorial expansion onward to extend their Indo-Persianate models of diplomacy into London by using Indian *wakils* to represent them there. In 1765, right after the imperial armies had been defeated by the Company at Buxar, the Mughal emperor wrote a letter and submitted a *nazr* including 100,000 rupees to George III. In Mughal protocol, a *nazr* was a present of submission; should King George accept this, he was bound to protect his subordinate. The emperor requested a royal British army to restore him to power, in exchange for which he would accept the British king's overlordship. The Mughal emperor entrusted the *nazr* and message to a diplomatic mission headed by Captain Archibald Swinton and seconded by a *wakil* highly trained in Indo-Persianate diplomatics (but who did not know English), Mirza Syed Sheikh I'tisam al-Din (1730–1800). Apprehending this supercession of its authority in India, the Company's officials effectively delayed this mission for a year, tried to block its passage (the ambassadors eventually sailed on a

[56] Resident Delhi to secretary to government, Persian department, BL, IOR, FPC, nos. 44–7, 20 August 1811, 31 August 1811, 20 September 1811; To nawab Faiz u'llah Khan [Rohilla], 28 September 1778 and to Ramrodh Singh of Bundelkund, 15 October 1778, *CPC*, vol. V, nos. 1107, 1150.

[57] E.g. governor Bengal to raja Shitab Roy, 5 September 1769, *CPC*, vol. II, no. 1569.

[58] Persian secretary to government to resident Delhi, 22 July 1811, BL, FPC, 26 July 1811, no. 105.

French ship), and prevented the cash from ever reaching King George. Further, once in England, Swinton pursued his own personal interests and I'tisam al-Din proved unable to manoeuvre through British politics. While British authorities often did not know how to assess such diplomats from India who suddenly appeared in London, they improvised protocols that brought these Asians into general conformity with European models, as they had done with North American 'kings' earlier that century. While I'tisam al-Din gained much rich information and wrote the first book by an Indian about living in Britain, he failed to advance the emperor's cause.[59]

Nonetheless, apparently encouraged by I'tisam al-Din's reports about politics and conditions in London, Raghunath Rao, a claimant to a regional kingdom as peshwa of the Marathas, soon constituted his own diplomatic mission. Instead of a Briton as head, however, Raghunath Rao selected as his ambassador a loyal fellow Brahmin, Hanumant Rao, from among his entourage.[60] Hanumant Rao, however, did not know English or apparently have much experience dealing with Britons. Raghunath Rao, therefore, drew upon the Indian Parsi community's long experience of negotiating with the British in Bombay. He appointed as Hanumant Rao's assistant a Parsi, Maniar Ratanji – who would be accompanied by his son, Cursetji Maniar. These diplomats, arriving in London early in 1781, gained some publicity and influence there, including testifying directly before Parliament. Edmund Burke championed their cause and influenced secretary of state Wills Hill, earl of Hillsborough, and other powerful men to induce the Company's directors to adopt a more gracious attitude.[61] These Indian diplomats did not, however, achieve their formal goal of Raghunath Rao's restoration as peshwa and they returned to India the next year.

By the mid-nineteenth century, Indian royalty had dispatched or led more than thirty separate missions to London manned entirely or in part by Indians. (These missions were in addition to the European agents hired by Indian rulers to represent them there.) Most came from

[59] After his return in 1768, I'tisam al-Din wrote *Shigrif-namah-i Wilayat* ['Wonderbook of Europe']. The Persian manuscript is at BL, OR 200. For a full translation (via Bengali), see I'tisam al-Daula, *Wonders of Vilayet: being the memoir, originally in Persian, of a visit to France and Britain*, trans. Kaiser Haq (Leeds, 2001). See also Gulfishan Khan, *Indian Muslim perceptions of the west during the eighteenth century* (Karachi, 1998), pp. 72–8; BL, MSS Eur. F.128/56.

[60] Govind Sakharam Sardesai, *New history of the Marathas*, 3 vols. (New Delhi, 1986), vol. III, pp. 124–7.

[61] Burke to Hillsborough, 12 July 1781, in Thomas W. Copeland (general editor), *The correspondence of Edmund Burke*, 10 vols. (Cambridge, 1958–78), vol. IV: *July 1778–June 1782*, ed. John A. Woods (1963), pp. 356–8.

royal families including from Broach (1794), Surat (1806), Bundelcund (1831–2), and five missions from Awadh (1822–3, 1824–5, 1835–7, 1837–8, and 1856–63). While they varied in their specific goals, these envoys all sought to establish direct relations and lobby with the British crown, government, and Company's court of directors, often to complain against injustices inflicted on them by British officials in India. In London, these Indians usually decided to wear their own traditional clothing, which gave them an exotic oriental attraction for British elites. But they also had to learn how to function within British diplomatic, political, and social protocols if they were to gain any advantage.

The results of these expensive Indian embassies to London varied but were never fully satisfactory to the Indian rulers who sent them. Some *wakils* received little more than an honoured reception, direct access to British authorities, and first-hand information about British politics. Many proved expensive exercises in frustration. The more astute among these Indian *wakils* allied in London with political factions already in opposition to the establishment, gave parliamentary testimony, instigated official committees of inquiry, made public speeches, and published numerous newspaper articles, pamphlets, and books exposing and challenging Company policies in India. Several availed of the more corrupt practices prevalent in Britain including purchasing political influence, purloined documents, and parliamentary votes. A few Indians subsidised the election to Parliament of sympathetic Britons. Among the best informed, highly articulate, and charismatic envoys was Rajah Rammohun Roy (1772–1833), who, during the last three years of his life, represented the Mughal emperor as an ambassador, seeking an enhanced imperial pension. He was unusual in that he studied and learned from earlier Indian diplomatic missions. Yet, even Roy was frustrated and humiliated by British authorities in London. The longest of these embassies lasted fifteen years, but most were much shorter. A few secured enough financial or political advantage which had been denied in India to encourage future missions from their own or other Indian rulers.

Neither the British government nor colonial officials nor 'orientalists' proved able to silence these Indian voices in the imperial centre or to block their various direct representations of India – official and non-official – in the metropolis. Not only the resident at their court, but the governor-general himself, could occasionally be challenged by effective manoeuvring by these *wakils* in London. Thus, British authorities found these Indian agents in London embarrassing and annoying. For example, president of the Board of Control John Cam Hobhouse confidentially wrote to governor-general Lord Auckland in 1839: 'Each of

the dethroned Princes will have Vakeels [*wakils*] in England, and I shall have to fight the battles of the deposers in Parliament. I hope, therefore, you will be a little cautious in adopting such measures [annexations] and, if you do adopt them, at least send me over a defensible brief.'[62] Since the government held the majority in Parliament and would win every major vote, however, only a particularly scandalous and egregious act by the Company in India could threaten its incumbency.

Further, the hard-earned information about Britain that the *wakils* reported from there – in letters, books, or orally on their return – spread unevenly in India. No centralised Indian archive compiled their hard-earned knowledge and it was rarely published or even circulated in manuscript. The political isolation of each Indian ruler, enforced by the residency system, precluded him from building effectively on the experiences of precursors; even in the early nineteenth century, few Indian envoys had access to the accounts of their predecessors. Rather, most set out woefully unprepared for what they would encounter in London, having to discover afresh the nature of London politics. Indeed, reports about Britain by subsequent emissaries over the decades often repeated the same naïve descriptions of even basic British political structures and procedures. In London, most learned from consultations with British supporters and, increasingly, fellow Indians there. Ironically, these Indian diplomats proved best able to inform themselves about the nature and extent of British colonialism by tapping into the colonial archive in London. Published *Parliamentary Papers* often revealed the bargaining positions or malfeasance of British officials or secretly intercepted correspondence between the *wakil* and his own ruler. Nonetheless, Indian diplomats in Britain's capital gained information that they hoped would counterbalance the Company's growing control over political communication in India, exerted mainly through the residency system. Further, given the many hundreds of Indian rulers either deposed or subordinated by the British in India, the fact that only thirty Indian missions proved able to evade British constraints and reach London suggests the domination of diplomacy achieved by the residency system.

Conclusion

Over the centuries between 1526 and 1858 considered in this chapter, changing patterns of diplomacy as conceptualised and practised by Britons and Indians in South Asia reflected and fostered massive shifts

[62] Hobhouse to Auckland, 4 November 1839, BL, MSS Eur. F.213/7, fo. 221.

in power. Indian *wakils*, drawing upon Indo-Persianate protocols, linked and served the Mughal empire and the rival states which succeeded it, including the English East India Company. English diplomats, including residents, adapted Indo-Persianate and European models to serve the East India Company in its often contradictory relationships with the Mughal and British crowns and various Indian regional states. Thus, through contestation and negotiation, Indian and British diplomats improvised practices of representation and information control that served their disparate interests, both as individuals and as envoys from competing polities and corporate bodies.

During the sixteenth- and seventeenth-century rise and expansion of the Mughal empire across South Asia, skilled Indian *wakils* and other agents practised sophisticated Indo-Persianate forms of diplomacy. Visiting English diplomats who arrived seeking political and commercial privileges at the powerful emperor's court had to conform, at least in part, to these predominant protocols. As only one among several rival European envoys, these Britons had to struggle to gain concessions there. Further, diplomats representing the English crown and the East India Company occasionally competed with one another.

During the eighteenth-century decline of the Mughals, expanding networks of *wakils* linked the rising regional states. Some of these career diplomats provided guidance, information, and service to the East India Company as its officials enmeshed it ever more deeply in Indian politics. Indeed, the East India Company itself legally submitted to British crown and Mughal imperial sovereignty.

As the Company began to project its power over more territories from 1757 onward, it employed and received growing numbers of Indian *wakils*. Gradually, the Company posted more British diplomats to reside at the courts of regional rulers and the Mughal emperor. However, the Company and these British residents still depended on Indian subordinates to obtain knowledge, influence, and prestige. Only gradually did the Company establish its residency system as an effective means for information gathering and political control in India's many princely states.

During this same period of British territorial and diplomatic aggression, Indian rulers, by treaty or practice, gradually lost their official capacity to represent themselves except through the resident posted to their court. Since many rulers found direct opposition, including military force, generally led to crushing defeat, they worked to bypass the residency system through their own *wakil* in Calcutta or another presidency capital. For a few princes, sending a delegation to London appeared a way to supersede Company officials in India. Their Indian

agents in London gathered information and discovered that political institutions there could be influenced and often conflicted with British officials in India. Despite the vast number of Indian rulers, however, only relatively few managed to send missions to Britain.

Throughout this period, neither Indian rulers nor the Company used consistent terminology for their diplomatic relations and representatives. Indian rulers struggled to articulate how Indo-Persianate categories defined British envoys at their courts. British officials found it difficult to apply European political theory to their relations with these effectively independent polities that nonetheless nominally recognised Mughal sovereignty. Thus, Company officials variously asserted that Britain was a 'foreign power' with respect to legally sovereign Indian rulers and that it was the Indian ruler's 'sovereign' or 'suzerain'. Therefore, diplomacy as actually practised in India during this transition to colonialism never conformed fully with either Mughal Indo-Persian or European theories or models.

From 1858, British policies towards Indian rulers changed fundamentally. Not only did the British eschew annexations, they also guaranteed Indian princes personal access to British authorities in London. The residency system still sought to control political relations. Yet British-sponsored institutions like the several imperial durbars and the chamber of princes (established in 1921) worked to bring the rulers together, in contrast to earlier policies of isolating them from one another. Thus, the conflicts we have seen in the pre-1857 period gave way to different kinds of struggles over political information and diplomatic representation.

11 Army discipline, military cultures, and state-formation in colonial India, *c.*1780–1860

Douglas M. Peers

Few episodes in British imperial history have been as closely scrutinised as the Indian 'mutiny' of 1857/8. Not surprisingly, the traumatic effects of the 'mutiny' led to much soul-searching on the part of the Anglo-Indian military community,[1] which in turn prompted a reconsideration of the manning and disciplining of the Indian army.[2] However, the military mutinies which triggered the events of 1857 should not be seen in isolation, for many contemporaries had long concluded that indiscipline was synonymous with the Indian army, and mutinies were not unheard of, especially in the Bengal army. The loyalty and reliability of the Company's sepoys had been questioned on many occasions over the previous century. Nor were such concerns confined exclusively to the sepoys: European troops and officers in India had at times displayed a wilful disobedience which could and did border on mutiny. In the words of one contemporary, 'the normal state of the Bengal Army is such as must appear to an officer of the Royal, or of the Bombay Army, as a state of mutiny'.[3]

The collapse of discipline in much of the Bengal army and the subsequent outbreaks of civil rebellion exposed just how fragile Britain's grip on India had become. Imperial states have customarily drawn upon indigenous manpower for military service, although few colonial regimes had allowed themselves to become so dependent upon locally raised troops as the British had in India. Local recruits had earlier posed disciplinary challenges elsewhere in their empire, within colonial militias in the Americas during the Seven Years War, for example.[4]

[1] Anglo-Indian refers here to the British domiciled in India and not to persons of mixed European and Indian ancestry.
[2] David Omissi, *The sepoy and the Raj* (London, 1994).
[3] Brigadier-General John Jacob, *The views and opinions of Brigadier-General John Jacob*, 2nd edn (London, 1858), p. 117.
[4] Fred Anderson, *A people's army: Massachusetts soldiers and society in the Seven Years' War* (Chapel Hill, NC, 1984).

But contemporary observers (and subsequent commentators) rarely drew analogies between Britain's American and Indian empires, largely because explanations for the situation in India, unlike that in the Americas, quickly came to rely upon theories grounded on racial and religious differentiation. If, however. we look beyond conventional historiography, with its heavily orientalised renderings of colonial warfare, and consider instead the shifting characteristics of military service in the late eighteenth and early nineteenth century, we find that much of what fuelled sepoy discontent arose from a growing incompatibility between British and indigenous military culture and structure.

While it is true that the violence in 1857 and the extent of the discontent reached levels not seen in the British empire since the American Revolution, many of the sources of frustration and dissatisfaction felt by the sepoys who provided the immediate spark for the mutiny were not in themselves unique either to India or to sepoys, particularly during an era in which localised or personalised loyalties had not yet been superseded by national or supranational identities. On numerous occasions officers in India had correctly identified the warning signs of discontent, though they often disagreed over what remediation to take. This chapter addresses some of the explanations given by contemporaries and historians for the apparent deterioration of the discipline of the Indian army in general and the Bengal army in particular between the great expansion and reorganisation of the Company army in 1796 and the mutinies of 1857. From there it suggests that to comprehend contemporary understandings of discipline, it must first be acknowledged that contemporary definitions of the state were themselves in flux. Moreover, it is necessary to avoid the temptation of adopting an overly instrumentalist view of the state, for the state is more than simply a matrix of institutions, processes, and rules. It was shot through with contradictions, informed by contemporary cultural idioms, and influenced by the anxieties and aspirations of its key participants.

Previous efforts at understanding the source of sepoy discontent have stressed either religious friction and misunderstandings between Christian rulers and their Hindu and Muslim soldiers or conflict arising from changes to the material conditions of sepoy service. The latter approach has led to the mutiny being framed in terms of such tangible factors as pay, diet, housing, and other allowances.[5] Beyond these issues,

[5] Amiya Barat, *The Bengal native infantry, 1796–1852* (Calcutta, 1962); Douglas M. Peers, 'Sepoys, soldiers and the lash: race, caste and army discipline in India, 1820–1850', *JICH*, 23 (1995), 211–47; Seema Alavi, *The sepoy and the Company* (New Delhi, 1995).

however, were a number of less tangible explanations for sepoy discontent and for the failure of their officers to detect and respond to such grievances. Questions of status, of honour (*izzat*), and also the sepoy's sense of his own position vis-à-vis the army must be taken into account. So too it is necessary to consider how discipline itself was defined and understood, and whether sepoys and officers entertained the same or similar definitions. What this chapter suggests therefore is that the army reorganisation of 1796 did more than simply reconfigure the regimental structure of the Indian army.[6] The structural changes it produced initiated a process whereby relations between European officers and Indian sepoys were recast, and with those changes the military traditions and cultures of India and Britain began to diverge. New disciplinary discourses emerged, ones which were substantially different from their eighteenth-century predecessors, and which pointed towards new conceptions of governmentality. Discipline and loyalty were redefined, with the very personalised relationship of rights and obligations which existed between soldiers and officers in regiments in India and Britain in the eighteenth century giving way to a more abstract and depersonalised relationship between the soldier and the state. Yet this move towards the modern was shot full of contradictions: not only did the sepoys resist the transformation – consciously and unconsciously – so too did many of their officers. The end result, as one officer lamented, was that 'the native troops were never more efficient than previous to 1796'.[7]

British officers were not oblivious to such changes, and while they acknowledged that indiscipline was often rooted in material considerations, they increasingly singled out the officer–sepoy axis as the crucial fulcrum. As one writer to *The Times* put it: 'the sepoy looks up to an officer who understands him with feelings of absolute veneration'.[8] Their efforts at understanding this relationship, however, were all too frequently articulated within what we have come to know as an orientalist discourse. A good officer had become synonymous with a British gentleman, and what made a British gentleman was very often the opposite of what characterised the Indian sepoy.[9] Arguably, the

[6] Raymond Callahan, *The East India Company and army reform, 1783–1798* (Cambridge, MA, 1972).

[7] Anon., 'The Indian army', *United Service Journal*, 18 (1835), 304; [An old captain], 'Bengal native infantry', *East India United Service Journal*, 15 (1835), 203–10; and [An old sepoy officer], 'Discipline of the Bengal army', *East India United Service Journal*, 16 (1835), 330–9.

[8] *The Times*, 13 April 1844.

[9] Douglas M. Peers, '"The habitual nobility of being": British officers and the social construction of the Bengal army in the early nineteenth century', *MAS*, 25 (1991), 545–69.

sepoy–officer relationship became the quintessential imperial metaphor, for in it can be detected most of the traits which were called upon to affirm European superiority. Yet no matter how romanticised and idealised this relationship became, there was nevertheless much substance to the argument that the dependability of the army relied upon this connection, though I hasten to add that we need to push well past the idealised portraits of the noble officer and his doting sepoy. We need to steer a careful course so as not to re-orientalise the sepoy.

Definitions of discipline and the bonds between the sepoy and his officer must be located within their historical context. The bonds cannot be reduced to a set of static and oppositional relationships in which the characteristics of the officer are juxtaposed against the sepoy according to some abstract scale of complementary yet ultimately hierarchical values.[10] Instead, we must look to the historical context in which both officer and sepoy were situated. In the British army, nationalism and patriotism had by the nineteenth century become much more part of military culture, and consequently loyalty came to be interpreted in much more impersonal and absolute terms.[11] This is not to say that regimental traditions and loyalties disappeared; instead, they were reconfigured so as to be subordinated to these larger identities.[12] In India, however, sepoys did not have the same abstract entities upon which their loyalty could be focused. Instead, loyalty and discipline could only be defined by customary patterns and usage, though such customs and traditions were increasingly out of step in an army that began to undergo transformation from the 1790s onwards. These tensions, which help to account for the events of 1857/8, were not simply the result of some kind of inevitable clash of civilisations. Nor was it the case that tensions arose from a fundamental incompatibility between western and Indian military cultures, for prior to the 1790s there were arguably more similarities than differences between British and Indian military cultures – similarities that later generations were all too often loath to admit. In the eighteenth century, definitions of discipline, of loyalty and of disloyalty, and the critical place of patronage and clientage did not differ all that much between the military cultures of India and Britain. This, however, began to change, and much of the change can be dated to the reforms of 1796.

[10] See, for example, Philip Mason, *A matter of honour* (London, 1974).
[11] Linda Colley, *Britons*: *forging the nation, 1707–1837* (New Haven, 1993).
[12] A contemporary perspective on this point is provided by Colonel John Studholme Hodgson, *Musings on the Indian army* (Meerut, 1850), p. 154.

Indiscipline in the colonial armies of India

Before proceeding, it is necessary to acknowledge the limits to our understanding of the state of discipline in the Indian army of the late eighteenth and early nineteenth century. Of crucial importance is the fact that there are few documents that capture Indian voices on the subject of discipline and morale. The one surviving memoir of a sepoy's life in the first half of the nineteenth century, Sita Ram's *From sepoy to subedar*, is full of fascinating vignettes, though many questions remain as to whether it describes the Indian army as experienced by Sita Ram or the Indian army that he thought his English officers would like to remember.[13] Otherwise, available information on the Indian army is nearly all derived from colonial sources. Fortunately, there is no shortage of published and unpublished material from both official and unofficial sources, though obviously such documents reflect the priorities and prejudices of the coloniser.

Another problem we encounter is that the practice and procedures of military law in the eighteenth and nineteenth centuries were far from consistent. Officers complained that they received little instruction in military law at the East India Company's military seminar at Addiscombe. There was little in the way of procedural manuals to assist them. Officers did have recourse to the mutiny acts and articles of war, but these ponderous tomes were neither well organised nor explained, and officers in India in any case had to contend with separate mutiny acts and articles of war for the Indian soldiers, for the European soldiers of the East India Company, and for the European troops of the British regular army stationed in India. The differences between these various authorities were often minor, but there were some instances where changes in the wording permitted considerable latitude in how prosecutions were handled and which punishments were applied.[14] What constituted mutiny was one such area of ambiguity. Mutiny is not specifically defined in the articles of war: one commentary to the articles unhelpfully claimed that it is 'of a like nature, or synonymous with sedition'.[15] Not surprisingly then, officers were often inclined to try mutinous actions by a different charge, such as disobedience or disgraceful conduct or common assault. This not only allowed them to

[13] Sita Ram, *From sepoy to subedar*, intro. by James Lunt, reprint of 1873 edn (London, 1988). See also Patrick Cadell, 'The autobiography of an Indian soldier', *Journal of the Society for Army Historical Research*, 37 (1959), 3–11, 49–56.

[14] Further discussion on military law in the early nineteenth century is provided in my 'Sepoys, soldiers, and the lash'.

[15] William Hough, *Precedents in military law* (London, 1855), p. 53.

work around any possible legal difficulties posed by the ambiguities contained in the legislation, but it also enabled them to protect their command from the stigma of mutiny. So widespread was this practice of officers trying to muffle any indications of mutiny or insubordination in their regiments that some legal authorities concluded that mutiny and indiscipline were much more widespread than was publicly acknowledged.[16]

If the extent to which discipline in the army had deteriorated by the end of the first quarter of the nineteenth century is difficult to pinpoint, it is nevertheless clear that discipline and morale had plummeted in the eyes of many officers, and that in many cases their fears rather than their experiences dictated British actions and interpretations. A summary of the evidence presented to the parliamentary select committee struck to look into the Company's affairs prior to the charter renewal in 1833 concluded that the Indian army was neither as efficient nor as dependable as it had once been.[17] A number of reports and memoranda had appeared in the 1820s and 1830s that cast doubts on the reliability of the sepoy, and many predicted that the situation would deteriorate still further. Henry Hardinge, for example, expressed serious misgivings about the loyalty of the Bengal army during his time as governor-general of India in the 1840s.[18] Similar anxieties can be detected in the pages of Anglo-Indian newspapers.[19] Even newspapers in Britain struck an alarmist tone.[20] These apprehensions about the dependability of the Indian army were not without foundation. Contemporaries were well aware of just how dependent they had become on the Indian army and what a widespread mutiny would mean for Britain's position in India. Charles Metcalfe spoke for many when he rhetorically asked: 'As long as our native army is faithful, and we can pay enough of it, we can keep India in order by its instrumentality, but if the instrument should turn against us, where would be the British power? Echo answers, where?'[21] Recurring signs of discontent within the sepoy lines seemed to confirm Metcalfe's bleak prognosis. The mutiny and violent suppression of the 47th Bengal Native Infantry at Barrackpur in 1824 sent shockwaves through the British community in

[16] *The Times*, 8 February 1845.
[17] Anon., 'The Indian army', *Asiatic Journal and Monthly Register*, new series, 10 (1833), 209–24.
[18] Henry Hardinge to Robert Peel, 7 January 1845, BL, Oriental and India Office Collections [hereafter OIOC], Neg. 11692.
[19] 'The reduction of the army', in *Mofussilite*, 23 May 1848, 324, and the editorial in ibid., 2 June 1848.
[20] Anon., 'The native army of India', *United Service Journal*, 2 (1850), 409–24.
[21] J. W. Kaye, 'The crisis in India', *North British Review*, 27 (1857), 259.

India.[22] On the other side of India, a court of inquiry was struck in 1827 to look into disturbances in the Bombay Native Infantry.[23] In 1836, the commander-in-chief in India, Henry Fane, drew attention to what he interpreted as alarming signs of faltering discipline in the Madras army during its operations in Gumsur in that year.[24] The same year also saw several instances of outright insubordination in the Bengal army.[25] The 44th Bengal Native Infantry was rumoured to be in a state of near mutiny, allegedly because they were to be paid in a new rupee.[26] Three years later the 3rd Native Cavalry in Madras refused to follow orders as a protest against the threatened withholding of some of their allowances.[27] In 1838, sepoys were unhappy at not receiving extra pay (*batta*) for service in Afghanistan. General Nott managed to persuade the government to relent and further trouble was at least temporarily staved off. There were also reports that regiments from the Madras army stationed at Secunderabad in 1842 were deeply upset at pay cuts.[28] Mutiny nearly broke out in the 6th Madras Light Cavalry in 1843 while they were serving in Bundelkhand.[29] In this instance, an order had been mistakenly issued in which it was announced that *batta* would be discontinued. This was quickly corrected and outright mutiny avoided. The following year also saw numerous protests in the Bengal army.[30] Mutinies within several regiments destined for Sind were triggered by the sepoys' unhappiness that they would not receive the *batta* to which they felt themselves entitled. All the affected regiments with the exception of the 34th Bengal Native Infantry relented; the 34th was publicly admonished and then broken up.[31] In 1849, it was anger at not receiving extra pay for what seemed to be foreign service that threatened to ignite a string of mutinies. The commander-in-chief, General Charles Napier, responded by disbanding the 66th regiment which was rumoured to be plotting to take control of the town of Amritsar.[32]

[22] Douglas M. Peers, *Between Mars and Mammon: colonial armies and the garrison state in early nineteenth century India* (London, 1995), pp. 170–3.
[23] *Naval and Military Magazine*, 11 (1828), 299–301.
[24] Minute by Henry Fane, 6 November 1836, BL, IOR, L/Mil/5/417, p. 341.
[25] Hough, *Precedents*, p. 45. [26] *The Times*, 11 March 1836.
[27] Ibid., 1 March 1839. [28] Ibid., 5 April 1842.
[29] Proceedings of a court martial at Arcot, September 1844, BL, IOR, L/Mil/5/428; Hough, *Precedents*, p. 48.
[30] *The Times*, 6, 7, 8 May, 12 September, 1 November 1844.
[31] Hough, *Precedents*, p. 49.
[32] Major J. F. Bradford Woodgate, 2 February 1850, BL, OIOC, MSS Eur. D1057; see also Military letter from India, 28 May 1850, BL, IOR, L/Mil/3/58; *The Times*, 2 April 1850.

Mutiny, or more accurately the threat of mutiny, was not unique to the sepoys. Their officers as well as the European rank and file had on several occasions used the threat of mutiny as a bargaining tactic against their employers. So too had sepoys in the service of Britain's allies on the subcontinent. When the nizam of Hyderabad's 3rd cavalry regiment mutinied in 1827, the European commandant of the cavalry was cut down.[33] According to the court of inquiry, the sepoys' grievances included several instances where the honour and status of native officers had been insulted, their fear that recruits would have to remove their beards, and the threatened loss of their customary right of petitioning their commanding officer directly. Signs of discontent also appeared in the nizam's army in 1847, at which time British sepoys were called out to put on a show of force.[34]

There were a number of instances in which European soldiers threatened mutiny. In 1807, a regiment of the British army stationed at Muttra mutinied when their pay had fallen badly into arrears. The paymaster had died, and the lieutenant colonel of the regiment only belatedly assumed the office of paymaster. The men marched to the colonel's office and demanded their arrears of pay.[35] When it was not forthcoming, a group of the soldiers dropped their arms and commandeered some boats with which they apparently were going to sail to Calcutta to lodge a further protest. There were also alarming reports in 1836 that several king's regiments were on the verge of mutiny because of recent hikes in the price of bread.[36]

European officers in the Company were also inclined to use insubordination as a means of calling attention to their grievances. The early years of the Company's army in Bengal were plagued by individual and collective protests.[37] In 1766, officers on the Bengal establishment planned a mass resignation to protest against cuts to their allowances. This plan misfired, largely because Robert Clive, then governor of Bengal, was not only able to count on support from some senior officers, but more importantly he was able to ensure, by ordering the distribution of a bonus payment to the rank and file, that they did not back their officers (European and Indian). Nevertheless, the officers were not completely cowed; in fact, one of their ringleaders, Sir Robert Fletcher, not only had his commission reinstated by the court of directors, he

[33] Political letter to Bengal, 15 April 1829, BL, IOR, E/4/725.
[34] *The Times*, 3 August 1847. See also Nile Green, *Islam and the army in colonial India* (Cambridge, 2009).
[35] Hough, *Precedents*, p. 39. [36] Ibid., p. 42.
[37] G. J. Bryant, 'Officers of the East India Company's army in the days of Clive and Hastings', *JICH*, 6 (1977–8), 203–27.

would later return to Madras as commander-in-chief where, having not apparently learned anything from his time in Bengal, he became embroiled in the plot which not only toppled the governor, Lord Pigot, but ultimately led to Pigot's mysterious death.

Thirty years later, Bengal officers again protested against planned changes to their pay and perquisites. This time their actions were less dramatic. Instead of threatening mass resignations, they conducted a letterwriting campaign and dispatched petitions to London. Once again they went unpunished; in fact, they did score a victory in that some changes were introduced to limit the financial impact on them of the planned changes.[38] More spectacular was the white mutiny of 1809 when officers on the Madras establishment in effect downed tools to protest about what they felt was their disadvantageous position relative to their fellow officers on the Bengal establishment.[39] Sepoys were not unaware of this, and the authorities in London and Calcutta proceeded even more cautiously for they feared that the sepoys might take advantage of the confusion that could well arise from any crackdown imposed on their officers.[40] Some twenty years later officers on the Bengal establishment responded to the plans for financial retrenchment introduced by William Bentinck in 1830 with a range of defiant gestures: anonymous letters were sent to the press, and officers publicly snubbed the governor-general at ceremonial functions.[41] While no acts of outright violent resistance materialised, the officers' actions were sufficient to cause alarm in Calcutta and London. The winding up of the Company's affairs following the Indian rebellion of 1857 raised the question of what to do with the Company's forces in India: when it was decided to merge their European troops into the regular British army, discipline was again threatened in yet another so-called white mutiny.[42]

The critical point illustrated by these examples is that while the particular causes of these breakdowns in military authority varied, and while the protests staged by Europeans were neither as direct a challenge to discipline nor as violently suppressed as those of the Indian troops, there were also some important similarities. Of particular note was that none of these communities gave its loyalty unconditionally. Loyalty, instead, was the outcome of negotiations spanning several

[38] Callahan, *East India Company and army reform*.
[39] Sir Alexander Cardew, *The white mutiny* (London, 1929).
[40] Memo by Earl Dalhousie, 16 December 1830, Scottish Record Office, GD45/5/59; *The Times*, 22 October 1829.
[41] Peers, *Between Mars and Mammon*, pp. 221–4.
[42] Peter Stanley, *White mutiny: British military culture in India* (London, 1998).

generations and could easily become undermined were the terms and conditions under which military service was undertaken subjected to change, or if there was a divergence in the expectations of how loyalty was to be defined, acknowledged, and rewarded.

This divergence arising over loyalty was most marked in Bengal: while observers throughout India lamented what they thought was the deteriorating state of discipline amongst the sepoys, it was only in Bengal that this erupted in such a level of violence. In part this can be accounted for by a number of features unique or largely unique to the Bengal army: the predominant position enjoyed by higher-caste recruits; their expectations regarding respect for their religious customs and traditions, even if some were of relatively recent invention; and cuts to their earnings and diminished buying power as noted previously. It can also be attributed to the degree to which sepoys were not insulated from the effects that colonial rule was having on their families. But to explain why indiscipline became so closely associated with the Bengal army, we need to consider the possibility that it was in that presidency that the greatest divergence occurred between the officers' and the sepoys' definition of loyalty and discipline, and that this was rooted in the much more substantial transformations of the structure and character of the colonial state there as compared with Madras and Bombay which had remained political backwaters.

Explaining indiscipline

Most attempts to account for the readiness with which sepoys resorted to mutiny and collective insubordination have done so in functionalist terms. Such is the approach adopted by Amiya Barat in her now classic study of the Bengal army, where loyalty is shown to be given or refused according to the sepoy's calculation of the material rewards he could anticipate.[43] Many contemporaries would have agreed with her, with one putting it in particularly stark terms: 'It must be remembered that a mercenary army can only be kept faithful by making it their interest to be so.'[44] Most commentators discounted any possibility that these mutinies could be expressions of deeper antagonism to colonial rule. It was emphasised that displays of dissatisfaction 'were confined to the immediate locality of their unfortunate display, and had their rise not infrequently in some real cause of grievance, totally unconnected with any political or general feeling of disaffection towards the

[43] Barat, *Bengal native infantry.*
[44] Anon., 'Kaye's "The sepoy war"', *Calcutta Review*, 41 (1865), 103.

British Government'.[45] Nor should we expect contemporaries to have been looking for deeper sources of discontent: to have done so would have raised awkward questions which would have cast doubts on the very future of colonial rule.

Both F. J. Shore, a senior administrator in Bengal, and William Hough, the most authoritative commentator on military law in this period, explained outbreaks of indiscipline in similar terms, though with an orientalist inflection. Shore exhorted his readers to bear in mind that 'the attachment of the native soldiery to our Government is of a peculiar nature: to an individual officer who has gained their affections, they, like other natives, will often display the most extraordinary devotion; but their faithfulness towards any government depends entirely on the pay and privileges they receive'.[46] Hough's study of a number of mutinies led him to single out grievances over pay and allowances as the common denominator. He urged the government as well as individual officers to bear this in mind, and advised that mutiny could best be prevented if '[we] take steps from time to time to prevent abuses on the part of those concerned in the payment of the troops, and supplying them with provisions, etc., and the administration of impartial justice to all, without reference to rank or position in the army'.[47] He pointed out that many of the regiments which threatened mutiny in the mid to late 1840s had been irritated by government orders which directed that *batta* not be given for service in the Punjab. Many of these regiments had seen service in Afghanistan, China, Sind, or previously in the Punjab, and had in all cases received extra pay.[48] Hough also insisted that the sepoy's expectation that he would receive extra pay for service in 'foreign' lands could also be justified by looking to the customs of pre-colonial regimes. The Mughals, for example, had customarily paid extra for service in the Deccan.

This insistence that grievances over pay and allowances were the chief cause of discontent echoed earlier commentators. The East India Company had reached similar conclusions in the eighteenth century after its first few experiences of sepoy mutinies. It is no surprise that the court of directors of the Company issued orders in 1785 which directed that the first call on their treasuries was to be reserved for the pay and allowances of their Indian and European rank and file.[49] Yet these instructions were not always followed. At Rewari in 1805, one

[45] Hodgson, *Musings on the Indian army*, p. 15.
[46] F. J. Shore, *Notes on Indian affairs*, vol. II (London, 1837), p. 420.
[47] Hough, *Precedents*, p. 36.
[48] Ibid., p. 50. [49] Ibid., p. 38.

company of the 4th Native Infantry mutinied because their pay was several months in arrears.[50] An inquiry into this event revealed that many sepoys were in dire financial straits for they had become deeply indebted to local merchants and moneylenders.

However, not all mutinies were so directly linked to pay and allowances. In October 1815, Bengal sepoys serving in Java mutinied. They had all volunteered in 1810 for overseas duty, but had understood that their tour would only last until the 'service was over'. Five years later many were still in Java, though military operations had come to an end in 1812, and the situation was further aggravated by the fact that many of their officers had been posted back to India. A committee of inquiry noted that these men felt abandoned, and that their claim that the British had not lived up to their side of the agreement was not without foundation.[51] The mutiny at Barrackpur in 1824 was also sparked by the sepoys' conviction that their employers were failing to live up to their customary obligations. In this instance the army had not provided transportation for the sepoys' baggage. And while the army had never officially pledged itself to arrange for carriage bullocks to carry the personal goods of its sepoys, it had in the past assisted with their procurement.[52] Even Wellington acknowledged that the sepoys at Barrackpur had a valid claim, though he in no way approved of their method of seeking redress.[53]

In other instances where discipline was crumbling and mutiny seemed imminent, contemporaries frequently questioned whether or not the British had made appropriate concessions to the religious and caste practices of the sepoys. The 1806 mutiny of Madras troops at Vellore was and continues to be accounted for in this light. The government's clumsy efforts to force through changes to the sepoys' dress code provoked strong resistance. As Hough ironically noted, 'they (the government) wished to do away with the marks of caste (such as moustaches); while we in England are allowing all officers to wear moustaches'.[54]

If these efforts at accounting for mutiny and insubordination in terms of material or cultural grievances have usefully illuminated many of the social dynamics of the colonial army, they are but part of the story. Everything cannot be reduced to a simple cash nexus. The importance of custom and tradition, the role that military service played in allowing

[50] Ibid. [51] Ibid., pp. 41–2.
[52] 'Mutiny at Barrackpore', *Oriental Herald*, 5 (1825), 16.
[53] Wellington to Liverpool, 10 October 1825, University of Southampton Archives, Wellington Papers, WP 1/830/12.
[54] Hough, *Precedents*, p. 38; Anon., 'The mutiny at Vellore', *United Service Journal*, 2, (1841), 24–43.

groups to register their sense of identity, and the impact that misunderstandings and misperceptions have on interpersonal and intergroup relations cannot be so easily incorporated. Good and regular pay was not enough; sepoys expected and demanded less tangible forms of compensation, and for these they looked to their officers who were expected to function as both patron and broker. Even F. J. Shore, who was relatively immune to the cult of the officer, concluded that 'Attachment to the state, among the native soldiery, is only to be secured through their officers: without the existence of a kindly feeling between those two classes, high pay and privileges granted by the government will have very little effect.'[55]

The upshot of all this was that the European officer came to be viewed by a broad spectrum of observers as the sheet-anchor of the army in India. Without him, the army would quickly be cut adrift. And thus his importance came to be accounted for in terms of an unquestioned devotion on the part of the sepoy. Explanations for this bond spilled over into the mystical as the British officer was described in reverential tones, while the sepoy was reduced to the status of a near-automaton. The relationship was distilled by one contemporary into a simple equation: the 'sepoy is a part, a willing and active part of his officer. He knows no will but that of his leader.'[56]

While many officers would not fully surrender to such hyperbole, they would nevertheless agree with the underlying principle that loyalty was a highly personalised relationship. Lionel Caplan's work on the Gurkhas has confirmed just how tenacious this image has become.[57] The following sums up what many officers felt about the sepoy:

> There are, however, no troops in the world, perhaps, who are more attached to the service to which they belong, than the native soldiery of India; and no men so easily kept in obedience to authority, or who give so little trouble to their officers, if treated with kindness, and proper attention be paid to their complaints, and to their obtaining leave of absence to visit their families, when entitled to that indulgence.[58]

Initially, class appeared to be the basis of this superiority, but race was never absent from the equation.[59] John Jacob, for example, boasted that 'we hold India, then, by being in reality, as in reputation, a superior race

[55] Shore, *Notes*, vol. II, p. 423.
[56] [H. R. Addison], 'The native sentinel', *Bentley's Miscellany*, 15 (1844), 621.
[57] Lionel Caplan, *Warrior gentlemen: 'Gurkhas' in the western imagination* (Providence, RI, 1995), pp. 114–17.
[58] Captain William Hough, *The practice of courts martial*, 2nd edn (London, 1825), p. 144.
[59] Peers, '"Habitual nobility of being"'.

to the Asiatic'.[60] The emphasis on race as the determinant of martial qualities and leadership abilities accelerated after the rebellion of 1857, primarily because the mutinies in the Bengal army had discredited at least on a rhetorical level any appeal to caste (which was sometimes used interchangeably with class). George MacMunn, arguably the chief publicist of the martial race school, drew his audience's attention to the 'marvelous nature of the glamour which the handful of English officers have from the earliest times been able to throw over these men of an alien race'.[61]

This fixation on some innate character trait common to European officers and readily grasped by the sepoys, or so the story goes, drew much of its inspiration from the contemporary mania for medievalism. The popularity of medievalism in nineteenth-century Britain can be glimpsed in the revival of Gothic forms, a romanticised search for the British past, Anglo-Catholicism, and the focus on the picturesque. Not surprisingly this medievalism was transplanted to India where it quickly flourished, in part because it so neatly triangulated the relationship between the sepoy, his officer, and the colonial state. As Thomas Metcalf has argued, 'In an age of industrialism and individualism, of social upheaval and laissez faire, marked by what were perceived as the horrors of continental revolution and the rationalist excesses of Benthamism, the Middle Ages stood forth as a metaphor for paternalist ideals of social order and proper conduct.'[62] Strict paternalism was thought to be most appropriate to India, for India had not reached the stage of evolution where ideals of civic duty could be counted upon to animate society. Therefore, as one onlooker concluded, 'The Asiatic does not understand a limited monarchy – to which the government of one of our Regular regiments might be compared.'[63]

In such a situation, leadership needed to function along lines more akin to feudalism, with the European officer playing the part of the liege lord. Medievalism worked well because it could play upon an attribute like character which could not be measured, but which nevertheless was thought invaluable. Moreover, the medieval theme offered the added advantage of underpinning British efforts at fixing social hierarchies. As noted by David Washbrook, despite British claims that they intended to break Indian society free from the grip of custom and

[60] Jacob, *Views and opinions*, p. 2.
[61] Major A. C. Lovett and Major G. F. MacMunn, *The armies of India* (London, 1911), p. 211.
[62] Thomas R. Metcalf, *Ideologies of the Raj* (Cambridge, 1994), p. 75.
[63] Augustus Andrews, 'The Indian army', *Fraser's Magazine*, 56 (1857), 172.

tradition, British policy often had the opposite result, namely it froze many existing social relationships.[64]

Advocates for the prime importance of the European officer did not always defend their position through appeals to metaphysical or aesthetic arguments. Some sought to quantify this relationship by trying to correlate discipline and indiscipline with the numbers of effective European officers on duty with each corps. Such efforts became particularly popular in the nineteenth century, no doubt because officers who were confronted with signs of insubordination looked for immediate and relatively easy solutions, and the simple addition of more officers was obviously one option. Yet as contemporaries have noted, there is no direct correlation between the loyalty of a unit and the number of officers on strength. As Kaushik Roy has noted, the late nineteenth-century Indian army actually had smaller complements of European officers while enjoying much reduced levels of outright acts of insubordination.[65]

Not everyone, however, accepted unreservedly the full-blown and mythologised vision of the bond between the officer and the sepoy. There was another side to this paternalism which some like Shore were quick to identify. Shore noted, perhaps in anticipation of Edward Said, that 'much of the praise which is bestowed on the sepoys is, indirectly, flattery to ourselves. They are faithful to *us*; they will endure so much in *our* service; and other expressions of a similar nature are made use of, thereby intimating that *we* had so treated them as to produce the feeling of gratitude.'[66] Provided that it was not disproved by unmistakable signs to the contrary, the sepoy–officer relationship became a self-fulfilling argument; the more the one was praised, the better the other looked.

It must also be acknowledged that sepoys had a hand in encouraging officers to take on the role of *paterfamilias*, for it not only defined the source of their authority (the aspect most commentators dwelled upon), but it also set out their officers' responsibilities. Observers like Captain Macan, who had served on the staff of several commanders-in-chief and governors-general as Persian interpreter, acknowledged that European officers were essential in ensuring the loyalty and obedience of the sepoys, but he accounted for this in terms of not some superior character, but rather the officer's ability to fulfil the sepoy's expectations

[64] David Washbrook, 'Law, state and agrarian society in colonial India', *MAS*, 15 (1981), 649–721.
[65] Kaushik Roy, 'The historiography of the colonial Indian army', *Studies in History*, 12 (1996), 256.
[66] Shore, *Notes*, vol. II, p. 416.

of him. The officer's obligations included, but were not restricted to, material wants; the sepoys' hopes for honour and status also hinged upon the officer. The extent to which officers met these obligations was a crucial factor in the discipline of individual units, and prompted one commander-in-chief, Jasper Nicolls, to conclude that sepoys' 'principal bond of attachment, is through the medium of their officers, towards whom their feelings are very decided and strong: they are either very much attached to them, or hold them cheaply'.[67] Moreover, Macan pointedly noted that it had been easier for an officer to fulfil this function in the past than it was in the 1830s when he was writing. In the 1780s and '90s, 'an officer who commanded a battalion had large allowances, partook of civil and political duties, had great distinction, and possessed the power of rewarding merit, he had better means of attaching the natives to him than he has at present, when he has not one of those advantages'.[68] These are the characteristics of an army of the *ancien régime*: one which was less burdened with modern notions of accountability, less subject to tight reporting lines, and one in which regiments were much more closely identified with their officers. It is noteworthy that the first regiments of the army in Bengal were commonly known by the names of their commanding officers, as was the case for many eighteenth-century regiments of foot in the British Isles. Consequently, it is clear that the disciplinary problems of the nineteenth century were about much more than simply pay and allowances, or religious practices and sentiments. The relationship between the sepoy and the officer was becoming less personalised and more formalised, and as the officer became more distant from the sepoys under his command, he became less useful to them.

There are a number of reasons for this, including what we have noted above, namely the trend in the nineteenth century to frame officer–sepoy relations within a much more racialised context. And as argued elsewhere, sepoys became less and less favourably regarded in the nineteenth century, largely as a consequence of the need to find scapegoats for setbacks in Nepal, Burma, and Afghanistan.[69] It is not surprising then that relations between the officers and the sepoys began to deteriorate. But beyond that, we need also to consider the extent to which sepoys were confronted in the nineteenth century with an increasingly alien military culture, one in which alterations in the responsibility and

[67] Anon., 'The Indian army', *Asiatic Journal and Monthly Register*, new series, 10 (1833), 209.
[68] Evidence of Captain Macan, *Select committee on the affairs of the East India Company*, vol. XIII (1831/2), p. 153.
[69] Peers, '"The habitual nobility of being"'.

authority of their commanding officers, when accompanied by shifts in how loyalty was understood and discipline defined, closed off some of the customary avenues through which they could seek redress while reconfiguring others as acts of mutiny or insubordination.

Military cultures of eighteenth-century India

Before looking at these transformations, we must first consider the eighteenth-century background. Much like Europe, India in the eighteenth century was a continent at war, and military service was a well-established and honourable profession throughout the continent (though there were important regional variations in the style and form of military organisation).[70] The common denominator of north Indian military traditions has long been acknowledged to be the pre-eminent position assigned to the gentleman trooper.[71] Military service had much to commend it: it provided opportunities for upward mobility, for proving one's honour or *izzat*, for material reward (mainly in the form of loot or booty, but also the land and revenue grants that rulers would allocate for meritorious service), and for travel and excitement. Moreover, all these gains could be made while engaging in an activity that was well regarded within the cultural systems of north India, whether they were Rajput, Jat, Afghan, or Mughal.

Yet north Indian armies were not simply cavalry armies: infantry were also very important, and research suggests that many peasants in north India did at one time or another lay down their ploughs and seek military service.[72] According to figures from the *Ain-i Akbari*, the military resources of north India in the late 1500s consisted of nearly a half million troopers and four million infantry.[73] Francis Buchanan estimated in 1811 that in the districts of Patna and Bihar (which would become an important source for the British) there were at least 37,000 men who contracted out their military services on a regular basis.[74] However, such infantry levies were with few exceptions relatively undisciplined, at least according to the pattern then prevailing in Europe. Moreover,

[70] Stewart Gordon, *Marathas, marauders and state formation in eighteenth-century India* (New Delhi, 1993).
[71] Jos Gommans, 'Indian warfare and Afghan innovation during the eighteenth century', *Studies in History*, 11 (1995), 261–80.
[72] Dirk H. A. Kolff, *Naukar, Rajput and sepoy: the ethnohistory of the military labour market in Hindustan, 1450–1850* (Cambridge, 1990).
[73] Ibid., p. 3.
[74] Francis Buchanan, *An account of the districts of Bihar and Patna in 1811/12*, repr. edn (New Delhi, 1986), p. 268.

military service for such individuals was a temporary occupation, often timed to coincide with the period between planting and harvesting.

There were other groups retailing their military skills: notably Arabs, Portuguese, Persians, and various European soldiers of fortune. In some cases, these were individuals marketing a special skill such as the Portuguese gunners found throughout South and South-East Asia; in other cases, a jobber contractor (a *jemadar*) would negotiate for the hire of himself and his retainers or followers.[75] Hence, it was not only a very dynamic military culture, it was also a very fluid one. Loyalty was negotiable and few would have expected otherwise. It was this very discretionary sense of loyalty that prompted J. W. Kaye to write that 'It is true that Indian armies always mutiny. The Mahratta, the Sikh, the Patan, the Arab soldier, lives in a chronic state of mutiny.'[76]

Work by Seema Alavi has refined this image somewhat. She has identified three broad military traditions in place during the crucial transition between pre-colonial and colonial rule in north India. These consisted of peasant infantry levies raised by the *zamindars* and landed aristocracy of the region between Lucknow and the Bay of Bengal, Afghan cavalry regiments employed by the rulers of Rohilkhand and Farrukhabad to overawe a largely Hindu population, and a Mughal-style army of mainly gentleman troopers adopted by Shinde and the Begam Samru in the western Doab.[77] These military traditions did differ considerably in their composition and organisation as well as in their choice of armaments and tactics, and in the case of the first mentioned group, elements of a permanent standing army were being experimented with. Yet they also shared some common features. For our purpose at the moment, the most important of these was the emphasis on personalised patron–client loyalties which bonded the officer-contractor to his retainers. William Irvine's description of the Mughal army is broadly true for most eighteenth-century military formations in India: 'the officer or soldier looked to his immediate leader and followed his fortunes, studying his interests rather than those of the army as a whole'.[78]

The bond between the officer-contractor and his recruits was critical, and as the British began to incorporate such units into their own

[75] Colonel G. Fitzclarence, 'Observations on the employment of Mahomedan mercenaries in the Christian armies', *Naval and Military Magazine*, 3 (1827), 528–75.
[76] J. W. Kaye, 'The crisis in India', *North British Review*, 27 (1857), 261.
[77] Seema Alavi, 'The makings of Company power: James Skinner in the ceded and conquered provinces, 1802–1840', *Indian Economic and Social History Review*, 30 (1993), 437–8.
[78] William Irvine, *The army of the Indian Moghuls: its organisation and administration* (1903; Delhi, 1962), p. 58.

service, sometimes buying them up wholesale, they inherited such practices and traditions. It was said in the 1760s of the sepoy regiments of the East India Company that 'all details were carried on according to their own ideas, the establishment of the regiments being more Asiatic than European'.[79] Some reforms were introduced in the 1770s, notably by Hector Munro, which were intended to curb the disciplinary problems which they had been experiencing, though as Michael Fisher has noted: 'While the Bengal Army gradually bureaucratised, personal links and patronage nevertheless stayed strong.'[80] The use by the British of military contractors would continue through to the 1780s for the infantry and lasted much longer in the cavalry, and even when the British began to take a more direct role in recruiting sepoys for their service, they continued to entrust extensive discretionary and often arbitrary powers to their corps commanders. A clear sign of this was the practice of identifying regiments in eighteenth-century Bengal by naming them after their commanding officer.

This willingness by the British to incorporate Indian military customs and traditions can be explained at least in part by the fact that the British would not have found such practices incomprehensible. The actual forms and rituals might have appeared alien, but the proprietary rights exercised by officers over their regiments were not that different from what was commonplace in the Georgian army, at least prior to the upheavals of the 1790s. As Alan Guy has shown, regiments and regimental offices were viewed as the property of the commanding officer.[81] The British army seemed to have as one of its obligations the requirement of ensuring that its officers received adequate compensation, partly through pay, but more importantly through control over the allowances paid for the victualling, clothing, arming, and transporting of the soldiers. Officers viewed these perquisites as their just entitlement, as compensation for the monies they had paid out for their commissions, or for the funds spent on raising recruits.

Reforms introduced between 1774 and 1783 which bore the hallmark of a drive towards greater rationality in governance curtailed some of the more blatant abuses, particularly for officers below the rank of colonel.[82] And more reforms would be instituted as the century came to a close, partly to subject military spending to greater control, but also to

[79] Fitzclarence, 'Observations', 571.
[80] Michael H. Fisher, *The first Indian author in English: Dean Mahomet (1759–1851) in India, Ireland, and England* (New Delhi, 1996), p. 155.
[81] Alan Guy, *Oeconomy and discipline: officership and administration in the British army, 1714–1763* (Manchester, 1985).
[82] Ibid., pp. 162–3.

constrain the independence manifested by many officers, and render them more amenable to discipline and control by the state. Yet such reforms did not take hold immediately, and officers arriving in the 1760s and 1770s disembarked with views of internal economy and organisation that would not have been that radically different from what was commonplace in India. Moreover, British officers of the eighteenth century subscribed to an honour code that would not have been unfamiliar to an Indian soldier. Personal feats of bravery were emphasised and insults (real or imagined) had to be avenged (this was a time when the duel had become particularly popular amongst the warrior-aristocratic classes). This was the common culture of a gentleman at arms, no matter whether he came from Rutland or Rajasthan.

The very personalised bond between the sepoy and his employer meant that the former's dependability and loyalty was greatly influenced by his commanding officer. Prior to 1796, a regimental commander in the Company's army had extensive powers to reward and to punish; in some cases the latter even extended to life and limb. Promotion of sepoys lay within his authority, as did furloughs and the granting of various marks of distinction. Discipline was frequently arbitrary and ad hoc in its application, such as the occasion in 1772 when Colonel Champion ordered that three sepoys charged with stealing sugar were to have their ears cut off, and then be posted at the side of the road while troops and followers marched past.[83] Company officers were also expected to act as patron at religious and social events, an obligation which they sometimes enthusiastically fulfilled such as when they gave donations for religious festivals.[84]

The pre-1796 organisation of the Indian army also ensured that its native officers retained considerable real as well as symbolic authority. Sepoy regiments prior to 1796 operated with much smaller complements of European officers, and consequently Indian jemadars and subadars often found themselves in positions of actual command. Moreover, until 1781 most regiments had a native commandant who acted as the chief intermediary between the commanding officer and the troops. These native commandants were very often the jobber contractors who had brought their levies into British service.

In military cultures such as these, ones in which loyalty was not grounded in abstract notions of the state or the fatherland and which were governed by increasingly formalised regulations, officers secured support through their own promise of material and symbolic rewards;

[83] William Macpherson (ed.), *Soldiering in India, 1764–1787* (Edinburgh, 1928), p. 81.
[84] Evidence of Captain Macan, *Select committee*, vol. XIII, p. 153.

any threat to such rewards, or prospect of better rewards elsewhere, could quickly erode discipline and in some cases redirect loyalties to a new employer. An early example of this occurred in 1770 when shortages of basic foodstuffs and the consequent high prices led to noticeable discontent in sepoy regiments at Berhampur. The 2nd battalion of the 2nd Bengal Native Infantry Regiment was near mutiny, but this was quickly quelled.

The 1796 army reforms

By the 1790s, the prevailing officer–sepoy relationship had fallen out of step with the transformation occurring within both the East India Company and the regular British army. Yet there were limits to the extent to which these reforms could usher in the kind of sweeping transformation which some have associated with the advent of colonial governmentality.[85] The end result was an incomplete transition as the force of tradition, fears of triggering revolt, as well as an increasing sense of the differences between European and Indian society, frustrated the application of any universal model of military administration. The ensuing paradoxes were by no means limited to the army. Robert Travers has noted similar patterns in his close scrutiny of the civil administration of Bengal in this period: 'The Company's political lexicon was marked by contradictory urges, to distinguish itself from its Asiatic context on the one hand, and to naturalise and justify itself as a new kind of Asiatic empire on the other.'[86] Similarly, David Washbrook has highlighted the regressive impact that these alleged reforms achieved: 'The colonial state in India would long remain an antique, pumping out revenue and soldiers to serve British military purposes even at the expense of internal economic paralysis.'[87]

Nevertheless, the military reforms of 1796 ushered in changes that collectively began to recast the relationship between the sepoy, the officer, and the state. One of the first histories of the Bengal army,

[85] A number of historians, drawing on Foucault's notion of governmentality as well as the works of James Scott, have in seeking a link between colonialism and modernity credited the colonial state with more prescience, purpose, and effective authority than the evidence at times would seem to warrant. For a discussion of problems that have arisen, see Frederick Cooper, *Colonialism in question: theory, knowledge, history* (Berkeley, 2005), and C. A. Bayly, *The birth of the modern world, 1780–1914* (Oxford, 2004).

[86] Robert Travers, 'Ideology and British expansion in Bengal, 1757–1772', *JICH*, 33 (2005), 10.

[87] David Washbrook, 'South India, 1770–1840: the colonial transition', *MAS*, 38 (2004), 510.

published in 1817, lamented the eclipse of the 'patriarchal system of battalions' and forecasted that in the long run, it would result in a weakened attachment to the service.[88] This is not to say that conditions for either the sepoys or the officers before 1796 were idyllic. Before 1796, relations were often brutal, racism informed many British actions, and there were frequent outbreaks of violence within the army. However, such episodes do not point to any systematic tension. Instead, the pre-1796 army operated in an ad hoc and often arbitrary way – but the same was largely true of any *ancien régime* army, whether it be European or Indian. The year 1796 signalled a major shift, though the transformation was to take several decades.

These reforms were rooted in a memorandum that Cornwallis had drawn up in conjunction with Henry Dundas prior to his departure for India in 1786. In it were listed a series of recommended actions, all of which were directed at enhancing the discipline and streamlining the administration of colonial military forces in India.[89] While many of the preferred courses of action, and especially the merging of the Company's forces into His Majesty's army as a local force, were too radical for immediate implementation, they signalled the beginnings of a shift in British military culture as well as an effort to ensure a greater degree of domestic control over imperial developments. The notoriety of Cornwallis's reforms lay largely in their direct attack on the financial perquisites and allowances of the European officers. 'The officers had up to this time followed the double occupation of soldier and trader, deriving their honour from one branch and their wealth from the other.'[90] Officers in the Company service had over time acquired a number of very profitable allowances, many of which were subject to abuse. The bazaar fund, for example, consisted of the taxes paid by the merchants in the bazaars that were attached to all regiments. Officers were also eligible to apply for the contracts the army issued to secure supplies and transport. Cracking down on such abuses through the simple method of doing away with most of these allowances sparked an acrimonious exchange between authorities in London and officers in India. Delegations were dispatched to London to argue the officers' case and rumours circulated about a possible mutiny against the reforms.

These reforms had an equally important, though often overlooked, effect on the internal organisation of the regiment. Conscious of the

[88] Captain Williams, *An historical account of the rise and progress of the Bengal native infantry* (London, 1817), p. 253.
[89] Callahan, *East India Company and army reform*.
[90] Anon., 'The history of the Bengal army', *Colburn's United Service Journal* (1850), 591.

discontent amongst their officers, and wanting to bring their sepoy regiments more in line with the structure of European infantry regiments, the East India Company ordered a very considerable increase in the numbers of European officers who were to be attached to each regiment. By creating regiments with larger complements of European officers, the Company sought to distract officers, especially junior officers, away from their lost allowances by tempting them with the prospect of accelerated promotion.[91] The result was that whereas in 1781 there were six European officers per battalion, and in 1795 there were thirteen, this had risen to twenty-two by 1796.[92] However, by increasing the absolute numbers of European officers, their individual effectiveness was diminished, and this was particularly true for regimental commanders.

Seventeen ninety-six saw considerable restrictions to the discretionary authority of the regimental commander. Limiting the discretionary power of the European officer, like cutting back on his perquisites, was part of a wider project of curtailing the autonomy of the officer class. Authority was being stripped away from the individual and transferred to an office, in this case that of commander-in-chief and the various branches of the army. Some officers saw the loss of what amounted in some instances to arbitrary powers of punishment as a dangerous step and one that would irretrievably weaken the discipline of the army. One officer complained that by insisting that military law be applied according to strict procedures, prompt action was prevented, and in many cases the guilty would go unpunished because they would be concealed by the rest of the regiment.[93]

The authority and responsibility of Indian officers also suffered under the new arrangement.[94] With the increased numbers of European officers attached to each battalion, such responsibilities as turning out the guard, supervising drill, and managing the internal economy of the battalion, which hitherto lay within the domain of the subadars, were now transferred to European subalterns. Furthermore, promotion was no longer solely in the hands of the regimental commander. It now had to be confirmed by the commander-in-chief, and in any case the Bengal army adopted the practice of promoting to the ranks of jemadar and subadar almost exclusively on the grounds of seniority.

Native officers were thrust so far to the margins that the commander-in-chief was forced in 1830 to issue a reminder that European

[91] Williams, *Historical account*, pp. 241–3.
[92] Military letter to Bengal, 25 November 1823, BL, IOR, L/Mil/5/392/139.
[93] 'Spirit of the native army', *East India United Service Journal*, 14 (1835), 151.
[94] [An Old Indian], 'The Indian army', *United Service Journal*, 18 (1835), 306.

non-commissioned officers did not outrank jemadars and subadars, and hence the former could not order the latter about at will.[95] Some contemporary critics pressed the government to make more opportunities available for the native officers, in effect co-opting them by making their position more akin to what they would have enjoyed traditionally with an Indian employer.[96] Better pay and more frequent public acknowledgements of their status would be a start. Also, it was pointed out that recent mutinies had shown that by excluding the Indian officer from any effective role, they had become at best passive and unreliable spectators. In some instances, they were suspected of having hatched conspiracies. Following the mutinous conduct of the 66th Native Infantry and the subsequent break-up of the regiment, the commander-in-chief, Charles Napier, issued a general order enjoining European officers to look to and consult with Indian officers. Napier recognised that the Indian officer, if properly cultivated, could serve as a bridge between the sepoy and the army, and hence he urged officers, particularly junior officers, 'to associate as much as possible with the native officers, and make them their comrades in every sense of the word'.[97]

Concerns were also raised about the less tangible signs of a changing relationship between the sepoy and his officers. William Sleeman lamented that officers had 'become entirely alienated from their men and betray signs of greatest impatience while they listened to the reports of their native officers'.[98] Interestingly, vestiges of what a recent historian has labelled the 'myth of the destructive female' began to circulate. Simply put, this refers to the hoary old argument that the arrival of European women led to a worsening of relations between Indians and Europeans.[99] According to their proponents, relations were much better when officers socialised with their men. The irony of such arguments is often palpable: according to Kaye, 'If [a British officer] did nothing else, he conformed himself, with wonderful alacrity, to [his men's] vices.'[100] Another observer declared that 'it must be acknowledged that if we have better men in India, we have worse officers'.[101]

[95] *Abridgment of general orders* (Madras, 1840).
[96] [An Old Indian], 'The Indian army', 314; see also Anon., 'The native army of India', *United Service Journal*, 2 (1850), 409–24.
[97] Anon., 'Jack Sepoy', *Bentley's Miscellany*, 32 (1852), 83.
[98] Sir W. H. Sleeman, *Rambles and recollections of an Indian official*, vol. II, repr. edn (Karachi, 1973), vol. II, p. 32.
[99] This term was coined by Margaret Strobel, *European women and the second British empire* (Bloomington, 1991), see esp. ch. 1.
[100] Kaye, 'The crisis in India', 269. [101] Anon, 'Jack Sepoy', 79.

Conclusion

The reforms of 1796 initiated the process of constraining the authority of commanding officers. Commentators like John Jacob lamented the curtailment of the officer's discretionary powers for they recognised that it diminished the effective as well as symbolic authority of European officers.[102] With hindsight, even the Board of Control concluded that the 1796 arrangements had weakened the ties between the sepoy and his officer.[103] However, as noted before, commentators generally preferred to frame this bond between officer and sepoy in racial terms, rather than see it as a dynamic relationship in its own right. Consequently they recommended not only that such powers be restored, but that measures be taken to accentuate the 'Englishness' of the officer. Jacob urged, 'Let it be the fashion to be English.'[104]

Yet to reduce indiscipline and mutiny to material grievances also yields an incomplete picture. Military service was more than a question of material reward to the sepoy. In an era of massive transformation, as rural society grappled with the many changes imposed upon it by an expanding and increasingly intrusive colonial presence, military service offered the recruit a sense of space, a place where such traditional virtues like bravery, masculinity, and *izzat* could be paraded and rewarded. The sepoy's opportunity to realise these opportunities, however, became increasingly frustrated as he became subject to alien methods of organisation and discipline. Moreover, his primary point of contact, the regimental officer, was becoming more remote and less able to intervene on his behalf.

Between the late eighteenth century and the beginnings of the rebellion of 1857, the East India Company slowly, fitfully, and incompletely transformed itself from an *ancien régime* army, or one in which loyalty and obedience were defined in localised and personalised terms, into a modern bureaucratic army where they came to be defined in more abstract and formalistic terms. Definitions of discipline shifted as did the effective and symbolic authority of the British officer. The sepoys were not in a position to adapt easily to these changes, for they stemmed from the structures and cultures of an army and a colonial regime from which they were becoming increasingly alienated. Tensions grew, as did opportunities for misunderstanding as sepoys came to be defined

[102] Jacob, *Views and opinions*, p. 103.
[103] Board of Control, 'Notes relative to the military arrangements of 1796', May 1819, BL, IOR, L/Mil/5/483.
[104] Jacob, *Views and opinions*, p. 104.

in terms of their difference from, rather than their similarities to, Europeans.[105] It is therefore not surprising then that opportunities for cross-cultural communication deteriorated, and consequently the morale and discipline of the army eroded to the point where the sepoys' grievances could be neither fully comprehended nor effectively addressed. Key figures in the drive to reform and transform colonial rule, such as James Mill, focused on the military differences between India and the west, and this provided yet further intellectual justifications for the reforms they pursued.

> Whether war is to be ranked among the fine or the coarse arts; and whatever the relative portion of the powers of mind which it requires; the art may be expected to exist in a state of higher perfection among a people who are more, than a people who are less advanced in the scale of intelligence. When a number of people comparatively few, overcome and hold in subjection a number of people comparatively large, the inference is a legitimate one, (unless something appears which gave the small number some wonderful advantage), that the art of war is in a state of higher perfection among the conquering people, than the conquered. This inference, in the case of the Mahomedans and Hindus, is confirmed by every thing which we know with respect to both these people.[106]

And while there was considerable scepticism about the sweeping reforms advocated by Mill and other radical critics of the Company establishment, even the sceptics came to share his reading of difference, if not necessarily support the plan of action he recommended. In looking at the consolidation of colonial rule in India, we need to be mindful that this pursuit of rationality and governmentality, so often associated with figures like Mill and Macaulay, was only one element in the ongoing dialogue of how best to rule India. In the case of the Bengal army, routine administrative practices were imposed upon an institution which had hitherto drawn from two traditional military cultures that had at least shared some similarities in the past. The ensuing incompatibilities were largely to account for the half-century of sporadic disciplinary breakdowns culminating in the mutinies of 1857–8.

[105] This confirms what C. A. Bayly has argued in general for colonial information in this period, namely that there occurred a transformation from explaining India and Indians in terms of their similarities to Europeans to defining them in terms of their difference. C. A. Bayly, *Empire and information: intelligence gathering and social communication in India, 1780–1870* (Cambridge, 1996).

[106] James Mill, *The history of British India*, abridged edition, ed. William Thomas (Chicago, 1975), p. 328.

Part IV

Commercial and social relations

12 Seths and sahibs: negotiated relationships between indigenous capital and the East India Company

Lakshmi Subramanian

This chapter takes its cue from recent theoretical formulations about empire and imperial processes as well as from more specific empirical leads that my research on Bombay has generated. In keeping with the broad concerns of the present volume, the chapter looks afresh at the modalities and mechanisms of how Indians accommodated themselves to the emerging structure and apparatus of the British empire in the late eighteenth century. The focus will be on early attempts by the East India Company to frame a legal structure for regulating commercial practices and social disputes, to create distinct spaces in the coastal enclave cities, and to devise new strategies of legitimisation that facilitated relations with the local population. The emphasis on Company dialogues with local commercial society is intended to engage a conversation with the larger concerns of this volume, namely to tease out points of intersection between two related but divergent worlds, the Asian and the Atlantic, and to position the East India Company as a principal conduit. The underlying assumption behind the exercise is to acknowledge and understand the dynamics of Company interaction with local merchant society and how the relative agency enjoyed by some segments determined the contours and configurations of the new Company dispensation that was initially underwritten as much by close and complex webs of commercial interdependence as by ideas of mercantilism and the rhetoric of free trade. A more critical study of the linkages between the local and the global will enable us to go beyond conventional descriptions, such as the 'indigenous urbanism' of Madras,[1] or the cosmopolitanism of Bombay,[2] and analyse instead the resilience of Indian commercial practices in deflecting the thrust of the colonial onslaught. In reconstructing the dynamics of interdependence

[1] Susan Neild Basu, 'The dubashes of Madras', *MAS*, 18 (1984), 1–31.
[2] Amar Farooqi, *Opium city: the making of early Victorian Bombay* (Delhi, 2006).

and identifying the interstices of shared practice, this chapter hopes to illuminate the complex nature of the Company as a sovereign power, one that was simultaneously an extraneous graft and an indigenous outgrowth of both competitive and collaborative processes.

Empire and early British colonialism in India

Histories of the early colonial empire in India are as old as the process itself. Early narratives tended to frame the story from the perspective of Company servants whose actions, in juxtaposition with local politics and international trade, were instrumental in configuring the early empire. Later, but especially after the mutiny of 1857 when the crown took over the Indian possessions from the Company, there was a tendency to interpret empire as a territorial phenomenon, which it was, and less as an important conduit between two maritime systems, the Atlantic and the Indian Ocean, which it also was. Thereafter, in what is known as the revisionist historiography of eighteenth-century India, scholars have attempted to re-evaluate the policies and profile of the Company, viewing it as one more regional power that competed for supremacy with others in the Indian subcontinent. This approach has renewed an engagement with the intricacies of Company activity in India and its engagement with local society, which shaped the trajectory of Company enterprise as much as did metropolitan pressures from London. More recently, a growing volume of scholarship seeks to examine other worlds the Company touched, created, or influenced during its long and shifting existence.[3] The growing currency of connected and global histories as a conceptual framework fosters new interest in investigating the operations of trading companies, such as the East India Company, as important bridges across oceans and cultural worlds. Historical processes locked social, political, and economic structures in India and Britain into convergent and common, albeit decidedly asymmetrical, developmental processes with significant consequences for both. A similar historical conjuncture with very different consequences developed between Britain and North America, with trading companies playing central roles in establishing mechanisms of rule, trade, settlement, and governance. Contrasting the two experiences, the Asian and the Atlantic, it is hoped, will offer a more critical understanding of the Company as a premier mercantile institution in

[3] See, for example, H. V. Bowen, Margarette Lincoln, and Nigel Rigby (eds.), *The worlds of the East India Company* (Woodbridge, 2002).

the eighteenth century and its differential impact on local societies and political structures.

The temporal dimensions of the Company's profile are important, especially when we examine the large corpus of institutions, social practices, and trade relationships that it initiated in India. Very often, particularly in the South Asian case, its manifestation of interconnectedness mirrored local society, albeit its asymmetric distortions. Complex networks of commercial and social practices distinguished the local context in which the Company operated. Local partners responded to the larger global economic imperatives even as they were rooted to their immediate context and participated in what may be called an important early modern moment of cosmopolitanism. Company agency work necessarily involved close negotiations with diverse segments of local society, initiating therein a process that produced a particular kind of local subject whose world-view also had to accommodate the global economy. If, as James Thomas argues,[4] Company agents in Britain had to deal with a range of people – from Company directors and genteel ladies to sea-captains; from lascars, Chinese, and Malays to nervous passengers; from Highland troops to awesome Hessian and Swiss soldiers – then local merchants such as Munshi Abdulla in Singapore or Arjunji Tarwady in Surat or Nina Chetty in Madras had similarly to negotiate with Company officials in complex ways that required deploying their conventional resources and bringing new strategies to the bargaining table.[5] Some of these strategies will be explored in the context of Bombay, with a focus on groups within local society who had the wherewithal to engage with the Company and thereby enter the world of the colonial archive.

Anglo-Indian trade and the rise of Bombay

The rise of Bombay and the affluence of its merchant society – European and Indian – in the late eighteenth and early nineteenth century occurred largely in the context of European private or country trade in western India and the Indian Ocean, and its intersection with local commercial society and the Company's political agenda for Bombay.[6] The collapse of political authority in western India following

[4] James H. Thomas, 'East India Company agency work in the British Isles, 1700–1800', in Bowen *et al.* (eds.), *The Worlds of the East India Company*, pp. 33–48.

[5] Lakshmi Subramanian, 'A trial in transition: courts, merchants and identities in western India', *Indian Economic and Social History Review*, 41 (2004), 269–92.

[6] Among the more significant works on European private trade, see Holden Furber, *John Company at work: a study of European expansion in India in the eighteenth century*

the dismantling of Mughal sovereignty found expression in the loosening of institutional structures along the Konkan littoral, where Bombay was located, and in the region or *suba* of Gujarat, a production centre for textiles and a key entrepôt for a huge volume of overseas trade conducted through its principal port of Surat. Since the seventeenth century, the Company had maintained important factories in Gujarat, notably in Surat, and exercised its visibility by taking on convoy functions, insisting on certain jurisdictional powers within each factory, and in the early eighteenth century assuming arbitration authority on political disputes following the erosion of administration in the city. The Company, however, constituted but one of many players in Surat, and only in the mid-1750s did it gain a distinct edge over rivals as a co-sharer of power. In Bombay the situation was perceptibly different. In terms of commercial importance, the city was a satellite of Surat and did not command impressive volumes of shipping and overseas trade, but in terms of the Company presence it assumed a distinct inflection right from the time it came into British possession. Company investment in infrastructure, especially a naval force in the form of the Bombay marine, reflected the Company's resolve to police the seas, to establish an alternative maritime dispensation on the coast, and to organise the city to best serve its interests. From issuing notices encouraging capital and labour to migrate to the new centre, to establishing markets for sales of rice and fish, to organising shipyards to build vessels with shipwrights capable of copying European designs at competitive prices, to organising courts of judicature to facilitate dispute resolution, the Company projected the city as a favourable centre for trade and enterprise. These inducements, however, did not make an appreciable impact on Indian society until the latter half of the eighteenth century when substantial merchants migrated to the city while retaining their connections with older business and financial networks. Their decisions were informed by an appreciation of the growing political stature of the Company, which, after a castle revolution in Surat in 1759, was recognised as an important political actor in western India whose intentions and politics were bound increasingly to impact upon local groups and their choices of trade, settlement, and residence.

Subsequent Company expansion in western India – its search for raw cotton production centres and for a favourable commercial order to

(Cambridge, MA, 1951); Holden Furber, *Bombay presidency in the mid-eighteenth century* (New York, 1965); P. J. Marshall, *East Indian fortunes: the British in Bengal in the eighteenth century* (Oxford, 1976); Ian Bruce Watson, *Foundations for empire: English private trade in India 1659–1760* (Delhi, 1980).

safeguard its privileges of differential customs duties that would ensure a rational mechanism for its trade – resulted from strengthening British private trade and the imperial political ambitions of Company leaders such as Lord Wellesley. It is well known that the logic and dynamics of European private trade fundamentally influenced the political projects of Company authorities on the west coast of India, and the nexus between the cotton merchants and authorities in Bombay fuelled what Pamela Nightingale described as the 'thrust to the northward'.[7] For the late eighteenth century, Michelguglielmo Torri's examination of the individual private trade interests of the Company chiefs and governors of Surat and Bombay demonstrated how they deployed their official clout in dominating the freight traffic of the region and with the gulfs of Arabia and Persia.[8] While Torri's important work details the working of the new monopoly system over the region's export and freight trade and the regulatory structure that it deployed, it does not address either the ideological basis of Company rhetoric regarding commercial regulation, political authority, and legal jurisdiction or the pragmatic compulsions of policy that the Company adopted in imposing its control over the region's trade.

A closer look into the structure and dynamics of the Company's relationships with local commercial society and the ideological underpinnings of the system that sought to rework existing commercial practices will give us a better sense of the Company's objectives and how Asian merchants responded to the changing situation. Is it possible to detect in the Company's regulatory politics a blueprint for a political apparatus as innovative as its business enterprise? Or did the rhetoric mask greed that incessantly drove the Company into more complex and complicated relations of power, manipulation, and conflict? How did the expanding Company presence impact upon the contours of local business communities and their social organisation? How far did the reality of the East India Company's political influence and the articulation of its free and fair trade rhetoric actually alter the mechanisms and conventions of trading? Did merchants see the Company's political system as fundamentally different to and a departure from that to which they had been accustomed? Were Company and Company-sponsored private traders able to impose on local merchants – or *seths* and *sahukars* as they were called – prescriptions and proscriptions on the conduct of trade

[7] Pamela Nightingale, *Trade and empire in western India 1784–1806* (Cambridge, 1976), pp. 128–64.

[8] Michelguglielmo Torri, 'In the deep blue sea: Surat and its merchant class during the dyarchic era 1759–1800', *Indian Economic and Social History Review*, 19 (1982), 267–99.

through judicial intervention and arbitration in Surat and Bombay? How separate were the business worlds of local merchants from their social and ritual universes? What kinds of cultural negotiations were possible? All these questions merit some attention because they force both a closer and more nuanced reading of the Euro-Asian interchange in the late eighteenth and early nineteenth century and a more critical assessment of the refashioned social fabric that emerged in the early colonial cities. Not all of these questions are answered in what follows, but an attempt is made to recognise the issues they raise for developing a more nuanced understanding of the impact of Company governance in the local society of western India, which serves as a microcosm of the larger South Asian reality of early colonialism.

The reconfiguration of local commercial society in western India occurred in the aftermath of eighteenth-century Mughal decline and in response to the competing ambitions of the Marathas and the East India Company for paramount control in the region. Until the turn of the nineteenth century, the two contenders shared control more or less equally, with neither opting for an outright confrontation. Company influence was by and large based on the littoral – in Surat, where after 1759 it shared governmental administration with the local Mughal officials, and in Bombay, which in all respects had been an English settlement with all the advantages of supralegal power and privilege since its acquisition from the Portuguese in 1662. Local merchant society, as well as manufacturers, came into direct contact with Company power in these cities, and evolved distinct niches in terms of identity, occupation, and prestige.

The apparatus of Company rule was constituted by distinct components of law and legal regulation, social networks, and commercial practices, to which it added formal institutions of education and cultural transmission, which in the nineteenth century became major agents of modernisation. Local society, for its part, played a determining role in configuring the imperial apparatus, a matter of consequence that is often overlooked in conventional evaluations of early colonialism under the East India Company. For example, the financial power of the Bania caste of merchants, who were involved in insurance matters, ensured them a pervasive and tenacious influence on commercial and legal practices. Thus changes prompted by the intensification of the Company's regime, while generating unmistakable power asymmetries, were also shaped in complex, subtle, and non-linear ways by local society. Especially revealing in this regard are developments that flowed from the Company's regulatory structure, which it established to adjudicate commercial disputes between Company servants and those locals

who wished to avail themselves of Company procedures. Most disputes related to insurance practices and respondentia bonds,[9] which were largely controlled by Indian traders and merchants. By the 1770s they had fitted into Bombay and made it their city, and they responded, on the one hand, using conventional modalities of caste and traditional behaviour and, on the other, to new imperatives of commercial standardisation and of doing business the 'free and fair way'.

In the second half of the eighteenth century the principal impulses for the trading networks of western India continued to come from the markets of west Asia. Bombay shared with Surat the trade across the western Indian Ocean – with ports on the gulfs of Mocha, Persia, and Muscat, and on the east coast of Africa – and along the Konkan, Kanara, and Bengal coasts, all networks that fed directly into the larger oceanic commercial systems. For example, towards the end of the eighteenth century the coastal trade in grain between Gujarat and the Konkan expanded the overall volume of traffic with Muscat and attracted considerable investment from private European merchants and local traders. The Company establishment earned customs revenue from these coastal trades – referred to as the trades to the northward (Gujarat, Cutch, and Sind) and to the southward (Konkan, Kanara, and the Malabar coasts). Extant figures for Bombay's trade indicate that imports from the northward constituted the most sizeable portion of the city's trade between 1750 and 1780.[10] Bombay's coastal trade with Malabar and the ports to the southward was linked with Gulf markets. Both Europeans and Indians operated the coastal network and its expansion was reflected in the corresponding growth of the insurance and respondentia business in Bombay and Surat. Large numbers of Gujarati Banias and Cutchi merchants moved into both cities and took up semi-permanent residence while maintaining large and extensive networks of agents throughout the coastal circuit connecting western India with west Asia and east Africa. Hence in his observations on mercantile society in Gujarat in the early nineteenth century, Colonel Walker, the resident at Baroda, reflected on the importance and versatility of these communities and the trade they conducted, which he attributed stereotypically to 'the covetous disposition of the Wanee'. As he put it,

> he is restless for gain and will go to any length to acquire it. Although timid and full of prejudice, this insatiable desire induces him to visit foreign countries.

[9] For respondentia see below, pp. 332–3.

[10] Lakshmi Subramanian, *Indigenous capital and imperial expansion: Bombay, Surat and the west coast* (Delhi, 1996), pp. 127–38.

They have established little colonies in Malaya, and have settled in Persia, Bussorah, the Arabian Gulph, and even on the Banks of the Caspian Sea. The wanee deals in every species of merchandise, but particularly in Grain. He traffics largely in cloths and professes brokerage, and practices Usury in every shape.[11]

Walker's observations evoke the energy of the local Gujarati business castes whose principal line of activity was trade, brokerage, and banking and whose ability to adjust and adapt to changing political circumstances was especially remarkable. It is, therefore, interesting to speculate why they opted for the Company connection, what kind of advantages they perceived in it, and the nature of the relationship that developed between the Company as a political and trading institution and local residents. As suggested in an earlier study, the emergence of the Anglo-Bania order was based upon an informal arrangement that enabled both parties to pursue their operations and in the process to embody a power structure that was underwritten by the Company's notions of governance, property, and free trade, but which was subject to local contingencies and pragmatic considerations. The fidelity and flexibility of such arrangements cannot be lost sight of if we are to consider the changing profile of the Company in the second half of the eighteenth century in conjunction with all the regional variations in the Indian subcontinent. For local merchants, political security and commercial guarantees seemed to have been the initial considerations, these expanding into a complex understanding of the potentialities of the Company and the imperial British political system.[12]

Merchant migration into Bombay went through distinct phases in response to the growing traffic of the island city. Coastal trade was one important determinant in decisions to migrate. The expansion of coastal traffic occurred at a time of risks of piracy and political uncertainty, and in turn the insurance and respondentia business seems to have registered an appreciable increase. For example, Ramdas Manohardas, who operated from Surat and Bombay, was a prominent broker for shipping from the Muscat, Sind, Cutch, and Porbandar.[13] Mudda Shamjee, a well-known insurance broker of Bombay, inherited

[11] National Library of Scotland, Edinburgh, Walker of Bowland Papers, 1780–1830, Acc. 2228: letters, reports, papers and histories, An account of castes and professions in Gujarat, vol. I.

[12] Subramanian, *Indigenous capital*, ch. 3. See also Kumkum Chatterjee, *Merchants, politics and society in early modern India: Bihar 1773–1820* (Brill, 1996).

[13] Maharashtra State Archives, Mumbai [hereafter MSA], Revenue Department Diary of the Bombay Government, no. 13, 1794, letter and enclosures from Surat considered by the Bombay Council on 8 April 1794, p. 155.

from his father an expanding business of insuring ships operating on the Muscat–Sind–Cutch run. His deposition following a 1785 dispute indicates that a degree of specialisation had already set in by the time he assumed the reins of business; his firm, he maintained, customarily insured dinghies in Muscat, Sind, and Cutch, and only occasionally did he come forward to insure larger ships. That insurance business was the preserve of other groups, including Europeans.

One development that sustained the growing traffic of western India with Muscat, especially in the late eighteenth century, was the rise of the Omani Arabs as a maritime power and the politics of its ruler, the imam of Muscat. Here the older informal maritime connections across the western Indian Ocean that had been channelled through religious and commercial networks were important as the imam claimed a special status in Surat and even deployed his personal connections with the nawab of Surat and some of the city's merchants to exercise leverage for his trading enterprises. The imam's claims illustrate the workings of a larger Indian Ocean trading order, and references to him consigning cargoes to specific Surat merchants, both Armenians and Muslims, suggest the importance he invested in commercial connections with western India. After the Bombay marine seized a vessel belonging to the imam in 1781, he observed, 'the port of Muscat is advantageous to all countries and there is no impediment for anybody', and sincerely hoped that the Bombay government would reciprocate in kind.[14] By 1796, the Muscat Arabs were recognised as part of the indigenous mercantile population in Surat and sided with the city's Muslim merchants in their representations against the arbitrary activities and demands of the East India Company authorities.[15] The nawab of Surat, for his part, expected Muscat shipping to bypass the English customs house in the city and to use the Mughal custom house, as did other merchants in the indigenous community – a practice that was increasingly seen and insisted upon as part of his prescriptive rights.

The significance of the Arab revival and the strengthening of Muscat–Gujarat connections gave a temporary fillip to the languishing Gulf trade of western India as prosecuted by indigenous merchants, as well as the trade they conducted with Bengal and subsequently China. It was thus not entirely coincidental that Company authorities in Surat reacted so negatively to the Arab impact on trade in the latter decades

[14] Ibid., nos. 98/99, 1791. See Consultation dated 8 January 1791 for translation of a letter from the imam of Muscat.

[15] Ibid., no. 120, 1796, letter and enclosures from Surat received by the Bombay Council on 16 September 1796, pp. 2337–9.

of the eighteenth century. In 1799 when authorities in Fort William, the fount of supreme Company authority in India located in far-distant Calcutta, ordered Surat's trade with the gulfs to be thrown open and freed from the shackles of the English chief's monopoly, the chief lamented that with this one act, country traders 'import and export their trade on ships, ketches, dhows and dingeys navigated by natives and we are sorry to add that from this very unprotected state of navigation and consequent losses, heavy losses have been sustained by merchants'. On the subject of the China trade, the local British commercial interest groups were even more vocal; in 1804 British merchants of Bombay petititoned the Calcutta government expressing disapproval of its apathy towards the threat posed by Arab traders.[16]

The revival of trading connections with the western Indian Ocean under Arab initiative was a development of the 1780s and 1790s; previously, the initiative appears to have been taken by Company servants in Bombay and Surat who engaged in private trade and competed and collaborated with Indian merchants in the export trade of the region and the supporting business of insurance and respondentia. The respondentia business figured as one of the most important concerns of European commercial activity, and also by far the most contested site of operations until the closing decades of the eighteenth century, when the rise of the China trade, initially in raw cotton and subsequently in opium, inaugurated a new phase in Bombay's commercial expansion. The pre-China phase, however, was important in enabling a range of commercial groups to settle under the new Company dispensation, to accumulate capital to invest in new commodities and trades, and to carve out distinct spheres of operations that co-constituted the emerging colonial economy. The interface was also critical for setting a stage for a mutually comprehensible dialogue between seths and sahibs whose worlds could and did occasionally converge, and for the emergence of a robust local merchant group that collaborated with the Europeans to become prominent residents of Bombay and thus acquired a foothold in the emerging global economy of the Indian Ocean which had its nucleus in London.

Of all the merchant communities that migrated to Bombay, the Parsis were the most visible and enterprising group to engage in overseas trade, shipping, banking, and remittance. Over time they consolidated their status as the most influential segment of the city's social fabric, followed by sections of the Gujarati business community. To reflect their newly acquired status, the Parsi community during the

[16] Subramanian, *Indigenous capital*, pp. 282–4.

nineteenth century adopted consumption practices and participation in institutions of modernisation, such as education, the judicial system, and voluntary associations.

In an important work on 'family capitalism',[17] Sheila Smith makes a case for the ingenuity of Indian family firms in responding to new structures of authority and resolution. She argues that despite the difficulties Indian firms faced in adapting to the judicial system of the East India Company, merchants used the new channels of adjudication when they perceived them to be conducive to their interests. As a measure of the magnitude of change, the requirements of taking of an oath and depositing account books on the premises of the court were contraventions of local custom and practice. To adopt them, therefore, required substantive considerations of gain and conviction in the benefits of the new dispensation for merchants.[18] At the same time, it is necessary to acknowledge the possibilities of the Company responding to local contingencies and incorporating local practices, conventions, and notions of trust within their policies and procedures. Certainly in a non-enclave city such as Surat, the Company could not ignore the complexities and realities of caste, personal standing, and honour, and its pragmatic attempts to balance local convention against its notions of appropriate procedure and justice were more obvious.

It is precisely in these interstices of overlapping authority and competing conceptions of governance and regulation that we glimpse a more textured image of the Company as a conduit of ideas associated with the Atlantic world coming to bear on Asian practices. Through its daily and pedestrian interactions with the world of business and rule in Asia, the blending of practices from the Atlantic and Indian Ocean worlds was negotiated and accommodated. Surat provides the unique but revealing case of Arjunji Nathji Tarvady, the Company's principal banker, being accused of murder and manslaughter of his domestic servant in 1800. The trial that followed brought out the complexities of both merchant (Indian) and corporate (Company) notions of justice, and the ensuing negotiations embodied all the anomalies that accompanied transition politics, generating a complicated dialogue with the domain of custom on the one hand and English rule of law on the other.[19] The Company's involvement in Bombay in the regulation and resolution of respondentia-related disputes provides access to a deeper

[17] Geoffrey Jones and Mary Rose (eds.), *Family capitalism* (London, 1993).
[18] Sheila Smith, 'Fortune and failure: the survival of family firms in eighteenth-century India', in ibid., pp. 44–66.
[19] Subramanian, 'A trial in transition'.

understanding of British–Indian relations in the period of transition. The mayor's court of Bombay was the site of engagement. Established in 1726/7 by the Company, the mayor's court had been used primarily by Europeans to resolve disputes relating to commercial claims or the disposition of property after death, and to punish desertion or theft by seamen. Nothing in the provisions establishing the court excluded Indians, however, provided they resorted to it voluntarily and plaintiff and defendant mutually agreed to abide by its procedures and decision. At first sight, given the procedural requirements of oaths and submission of account books, it might seem that Indians would not wish to avail themselves of this channel of adjudication and instead would continue using their own community-based institutions, such as the Parsi Panchayat and the Bania Mahajan. The evidence, however, indicates that locals came forward in both Bombay and Madras, which also had a mayor's court.[20] Respondentia-related cases formed an increasing proportion of all cases that came before the mayor's court, and concerned the complexities that derived from the nature of respondentia itself.

In Europe, the term respondentia is traced to the early eighteenth century (1727 in fact) and indicates a loan upon the cargo of a vessel, to be repaid (with maritime interest) only if the goods arrive safely at their destination. Bottomry, an older term, referred to a species of contract of the nature of a mortgage, whereby the owner or master of a ship borrowed money at a stipulated interest or premium to enable him to carry on or complete a voyage and pledged the ship as security for repayment. Presumably, respondentia loans became widely prevalent with the increasing demand for capital associated with the opening of oceanic trade. Financiers providing these loans entered into detailed insurance arrangements as security. Under respondentia arrangements, if the cargo reached its destination safely, the financier received the loan back plus the marine interest. If the cargo did not, insurance, the premium of which was presumably lower than the marine interest, paid the loan, and thus the respondentia lender did not lose his money.

Indian terms for respondentia are no longer extant, although Indian historians have identified the practice in the seventeenth century. Irfan Habib cites one instance of 'avog', a speculative investment in a ship's cargo, in which the investors lent money for its purchase, a practice commonly associated with Hindu – and especially Bania – merchants and bankers. The money would be repaid if the ship carried the cargo

[20] See Smith, 'Fortune and failure'; Neil Brimnes, 'Beyond colonial law: indigenous litigation and the contestation of property in the mayor's court in late-eighteenth-century Madras', *MAS*, 37 (2003), 515–50.

safely to the stipulated port, the premium upon the principal naturally varying with the risk involved.[21] Because bankers or *saraffs* furnished insurance for cargo, the speculator could presumably cushion himself against loss by insuring all or part of the cargo. We have few details about the workings of respondentia, although by the mid-eighteenth century, the practice of respondentia backed by insurance was ubiquitous and firmly established in Bombay's trades. Whether this developed as a European-sponsored initiative, we cannot be sure. Numerous references to European respondentia in Bombay survive, but they seem to have functioned within existing customary arrangements developed and endorsed by local commercial groups of respondentia lenders and insurance underwriters. In the 1760s evidence of fissures within the system emerge in the records as some European merchants challenged the respondentia practices then current among the indigenous merchants, and even secured successful court arbitration in their favour.

Risks and respondentia

For most of the eighteenth century, and despite successful campaigns by the Bombay marine against such coastal powers as the Angrias of Kolaba, the Desais of Savantwadi, and the Malvan chieftains, Bombay's coastal traders functioned in insecure conditions. The threat of piracy persisted, and in view of the pretensions of coastal potentates and of the hostility of Mysore (the chief rival of the Company in south-western India), coastal trade required insurance services on a large scale – a precondition that enabled Bania merchants to move into Bombay to expand their ventures and improvise new business practices. In Surat, its political authority shared along a three-way axis, merchants were able to manoeuvre existing alignments to their advantage and reap the benefits of uncertainty. Jurisdictional boundaries and the implications of English protection became key issues around which local merchants, the European private traders, and the Company continually negotiated their reconfiguration.

The Bania merchants who moved into Bombay from Cutch, Gujarat, and Sind largely handled the respondentia and insurance business, and transplanted the customary business practice of working through extensive networks of agents, as well as through associations and cartels. Whether these cut across sub-caste lines is unclear; what emerges are

[21] Irfan Habib, 'Merchant communities in pre-colonial India', in James Tracy (ed.), *The rise of merchant empires: long-distance trade in the early modern world, 1350–1750* (Cambridge, 1990), pp. 395–6.

levels of specialisation: small insurers dealing with smaller categories of shipping and larger insurers taking on the substantial risks. Premium rates on cargoes and vessels varied according to the risks involved, including the condition of ships and trading circumstances, such as season of the year and threat of attack. For instance, premiums during wartime varied between 4 and 5 per cent, and those on botellas between 8 and 12 per cent.[22] The enumeration of risks was an important stipulation: the insured found it almost impossible to collect on cases if the source of a loss had not been specified. Numerous underwriters backed insurance policies and could, if they chose to, withdraw their bonds or dispose of them to a second interested party. These practices applied even more to respondentia lenders who could disown risks by seeking an interested insurer with the bait of an enhanced premium,[23] and thus respondentia lenders were also required to purchase the insurance in the presence of an accredited witness. An insurer, by contrast, could not disengage quite so easily, for his signature was one among many and involved him as a party in a majority decision. In cases of dispute, local convention dictated that the decision of the majority (underwriters or respondentia lenders as the case might be) would prevail, although they could be modified by judicial interventions or by private considerations of self-interest.

Here the case of John Hatfield (1764) is particularly illustrative, not only of the existing conventions but also of the responses of private European merchants to such arrangements when they threatened to jeopardise their interests.[24] The parties to the dispute were John Howell (complainant) and Motishah Manjishah (representing the defendant Dhanji Shah Manji Shah, a Parsi merchant of Surat) and concerned the payment of respondentia bonds. The facts as presented by the initial bill of complaint were as follows. The defendants, on behalf of their constituent Dhanji Shah, borrowed 2,000 rupees to run at respondentia on the vessel *Fazl Haq*, scheduled for a voyage from Surat to Bengal, returning up the Malabar Coast to Surat. John Hatfield, with many others who lent money on respondentia for the cargo that the *Fazl Haq* carried, signed the bond. The vessel, however, deviated from its intended schedule and course, eventually reaching Madras. The news

[22] MSA, Mayor's Court Register [hereafter MCR], 10 July 1786. See depositions of Vrandavandas Verydas, Raghunath Haridas, Manohardas Rupji, Kesavdas Bhagvandas, pp. 442–54.

[23] MSA, MCR, 10 July 1786.

[24] MSA, MCR, 16 April 1764: case of John Howell as executor to the estate of John Hatfield (defendant) and Modish Mangee Shaw and Manacle Retinue as attorneys for Dhanjee Shaw Manjee Shaw of Surat.

of the deviations was relayed to respondentia lenders and insurers, and fresh proposals for respondentia were sent, although without specifying the premiums. According to the defendant, the majority of the respondentia lenders signed the new proposals on their own accord, and added 2 per cent more to the originally stipulated premium. The vessel, however, did not complete the voyage safely, which meant that the respondentia lenders could not press for their claims before the defendant, with the exception of John Hatfield who had died, or at least so claimed John Howell, the executor to his estate. Howell, the complainant at the court, argued that his deceased client, Hatfield, had never been party to the revised arrangement and therefore his estate was entitled to payment on the original respondentia bond.

Howell's claim triggered a long and acrimonious dispute for it raised questions about current respondentia practices and whether they were constituted on the basis of equity, justice, and reason. The complainant in his rejoinder to the court acknowledged that the vessel, the *Fazl Haq*, had indeed deviated from its course and that the defendants had sent out proposals to which the majority of the lenders had subscribed. But the borrowers had never declared their acceptance of the proposals before the vessel was lost, a critical omission in the customary process, and did not oblige themselves to the payment of the specified premium in case the deviation took place. As Howell argued, 'The act of signing on the lenders' part which can amount to no more than a simple declaration of the terms upon which they were ready to allow of the deviation can never in law, equity or reason be pleaded by borrowers in bar to the lenders' claim to the original bonds unless they, the borrowers, had previous to the loss of the vessel declared their acceptance of such terms and obliged their constituents to the performance of the same.'[25] The complainant insisted that the convention of majority decisions being invoked by the defendants was utterly specious and dangerous:

> The argument which the defendants seem to lay greatest stress upon is the right to which five principal respondentia lenders have in some countries to impose a law on the rest. Whether there be any country where such a rule obtains this repliant knows not. Sufficient to him that where English colours fly for the protection of English law and such as live under them, such a rule can have no force. For the happiness of an English subject is that he alone has the sole disposal of his property so that was namely ninety nine respondentia lenders out of hundred to agree to any proposal, yet to the hundredth, the sole right of disposing of his concern still remained unhurt.[26]

[25] Ibid. See complainant's reply dated 28 January 1764, pp. 124–5.
[26] Ibid.

The defendants dismissed these professions as baseless and fallacious. In their rejoinder, they maintained that the report of the vessel's deviation and the new proposals with respondentia lenders acceding 2 per cent thereon were made public not only in Bombay but also in Surat and adjacent towns and were known by all merchants long before the loss of the vessel.

> The defendants therefore conceive nothing can in equity be more binding than terms voluntarily fixed by lenders and publicly acceded to by them on behalf of their constituents and hope the court will adjudge that in law, equity and reason does amount to a reciprocal actual stipulation will and in all parts of the world be pleased by the borrowers in bar to the lenders' their original bond and which some of the principal men as well as respondentia lenders on this island who by experience have gained knowledge of this trade and customs, have without hesitation admitted and delivered up their bonds thus legally void to be cancelled; i.e. Spencer John for Rs8000, George England Rs14000, R. H. Boddam Rs14000, and hope that agreeable thereto the defendant ought also to deliver up his bond in dispute as the deceased Hatfield made no protest against the deviation.[27]

The defendants maintained that it was a long-established custom in Bombay 'that between respondentia lenders and borrowers as well as insurers, when any dispute relative thereto does arise whatever proposals or composition the principal or majority may agree to, the rest are by custom obliged to accede also'.[28] The defendants also cited precedent, pointing out that court records from 1745/6 included a similar case of money taken on a ship belonging to William Wake whose voyage terminated on safe arrival at Bombay and Surat. After a rather disappointing sale, the ship was dispatched to Surat, only to be attacked and taken by the French off Surat harbour. In adjudicating the distribution of losses, the court, after long deliberation and consultations with principal merchants and lenders in Bombay, asked the respondentia lenders to cover the risks: 'it was but equitable that those who received a consideration for the risks should bear it'.[29]

That case, the defendants in the *Fazl Haq* case argued, was parallel; had the *Fazl Haq* vessel arrived safely, John Hatfield's estate would in consideration of his risk have received his full premium and pro rato and thus under the present circumstances ought to sustain the loss as well. The defendants reiterated the custom of majority decisions in similar cases, arguing that

> if such ships are afterwards lost, five principal insurance and respondentia lenders get together privately and what they settle that is to say, when they pay

[27] Ibid., pp. 129–30. [28] Ibid. [29] Ibid., p. 132.

the amount of such their risk [i.e. the exact proportion of the risk covered] in consequence thereof, [are] obliged to pay what they are concerned for without any condition and if any salvage when the same is received, they share it among themselves.[30]

In the course of their elaborate and eventually unsuccessful defence, the defendants highlighted customary practices and the existence of an informal cartel of insurers. They directed the court's attention to the common practice of correspondents for Surat and Sind merchants to procure piece goods and silk in Bengal and dispatch them in the earliest available shipping. Once done, the principals would be duly informed and the latter made arrangements to get insurance policies to cover risks that occasionally amounted to fairly substantial sums. Respondentia lenders who had made over sums on the basis of an original settlement (specifying ship, route, cargo, captain, and crew) were accustomed to exchanging their original bonds with new ones, thereby taking on themselves the onus of very high risks. If such ships were lost afterwards, five principal respondentia lenders and insurance agents got together privately and came to a settlement.[31]

Before releasing a final decision, the court invited depositions from Bombay's leading insurance and respondentia agents, known to both parties. All endorsed the practice of majority decisions and maintained that in cases of deviation, no insurer or respondentia lender could disclaim his risk unless he could by an advanced premium persuade some other insurer to take it off his hands. Hatfield had not done this. The court, however, backed the complainant and stated that the question of abiding by majority decisions could not be legally endorsed especially in a free government. It decreed that the defendant should pay to the complainant the full principal sum of the bond exhibited by them, together with the premium at the rate specified therein to the time the ship *Fazl Haq* weighed anchor in Bengal with intention of proceeding to Coromandel and interest on that amount to the time the bond was discharged.[32] A similar decree was passed on behalf of R. H. Boddam representing his client Holford who too had lent respondentia on the *Fazl Haq* and had not acquiesced to the revised arrangement and the enhanced premium.[33]

The case of the *Fazl Haq* illustrates a number of important issues that emerged as the Indian and European merchant communities in

[30] Ibid., p. 133. [31] Ibid. [32] Ibid., pp. 134–8.
[33] Case of 19 November 1764: R. H. Boddam, Executor of Holford deceased (complainant) vs. Motishaw Manjee Shaw and Manakjee Ratanjee Attorney for Dhanjee Shaw (defendant), MSA, MCR, 19 November 1764, pp. 258–89.

Bombay, and western India more generally, became ever more intertwined over the eighteenth century as the coastal trade grew. As early as the 1750s, Indian merchants in Bombay, working either as principals or agents, constituted a major portion of the insurance business and functioned as a sort of cartel sharing and underwriting risks. The convention of majority consensus in case of any dispute relating to either insurance or respondentia became customary local commercial practice. In 1764, the European merchants seem to have taken a strong stand against the practice when in Hatfield's case they deployed the rhetoric of reason, equity, and justice to contest the practice of majority decision. It is tempting to see in this development a portent for a new order based on substantively different conceptions of law and reason and maybe even justice – an order that had so little sympathy for the way commercial affairs were run in the east, for convention and custom, that they hardly merited legal recognition.

Yet, given the singularity of the Hatfield case and the fact that occasional subsequent cases involving both Indian and European merchants adhered to the custom of majority decision while others did not, it is difficult to generalise. The frequency of close working relations between Europeans and local merchants well into the closing decades of the century would indicate that Europeans generally operated within the parameters of the existing system of local commercial practice, and only when there was a convergence of self-interest and a favourable bench did the rhetoric of an alternative order based on equity and reason come into play. In any case, the invocation of law, equity, and reason would appear to be part of an older language with the accent on free trade and the protection of the fair trader. Translated in real terms this meant a rationalisation of custom duties, commercial practices, and rules that had the clear consensus of all parties concerned and above all the English private traders. This, combined with the fluidity of the situation in terms of the Company's position in the trading and political structure of the region and the web of mutual interests that connected the administrator with the private trader and the local merchant, meant that the privileging of law over custom was random.

Thus, in some cases, judicial intervention advantaged Indian merchants with the arbitration of the mayor's court reinforcing existing practice. Scholars analysing the operations of the mayor's court generally agree that local inhabitants were not averse to seeking its channels of adjudication and found them beneficial to their interests. If it seems valid to suggest that the Company authorities found it pragmatic to accommodate existing practices and even interpretations of conventions – local and foreign – then one can equally legitimately suggest

that indigenous merchant society found the new rhetoric on property protection and fair trade directly bolstered their interests. Hence the responses of the Bania Mahajan, an organisation representing the traders of the Bania caste, to the dilatory tactics of the Company in Surat and its failure to handle a riotous mob which had in course of their violence destroyed the account books of the bankers and plundered their property.

The petition from this case made clear a distinct perception of the Company as safeguarding a particular order that was not merely benign and beneficial to the bankers and traders (the loyalists), but also had an embedded conception of security and property geared to trade and one which was different from what they had experienced in earlier times. This is not to suggest that the community had faced large-scale extortion in the hands of the Mughal state as European travellers often emphasised, but to argue that the circulation of ideas about trade and its rational organisation and the working of new institutions of governance and regulation had an appreciable impact on local society, which, in the context of the colonial enclave city, was complex and not untroubled.[34]

Merchants could not but be aware of the subtle changes that the Company system of adjudication had introduced in their commercial existence. Even if the stress on fair trade, equity, and reason initially remained at the level of rhetoric only, over time an appreciation developed of the emphasis and sacrosanctity the new dispensation put on issues of property, trust, and honour. From this vantage point, some cases present enticing possibilities of deconstruction.

On 23 May 1768, James Ryley submitted a petition stating that he had in the previous year lent Rs2,500 at 24 per cent per annum to Ramseth Gumbaseth as respondentia for twelve months on the ship *London*, which sailed from Bombay to Bengal. On 16 February 1768, Ramseth Gumbaseth ran a public advertisement to the respondentia lenders that announced 'having sold the *London* to Thomas Hodges Esq. (Governor of Bombay and ex Chief of the Surat Council) I am to request, you will be pleased to make up your Bonds with the premium unto this day which shall be paid by Rangjee Ramsett'.[35] Ryley signed on the advertisement and proceeded thereafter to demand his premium of 16 per cent, stating that it was customary on a Bengal voyage. Ramjee Ramseth refused to oblige. The petitioner petitioned the court to order Ramseth Gumbaseth to discharge the bond with the premium, or that

[34] Smith, 'Fortune and failure'. [35] MSA, MCR, 2 May 1768, pp. 132–3.

the bond might remain in full force and Ramseth pay all costs. In his rejoinder, Gumbaseth maintained that he had sent an advertisement that waived the obligation and that Ryley along with other respondentia lenders had agreed to the proposals he had set out. He expressed surprise at the nature of Ryley's complaint:

> his thinking he was entitled to the full premium of 16% must appear extraordinary as the intention of sending about the advertisement was entirely to prevent the paying of the same as it must have appeared in that light to the complainant, this defendant does not conceive he is obliged nor cannot by any means think of paying the premium thereon for any further time than that which was agreed to and signed by the complainant.[36]

The court backed Ramseth Gumbaseth and decreed that Ryley was not entitled to a further premium than the tenor of his respondentia bond allowed him to the date of the advertisement, namely 2 per cent per month.

The court, however, took a slightly different stand when it came to the case of James Stevens who petitioned against the same merchant, Ramseth Gumbaseth. Stevens had lent Gumbaseth Rs2,000 to run on respondentia on the *London* galley. Following the advertisement issued by Ramseth asking the lenders to make up their bonds with premium due thereon to that day, Stevens had consented to the arrangement but with an added provision of being paid 18 per cent premium for the galley's voyage to Bengal and back. Ramseth, according to the complainant, had not complied and worse still had sold the vessel, changed the commander, and entirely altered the risk. The petitioner urged the court to compel Ramseth to pay the bond with the premium of 18 per cent. Ramseth came up with a different story. He admitted that Stevens had signed the proposal in a different manner to the way in which the majority had when Ramseth urged him to receive the proposed premium. On Stevens's refusal to do so, Ramseth had offered to ship the goods to the amount of the bond in question, in order to let the complainant's risk continue for the term specified. The complainant agreed to this proposal, which was accordingly finalised with the concurrence of other lenders. Ramseth also maintained that he had an indubitable right to employ the money on risk in the same vessel for the time agreed upon in the bond. The complainant knew this when he agreed to the risk being continued and that selling the vessel and changing the commander was something that Ramseth could do without necessarily having to confer with the complainant. The court remained unconvinced

[36] Ibid., p. 134.

about the case or the validity of majority concurrence and gave its opinion that Stevens was fully entitled to a premium of 18 per cent for the voyage the ship had made and in consonance with what he himself had subscribed to in the proposals and which the court believed to be a reasonable premium as he had dissented from the sale on any other condition. Accordingly the defendant was compelled to pay Rs2,389 that included the respondentia lent (Rs2,000), the 18 per cent premium (Rs360), and the interest incurred on it in the intervening period.[37]

In this last case, the convention of majority concurrence simply did not hold, especially in view of the fact that the defendant Stevens had expressly included the payment of 18 per cent premium in the respondentia arrangement. However, it was not as yet entirely symptomatic of a new order and neither the successes nor failures of individual European merchants had anything to do with the implications of the new legal or political presence of the Company in the region. Self-interest, personal connections, and the peculiarities of individual cases informed the arbitration process. What is certain is that local merchants and their coastal trading networks could find growing opportunities in Bombay by expanding their trading networks under the protection of the Bombay marine and in representing their claims before the mayor's court. The regularity and ease with which merchants of the city and the region relied on the arbitration of the mayor's court resembled the situation in Madras, where, as Niels Brimnes has demonstrated, the mayor's court presented itself as a strategic option for Indians in the pursuit of various interests and represented a crucial interface between indigenous arbitration and colonial litigation. That the mayor's court often decided against decisions made through indigenous arbitration is likely to have encouraged interaction between colonial and indigenous dispute management because the court presented itself to litigants as a strategic alternative to indigenous arbitration, and nothing prevented them from trying their luck with both indigenous agencies and the mayor's court. This flexibility for indigenous merchants contributed to shaping the court as a hybrid institution fitting into the melting pot of legal traditions and social relations which made up late eighteenth-century Madras.[38] One may well compare this development with the earlier decision of Indian traders to utilise European convoy services to counter aggression on the high seas and with it the implicit acceptance of the Company's right to police the seas in return for secure passage,

[37] Ibid., 11 July 1768: Case of James Stevens (complainant) vs. Ramsett Gambasett (defendant), pp. 193–4.
[38] Brimnes, 'Beyond colonial law', pp. 515–50.

even while occasionally contesting the prerogative of using alternative channels of protection.

The politics of insurance: order and disorder on the west coast

Insurance cases formed a major portion of the mayor's court adjudication business, most arising from misrepresentations that policy wording produced. An example was a 1756 suit involving Ramdas Manohardas and Cursetji Desai that turned on the wording of insurance bonds regarding risks.[39] Cursetji, owner of the *Ruparell*, insured the vessel and its cargo for Rs3,300 on a policy from the Bombay firm of Ramdas Manohardas, underwritten by a number of insurers, notably Ramdas Manohardas, Mitha Purushottam, Boodar Bhagwandas, Narrondas Motidas, and Jeevandas Kalyandas. The insurance coverage was not especially extensive because the *Ruparell* was sailing in the Company's convoy. After procuring freight, the *Ruparell* set sail, met with bad weather, lost the convoy of the Bombay galley, the *Grab and Rose*, and went aground off Daman. The vessel lay half-buried under the sand when Damaji Gaekwad's fleet appeared on the scene, retrieved the wreck's cargo, claimed for him, and left nothing behind for the owner, Cursetji. Subsequently, Cursetji approached the insurers for compensation only to be turned away. The firm of Ramdas Manohardas maintained that the policy only covered risk of weather and wind and had not included Damaji as one of the risks. How the court disposed of the suit is unclear, for on 16 June 1756 the Laldas Bhagwandas Insurance Company (the firm of Ramdas Manohardas) moved court once more with the complaint that the original policy bonds had clearly stated that the risk of any assault from Damaji should rest with the owner, Rustamji Bhicaji (the defendant), and the merchant had recovered part of his losses. The firm suggested that not only had Bhicaji's agent salvaged part of the *Ruparell*'s cargo, but the vessel itself was in a fair condition, had been taken on freight to Muscat by one Abdur Rahim of Surat, and that Bhicaji had received Rs900 for the whole transaction.

The defendant rejected these claims as baseless. The policy never mentioned transferring the risk of Damaji Gaekwad to the account of the merchant. Further the defendant argued that the substantive point was whether the vessel was captured by Damaji before it was wrecked or

[39] MSA, MCR, 16 June 1756, pp. 25–6: the answer of Rustam Bhicajee agent of Cursetji of Navsari, defendant to the two bills of complaint of Ramdas Manohardas and complainants.

after. The defendant quoted from convention, which stated that 'where insurers insure a vessel and the said vessel is wrecked by stress of weather or any other accident through an enemy whose risk is excepted [*sic*] by insurers, becomes possessed of goods by forcibly taking the amount of the wreck or picking them up, the insurers are obliged to make good the loss to the owners as the vessel previously a wreck as in the present case'.[40] The defendant argued that the *Ruparell*, having lost the convoy of the Bombay galley *Grab and Rose*, had run aground off Gundavie losing the entire cargo. The defendant had only recently learned that one Gopal Vassie of Gundavie had purchased the wreck, and the defendant stood not to gain in the slightest from that transaction. The complaints were thus entirely baseless; as he asked the court, 'why did they [complainants] not procure witnesses or certificates during the time they had – ten months before the award was passed in his favour?'[41] The evidence clearly lay with the merchant/freighter, with the insurer losing the case.

The expansion of the insurance business in Bombay handled largely by local merchants testified to local enterprise and its ability to take calculated risks. Not only did Gujarati merchants move into the city to set up their insurance firms, they deployed the Company channels of dispute resolution to adjust existing commercial practices with the new legal regime.

The case of Govardhandas Bhucandas versus Thakur Shamjee Dwarkadas of 1786 provides a further and remarkable illustration, involving the complications attendant on conflicting readings and interpretations of an insurance policy.[42] Govardhandas Bhucandas had taken out a policy on a voyage by the *Dhanpasha* from Bombay to the Malabar Coast. The total sum assured was Rs1,000 with the premium fixed at Rs42. On 15 January 1782, the vessel left Bombay and at some time during the course of its southward voyage was captured by subjects of Haidar Ali of Mysore, a major adversary of the English Company. The insured party approached the insurer, Thakur Shamji Dwarkadas, for compensation amounting to Rs922, only to be turned away. The defendant disclaimed responsibility for the claim, arguing that his signature in the insurance policy did not cover the risks of Haidar. The proceedings demonstrated some conventions of insurance practice and the complications that ensued from multiple readings of insurance documents. The issue at stake was whether the underwriters

[40] Ibid., p. 27. [41] Ibid., pp. 28–9.
[42] Ibid., 10 July 1786, Govardhandas Bhucandas *vs.* Laldas Govardhan and Thakur Shamjee Dwarcadas, pp. 408–12.

of the policy were liable to pay and make good the insured party, in the amount of the respective sums for which they had assumed responsibility. Most insurance arrangements were collective affairs – a point that prominent insurance merchants Pitambar Vithal and Murlidhar Motichand made in their depositions. Vrandavandas Verydas, an insurance broker for twenty-five years, along with the other deponents on behalf of the complainant, stated that he had waited on the defendant to request him to discharge his obligation. The defendant on that occasion had said that all insurers of the policy were planning to write to Haidar Ali, whose subjects had captured the vessel.

A delaying tactic intervened, when the defendant pleaded poverty and urged the complainant to exercise more patience.[43] Seven or eight underwriters then met at the house of the complainant where they offered to settle their individual obligations provided the complainant agreed to some deductions. The complainant, however, adamantly refused to waive any part of the claimed sum and insisted on holding the signatories to their commitment. Verydas also maintained that the policy document under consideration was a regular one and bound the underwriters to pay in case of the ship's loss or any attack on it by the Maratha, Angria, or any other adversary. But the case of Haidar was a little different; he was not considered by the underwriters or merchants as an enemy, and therefore any decision on the policy had to revert to an arbitration committee. Verydas's opinion was important: as an insurance broker for twenty-five years, he was entirely familiar with the existing conventions and rates relating to insurance.[44] Implicit in his deposition was the suggestion that a consensus arrangement could enable the complainant to secure part of the insurance. Other depositions followed for the complainant: by Manohardas Rupji, an influential merchant and insurance broker of Bombay; by Kishordas Bhagwandas, a clerk to an insurance broker; and by Parmanandas Rangildas and Nanabhai Byramji. Interrogations on behalf of the defendant stressed the modus operandi of procuring underwriters, the conventions followed for suing subscribers, the norms adopted by underwriters when they were answerable for risks, whether they specified every individual risk or not, the particulars and amount details of each underwriter's obligation, the total amount of insurance obtained by the complainant, the amount of respondentia borrowed by him on the vessel in Bombay and Surat, the value of the vessel and cargo, and so on.[45]

[43] Ibid., p. 442: deposition of Vrandavandas Verydas.
[44] Ibid., pp. 443–4. [45] Ibid., pp. 467–71.

Jagjeevandas Harjeevandas, for about fifteen years an insurance broker in the business in Bombay, stated in his deposition that policies followed a particular form and alterations were integrated into the document in its final form. He insisted that in this case the underwriters never committed themselves to all the risks, and that the insured risks were specified as clearly and singularly as possible. Further, Harjeevandas acknowledged he had undertaken to insure the *Dhanpasha* for about Rs3,250, that he had received from the complainant Rs75 as part of the premium, that the complainant paid the underwriter $4\frac{1}{25}$ per hundred rupees, and that the insurance was finalised on 28 December 1781. Harjeevandas, on his part, did not lend any respondentia but mentioned two others who had – Sevlal and Parmanandas Rangildas who lent the complainant Rs500 on respondentia.[46] Another underwriter, Purushottam Arhat, said that he among others refused to pay the insurance to the complainant on the specific ground that Haidar had not been specified as a risk. Mudda Shamjee detailed the total amount of insurance the complainant had procured – about Rs12,000 – and that he had not lent any respondentia on the vessel.[47] These depositions failed to persuade the court arbitrators; despite the weight of evidence concerning majority decisions on the reading of contested insurance policies, the court and the community remained divided on the merits of the convention. Vrandavandas Verydas took the stand a second time, and insisted that 'interest or no interest, and the particular risks the insurers insured against are not expressed in the policy but in case any accident happens, the underwriters pay the insured agreeable to the custom observed in the country'.[48]

But what constituted the custom was debatable. From depositions, including Verydas's, custom involved payment of compensation in cases of capture by enemies, pirates, rovers, or any other danger even if these conditions were not inserted or included in the policy. Custom also involved, when necessary, a consensus reached by principal merchants of Bombay regarding the amount to be paid as compensation. From the case of Govardhandas Bhucandas versus Thakur Shamjee Dwarkadas, the early efforts to reach a consensus clearly failed, for the complainant remained adamant about his entitlements. Verydas, in his second deposition, indicated that he had personally procured underwriters for the policy and that each of them had subscribed to the document in his presence and therefore everyone was obliged to pay. As one of the underwriters, he had received from the insured party a premium of

[46] Ibid., pp. 471–3. [47] Ibid., pp. 474–6. [48] Ibid., p. 477.

Rs301 on 18 December 1781. The total amount of insurance arranged by the complainant amounted to Rs14,000 while the cargo was valued at Rs45,000. Further, he had lent to Govardhandas, the complainant, Rs2,200 as respondentia, which of course made him an interested party.[49] The court, after considering the depositions, stated that the policy under question was valid, entitling Govardhandas to the compensation promised under the insurance policy, and ordered the defendant to pay the amount as specified in the bill of complaint – Rs980. The case ended.[50]

The mayor's court appeared to have intervened on behalf of the complainant and thereby on behalf of a simpler and more straightforward reading of the policy statement. It upheld the claims of the shipper against the insurer who had requested arbitration for a partial waiver of the compensation. Whether this kind of assessment was emerging as the dominant trend is something that awaits a more detailed examination of disputes and their adjudication. Even here, the opinion of Verydas would appear to have been decisive in determining the court's final award because there was no consensus among the merchants. One said the policy implicitly recognised the risk of Haidar; another denied it; still others stated that they believed the policy obliged the signatories to make good their respective obligations. For the Company, any attack by coastal powers – from Angria to Haidar to the Koli rovers of Kathiawad – was a risk that had to be upheld by the insurance firm. This 1786 case is also important in generating unprecedented interest in investigating existing commercial practices. This knowledge, one could surmise, was an essential precondition for articulating a new commercial order, one that would set new terms for doing business and streamline the existing mechanisms for insurance and respondentia.

The enumeration of details is particularly striking in demonstrating the court's keen interest in mining information on the exact nature of commercial practice. Time and again, the court urged deponents on both sides to state their familiarity with existing conventions, to authenticate the validity of the disputed document, and to affirm whether the underwriters were liable to pay and make good to the insured the respective sums they had so insured. The case also illustrates the structure of and ramifications for the insurance business as it sustained marked expansion in the latter decades of the eighteenth century, notwithstanding the extraneous regulation of the court and the Company. The depositions underscore the vitality of the insurance

[49] Ibid. [50] Ibid., p. 484.

business, the growing expansion of the city's trade along the coast and across the Arabian Sea and the corresponding growth of the insurance sector. The closing decades of the century continued to see seths and sahibs working the trade of the western Indian Ocean, although by this time, the area of operations was perceptibly moving to the eastern seas and China.

Seths and sahibs

What do these encounters actually reveal and how do they address the larger questions that inform our understanding of the connections between the Asian and the Atlantic world? At the most obvious level, the Company as a mercantile institution was driven by its need to institute a rational system of commercial regulation and governance. Its introduction of ideas about property and practice, about commercial rules and procedures, led to the development of a complex interface between the two worlds. While the intervention of the mayor's court was arguably intended to limit the space available to local merchants and their customary practices, the evidence suggests that they were able to work the system to their advantage. Their influence derived, in part, from the continuing vitality of Indian participation in western India's export trade, and in part it reflected the interconnectedness and linkages between European traders and their Indian counterparts that had developed over the previous century. This point is especially significant if we are to unravel the implications of the Company's presence in local commercial society. Indeed, as Sheila Smith has argued, the court's decisions were instrumental in sustaining the Indian family firms of the eighteenth century.[51] As long as Company domination was offset by complexities and contradictions in the relations through which its power was articulated, then local merchants found it possible to engage with new conceptions and institutions, and with opportunities to bridge diverse worlds and embark on enterprises that assumed distinctly new orientations and in turn important social consequences in Bombay. The gradual Anglicisation of the Parsi community and the consolidation of Gujarati capital in Bombay are illustrative of these social transformations. Despite a conservative social profile, the Bombay business community emerged as a major agent of western modernisation by the mid-nineteenth century.

The vitality of trading networks in western India and the resilience of indigenous business has been the subject of much scholarly discussion.

[51] Smith, 'Fortune and failure'.

Historians have suggested that the relatively late formalisation of colonial power enabled merchant society here to retain relative agency and autonomy. The penchant for risks, the willingness to speculate, came into full force even as the expanding power of the Company transformed the trading situation in the region. The cosmopolitanism and robustness of Bombay's merchant society was evident in the self-representations of merchants as they petitioned the Company to press for specific demands. This self-confidence contrasts with merchants in Madras where, as Mattison Mines has suggested, a different dialogic engagement ensued with the early colonial presence.[52] There merchant society in the early decades of the eighteenth century was more porous and adopted more familial modes of self-representation in relation to the early colonial partner, resulting in the nineteenth century in a formalised and distancing styling of the self and other. This went hand-in-hand with new modes of consumption and social strategies, an understanding of which would enable a more complex and textured interpretation of changing social equations in the early colonial cities of Madras and Bombay.

The relationships between seths and sahibs, between the Company and the local merchants, were mediated through a multiplicity of spaces and practices and resulted in diverse forms of accommodation. From legal representation to lifestyle, from modes of material consumption to traditional display, from the displacement of caste authority to the formation of new political leadership, Indians and Englishmen entered into a dialogic engagement to produce new social interfaces that were fluid and flexible and carried indigenous structures of social organisation well beyond the consolidation of imperial rule around 1800. This statement is made not to challenge one or another position in a now-sterile debate about the impact and timing of early colonialism in India, but is merely to assess the importance and dynamics of the Company's interaction with local merchant networks and the dynamism of the Company in the eighteenth century, what Peter Marshall describes as a channel through which both sides could adapt to and adopt from one another in relatively equal exchange.[53] If local seths felt a need to keep the Company in good humour, so too did the Company realise the pragmatism of dialogue.

While the projection of empire through the Company's institutions promoted key changes, Indian merchants nevertheless responded in

[52] Mattison Mines, 'Courts of law and styles of self in eighteenth-century Madras: from hybrid to colonial self', *MAS*, 35 (2001), 33–74.

[53] P. J. Marshall, 'The British in Asia: trade to dominion 1700–1765', in *OHBE*, vol. II: Marshall (ed.), *The eighteenth century* (Oxford, 1998), pp. 487–507.

ways that not only brought limits to the process of change but also altered its speed and trajectory. Individuals on both sides went far beyond pragmatism, bringing to the exchange a degree of creativity and openness that cannot be analytically encapsulated merely in terms of profit or need, or of the pushes and pulls of one world system over another. Admittedly the exchanges did not fundamentally alter British Asia, seen both historically and retrospectively as a site of profit and not politics; but nonetheless, they gesture to a more textured history of interaction and mutual adaptation that had long-term and far-reaching implications for public culture and business strategies, especially in western India.

13 The commercial economy of eastern India under early British rule

Rajat Datta

By all accounts India underwent a major transition with the political ascendancy of the British East India Company after the battles of Plassey (1757) and Buxar (1763). The Company's transformation into a ruling power unleashed substantial changes in military and commercial relations on the subcontinent, and by the 1820s all major indigenous regimes had either been annexed or become subsidiary allies of the British. But how to contextualise and comprehend the impact of early British rule? For historians of India, the initial guideposts were provided by R. C. Dutt more than a century ago in his monumental critique of British imperialism in India. For Dutt, post-1757 marked a 'new epoch' for two reasons: conquests furthered the interests of British commerce in India, and trade was used to plunder India's resources which were transferred in ever-increasing quantities from a poor country 'to add to the wealth of the richest nation on the face of the earth'.[1] Since it was written, this powerful indictment of the early years of India's colonial encounter has assumed canonical status among historians in India, currently epitomised in the writings of Irfan Habib, whose principal arguments can be summarised as follows: the 1757 conquest of Bengal by the East India Company was followed initially by colonial plunder, then by a 'relentless maximisation of revenue in Bihar and Bengal' which unleashed a vicious cycle of unrequited public and private drain of wealth from India to Britain. These transfers irrevocably damaged India's terms of trade, and led to severe price deflation, an acute commercial contraction, and a general fall in the productive and employment-generating capacities of the economy.[2]

[1] R. C. Dutt, *The economic history of India under early British rule, 1757–1837*, 3rd edn (1901; repr. Delhi, 1976), pp. 22, 26.

[2] See Irfan Habib, *Essays in Indian history: towards a Marxist perception* (Delhi, 1997) for his essays spanning three decades but drawing their data largely from Dutt. These arguments also feature in his 'The eighteenth century in Indian economic history', in P. J. Marshall (ed.), *The eighteenth century in Indian history: evolution or revolution?* (Delhi, 2003), pp. 100–19. The quotation is from 'The eighteenth century as a

Recent work in British economic history shows that such firm assertions linking the colonial exploitation of India with the eighteenth-century capitalisation of British industry are problematical. Studies show that a marked spurt in industrial growth occurred only after 1815, and not in the 1760s and 1770s, once considered as the starting point of the Industrial Revolution.[3] Also, metropolitan industrial compulsions 'played no significant part' in the capture of India, nor were surpluses from India used for the capitalisation of industry.[4] Indeed the great promised public surpluses of Indian revenues often proved illusory, especially in years of heavy spending caused by wars, when hardly any surplus was left to remit.[5] As for private transfers of wealth, 'nabobs' returning to Britain from India desired country estates not factories. As a result, no historian of Britain now takes seriously the once widely expressed view that 'Plassey plunder' – the ill-gotten private gains of Robert Clive and his associates – served to spark the Industrial Revolution in 1760.

Such revisionism carries more than an echo of recent studies of the relationship between the Atlantic slave trade and the development of the British economy, a subject no longer defined narrowly by the famous thesis of Eric Williams which, among other things, placed the profits of slavery at the very heart of the capitalisation process that underpinned the early growth of key British industries. Instead, by broadening their terms of analytical reference, scholars have increasingly been able to point to and quantify a wider range of linkages that existed between slavery and the domestic economy.[6] Some historians of Anglo-Indian economic connections have engaged in a similar sort of exercise. Notably, it has been argued that Britain's Indian surpluses were not utilised for the purposes of industrialisation, but instead eased the pressures of Britain's national debt, making it easier to subsidise wars

category in Indian economic history', in Leonard Blussé and Femme Gaastra (eds.), *On the eighteenth century as a category in Asian history: Van Leur in retrospect* (1998), p. 110.

[3] N. F. R. Crafts, *British economic growth during the Industrial Revolution* (Oxford, 1985); Gary Hawke, 'Reinterpretations of the Industrial Revolution', in Patrick O'Brien and Ronald Quinault (eds.), *The Industrial Revolution and British society* (Cambridge, 1993), pp. 54–78; Patrick O'Brien, 'The reconstruction, rehabilitation and reconfiguration of the British Industrial Revolution as a conjuncture in global history', *Itinerario*, 25 (2000), 120–2.

[4] J. R. Ward, 'The Industrial Revolution and British imperialism, 1750–1800', *Economic History Review*, 2nd series, 47 (1994), 44–65.

[5] P. J. Marshall, 'Empire and opportunity in Britain, 1763–1775', *Transactions of the Royal Historical Society*, 6th series, 5 (1995), 123.

[6] Joseph E. Inikori, *Africans and the Industrial Revolution in England: a study in international trade and economic development* (Cambridge, 2002).

with the French.[7] In short, a fundamental shift has occurred in understanding the extent to which wealth from India served to strengthen the British economy.

To understand the economic implications of Company rule in South Asia, the territorial dimensions of early British India need to be kept in mind. Of a possible 4.17 million square kilometres of territory, the Company controlled only about 388,500 square kilometres (or 9.3 per cent) between 1757 and 1792, most of it in northern and eastern India.[8] Nevertheless, the orientation of India's economy shifted, beginning with the steady expansion of European trading there in the seventeenth and the early eighteenth century. With conquest came greater intrusiveness, felt in both agriculture and manufacturing. In agriculture, the Company's overriding fiscal concerns prompted attempts to collect taxes based on a district's actual productive resources, a policy which destroyed the main props of the Mughal revenue system, notionally based on an original rent-roll (*assul jama-bandobust*) assessment which had remained unchanged for nearly two centuries.[9] Although creating problems for the small payers, the changes were not sweeping enough to cause large-scale agrarian ruin. Agricultural prices rose to offset tax burdens, many producers escaped the net, and a large number even prospered (see below). In the manufacturing sector, the Company's attention was riveted on cotton textiles; it concentrated on pre-empting producers from finding alternative buyers, and used coercive methods for textile procurement. These practices adversely affected the relative shares of the artisans and merchants dealing with the Company's textile trade, but did not, as Om Prakash shows, compromise the overall output of this sector of the economy.[10] The vast internal market for cotton remained the exclusive preserve of indigenous merchants who also continued provisioning overseas trade

[7] Javier Cuenca Esteban, 'The British balance of payments, 1772–1820: India transfers and war finance', *Economic History Review*, 2nd series, 94 (2001), 56–86.

[8] Rajat Datta, 'Commercialization, tribute and the transition from late Mughal to early colonial in India', *Medieval History Journal*, 6 (2003), 259–91.

[9] Rajat Datta, *Society, economy and the market: commercialisation in rural Bengal, c.1760–1800* (New Delhi, 2000), pp. 355–6. This was the reason why during the initial years of Company rule there was a great clamour that the province of Bengal was fiscally underassessed. On this issue see Robert Travers, '"The real value of the lands": the nawabs, the British and the land tax in eighteenth-century Bengal', *MAS*, 38 (2004), 517–58 and Ujjayan Bhattacharya, 'Worthies and the worth of their land: revenue farmers and the Company's state in early colonial Bengal', in Rajat Datta (ed.), *Rethinking a millennium: perspectives on Indian history from the eighth to the eighteenth century* (New Delhi, 2008), pp. 315–41.

[10] Om Prakash, 'From negotiation to coercion: textile manufacturing in India in the eighteenth century', *MAS*, 41 (2007), 1331–68.

despite rapidly changing economic and political circumstances at the geopolitical level.

A new and *different* political economy had emerged, which, as a Company commercial report explained in 1789, was structured solely to keep

> in motion the great machine of the Company's commerce, [for which] it is absolutely necessary that the provision of Cargoes for the return of ships be ensured. Hence the origin of previously investing Funds at the Aurangs; hence also the necessity of being secured in due realization of goods for which money is advanced. The accession of the Company to the Government of the Country [i.e. the *Diwani* in 1765] did not change these [earlier] principles and usages, tho' [there was] the immense increase of their Funds and of the wealth of their Servants, all to be centr'd finally in Europe and to be conveyed thither only in goods *exceedingly enlarged the demands for the Market of Bengal*.[11]

This chapter analyses how the 'exceedingly enlarged demands for the market of Bengal' occurred during the early years of British rule in India. Export expansion was not new in itself. Rather it constituted one of the principal props of India's early modern economy,[12] and the seventeenth- and eighteenth-century trend was not abruptly closed with the conquest of Bengal.[13] Although British control did result in enormous wealth being drained out of India, its sharp edges were substantially blunted by the increased monetisation of the economy as well as a resumption of inward flows of silver bullion from British and European sources. Even in Bengal, where the Company's regime was arguably at its most intrusive, commercial and agricultural expansion were intensified compared with previous years.[14] The situation persisted into the first two or three decades of the nineteenth century, when the economic dynamic of the eighteenth century was coming to an end.[15] These important continuities under early British rule constitute one of the principal concerns of the recent economic history of

[11] Report of commercial occurrences, 6 August 1789, BL, IOR, Home Miscellaneous [hereafter HM], vol. 393, pp. 279–80; emphasis added.

[12] For a discussion of the context of India's early modernity, see Rajat Datta, 'Introduction', in Datta (ed.), *Rethinking a millennium*, pp. 21–4, 27–34.

[13] See Rajat Datta, 'Markets, bullion and Bengal's commercial economy: an eighteenth century perspective', in Om Prakash and Denys Lombard (eds.), *Commerce and culture in the Bay of Bengal, 1500–1800* (New Delhi, 1999), pp. 329–60 for an earlier attempt to trace such continuities without, however, classifying them as part of an early modern phase in India's economy.

[14] Datta, *Society, economy and the market*, ch. 4.

[15] C. A. Bayly, *Rulers, townsmen and bazaars: North Indian society in the age of British expansion, 1770–1830* (Cambridge, 1983); Tirthankar Roy, 'Economic history and modern India: redefining the link', *Journal of Economic Perspectives*, 16 (2002), 109–30.

eighteenth-century India and the implications for understanding the impact of the colonial regime.

It remains true, of course, that the imperial presence mattered. As Douglass North has argued in a global context, political and institutional frameworks exercise a profound influence on economic behaviour.[16] Yet, as Robert Travers and Philip Stern point out in this volume, the political and institutional frameworks that emerged from the intervention of the East India Company and lasted at least until the 1820s were produced by the interaction of systems – both imperial and indigenous – that were complex and often disjointed, ensuring that negotiated coexistence prevailed in a variety of contexts. In the economic realm, as in that of governance, the results were nuanced and to contemporaries unpredictable. Thus, instead of seeing the Indian economy as a passive victim of colonial plunder, this chapter suggests that early British rule saw a significant expansion in economic activity, particularly in the volume, orientation, and output of traditional as well as 'new' commodities. This was most visible in Bengal's textile industry, which instead of collapsing under the weight of the Company's monopoly, seems to have substantially reoriented itself by catering to a huge internal market for its products. Rising prices, extensive monetisation, and the intense commercialisation of agricultural production underpinned such developments, which also meant that the impact of early British rule was differentiated both between classes and within broad sectors of the economy.

The early British economic role: the big picture

To understand the Company's role in determining the fate of the late eighteenth-century Indian economy, one must contextualise its ascendancy. Politically, the empire unfolded after 1757 through processes of conquest, collaboration, and the co-option of indigenous systems into a gradually evolving pan-Indian framework of rule.[17] Indian rulers were no strangers to the skills of the Europeans in land and sea warfare, and numerous Europeans had been employed in the artillery wing and in the armouries of Mughal armies. During the eighteenth century the

[16] Douglass C. North, *Institutions, institutional change, and economic performance* (Cambridge, 1990), esp. p. 131.

[17] P. J. Marshall, *The making and unmaking of empires: Britain, India and America c.1750–1783* (Oxford, 2005); C. A. Bayly, 'The military-fiscal state and indigenous resistance: India 1750–1820', in Lawrence Stone (ed.), *The imperial state at war* (London, 1994), pp. 322–54; C. A. Bayly, 'The first age of global imperialism, *c.*1760–1830', *JICH*, 26 (1998), 28–47.

situation shifted as many of the larger regional polities began developing massed infantry drilled and armed in the European fashion with European technical and logistical expertise. As P. J. Marshall notes, Europeans began to penetrate states that were willing to hire services for cash.[18] Thus, European penetration of Indian polities was not so much through the trade in commodities, such as cotton and pepper, as in the sale of European military wares and expertise. Consequently, Indian commercial transactions in non-military services and wares did not change dramatically after 1757.

Commercial life in the subjugated territories continued to be robust. Nagpur, Bundelkhand, Ghazipur, and Mirzapur functioned as important nodes for distributing Bengal goods to western India and the Deccan.[19] As Lakshmi Subramanian shows in her chapter, indigenous merchants in western India relocated to Bombay with the advent of British rule in part to access the trade with Bengal. In the late 1780s, nearly 43 per cent of the textiles produced in Banaras was being vended in western India, 49 per cent was being sent to Bengal ports for shipment overseas, and the remaining 8 per cent was destined for the Deccan and the northern provinces.[20] Considering that the markets for the luxury-end of Banaras textiles, its silks, were traditionally located in northern and western India, whereas Bengal received its medium-priced cottons, this regional division of the trade from Banaras does not show major change in India's internal market for textiles.

Trading patterns between Britain and India indicate a sharper short-run disruption, but not discontinuity. The 1765 grant of the *diwani* markedly reduced the volume of bullion Britain shipped to India, and particularly Bengal. While official supplies dried up, bullion from other sources continued to arrive. Private European trade accounted for £5.2 million worth of silver arriving in Bengal between 1796 and 1806,[21] and the Dutch, despite their trade being on a downward slope, still imported 4.24 million florins worth of bullion per year to pay for their merchandise between 1790 and 1794.[22] The situation changed in the 1790s. Between

[18] Marshall, *Making and unmaking of empires*, pp. 119–57 *passim*.
[19] West Bengal State Archives, Kolkata [hereafter WBSA], Proceedings of the Board of Trade, Customs [hereafter PBTC], vol. 8, 11 April 1797.
[20] K. P. Mishra, *Banaras in transition, 1738–1795: a socio-economic study* (Delhi, 1975), p. 136.
[21] BL, IOR, HM, vol. 68, pp. 898, 901; BL, India Office Library [hereafter IOL], MS Eur. G33, fo. 139. For a detailed reinterpretation of this issue see H. V. Bowen, 'Bullion for trade, war, and debt-relief: British movements of silver to, around, and from Asia, 1760–1833', *MAS*, 44 (2010), 445–75.
[22] Om Prakash, *European commercial enterprise in pre-colonial India* (Cambridge, 1998), p. 87.

1790 and 1805 the Company pumped in £9.14 million worth of bullion into India, with Bengal's share being an enormous £5.77 million,[23] far exceeding bullion imports on account of the Company at any other time in the past. Bullion continued to flow from this time onwards, and only in the early 1830s was there a terminal contraction arising from a drastic fall in the export of manufactures from Bengal and India more generally. From a peak of Rs47.5 million in 1818–19, the value of bullion imports dwindled to a mere Rs5.4 million in 1832–3.[24]

Explanations of the fiscal impact of the bullion contraction between 1765 and 1790 on the economy of eastern India remain contentious. Contemporary grievances and modern convictions that a severe shortage of money in the late eighteenth century caused a great reversal of India's pattern of trade need serious reconsideration for the following reasons. First, rates in the financial markets suggest adequate money supplies. The rate of agio (*batta*) charged by money-changers for converting Arcot rupees into the Bengal *sicca* seldom exceeded 7 per cent in the 1770s, which was considerably less than the rates charged in the 1720s when Bengal, ostensibly, received huge amounts of bullion.[25] Second, commercial reports from the Company's Bengal manufactories (*aurangs*) in 1773 revealed that the combined investments by the European companies and private merchants 'exceed double the quantity which can possibly be made [procured?] in the year'.[26] Third, customs receipts collected by the Board of Trade in the late 1790s showed Bengal's exports tripling between 1777 and 1797, with most of that trade still based on an exchange of textiles, foodstuffs, and other raw materials for precious metals and certain manufactured goods.[27] The high outturn of coins from the Calcutta mint – which for the years from 1777 to 1793 averaged more than Rs2.5 million per annum – ensured sufficient circulating money in the economy.[28] Indeed, a 1788 estimate of circulating money showed that the total amount in nine districts of Bengal was Rs43.44 million.[29] Whatever the real or imagined consequences of

[23] Calculated from BL, IOR, L/AG/10/2/2, pp. 84, 211–13, 235–6 and L/AG/10/2/4, p. 148.
[24] B. B. Chaudhury, *Growth of commercial agriculture in Bengal, 1757–1900*, vol. I (Calcutta, 1964), p. 81.
[25] Datta, *Society, economy and the market*, pp. 349–50.
[26] WBSA, Proceedings of the Comptrolling Committee of Commerce, vol. 3, 2 January–30 November 1773, 26 May 1773.
[27] WBSA, PBTC, vol. 8, 3 January–29 December 1797, 31 July 1797.
[28] BL, IOR, Bengal General Journal and Ledgers [hereafter BGJL], P/176/5 to P/176/35 for the relevant years.
[29] D. B. Mitra, *Monetary system in the Bengal presidency, 1757–1835* (Calcutta, 1991), pp. 76–7.

the 'cessation' of bullion imports after 1765, it had practically no impact on prices. Inflation continued to prevail in eighteenth-century Bengal, and by the most conservative estimate, agricultural prices more than doubled during the century with the price-crest stretching between the 1740s and 1795.[30] Prices dipped after 1790 but remained well above the level at the middle of the century, and continued so till 1795; only in 1800 did prices tend to fall, but not below the 1736–40 level.[31]

On the question of revenue maximisation by the Company, the evidence from Bengal, the initial laboratory of the Company's fiscal experiment, shows that on average 40–45 per cent of the agricultural output was collected as land revenue. The demand for agricultural commodities increased, as did production. With 1755 as base equal to 100, the index of the taxes assessed stood at 135 in 1770, 155 in 1778, and 168 in 1783, dropping to 156.01 in 1790.[32] The actual revenue collected also went up but not significantly enough to constitute a radical departure from existing practices. The Company's collections seldom exceeded 85 per cent of the assessment, which compares broadly with the situation under the Nawabs who were successful in collecting anything between 65 and 90 per cent of their assessments.[33]

The rise in prices may well have blunted the edge of the Company's demands in many sections of rural society. While small and marginal peasants suffered from the Company's insistence on timely payments of revenue, landed magnates and merchants weathered the Company's pressures quite well and in fact prospered.[34] Some historians have seen in this period the rise of a 'rich-peasant class', the *jotedars*,[35] who were the immediate beneficiaries of an unfolding British-Asian economy. Post-1760 Bengal had many routes, perhaps more than before, which allowed fresh entrants into a traditionally exclusive club of landed

[30] Writing in 1769, Harry Verelst noted that prices of 'provisions' had 'considerably advanced within these twenty years' (Verelst Papers, BL, IOL, MSS Eur. F281/6–10/9, fo. 279). In 1776, Warren Hastings also noted that 'the price of coarse rice which forms the principal consumption of the people was 5½ times cheaper in the time of Shuja Cawn [1728] than it is now' (BL, IOR, Bengal Revenue Consultations [hereafter BRC], P/49/66, 29 November–31 December 1776, 29 November 1776).

[31] These prices have been derived by averaging the prices of rice contained in the Journal and Ledgers of the Company with the ones given by J. Herklotts in *Gleanings in science* (Calcutta, 1829); for price data, see also A. S. M. Akhtar Hussain, 'A quantitative study of price movements in Bengal during the eighteenth and nineteenth centuries', unpublished Ph.D. thesis, University of London (1977), pp. 277–8. For a contrary but somewhat inexplicable opinion on prices, see Habib, 'The eighteenth century'.

[32] For a detailed discussion, see Datta, *Society, economy and the market*, pp. 333–8.

[33] Datta, 'Commercialisation, tribute and the transition'.

[34] Datta, *Society, economy and the market*, pp. 133, 183, and 333–41.

[35] Ratnalekha Ray, *Change in Bengal agrarian society* (Delhi, 1979).

proprietors, a development captured in an introspective note by the board of revenue, stating that, no matter what, 'a new set of men will be set up, who will claim property to which they have no title, at the expense of those who are already admitted to possess, or supposed to have, a right in the soil'. Corruption came more easily in a situation where new money was looking for profitable outlets; but '*long custom & possession*' still continued to have a strong sway.[36] Thus on the eve of the permanent settlement of 1793, enterprising people could enter a rapidly expanding land market through 'purchases, misrepresentations, evictions and usurpations' and acquire assets which appreciated in value over time.[37] There are thus reasonable grounds to argue that early British rule both continued older forms of property *and* widened the net of property owners who saw land as a capital asset and a viable commercial option.

The functioning of markets always greatly interested the Company and right from its political ascendancy it attempted to regulate their workings. These efforts were welcomed by many and met with considerable success, as the major internal restrictions imposed previously by the landed magnates (the *zamindars*) were removed or broken between 1765 and 1793. Earlier, merchants traded in markets established by landed proprietors who claimed exclusive regulatory rights. As a result, instead of facilitating a free flow of goods, what had developed was a proliferation of *zamindari* outposts (*chowkies*) to collect tolls at rates dictated by the financial predilections of an individual *zamindar.* Their seemingly arbitrary practices resulted in conflicts with merchants over the rate of tolls, market jurisdictions, and commodity movements. Between 1773 and 1790, the Company took steps to rectify such anomalous situations, with the collection of intermittent transit duties levied upon grain being consolidated at central points. The management of such duties was to be under five customs houses at Calcutta, Hughli, Murshidabad, Dhaka, and Patna.

Another problem concerning the control exercised by the *zamindars* and the *talluqdars* on the rents charged at markets was initially difficult to address. Finally in 1790 the board of revenue decreed a separation between rent collected in the markets and the taxes collected on the actual trade. While rents continued to be negotiated and collected privately, the right to tax was now vested in the Company. The combined impact of these policies resulted in a proliferation of marketplaces all

[36] BL, IOR, Proceedings of the Board of Revenue [hereafter BRP], P/71/26, 4 June 1790; emphasis added.
[37] Bhattacharya, 'Worthies and the worth of their land'.

over Bengal. Their increasing numbers or establishment in previously deficient areas enabled a wider scope for commerce, and merchants could move more easily among them with their networks of credit.[38] In sum, the early British economic role was significant, but allowed for very substantial continuity of longstanding Indian commercial and financial practices.

The Indian financial world and the making of a British-Indian economy

In the early modern era, the expanding commercial economy engendered a persisting financial nexus between the state's fiscal system and merchant bankers, and many eighteenth-century changes are explicable only in light of this development. In the seventeenth century, expanding commercial opportunities enabled the Mughal state to collect enormous revenues in cash, and commercial groups started lubricating the wheels of this cash nexus. The decline of the Mughal empire allowed a greater role for local commercial groups in the interstices of the state, while the steady growth in overseas and interregional trade continuously vitalised the pan-Indian networks of commerce. Cash extraction of revenue increased under the 'successor' regimes, with regional states exhibiting what has been called 'military-fiscal' features.[39] Perhaps for the first time in Indian history, a now closer correspondence between the state and economy was mediated by market networks and transactions. Through them, rich merchants began acquiring a stake in the new political order, and in several of the smaller states, trader-bankers became a key political group by the 1760s. Such reorientations were, in the last instance, underpinned by the ability of the Indian economy to attain high levels of commercial growth in this period. The East India Company's state was part of this military-fiscal continuum. Elsewhere too, the close nexus between the state and the bankers, which had become the hallmark of the regional polities in the early eighteenth century, continued and even deepened under the Company's presence.[40]

[38] For a detailed discussion of all these processes, see Datta, *Society, economy and the market*, pp. 200–6.

[39] For a comprehensive overview of these developments, see P. J. Marshall, 'Introduction', in Marshall (ed.), *The eighteenth century in Indian history*, pp. 1–48; C. A. Bayly, *Indian society and the making of the British empire* (Cambridge, 1988), pp. 7–44.

[40] For western India, see Lakshmi Subramanian, 'Banias and the British: the role of indigenous credit in the process of imperial expansion in western India in the second half of the eighteenth century', *MAS*, 2 (1987), 473–501; Lakshmi Subramanian, 'Arms and the merchant: the making of the Bania Raj in late eighteenth century India', *South Asia*, 24 (2001), 1–27.

The financial connections between Indian capital and the Company manifested themselves in three forms: banking and money-handling, intermediation, and trading.

The business nexus between indigenous finance and the Company's enterprise in Bengal predated 1757, and was mainly based on a system of advance contracts (*dadni*) issued by the Company to Indian merchants for the procurement of goods, particularly silk, for export.[41] Lending money on interest to the Company seems to have been another activity of the merchant-moneylender, though its scale appears modest compared with amounts contracted as *dadni*.[42] For instance, merchant 'Kissenpersaud Biswas' took a *dadni* of Rs752,000 for silk in 1733, but this appears to have been an unusually high amount as in 1736–7 he was entering into a contract for a more modest sum of Rs29,750.[43] Profits were good, but vulnerabilities were immense, and Maratha depredations between 1741 and 1746 spelled disaster and ruin for many substantial merchant families of Kasimbazar. Some, like Khusal Chand and Raghunath, were 'entirely ruined' and forced to 'live on the charity and benevolence of friends' or 'obliged to serve as under Banian [subcontractor] for his livelihood', while others, like Kissenpersaud Biswas, just about managed to stay afloat after suffering huge losses owing to the plunder of their 'money and goods'.[44] High prices of raw silk and the uncertain quality of finished goods placed *dadni* merchants in an unenviable position and by 1756 the *dadni* system was all but over.[45] The old commercial world of the Asian merchant was already under severe stress on the eve of the British takeover.

Many bankers, including the famous Jagat Seth, supported the Company during the Plassey 'revolution',[46] and once in place some changes occurred. Large banking houses declined rapidly. The dramatic nature of that decline has often hidden the fact that banking became much more dispersed and open-ended in its wake. Upcountry bankers, particularly from Banaras, quickly rushed in to fill the vacuum, setting up *kothis* (banking houses) in various places of eastern

[41] There is copious information on such merchants in BL, IOR, Factory Records, Kasimbazar, G/23/4 to G/23/13 covering the period from 1684 to 1789. For a recent use of these sources to reconstruct the changing fortunes of the silk merchants at Kasimbazar, see Rila Mukherjee, *Merchants and companies in Bengal: Kasimbazar and Jugdia in the late eighteenth century* (New Delhi, 2006).
[42] Ibid., pp. 63–4.
[43] BL, IOR, G/23/5, 26 March 1733 and 9 March 1736.
[44] Ibid., G/23/1, Consultation of February 1752.
[45] Mukherjee, *Merchants and companies*, pp. 80–91.
[46] See the correspondence and entries in BL, IOL, Orme MSS, India, vol. XI.

and western India, often putting up £1 million to start their ventures.[47] Marwari bankers combined banking with local trade, much like Jagat Seth of yore, and their presence was already strong in the markets of the province.[48] Seven rich bankers (*kothiwals*) did lucrative business in Murshidabad in the early nineteenth century, combining deposit and remittance banking through bills of exchange (*hundi*) with money-lending and agiotage (*sarraf*).[49]

In this connection, the arrival of large quantities of silver at the Calcutta mint between 1777 and 1793 is significant. Over these years, an additional Rs42.68 million (£4.27 million) worth of silver siccas were freshly minted (as distinct from recoined) for circulation. Most of this silver was brought into the mint by the *shroffs* (money changers) from upper India through Awadh,[50] and Banaras, routed through their *kothis* at Murshidabad[51] which became the principal centre of the remittance of bullion 'agreeable to the demand for the specie'.[52] The commercial significance of such massive amounts of bullion being handled by indigenous merchants emerges more sharply when compared with Rs26,269,220 (£2,626,922), the total amount of bullion imported into Bengal by the Company in the fifteen years between 1740–1 and 1755–6.[53]

Without any corresponding financial institutions in the provinces, European finance in India depended critically on these upcountry and Bengal bankers until at least the mid-nineteenth century.[54] They cooperated with the Company, but on their own terms, and their intransigence was the main reason why the Company's repeated attempts at establishing a uniform currency throughout the presidency remained unfulfilled till 1835.[55] Who were these *sarrafs*? They constituted a combination of

[47] N. K. Sinha, *The economic history of Bengal*, vol. III: *1793–1848* (Calcutta, 1970), p. 74.
[48] Datta, *Society, economy and the market*, pp. 209–10.
[49] Francis Buchanan, *A geographical description of Dinajpore* (Calcutta, 1833), pp. 320–1; K. M. Mohsin, *A Bengal district in transition, Murshidabad, 1765–1793* (Dhaka, 1973), p. 126.
[50] BL, IOR, BGJL, P/176/7, p. 523, and P/176/9, pp. 102–3; the overall totals are drawn from BGJL, P/176/5 to P/176/35 for the relevant years.
[51] National Archives of India, Home Department, Public Branch, Original Consultations, 15 June 1788. I am grateful to my student Mr Anand Singh for this information.
[52] BL, IOR, Bengal Commercial Reports, External Commerce [hereafter BCRE], P/174/14, p. 63; also see Mishra, *Banaras in transition* and Shubhra Chakrabarti, 'Colonized trade: major shifts in India's trade and commercial organizations, 1700–1860', in B. B. Chaudhury (ed.), *Economic history of India from eighteenth to twentieth century* (Delhi, 2006), pp. 57–106.
[53] Datta, *Society, economy and the market*, p. 344.
[54] Sinha, *Economic history*, vol. III, pp. 75–6.
[55] Shubhra Chakrabarti, 'Intransigent shroffs and the English East India Company: currency reforms in Bengal, 1757–1800', *Indian Economic and Social History Review*, 35 (1997), 69–94.

kothiwals located in the cities of Calcutta, Murshidabad, and Banaras. Between 1777 and 1792, at least 129 different bankers provided bullion for the Calcutta mint.[56]

Intermediation had two major components – buying goods from the Company for sale in the Calcutta markets and loaning the Company money.[57] 'Broadcloth, flannel, serge, lead, tin, iron, copper and brass cog-wheels' and 'looking glasses, lamps, pictures & ca' to the tune of about £250,000 per annum in the 1790s were among the principal items purchased from the Company by Indian and private European traders.[58] Compared with the meager value of Rs8,711 for such goods in 1753–4,[59] after 1765 such sales amounted to Rs578,844 in 1768–9,[60] Rs700,493 in 1784,[61] and Rs345,626 in 1786.[62] Local merchants accounted for 84 per cent of these sales.[63]

The other form of intermediation was the loaning of money to the Company. The borrowings, somewhat in the nature of a sinking fund, were to tide over various exigencies, both commercial and military, when the Company was forced to raise money in the Indian market at 8–12 per cent interest.[64] This was one area where Indian finance became hugely involved post-1757. For instance, the combined value of such loans given out to the Company by the Kasimbazar merchants between 1733 and 1750 was Rs703,588,[65] much smaller than the amount of Rs927,194 loaned to the Company in one year (1753–4). The end of the old *dadni* system around the latter year seems to have caused a considerable reorientation in indigenous finance. War finance certainly played a major role, although the evidence also suggests a more complex commercial motive: borrowings were higher in 1753–4, compared

[56] The names can be found in BL, IOR, BGJL, P/176/5–33. A full listing has been posted at www.smu.ca/baban/data/list1.

[57] There was a third aspect of intermediation. Many Indian merchants acted as agents (*bania*) for Company officials and other private traders. This feature is not being considered here. For a comprehensive discussion on *banias* and the Company, see P. J. Marshall, 'Masters and banians in eighteenth-century Calcutta', in Blair Kling and M. N. Pearson (eds.), *The age of partnership: Europeans in Asia before dominion* (Honolulu, 1979); see also D. Basu, 'The Bania and the British in Calcutta', *Bengal Past and Present* (1973), 157–70.

[58] BL, IOR, BJL, P/176/19, p. 63; BCRE, P/174/14, p. 9.

[59] BL, IOR, BCRE, G/28/12, p. 63.

[60] BL, IOR, BGJL, P/175/83, pp. 48–56.

[61] BL, IOR, BGJL, P/176/18, pp. 62–3.

[62] BL, IOR, BGJL, P/176/21, p. 55.

[63] Full lists of purchasers of Company goods are available in BL, IOR, BGJL, P/175/83, pp. 48–56; P/176/19, pp. 62–3; P/176/21, p. 5.

[64] BL, IOR, BCRE, P/174/13, p. 4.

[65] Mukherjee, *Merchants and companies*, p. 64.

with 1756–7 and the run-up to the battle of Plassey.[66] However, the military logistics of the wars in Mysore and hostilities with the French required massive mobilisation of private funds from the presidencies, mainly from Bengal, which 'proved a bonus to the rich [and] induced the timid amongst the moneyed men to speculate in these loans'.[67] By 1802, as the pressures of war finance decreased, and as interest rates dropped to 8 per cent, 'opulent natives of Bengal' began moving their capital back into trade and servicing the commercial requirements of the Company and other private traders'.[68] A near-simultaneous large expansion of European agency houses that raised their funds locally is far from coincidental.

These rich data reveal much about the social composition of India's bankers. They challenge a commonly held view that the commercial community belonged to a particular caste, namely the *vaiśya* caste.[69] While such a traditional local upcountry caste from western India continued to operate, a significant expansion in social composition occurred with the incorporation of high-caste literate gentries, such as Brahmins and Vaidyas, along with the landed-scribal, the Kayastha, castes, within its portals.[70] Brahmins now easily moved through markets, as buyers, as creditors, and as bullion-handlers, in the company of their more traditional 'subaltern' Bania brethren like the *sahas*, the *cotmahs*, and the *basaks*.

How far was this development an outcome of the colonial impact? Some lower and intermediate caste groups (*jatis*) benefited from an expanding commercial economy in the pre-British period,[71] and lists of *dadni* merchants in pre-1757 Bengal available in the Kasimbazar factory records clearly demonstrate the substantial presence of purely commercial castes like the *telis*, *baniks*, *sahas*, *poddars*, *cotmahs*, and *tantis*.[72] Interspersed among them were 'upcountry' merchants, mainly

[66] For details of such loans contracted over various years between 1753 and 1792, see BL, IOR, BGJL, P/175/60–P/176/33.

[67] BL, IOR, BCRE, P/174/14, p. 3.

[68] Ibid., p. 6.

[69] C. N. Cooke, *Rise, progress and present condition of banking in India* (Calcutta, 1873); Shubhra Chakrabarti, 'Colonized trade', p. 74.

[70] The significant expansion in numbers can also be seen from the fact that there were only fifteen listed merchants buying Company goods in Calcutta in 1757–8 (BL, IOR, BGJL, P/175/61, p. 60).

[71] Hitesranjan Sanyal, 'Continuities of social mobility in traditional and modern society in India: two case studies of caste mobility in Bengal', *Journal of Asian Studies*, 30 (1971), 315–39.

[72] Lists of *dadni* merchants are available in BL, IOR, G/23/5 for 1733 and 1736–7, G/23/6 for 1740, and G/23/11 for 1752. These lists have also been studied in depth by Mukherjee, *Merchants and companies*, pp. 23–39. The convergence in our views is coincidental.

from Rajasthan, Gujarat, and Multan,[73] and a motley group of high-caste participants: Brahmins with patronyms like Sarma, Ghoshal, and Tagore along with intermediate, Kayastha, castes bearing patronyms such as Dutt, Biswas, and Ghose among others. These data support Mukherjee's larger conclusion that 'a new kind of [caste] mobility was evident' in the commercial world of the seventeenth century.[74] The post-1757 era widened and deepened this process, a significant feature of which was the expanded commercial participation of the traditional land-based literate and service groups, thereby further attenuating the caste-oriented nature of commercial professions.

From the perspective of Company observers in a 1802 report, 'respectable native stock brokers' in Calcutta could negotiate 'the purchase and sale of stock (government loans of any description) to any amount required' in the course of one day's trading. 'The formerly timid Hindoo',

> now lends money on distant voyages, engages in speculation to various parts of the world, and is an underwriter in the different insurance offices, erects indigo works in various parts of Bengal, and is just as well acquainted with the principles, and British laws respecting commerce, as the generality of European Merchants; and enjoys two very great advantages over the latter, the first, the trading in his own, instead of borrowed capital, and secondly of living and conducting his business at probably one-tenth of the expense of the European.[75]

For these Indians, the late eighteenth century was certainly a period of expanding commercial opportunities. Landed proprietors, who set up markets in the interior areas, provided loans to cultivators, and generally underwrote the finances for agricultural reclamation, also joined the commercial bandwagon.[76] Markets created by the petty gentry and great nobles alike appeared in Awadh, Maharashtra, and peninsular India in the much less propitious circumstances of the late eighteenth century. In Maharashtra marketplaces grew into 'little towns' where a range of people spread themselves into commerce, landholding, and revenue-farming.[77] Landed magnates tried their hand at the direct cultivation of indigo when markets looked favourable, but most of them preferred to latch on to opportunities opened by the newly expanding

[73] BL, IOR, G/23/6, 9 December 1741 and G/23/12, 20 September 1757.
[74] Mukherjee, *Merchants and companies*, p. 38.
[75] BL, IOR, BCRE, P/174/14, p. 7.
[76] For a discussion, see Datta, *Society, economy and the market*, ch. 4.
[77] Sumit Guha, 'Potentates, traders and peasants: western India, *c.*1700–1870', in Burton Stein and Sanjay Subrahmanyam (eds.), *Institutions and economic change in South Asia* (Delhi, 1996), pp. 71–84.

horizons in indigo and opium by routing some of their monies and supplying the European agency houses.[78] Overall, the relationship between the state and commerce in eighteenth-century India had already been in a state of transition prior to the post-1757 expansion of the Company's role. The Company exerted a continuing and increasing influence on this relationship, leading to an expansion of exports that over time stimulated many indigenous local and interregional markets.

The internal economy under export expansion: local trade in primary produce

While private traders were busy insinuating themselves in many branches and areas of Bengal's country trade, the internal market for goods, both for old staples and new commodities, was controlled by Indian merchants who also interfaced with the export market by acting as suppliers, buyers, and providers of credit and finance. The money market was almost entirely under their control. The Company's monopolistic designs on commodities like salt or indigo paradoxically resulted in indigenous market activism. Although such activism succeeded in breaking through the fiscal controls which landed magnates traditionally exercised over markets, the simultaneous confirmation of proprietary rights over markets and over their rental incomes for such magnates resulted in a proliferation of such places throughout Bengal in the post-1757 era. In contrast to the past situation, large markets, called 'private gunges', were now also being set up by merchants 'for the reception of all goods brought to the market by themselves and others'.[79]

These new market interventions expanded the volume of trade in primary produce being handled by the markets, as Calcutta spectacularly illustrates. There the duties levied on food grains rose dramatically.[80] Yet that city's experience was far from exceptional. The market in food grains illustrates the overall expansion of commerce, both internal trade and exports, in eastern India under early British rule. Between 1796 and 1812, Rs23.7 million worth of rice was exported from Bengal's shores[81]

[78] Chaudhury, *Commercial agriculture*, p. 81; Sugata Bose, *Peasant labour and colonial capital: rural Bengal since 1770* (Cambridge, 1993), pp. 46–7.

[79] BL, BRC, 11 June 1790. For details of this process, see Rajat Datta, 'From medieval to colonial: markets, territoriality and the transition in eighteenth century Bengal', *Medieval History Journal*, 2 (1999), 143–67, esp. 155–64.

[80] A comparison between the years 1774 and 1783 can be effected from BL, IOR, BRC, P/49/48, 30 November 1774; and WBSA, Proceedings of the Board of Customs, 6 August–29 December 1783, 7 November 1783.

[81] BL, IOR, BCRE, P/174/13, pp. 13, 32; P/174/15, pp. 147–8.

to Madras and to places as far away as Britain and Mauritius.[82] Rice was exported from Bakarganj, Rajshahi, Dinajpur, Rangpur, Burdwan, and eastern Bihar.[83] In 1775, Midnapur exported 16 per cent of its rice, whereas Noakhali was exporting 23 per cent of its output around the same time.[84] Bakarganj's exports had increased from 28.5 per cent of its produce in 1775, to 33.4 per cent in 1794,[85] and stood at about 28 per cent in 1818.[86] Rangpur and Dinajpur exported 35 per cent and 68.6 per cent, respectively, of their rice output around 1807.[87]

However, the growing internal market for food under conditions of rising agricultural prices was as significant. Of a total agricultural output of Rs329 million at prime costs around 1793, the net value of the output of rice and paddy was Rs112.5 million (or 34.19 per cent), and with an additional 14 per cent retained as seed stock,[88] the combined value of this primary produce was Rs157.5 million. Under normal circumstances, about 30 per cent of this 'exportable surplus' would be available for sale in the markets.[89] Assuming 50 per cent over this as the grain trader's mark-up,[90] the approximate annual traded value of rice and paddy around the time of the permanent settlement was Rs70.88 million,[91] almost five and a half times the value of the Company's exports from Bengal in 1793.[92] Despite the Company's efforts to enter this huge and growing market, it remained exclusively under the control of indigenous merchants who zealously, and successfully, guarded their interests from any external interference.[93]

[82] BL, P/174/15, pp. 217, 232.
[83] Miki Sayako, 'The English East India Company and indigenous trading systems: the grain trade in early colonial Bengal', in S. Sugiyama and Linda Grove (eds.), *Commercial networks in modern Asia* (London, 2001), p. 215.
[84] WBSA, Proceedings of the Provincial Council of Revenue, Dacca [hereafter PCR], vol. 8, 18 September 1775.
[85] Ibid., vol. 8, 18 September 1775; WBSA, Proceedings of the Board of Revenue, Grain Branch, vol. 1, 10 October 1794.
[86] Sayako, 'The English East India Company', p. 217.
[87] Rajat Datta, 'Merchants and peasants: a study of the structure of local trade in grain in late eighteenth century Bengal', in Sanjay Subrahmanyam (ed.), *Merchants, markets and the state in early modern India* (Delhi, 1990), pp. 139–62.
[88] H. T. Colebrooke, *Remarks on the husbandry and internal commerce of Bengal* (1793; Calcutta, 1884), pp. 15–16.
[89] Datta, 'Merchants and peasants'.
[90] The grain trader's profits could range from 33.3 per cent to 88.6 per cent depending on the season and the location of his trade (ibid., 215–16).
[91] This would be 1,114.12 million maunds of grain at prices current for the 1791–5 quinquennium.
[92] The value of the Company's exports from Bengal in 1793 was Rs13 million (BL, IOL, MSS Eur. D 75, fo. 8).
[93] Datta, *Society, economy and the market*, pp. 212–13, 289–92.

The interregional market in other agricultural items was similarly buoyant. Bihar's exports of refined sugar to Bengal went up from 3,191 maunds in 1787 to 14,770 maunds in 1788. Sugar imported from Banaras showed a more spectacular profile: 1,446 maunds in 1787; 18,607 maunds in 1788; 55,269 maunds in 1789; 52,617 maunds in 1790; and 36,366 maunds in 1791.[94] Non-agricultural products too had a ready and expanding market. Tobacco, a principal item of non-food consumption, had a huge internal demand, and most districts did not cultivate quantities 'equal to the consumption'. There was also a fairly well-marked social difference in tobacco use: the 'lower class of natives' consumed the local and often insipid product, while the 'more opulent natives' purchased finer-quality tobaccos imported from Chunar, Patna, and Rajmahal.[95] Boatloads of tobacco left from northern Bengal, especially Rangpur, bound for Dhaka, Murshidabad, and Calcutta, a trade the government found a challenge to regulate: 'it is indeed a difficult task to stop all boats as the navigable passages are almost innumerable', especially during the 'wet season'.[96] Customs collections at different places reveal the vigour of the internal tobacco trade.[97] Thus, in agriculturally based trade and markets, the Company fell far short of realising its controlling ambitions, while indigenous merchants enjoyed the proceeds of growth.

Trade in non-agricultural produce: the case of cotton

An excessive preoccupation with the Company's trade in cotton piecegoods has often blinded us to the huge internal market for common varieties of cotton textiles,[98] and, as Om Prakash has recently argued, despite the coercive investment and procurement policies of the Company, Bengal's textile output remained buoyant under the new dispensation.[99] One has to consider the internal demand for cotton to gain a proper perspective on the changes, if any, in this crucial sector of the economy under early British rule.

[94] WBSA, Proceedings of the Board of Revenue, Customs, 16 January–28 December 1792, 14 September 1792.
[95] BL, IOR, BRC, P/51/17, 30 May 1789.
[96] James Rennell, 'On the severall avenues by which tobacco is or may be brought to Moorshedabad, Dacca, Calcutta & Ca from the Northern Provinces, 25 August 1773', BL, IOR, HM, 217, p. 192.
[97] WBSA, Proceedings of the Board of Customs, 6 August–29 December 1783, 14 November 1783.
[98] For a similar point, see P. J. Marshall, *Bengal: the British bridgehead, eastern India, 1740–1828* (Cambridge, 1987), pp. 162–3.
[99] Om Prakash, 'From negotiation to coercion'.

Around 1786 the value of Bengal's output of cotton cloth was estimated to be Rs28 million.[100] The Company's investment for cotton piecegoods in that year was Rs13.1 million (£1.31 million),[101] leaving Rs14.9 million worth of cotton cloth for internal consumption. In 1793, even after a loss of up to 30 per cent of its bulk due to deseeding, cleaning, and carding,[102] the net worth of the trade in raw cotton was Rs42 million. As the Company's investment in 1792–3 was Rs6.5 million,[103] Rs35.5 million worth of raw cotton was left for trading in the internal market at the time of the permanent settlement of 1793. In other words, anything up to 53 per cent of the textiles produced in eastern India and up to 84 per cent of its raw cotton could circulate outside the purview of the Company's monopoly. In 1802, the combined market value of cotton piecegoods and silk for export being handled by 'native merchants' was £1.5 million,[104] of which the value of cotton piecegoods traded at Calcutta by such merchants was £1 million.[105]

A survey of Bengal's cotton cultivation in 1789 revealed that while local production of good quality (*nurma*) cotton had declined over the years, this deficit was more than made up by imports from western and northern India. In fact up to 73 per cent of Bengal's requirements of raw cotton were met by importations from these parts.[106] In 1793 Colebrooke reported that cotton in the Deccan and northern India 'is raised [so much] more cheaply than in Bengal, that it supports a successful competition, notwithstanding the heavy expenses of distant transport by land and water'.[107] Nagpur, Ghazipur, Jaunpur, and Mirzapur were important nodes for the distribution of raw cotton into Bengal and significant conduits for the sale of Bengal piecegoods in western India and the Deccan at the end of the century.[108]

Elsewhere too, commercial transactions appear to have remained robust. In the late 1780s, nearly 43 per cent of the textiles produced in Banaras were being vended in western India, 49 per cent was being sent to Bengal for shipment overseas, and the remaining 8 per cent

[100] James Grant, 'A historical and comparative analysis of the finances of Bengal, 1786', in W. K. Firminger (ed.), *The fifth report* [hereafter *FR*] (Calcutta, 1817), p. 279.
[101] BL, IOR, L/AG/10/2/3, p. 5.
[102] WBSA, PBTC, vol. 8, 31 July 1797, p. 305.
[103] N. K. Sinha, *Economic history of Bengal: from Plassey to permanent settlement*, vol. I (Calcutta, 1965), pp. 178–9.
[104] BL, IOR, BCRE, P/174/13, 28 August 1802.
[105] Ibid., P/174/14, p. 5.
[106] BL, IOR, BRP, P/7/11, 1 June 1789. For a detailed analysis of raw cotton production in Bengal, see Datta, *Society, economy and the market*, pp. 51–4.
[107] Colebrooke, *Remarks on the husbandry*, p. 84.
[108] WBSA, Proceedings of the Board of Revenue, Customs, 4 January–29 December 1790, 18 February 1790; PBTC, vol. 8, 11 April 1797.

was destined for the Deccan and the northern provinces. Consequently, because the markets for expensive Banaras cloths were to be found in northern and western India, and medium-priced cottons were sent to Bengal,[109] the continuing regional division of the trade illustrates that there was no major change in India's internal market for textiles. The export of refined sugar from Banaras to Bengal, Bihar, the Deccan, and western India increased from 76,075 maunds in 1787–8 to 170,352 maunds in 1791–2. The average annual value of sugar exported from Banaras was Rs877,849.[110]

By the 1790s, cotton wool from Gujarat and central India, and Malwa opium and indigo had started becoming an important part of India's overseas trade.[111] The North American market for Indian goods was expanding, and in Asia the demand from Europe was being supplemented by the demand from Indonesia, while the west Asian markets had started reviving by 1790.[112] Therefore, when Cornwallis spoke of a 'languor' thrown upon the Indian economy, as he did when describing one-third of the Company's territories as being 'a jungle inhabited only by wild beasts',[113] we have to be careful to sift substance from rhetoric before giving our stamp of approval to this statement of decay. Cornwallis, in reality, was ill equipped to understand, much less to gauge, the stimulation of local and interregional markets that was now inseparable from increasing overseas exports.

Trade in the 'new' commodities

If cotton was the old export staple, new 'colonial' items appeared and expanded quickly in the wake of commercial opportunities fostered by the massive expansion in India's exports. Indigo is one good example. As late as 1777, 'the article of indigo was unknown as an export or not exported',[114] but between 1786 and 1800, 21.41 million lb of indigo worth £4.82 million were exported from Bengal on both Company and private accounts.[115] Private exports were designed to facilitate the remittance of individual fortunes out of Bengal,[116] and indeed they exerted considerable influence upon the massive growth in indigo production that occurred in north India, especially after 1813.[117] Such export expansion had a more mixed impact.

[109] Mishra, *Banaras in transition*, p. 136. [110] Ibid., p. 142.
[111] WBSA, PBTC, vol. 8, 31 July 1797, p. 301.
[112] Ibid. [113] Minute of 3 February 1790, *FR*, p. 512.
[114] WBSA, PBTC, vol. 8, 31 July 1797, p. 301.
[115] BL, IOL, MSS Eur. G33, fo. 141.
[116] Marshall, *British bridgehead*, p. 134.
[117] BL, IOL, MSS Eur. G33, fo. 141.

First, indigenous capital became directly involved in financing this trade. Indian financiers provided the Company and private traders with ready-money loans or invested in the agency houses, which were growing in Calcutta and Bombay mainly to finance the growing trade in indigo and opium. Though it was hoped that landed magnates would try their hand at the direct cultivation of indigo when markets looked favourable, and some indeed did,[118] most capitalised on opportunities opened by indigo production by routing some of their rental incomes from the permanent settlement into the business of agency houses. Second, indigo became important in Bengal's interregional trade, with the customs house at Mangjhi recording annual values for indigo imports – despite price fluctuations – as ranging during the mid-1790s from just over Rs1 million to more than Rs3 million.[119] Third, by the 1790s, Indian producers were delivering for export fine, middling, and ordinary qualities of indigo and this enabled them to capture international market shares from Spain, France, and America, respectively.

The cultivation of another cash crop, jute (*sona paat*), experienced phenomenal growth as an export commodity in the late 1830s,[120] but the first inquiries regarding jute cultivation in Rangpur were made in 1794. The data collected were rather imprecise about both output and lands under cultivation. For the greater part of our period, fishing folk cultivated *paat* on small plots of land and used it for making nets,[121] but by the first decade of the nineteenth century the cultivation of jute had doubled in Rangpur because of the 'demand from Europe and the advances given by the Company'.[122]

The Company was a difficult, and often harsh, employer. As a trader, its monopolistic aspirations engendered high-handedness with producers under its control, relentlessly enforcing the delivery of what was due and constantly attempting to depress the wages of the weavers in its employment. These practices made the producers extremely vulnerable to any sharp changes in the prices of food. During famines the highest mortalities were usually recorded among artisans working at the Company's manufactories.[123] While these constraints may have ruined some artisans,

[118] Bose, *Peasant labour*, p. 46.
[119] WBSA, PBTC, vol. 8, 12 December 1797, p. 499. As these figures show, prices tended to fluctuate, sometimes adversely, and this was the main reason for the problems associated with this crop.
[120] Bose, *Peasant labour*, pp. 52–3.
[121] BL, IOR, HM, vol. 375, 9 June 1794, pp. 118, 288.
[122] Francis Buchanan, 'Account of Ronggoppur', BL, IOL, MSS Eur. D75, vol. 2, book 2, fo. 42.
[123] Datta, *Society, economy and the market*, pp. 294–305. In south India, too, weavers in the Coromandel were facing growing vulnerabilities under the new dispensation.

particularly weavers employed by the Company in places like Dhaka,[124] notions of universal distress must be tempered by the fact that this harsh regime did not cover the whole trade in cotton goods, and many artisans managed to find loopholes in the system. Also, the Company regime never managed to insinuate itself among all textile producers. In Bengal, its control seldom exceeded more than one-third of the weaving population, while in Banaras it hovered around a quarter.[125]

Attempts by the Company to monopolise the production of the 'new' staples such as opium and indigo may not have worked as efficiently as its officials wanted. As B. B. Chaudhury has shown, the production or the sale of staple crops through the advance-payment system did not prevent 'market conjunctions', especially prices, in determining the autonomous response of the cultivators towards these crops; nor could the monopolistic policies of the state obstruct indigenous sources of credit from percolating into these sectors of production.[126] In fact, cultivators often found advances to be an assured source of income and Francis Buchanan was of the opinion that wages had risen by 50 per cent in Rangpur over ten years, largely due to the opening of indigo factories there,[127] while the spread of cash-crop cultivation was thought to have more than doubled the 'price of agricultural and common labour' in Dhaka between 1803 and 1837.[128]

Unemployment and 'deindustrialisation'?

If the commercial economy did not show serious signs of decay, the question remains of the 'increasing unemployment of artisans and troopers'.[129] One of the avowed purposes of Company rule was to

Here the weavers entered a new regime of labour control, which removed many of their past entitlements, and this led to a sharp decline in their wages and economic status (cf. Prasannan Parthasarathi, *The transition to a colonial economy: weavers, merchants and kings in south India, 1720–1800* (Cambridge, 2001)).

[124] Hameeda Hossain, *The Company weavers of Bengal: the East India Company and the organization of textile production in Bengal, 1750–1813* (Delhi, 1988).

[125] D. B. Mitra, *The cotton weavers of Bengal, 1757–1833* (Calcutta, 1978), pp. 107–8. A survey of looms undertaken in the *aurung* at Chandrakona in 1767 found that about 20 per cent of the available looms were operating clandestinely ('hidden') in that manufactory alone (Prakash, 'From negotiation to coercion', p. 135).

[126] B. B. Chaudhury, 'The process of agricultural commercialisation in eastern India during British rule: a reconsideration of the notions of "forced commercialisation" and "dependent peasantry"', in Peter Robb (ed.), *Meanings of agriculture: essays in South Asian history and economics* (Delhi, 1996), pp. 71–91.

[127] 'Ronggopur', BL, IOL, MSS Eur. D75, book 4, fo. 112.

[128] J. Taylor, *A sketch of the topography and statistics of Dacca* (Calcutta, 1840), pp. 305–6.

[129] Cf. Irfan Habib, 'Processes of accumulation in pre-colonial and colonial India', in Habib (ed.), *Essays in Indian history*, pp. 259–95, at p. 276.

demilitarise local magnates, but that process appears to have been protracted and difficult.[130] *Zamindari* militia were disbanded in eastern and upper India,[131] but whether this led to considerable unemployment or a significant contraction of demand in the countryside is a moot point. The realities were more complex. For instance, in the Banaras Raj, Bhumihars, followed by Rajputs, Brahmins, and Afghan *risaldars* continued to find extensive employment in regional militias, apparently without any major upheavals.[132] In Bihar, which was mainly the focus of Ghulam Husain Tabatatbai's *Siyaru-l Mutakhirin* (1781) and where this loss was most explicitly recognised, the Baksariyas found easy and 'more extensive' employment in the Company's army.[133] Even in Bengal, where the number of troops under the control of landed magnates was substantially reduced, the Company was greatly vexed that this demilitarisation was not accompanied by a corresponding reduction in the quantity of untaxed land held by such people.[134]

The Company had also emerged as an important source of military employment and its pay and pensions provided an important incentive for *zamindars* and armed peasants to seek service in the Company's Indian army. In eastern India *sipahis* in the Company's employ expanded from 2,900 in 1757 to 48,000 in 1784.[135] In 1763–4, army disbursements were £550,036; in 1767–8 they had increased to £991,996.[136] Assuming the Company paid £30 (Rs300) per year as wages to an ordinary *sipahi*,[137] then at this minimum level, the wages paid to Indian men in the army in eastern India would have been

[130] Dirk H. A. Kolff, *Naukar, Rajput and sepoy: the ethnohistory of the military labour market in Hindustan, 1450–1850* (Cambridge, 1990), p. 16.

[131] Datta, *Society, economy and the market*, p. 151; Bayly, *Rulers, townsmen and bazaars*, p. 55.

[132] Seema Alavi, *The sepoys and the Company: tradition and transition in northern India, 1770–1813* (Delhi, 1995), p. 32.

[133] Kolff, *Naukar, Rajput and sepoy*, pp. 170–1.

[134] Bengal's *zamindars* had large establishments of militia (*paiks* and *barqandazes*), administrative officials, and other servants (*karamcharis*) who were maintained by grants of extensive tax-free lands in lieu of pay. These lands were known generically as *la-kharaji or kharij-jama* (revenue-free), but were functionally subdivided into *baz i-zamin* and *chakeran zamin*. The former was meant for the upkeep of religious establishments like mosques and temples, and the latter was for *zamindari* officials and militia (see Datta, *Society, economy and the market*, ch. 3 for a discussion of these lands and their economic implications).

[135] Marshall, *British bridgehead*, pp. 94–5; Marshall, 'The British in Asia: from trade to dominion, 1700–1765', in *OHBE*, vol. II: P. J. Marshall (ed.), *The eighteenth century* (Oxford, 1998), p. 499.

[136] *Third report from the secret committee on East India Company affairs* (1773), p. 61.

[137] Douglas Peers, *Between Mars and Mammon: colonial armies and the garrison state in India, 1819–1935* (London, 1995), p. 80.

£183,000 in 1763–4 and £750,000 in 1767–8. These amounts equalled 33.27 per cent and 75.6 per cent, respectively, of total Company army expenditures in these years. Such massive outlays dwarfed the amounts local potentates spent on their military edifices. In Awadh, the maximum spent on a 'gentleman-trooper' in the nawab's army was Rs80 a year,[138] while in the more militarily robust army of Sultanate Mysore, such a trooper received Rs192 per year, while an ordinary soldier cost Rs48 to maintain.[139] No wonder that by the 1820s the Company was using the military support of the *zamindars* of Banaras, Awadh, and Bihar for the consolidation of its power in India.[140] The process of demilitarisation among the privileged landholders probably did not result in any perceptible loss of status, income, or the propensity to consume.

The other dimension of employment is artisanal, and here the received view emphasises large-scale unemployment and immiserisation, with Dhaka weavers used as the example of artisans who supposedly became substantially poorer in the late eighteenth century compared with the 'enviable' levels of prosperity they enjoyed earlier in the century.[141] The evidence for this argument is inconclusive given the scantiness of sources regarding the living standards of artisans in pre-colonial India. Any general notion of immiserisation must be weighed against the increasing scale of production in early colonial Bengal. In 1747, of textiles worth £374,000 exported from Bengal,[142] the value of muslins comprised £280,000.[143] By comparison, the exports of muslins and cotton piecegoods from Bengal between 1770 and 1815 ranged from a low of £961,916 in 1810 to a high of £2,576,377 in 1800.[144] Although the exports of muslins from Bengal declined from 1805 to 1815, these data do not conclusively show a general decline in Bengal's textile industry as a whole, especially in light of the Napoleonic Wars which disrupted trade.[145] Cotton piecegoods exports held up well through this period and in fact increased from 1790 onwards.

[138] Bayly, *Rulers, townsmen and bazaars*, p. 54.
[139] Nikhilesh Guha, *Pre-British state system in south India: Mysore, 1761–1799* (Calcutta, 1985), p. 66.
[140] Alavi, *The sepoys and the Company*, pp. 56–63.
[141] See, particularly, Susil Chaudhury, *From prosperity to decline: eighteenth century Bengal* (Delhi, 1996), pp. 154–73, esp. pp. 160, 173, for such a view.
[142] K. N. Chaudhuri, *The East India Company and the trading world of Asia, 1660–1760* (Cambridge, 1978), p. 545.
[143] J. Taylor to Peter Speke, 20 November 1800, in BL, IOR, HM, vol. 456 F, pp. 94–5.
[144] Ibid., L/AG/10/2/5, p. 294.
[145] See Prakash, 'From negotiation to coercion' for a similar argument centring around the 1760s.

Yet job losses did occur. In six *arangs* (manufactories) in Dhaka, the number of looms declined from 7,000 in 1776 to 5,658 in 1786, and the number of weavers employed at these looms fell from 21,000 to 10,480.[146] A detailed list of weavers employed by the Company at Luckipore between 1796 and 1800 shows a loss of employment among the weavers in some *arangs*, while other places witnessed a net accretion.[147] Production levels did not register any drastic changes. In 1789, Luckipore produced 250,000 pieces of cloth of 'various denominations'; in 1797, it produced 285,296 pieces.[148] At Ghazipur, under the Banaras residency, the production of piecegoods increased from 342,464 in 1789–90 to 448,466 in 1792–3.[149]

It would be premature to talk of 'deindustrialisation' on the basis of these figures of shifting employment in the textile sector. At best the Company controlled between 25 and 33 per cent of the weaving population; the internal market for cotton, as in the case of most other commodities, functioned largely outside its purview. Furthermore, even in areas it controlled, the situation may not have been as drastic as commonly stated. Using the estimate, made in 1797, that five people could manufacture four pieces of cloth in a month,[150] and given no drastic change in the technology of production, it may be reasonable to infer, on the basis of the total pieces produced, that the people employed in the production of cotton textiles for the Company increased, albeit far from uniformly, from an estimated 86,170 in 1770 to 217,103 in 1815.

The other aspect of declining employment was the phenomenal expansion in the volume of exports being fuelled by the steady growth of private trading. In Dhaka, of Rs3.74 million worth of cotton piecegoods produced between 1790 and 1799, the share of the private trader was Rs2.28 million (or 60.96 per cent).[151] Of the 12,800 registered weavers in Mau

[146] Compare BL, IOR, BRC, P/49/64, 24 September 1776 with BL, IOR, HM, vol. 795, p. 20.

[147] Thus at Luckipore the numbers fell from 478 in 1796 to 403 in 1800 and from 774 to 412 in Bidrabad. On the other hand, at Bulluah their numbers increased from 464 to 492, at Rajganj the increase was from 259 to 460, and at Dharamganj their corresponding numbers were 166 in 1796 and 223 in 1800 (Mitra, *Cotton weavers*, p. 167).

[148] WBSA, PBTC, vol. 8, 31 July 1797, p. 306.

[149] Mishra, *Banaras in transition*, p. 137.

[150] This calculation was based on the manufacture of 1,330,059 pieces valued at sicca Rs5,153,067: 'if two spinners can supply one loom with thread and the weaver with the assistance of two journeymen can weave 4 pieces of ordinary cloth per mensem, & that the labor [*sic*] of one man is constantly necessary for every 16 pieces purpose of bleaching, folding & ca, the maufacture of 1,330,059 pieces of cloth, will give a subsistence and regular employ throughout the year to 145,475 persons' (WBSA, PBTC, vol. 8, 31 July 1797).

[151] BL, IOR, HM, vol. 456 F, p. 109.

and Azimgarh in 1803, 9,200 (72 per cent) worked for private traders. In 1805, their numbers had increased to 10,200 (79.68 per cent), and in 1807 stood at 9,900 (77.34 per cent).[152] Surveys made between 1800 and 1813 showed that the ratio of weavers employed by the Company to those employed in private manufacture ranged from 1:1.8 to 1:3 in different production centres in Bengal.[153] It was computed in 1797 that private trade was generating 'subsistence and regular employ [*sic*] throughout the year to 145,475 persons' in Bengal's cotton industry.[154] When we place these data against one strongly argued opinion that the combined demand of the Dutch and the English stimulated the creation of 100,000 job equivalents in Bengal's textile industry in the early eighteenth century,[155] the situation at the close of the century seems better by comparison.

Therefore, it is difficult to argue a case of universal distress as the outcome of the Company's initial impact on the commercial economy of eastern India. The impact was differentiated and unevenly spread across sectors of the economy. The silk industry is a good example of this uneven impact. Bengal's silk exports to Surat shrank from Rs0.45 million in 1766 to a measly Rs0.03 million in 1789,[156] but the north Indian market seems to have held up well. In 1789 the upcountry consumption of raw silk from Bengal was worth Rs1.99 million, and in 1790 was Rs1.68 million,[157] while the Company's investments in Bengal's silk increased from Rs0.92 million in 1766 to Rs5.54 million in 1789.[158] The value of silk exports at prime costs from Bengal increased from £212,357 in 1788 to £335,315 in 1796,[159] and induced a structural shift in demand for Bengal's silk from internal to international markets with somewhat serious implications. Any fall in the Company's silk investment had serious repercussions on the incomes of silk-growers (*chassars*) and the winders (*naqads*). In contrast to large internal cotton markets, the internal markets for silk were small, which made silk producers more vulnerable to the vagaries of the international market.[160]

[152] Mitra, *Cotton weavers*, p. 166. [153] Ibid., pp. 170–2, Table 4.
[154] See n. 150 above.
[155] Om Prakash, 'Bullion for goods: international trade and the economy of early eighteenth-century Bengal', *Indian Economic and Social History Review*, 113 (1976), 173–5.
[156] BL, IOL, MSS Eur. D281, fo. 14.
[157] Sinha, *Economic history*, vol. I, p. 196.
[158] *Ninth report of the select committee of the House of Commons on East India Company affairs* (1783), p. 112.
[159] BL, IOR, L/AG/17/1/H/449, p. 30.
[160] The value of Bengal silk sold within India dwindled from Rs137,020 in 1809–10 to Rs8,970 in 1819–20 and stood at Rs59,331 in 1828–9 (BL, IOR, L/Parl/2/70, p. 160).

A partial upturn in the 1790s was offset by a depression caused by the outbreak of the Napoleonic Wars in Europe, and it was only after 1813 that silk exports from Bengal began to pick up.[161] By that time silk production in places like Murshidabad and Rajshahi had already gone into steep decline.[162]

On the other hand, when we take an overview of Bengal's cotton industry at the close of the eighteenth century, the conclusion seems inescapable that its structure and organisation had changed little in the first fifty years of the Company's conquest of eastern India. It is only in the mid-1820s that one begins to see a change in the nature of this trade when, for the first time, imports of cotton goods into India exceeded its exports by Rs1.71 million in 1825–6. Seven years later this gap had doubled to Rs3.44 million.[163] The role of the Company, of course, was far from insignificant. Everywhere, the Company exerted influence, and in some local cases its impact on employment was harsh and destructive. Yet, in this as in other respects, the larger processes of change were complex and were blended with continuity. The Company had no choice but to conduct a dialogue with the existing, though already-evolving, economic practices, and the result was a negotiated actuality in which there were both gains and losses for indigenous employees and traders.

Summing up: persistence and transformation

The conquest of Bengal in 1757 and the grant of the *diwani* rights in 1765 were seen by contemporaries as momentous events creating vast economic benefits for the Company in both India and Britain. Although the overall benefits for the British economy remained unclear, voices in Britain were deeply sceptical of the so-called gains, which were many and varied. The immediate gain was to the personal fortunes of officials between 1757 and 1764, and India made many of them wealthy beyond their wildest imaginings. Between 1757 and 1765, nearly £5.9 million were accumulated by British officials as personal fortunes.[164] In addition, the British tax regime became tied to the Company's commercial and military motives. Territorial revenues were seen as providing an 'investment' for the procurement of goods from Bengal, to

[161] Silk exported from Bengal increased from £366,821 in 1809–10 to £690,876 in 1819–20 and stood at £527,699 in 1829–30 (ibid.).
[162] Sinha, *Economic history*, vol. I, p. 196.
[163] Mitra, *Cotton weavers*, Table 6, p. 186.
[164] *Third report from the secret committee*, pp. 311–12.

finance the military-fiscal apparatus on an unprecedented scale, and for underwriting the burgeoning trade with China. Large amounts of Bengal's revenue were also sent to the other presidencies, particularly to the Bombay presidency, which seems to have depended hugely on the handouts from Bengal. The invoiced value of such transactions meant a net drain on India's resources through official channels alone of more than £1 million a year between 1757 and 1793. Private traders took away more by remitting their profits out of the country. A most conservative estimate is a loss of nearly £23 million to the Indian economy through the private remittances between 1757 and 1796.[165] Therefore, the great expansion of overseas exports after 1757 includes the remittances of revenues to Britain through increased purchases of silk and cotton piecegoods.

Nevertheless, stark pictures of economic decline and of devastation and decay as the immediate impact of British rule on eastern India do not sit easily with the evidence of unprecedented export expansion, with many sectors of the economy responding positively to the stimulus the regime change generated. Undoubtedly, the Company introduced new forms of coercion, and imperatives to make timely remittances to Britain placed considerable pressures on Indian manufacturers. While some market expansion was undoubtedly induced by the transfer of private and public fortunes from India, the huge growth in the internal market, accompanied by massive increases in exports from India and the phenomenal growth of new commodities along with the older staples of trade, suggest continuing economic vibrancy. Indian merchants were still a strong presence in the fiscal and commercial environment, with the two great staples of eastern India's traditional commerce – food grains and cotton – still in their hands. As Stephen Hornsby shows in this volume regarding the Atlantic world, British economic engagements were capable of engendering a plurality of commercial systems. In India, unlike in the Atlantic world, the crucial distinction was not so much spatial as sectoral.

Many of the economic impulses which contributed to Indian merchants maintaining control of key sectors came from a sustained demographic expansion despite one major famine (1769–70) and

[165] My calculations of the official drain of wealth are based on invoice figures of exports counterbalanced against invoice figures of imports of goods plus bullion culled from K. N. Chaudhuri, *Trading world of Asia*, p. 510 for 1758–60; BL, IOL, Verelst Papers, MSS Eur. F218/11–15/15, fo. 44 for 1760–3; BL, IOR, L/AG/10/2/2, pp. 220, 234 for 1763–4 to 1790–1, L/AG/10/2/5, pp. 92–3 for 1792–1804. For private remittances I have depended on BL, IOR, L/AG/10/2/2, p. 211 for 1758–75, L/AG/10/2/3, pp. 52, 210 for 1790–6.

some lesser ones that erupted across eastern India in the late eighteenth century.[166] Notwithstanding the nebulous nature of demographic data, estimates for the thirty-four years between 1789 and 1822 show Bengal's population increasing at a phenomenal rate of 2.5 per cent per annum, or 0.473 million people every year and 15.6 million for the three decades as a whole.[167] This demographic growth stimulated internal circuits of commerce, occurring as it did in the midst of rising agricultural prices, an extension of land under cultivation,[168] and a rising demand for consumables at prices which were now linked on a provincial scale.

The Company also intensified this economic expansion, as it used its leverage to break through the dense networks of controls exercised by landed magnates, thus creating conditions more conducive to a regionally integrated market in Bengal, not only for high-value commodities like cotton or silk, but for basic food grains. On the whole, the first fifty years of British rule saw significant market expansion and expanding commercial opportunities in the economy of eastern India. The increase in indigo and opium cultivation quickened the pace of commercialisation by attracting considerable indigenous capital.[169] The establishment of British rule immediately buttressed regimes of private agrarian and commercial properties in eastern India.

The structure of trading, however, was seriously altered. Earlier procurement practices involved the purchase of goods by paying in bullion, which was severely curtailed after 1765. For a while, the Company used Bengal's revenues to pay for investments. Gradually, the China factor became vital. Bengal's opium was sent to China, where it was paid for in silver, which was then used to purchase Bengal's cotton and silk goods. The connection between revenue, trade, and transfer of tribute to Britain accentuated these differences. Trade relations between India and Britain were slowly but inexorably being switched around.

To keep this great wheel in motion, sectors of India's economy were henceforth tied into the vicissitudes of the global economy, and downturns in the latter caused harm to important components of the Indian economy or foreclosed the possibilities of their autonomous growth. The early tremors of this new integration were felt in 1818–19, when a

[166] See Datta, *Society, economy and the market*, ch. 5.
[167] Ibid., p. 266.
[168] Ibid., ch. 1 for a discussion on the processes of agricultural reclamation.
[169] For a recent study of agency houses, see Anthony Webster, *The richest East India merchant: the life and business of John Palmer of Calcutta, 1767–1836* (Woodbridge, 2007).

combination of a low demand in European markets for Indian goods and a slump in the Chinese market for Indian piecegoods resulted in a depressed money market and a sharp fall in interest rates to 6 per cent in the markets of Bengal.[170] What is also indisputable is that unrequited transfers of such magnitudes from India considerably eased the massive deficits on Britain's balance of overseas trade, thus freeing the Company to divert its finances to the aggrandisement of India by enlarging the scale of its subsidies from Indian powers and by borrowing money from private Indian and European capital in India. These are the directions, rather than in the so-called destruction of the traditional Indian economy, in which one must locate the significance of the commercial departures under early British rule. Indian frameworks of commerce remained resilient throughout that era, although British involvement in the governance of Indian societies brought about the gradual reorientation that was inseparable from India's integration into an imperially shaped global economy. In the Indian economy, the British – through the Company – effected major changes in export markets, at the same time seeking to alter working practices in the manufactories that produced for those markets. Yet the economy was much too large and complex for the Company to reorganise comprehensively, and in any event the Company fell far short of wielding the level of raw economic power that it would have taken to do so. Thus, vast areas of the economy continued to be dominated by indigenous merchants who successfully linked local and interregional markets with exporting opportunities. Where these internal markets intersected directly with the activities of the Company, it frequently sought accommodation even though it might have preferred control. Institutional change effected by the Company had far-reaching results in the long term, but for half a century and more after Plassey, the Company had no option but to adapt to indigenous practices and priorities.

[170] BL, IOR, BRCE, P/174/30, para. 15.

14 Anglo-Amerindian commercial relations

Paul Grant-Costa and Elizabeth Mancke

Early modern commerce – its organisation and governance, its laws and international protections, its goals and strategies – provided the motivations, means, and methods of diverse English overseas enterprises, whether claims to Newfoundland, merchant privateering on Iberian shipping, or diplomatic assertions about the sanctity of commercial access to foreign markets. English merchant communities dispersed the risks and costs of long-distance trade and achieved numerous successes, expanding markets into Russia, the Levant, India, Africa, Newfoundland, the Caribbean, and North America. Not gainsaying successes, commercial enterprises also exhibited excesses that elicited demands for regulation, if not revocation of privileges. James I revoked the Amazon Company charter in 1619 after Spanish diplomats protested about English territorial encroachments. Successful tobacco cultivation produced such abuses of labour and charges of fiscal mismanagement that the king's bench revoked the Virginia Company charter in 1624; Virginia was henceforth under royal governance. To quell commercial struggles over the Newfoundland fishery, Charles I issued the Western Charter in 1634, guaranteeing access to all English subjects. English privateering on Spanish and Portuguese establishments and shipping eventually resulted in diplomatic mechanisms to restrain intra-European warfare, particularly non-state violence, in the extra-European world. These challenges to English commercial privileges and practices came from many directions: commercial competitors, abused subjects, the domestic state, and foreign states. Strikingly, however, all were intra-European challenges.

Our knowledge of challenges to and criticisms of British commercial practices from non-Europeans – whether in the Americas, Africa, or Asia – and British responses to them are not as well conceptualised and analysed. Understanding the tension between the centrality of commercial practices to English expansion, the problems arising from abuses in commercial transactions with non-Europeans, and the reactions to them offers a critical angle from which to recapture a more

nuanced understanding of the consequences of British empire-building for indigenous Americans.

Intercultural contacts between the English and Amerindians were unusually commercialised in comparison with contacts with Africans and Asians, largely an outcome of English practices rather than by mutual agreement with Amerindians, who frequently found themselves participants in exchanges that they found ambiguous if not duplicitous. Time and again, Amerindian nations thought they had negotiated to share a resource while the English construed it as alienating a resource; in the early years of contact, this confusion was particularly prevalent concerning land.[1] As this chapter argues, Amerindians repeatedly attempted to renegotiate commercial terms for some kinds of exchanges and to decommercialise others, in particular those involving land. It does not argue that Amerindians were anti-commercial or unable to understand European-style commerce.[2] Rather the emphasis is on the peculiar intensity of English commercial practices in North America, Amerindian attempts to mitigate them, and the larger Atlantic and global implications.

The chapter has five sections. The first examines why England's expansion was more commercially oriented than those of its major competitors, save the Dutch, and why the early English impact overseas was more intensely commercialised in the Americas than elsewhere. The second section analyses the embeddedness of commerce within English expansion strategies and its effect on commercial relations with Amerindians; this approach contrasts with scholarship emphasising how native peoples embedded commercial transactions with Europeans within indigenous rituals of gift-exchange, diplomacy, and kinship. It argues that the British used commerce as a means of eliminating social meanings in an object, a commercial discourse of erasure that complemented multiple other erasures in ideology, law, and politics and shaped intercultural relations in the Atlantic world.[3] The third section offers an interpretive overview of legal and policy frameworks, both colonial and imperial, that shaped British relations with Amerindians. The fourth and longest section provides regional overviews of Anglo-Amerindian commerce. The fifth section pulls those strands into a conclusion.

[1] William Cronon, *Changes in the land: Indians, colonists, and the ecology of New England*, rev. edn (New York, 2003), pp. 54–81.

[2] Arthur J. Ray and Donald Freeman, *'Give us good measure': an economic analysis of relations between the Indians and the Hudson's Bay Company before 1763* (Toronto, 1978).

[3] The idea of the creative destruction inherent in capitalism was popularised by Joseph Schumpeter, *Capitalism, socialism, and democracy*, 2nd edn (New York, 1947), pp. 81–6. We use 'discourses of erasure' because it applies to multiple interconnected arenas of human activity associated with overseas expansion.

English attempts to commercialise land are a recurring theme. While seventeenth-century England had gone further towards commercialising land than other European countries, the situation there paled in comparison with that in parts of British North America with settler populations, where struggles over land were more extreme than anything early modern England experienced.[4] Indigenous Americans attempted to check the trend of losing their land – and with it their identities – with warfare, alliances with other Europeans, pan-Indian movements, but most importantly by negotiations to remove land from commercialisation. The concessions Amerindians wrung from British and American governments during the colonial and early national eras are testimony to their political acumen in the face of daunting pressures.

Commerce and English strategies of expansion

Dynastic and religious upheavals in early modern England reinforced the propensity to justify expansion with appeals to medieval trading precedents and widely practised commercial privileges rooted in the laws of nature and nations. The discourse the English developed and adroitly deployed about the sanctity of common commercial practices, in particular the liberty of merchants to travel peacefully anywhere in the world, became entwined with Protestant Europe's critique of Spain's conquest of indigenous Americans, known as the Black Legend. Ideologically, commerce became elevated as a form of intercultural contact, penetration, and subordination more benign than conquest by the sword. Thus in Asia, the English East India Company could define itself as pursuing peaceful commerce in contrast to the Dutch East India Company (VOC), which quite openly moved the United Provinces' civil war against the Spanish Habsburgs into the extra-European world. Or William Penn, a Quaker and the proprietor of Pennsylvania, could decide in 1682 to purchase land from the Lenni Lenapi as a more ethical and humane way of acquiring it, even if the Lenni Lenapi did not want to part with their land and were coerced into selling it. In the eighteenth century, the British prided themselves on using commerce as the vehicle of expansion and thus building an 'empire of liberty'.[5]

[4] On land commercialisation and the development of English capitalism, see Ellen Meiksins Wood, *The origin of capitalism: a longer view* (London, 2002), pp. 95–121.

[5] Elizabeth Mancke, 'The languages of liberty in British North America, 1607–1776', in Jack P. Greene (ed.), *Exclusionary empire: English liberty overseas, 1600–1900* (New York, 2010), pp. 25–49.

Chartered enterprises, particularly joint-stock companies, provided an organisational mechanism for English royal sanction of expansion while reserving the royal prerogative to revoke a charter if diplomatic pressure was great enough. These companies drew heavily on the practice of merchant communities governing themselves, such as Christian merchants in the Ottoman empire, Hindu or Muslim merchants in South-East Asia, or Armenian merchants in the Safavid empire. They deviated, however, from existing international practices in that the English state promised diplomatic backing within Europe, as well as granting companies war-making and diplomatic powers beyond what was customary for governing merchant groups. England was not alone in using commercial enterprises for expansion. The Dutch utilised joint-stock companies so effectively that by the mid-seventeenth century they were Europe's premier shippers, but Dutch backing for the VOC and the West India Company was primarily from provincial governments and not the United Provinces' government. English enterprises, in contrast, had greater validation from, if not the backing of, the metropolitan government. Ultimately weak state support of Dutch overseas expansion made their commercial enterprises less effective agents of empire than their British counterparts.[6]

Spain, Portugal, and France also used chartered enterprises, but not as singularly as the English. The first colonial assemblies of Virginia and Massachusetts derived from councilar company governance. The East India Company's governments for Madras, Bombay, and Calcutta were similarly derivative of councilar governance. The Spanish, Portuguese, and French, in contrast, used a wider range of organisational forms to pursue expansion: many were extensions of metropolitan-based institutions, such as orders of the Catholic church, Portuguese military orders, ranked society, and land-based institutions that defined people in terms of place, whether seigneuries in New France, haciendas in New Spain and Peru, or citizenship in an urban community, as was customary in the Spanish world. Some institutions were deployed to mitigate (often vainly) the exploitative character of European expansion; the Spanish, for example, used missions to control frontiers and develop alliances with native nations. While non-commercial institutional forms engendered their own deleterious effects on indigenous peoples, they also

[6] Elizabeth Mancke, 'Chartered enterprises and the evolution of the British Atlantic world', in Elizabeth Mancke and Carole Shammas (eds.), *The creation of the British Atlantic world* (Baltimore, 2005), pp. 237–62; Jan de Vries, 'The Dutch Atlantic economies', in Peter A. Coclanis (ed.), *The Atlantic economy during the seventeenth and eighteenth centuries: organization, operation, practice, and personnel* (Columbia, 2005), pp. 1–29.

offered non-commercial discourses and ideological frameworks for indigenous peoples to negotiate relationships with Europeans.[7]

English institutional forms for expansion provided few discursive alternatives to commercial and property-driven ambitions. The early modern English paid little more than lip-service to christianising Amerindians compared with the Spanish, Portuguese, and French. Notable cases, such as John Eliot in New England, are striking because they are exceptions; significantly, however, many native peoples did use the few religious institutions available to them in British America as bulwarks against colonial and commercial pressure, whether 'praying towns' in New England, or Moravian missions established in the eighteenth century.[8]

English settler colonies – organised primarily for agricultural pursuits and extensive use of land – intensified commercial aspects of Anglo-Amerindian relations, especially compared with English relations with Asians and Africans. In Asia, the English were primarily interested in high-value manufactures and agricultural products, such as spices and tea. Land acquisitions only became significant after 1757 and the battle of Plassey, and even then landownership remained heavily South Asian.[9] In Africa, the slave trade dominated Anglo-African commercial relations; not until the nineteenth century did the British seriously engage in acquiring African land. In the Americas, however, Amerindians experienced commercial pressures on multiple fronts: on high-value trade goods, particularly furs and deerskins; on food; on labour, both slave and wage; and on land. These commercial pressures, often consciously pursued by the British as a form of coercion, were further intensified by other 'discourses of erasure' that found powerful expression and adherence among early modern Europeans, especially those engaged in overseas expansion.

Commerce and discourses of erasure

An intrinsic potentiality of commerce, time out of mind, is that the definition and cultural meaning of objects can be recast as they move from one owner to another, a transformative power frequently observed in intercultural commerce. Upon first acquiring axeheads, the Lenni Lenapi reputedly hung them around their necks for adornment or as

[7] L. H. Roper and B. van Ruymbeke (eds.), *Constructing early modern empires: proprietary ventures in the Atlantic world, 1500–1750* (Boston, 2007); David J. Weber, *The Spanish frontier in North America* (New Haven, 1992), pp. 92–121.

[8] James Muldoon (ed.), *The spiritual conversion of the Americas* (Gainesville, FL, 2004).

[9] See the chapter by Rajat Datta in this volume.

status symbols and only later realised the value of fitting them with a wooden handle for chopping. Europeans transformed tobacco, a ritual product in Amerindian cultures, into an item of mass production and consumption. Natives stitched beaver skins into coats; Europeans removed the beaver hairs, felted them, and made hats. On the northwest coast of North America, natives used metal blades in elaborate refinements of their artistic traditions with wood; on that same coast Europeans and their descendants used metal blades for the timber trade. Commerce sanctions an erasure and replacement of the socially constructed meanings attached to objects and thereby facilitates powerful expressions of human inventiveness and creativity.

Not all commercial transactions contain that power of erasure and transformation, especially forms of leasing and renting. A ship's captain could hire a ship built for the Newfoundland fishery for a slaving voyage to West Africa and the Caribbean, but would need to return the ship fitted out for fishing. A five-year lease on farm land in England would carry fewer privileges for changing land uses than would a fifty-year lease. Objects acquired in non-commercial exchanges, especially gift-exchanges, symbolise social and political relationships and commitments. Acceptance of a gift generally implies affirmation of and a commitment to preserving the larger constellation of meanings attached to it. The erasure of the meaning of the object exchanged is generally not a part of gift-giving, and thus gift-giving is a form of exchange quite distinct from most commercial transactions.[10]

In the early modern English world, absolute ownership of property, both real and personal, was increasingly the ideal. Ownership, the English believed, erased prior social meanings and allowed for 'sole and despotic dominion', the evocative phrasing used by the eighteenth-century English jurist William Blackstone to describe the power embedded in property ownership.[11] Controversies over land enclosures in England, when property was redefined as individually rather than communally owned, turned on the erasure of prior community rights to use the land. Similar controversies occurred in British American colonies, when Indians thought they granted English settlers the privilege of using native land and English settlers claimed that Indians had sold the land and therefore lost all future use of it. The power of erasure in real property transfers, especially indigenous lands,

[10] Arjun Appadurai (ed.), *The social life of things: commodities in cultural perspective* (Cambridge, 1986); Maurice Godelier, *The enigma of the gift* (Chicago, 1999).

[11] William Blackstone, *Commentaries on the laws of England*, Book 2, Chapter 1, http://avalon.law.yale.edu/18th_century/blackstone_bk2ch1.asp (accessed 19 March 2011).

is captured in two frequently used and evocative verbs: 'to extinguish' claims, as though suffocating the prior indigenous life on the land; and 'to alienate' aboriginal claims, thereby making indigenous peoples aliens to the land that was formerly theirs.

Commerce and its power of erasure were also graphically apparent in the sale of people as slaves, in which the stripping away of a personal identity challenged their very claims to humanness, effected a kind of social death, and reinforced the association of slaves with chattel. Recent scholarship shows a more extensive slave trade in indigenous Americans than previously recognised. In the south-east, Amerindian traders brought native peoples out of interior areas, sold them to the English in Charleston, who in turn sold them to settlers in other English colonies. In New England, Indian captives from the Pequot War (1637) and King Philip's War (1675–6) were sold into the Caribbean. In the latter instances, a primary purpose of selling Indians from New England in the Caribbean was to strip them of as much of their identity as possible, including an association with place.[12]

All slave masters recognised commerce as an imperfect eraser when it involved people who obdurately preserved what remnants of earlier identities they could, such as ethnic associations, words from their mother tongues, and naming practices. What slaves could not preserve they often recreated. Thus laws defining and protecting the institution of slavery included mechanisms to preserve market-derived erasures: some laws prohibited teaching slaves to read and write; others allowed the sale of children away from parents; tracing descent of slave-born children through their slave mothers erased paternal identities; one drop of black blood ostensibly erased any white ancestry, and in some colonies it also erased native ancestry; slave children sired by English men had no rights as freeborn English subjects, unlike half-siblings born of white women.

Commerce and law are not the only places where we can see mutually reinforcing discourses of erasure in the Atlantic world. The famous sixteenth-century Spanish theorist of international law, Francisco de Vitoria, associated with the Salamanca School, argued against the legality of Spain's conquests in the Americas. Early English promoters of colonisation, following Vitoria, debated the legality of planting colonies and taking land from Indians. Initially the Virginia Company questioned the legitimacy of taking land from the Indians, but the

[12] Vincent Brown, 'Social death and political life in the study of slavery', *American Historical Review*, 114 (2009), 1231–49; Alan Gallay (ed.), *Indian slavery in colonial America* (Lincoln, NE, 2009).

debate soon shifted; the English developed the idea, based in part on the writings of the Jesuit priest José de Acosta, that most Indians in North America were wild nomads, without governments or societies meriting recognition by Europeans, and thus lacked legal standing to possess the land. By the late seventeenth century, John Locke, 'drawing upon the intellectual innovations of the previous generations of English colonisers', wrote with 'moral certainty and relative coherence' that Indians had no natural claim to American lands, an argument subsequently reinforced by Emeric de Vattel and others in writings on international law. Despite the certainty claimed by authors writing in Europe about conditions in the Americas, many British Americans equivocated about the merits of those arguments. While most adopted the attitude of being more deserving possessors of the land than were the Indians, they also frequently tried to legitimise the taking of their lands with a monetary payment.[13]

The English often contradicted their ideological contention that theirs was an empire of liberty dedicated to the peaceful pursuit of commerce. The crown intentionally deployed commercial organisations against Iberian claims, granting military powers for aggressive pursuit of markets and colonies, and in turn, protected expansionist achievements through international agreements. When foreign diplomats made agreements contingent on restraining the privatised military activities of English subjects, most notably in the 1667 and 1670 treaties of Madrid, the English state assumed the powers and costs of protection, both diplomatic and military. During the First Anglo-Dutch War (1652–4), English naval convoys sailed with the Newfoundland fishing fleet, and the navy became increasingly invested in protecting, governing, and regulating the North Atlantic fishery. This mid-seventeenth-century wedding of commerce and the presence, if not exercise, of state coercion in the North Atlantic fishery graphically illustrates the profound shift in commercial and state relations from medieval to early modern practices.[14] Merchants, recognising that they operated within an expanding network of state protections comprising of law, diplomacy, and a growing military presence that ultimately had global reach, shed over the seventeenth and eighteenth centuries many

[13] Andrew Fitzmaurice, 'Moral uncertainty in the dispossession of Native Americans', in Peter Mancall (ed.), *The Atlantic world and Virginia, 1550–1624* (Chapel Hill, NC, 2007), pp. 383–409 (quotations on pp. 408 and 409); Craig Yirush, *Settlers, liberty, and empire: the roots of early American political theory, 1675–1775* (New York, 2011), pp. 113–41.

[14] Jerry Bannister, *The rule of the admirals: law, custom and naval government in Newfoundland, 1699–1832* (Toronto, 2003).

of the direct costs of coercion that their predecessors had assumed. But the webs of coercion did not disappear, nor did the belief that commerce and coercion were compatible, indeed necessary, in the extra-European arena.[15]

Amerindian responses to commercial aggression: an explicative framework

Anglo-Amerindian commerce varied widely over the early modern era, but generally natives attempted to modify commercial practices they opposed or found coercive through engagement with four distinct groups of people: they addressed corrupt practices by British American colonists with colonial officials; they sought influence with officials in London; they curried the favour of other Europeans; and they organised pan-Indian alliances for both defensive and offensive purposes. In many instances, they played one or more of these groups off against another. Occasionally native nations used organised armed conflict – as distinct from spontaneous violent altercations – most memorably the Pequot and Wampanoag of southern New England, the Tuscarora in North Carolina, and the Yamasees in South Carolina. Natives, however, recognised the limitations of armed conflict as a tool for addressing commercial abuses, and that British Americans might well construe a victory against Amerindian warriors as a 'conquest', thus accelerating displacement and land loss and engendering more violence. Incidences of warfare and violent altercations too easily obscure the far more numerous, non-violent occasions when native peoples sought redress of commercial grievances. By claiming protections enjoyed by subjects, some Amerindians invoked the king's prerogative or the empire's equitable justice as a more peaceful yet still proactive and assertive response. In these instances, Amerindian strategies revealed keen understandings of key economic concepts, such as market and competition, and how their disruption could make both colonial and metropolitan authorities anxious and receptive to adjusting their policies. Through analysis of these strategies, it becomes possible to discern native understandings of the Atlantic world and its multiple and shifting players.[16]

[15] G. M. Walton, 'Sources of productivity change in American colonial shipping, 1675–1775', *Economic History Review*, 2nd series, 20 (1967), 67–78.

[16] Amy E. Den Ouden, *Beyond conquest: native peoples and the struggle for history in New England* (Lincoln, NE, 2005); Paul J. Grant-Costa, 'The last Indian war in New England: the Mohegan Indians v. the Governour and Company of Connecticut, 1703–1774', unpublished Ph.D. thesis, Yale University (2008); Jenny Hale Pulsipher, *Subjects unto the same king: Indians, English, and the contest for authority in colonial New England* (Philadelphia, 2005).

Probably the greatest grievance of Amerindians was the use of commerce to dispossess them of their lands; by the late seventeenth century many groups recognised that metropolitan officials were more receptive to their concerns than were colonial officials. Also, Amerindians developed sophisticated understandings of how the British envisaged indigenous peoples within an ever enlarging British-defined sphere, and they generally did not find them attractive, if indeed any particular vision genuinely included, rather than excluded, them.

Sixteenth-century native–English trade was seasonal and no English lived permanently in Amerindian territories. The English understood these early economic relationships within a broad set of European principles that defined natives as non-Christians without standing under English law. As aliens, not subjects, Amerindian properties and even their persons could be forfeited to the first 'godly' person with the capacity to subdue them.[17] Natives, in contrast, viewed English merchants as new partners in well-established networks of long-distance Amerindian trade. Unfamiliar with Amerindian languages, customs, or geographies, the English were at a marked disadvantage, yet the distinctiveness and quality of English goods sustained Amerindian trade.

With the English establishment of settler colonies, new questions concerning alien or subject status for indigenous peoples emerged. Colonial authorities drew on contemporary English law, particularly *Calvin's Case* as articulated by Sir Edward Coke, to define more intimate economic relations with natives. Coke distinguished various alien statuses with respect to the English crown: alien friends could acquire goods and maintain actions at English common law, but alien enemies, as open foes of the realm, could not. Colonists read Coke's decision for their own ends. As non-Christians, Indians were infidels to be regarded as perpetual enemies because the law presumed that they would not be converted. For Amerindians, Christian conquest was particularly harsh under this reading of *Calvin's Case* – their laws and institutions would be abrogated in favour of the establishment of new laws under the king's absolute prerogative.[18]

English colonial successes and recognition of the benefits of indigenous commercial alliances brought a rethinking of objectives and strategies. Under James I, English legal theory incorporated new ideas about

[17] Anthony Pagden, *Lords of all the world: ideologies of empire in Spain, Britain and France c.1500–c.1800* (New Haven, 1995), p. 75.

[18] Daniel J. Hulsebosch, 'The ancient constitution and the expanding empire: Sir Edward Coke's British jurisprudence', *Law and History Review*, 23 (2003), 439–82; Polly Price, 'Natural law and birthright citizenship in Calvin's case (1608)', *Yale Journal of Law and the Humanities*, 9 (1997), 73–146.

the rights of conquered non-Christian peoples. Myriad differences among native communities and the complexities of securing acquisition of territory made the simple legal metric of assuming aliens had no rights at common law unworkable, if not obsolete. A 1622 Virginia case challenged established principles after Governor George Yeardley granted land to a colonist predicated on the approval of the local Indian leader, Opechancanough. Virginia Company officials in London, offended that the pleasure or displeasure of a mere Indian could compromise their access to land, objected in terms of competing sovereignties. Lawyers, inspecting the case more closely, found to their dismay that English rights to American land had to derive from the king's prerogative powers of conquest, but no formal act of conquest established legally vested rights to Virginia. James I had done nothing to bring Opechancanough and his people under royal subjection. The solution was the legal fiction that the king transferred by charter his prerogative rights to the colony, a troublesome and unsettling concept for legal advisers in England. It preserved, however, the notion of conquest embodied in *Calvin's Case* and remained an influential decision, especially with colonial authorities, through most of the eighteenth century.[19] As for imperial jurisprudence, at this juncture colonial and metropolitan Indian policies began to diverge in theory and substance.

Colonial Amerindian policy

Colonial policies towards Native Americans varied in details, but all colonial systems sought to ensure as complete an erasure as possible of native land, native agency, and any trace of native sovereignty, if not the natives themselves. These objectives reflected the way colonial governments, particularly in New England, viewed the hierarchy of authority and power as linear. Amerindians, conceived by colonists as inferior subjects within a colony, were in turn subject to the English monarch. As subjects of a colony, Amerindians were under colonial law and had no recourse to outside help, whether from other native polities, the English, or another European power. When disputes arose over native matters, colonial law provided that Indian leaders, often assisted by non-Indian agents or guardians, apply for redress to colonial legislatures. In short, under colonial schemes, Amerindians had limited or no agency. If land provided them with a small measure of power, once that

[19] The controversy, known as Barkham's case, is discussed in Robert A. Williams, Jr, *The American Indian in western legal thought: the discourses of conquest* (New York, 1999), pp. 214–16.

land was sold, Indian political leverage was all but gone. Thus, colonial legislatures understandably preferred to see Amerindians as impotent and incapable of organising a legal attack against a supposedly more civilised and superior people.

Erasures of Indian agency were accomplished in numerous ways. Most evident was the insistence on Amerindians becoming Christian, whether in the Catholic faith as required by the French in Canada or a Protestant denomination in English colonies. Conversion was sometimes critical to full trade relations, particularly the sale of guns in the Canadian-based French trade. In the Massachusetts Bay colony, John Eliot's attempts to establish 'praying Indian towns' apart from white settlement were intended to foster viable self-supporting Christian Amerindian communities, but the experiment's flaws were tragically exposed during Metacom's (or King Philip's) War, 1675–6, when anxious colonists interned hundreds of praying Indians on a desolate island off Boston.[20] After the war, the praying towns reopened with heavier oversight by Massachusetts magistrates and served as models for future native reservations. Some colonial policies directly targeted Amerindian economies by demanding that natives abandon traditional subsistence practices of hunting, fishing, fowling, and growing small plots of crops, and substitute European agriculture, thus restricting native farmers to specific and alienable plots of land. Furthermore, many laws promulgated by colonial legislatures made many tribal customs and governance practices illegal, and often held Amerindian leaders personally responsible if their people persisted in practising outlawed traditions or trespassed on property that was once their own.[21]

Imperial Amerindian policy

While colonial legislatures continued to interpret Amerindian relations restrictively, imperial law trended in a more progressive direction. Under Stuart and then Hanoverian rule, Native Americans began to

[20] Jill Lepore, *The name of war: King Philip's War and the origins of American identity* (New York, 1999), pp. 43, 138.

[21] In New England colonial jurisdictions, native concepts of hospitality were criminalised, including seasonal and life-cycle rites, and native leaders could be held responsible for the criminal activity of their followers. See J. Hammond Trumbull (ed.), *The public records of the colony of Connecticut*, vol. I (Hartford, 1850), pp. 19, 350; Virginia DeJohn Anderson, 'King Philip's herds: Indians, colonists, and the problem of livestock in early New England', *WMQ*, 3rd series, 51 (1994), 601–24; Harald E. L. Prins, 'Chief Rawandagon, alias Robin Hood: native "lord of misrule" in the Maine wilderness', in Robert S. Grumet (ed.), *Northeastern Indian lives, 1632–1816* (Amherst, 1996), p. 110.

assume a footing within the empire separate from colonial governments. Rather than a linear configuration of authority, as conceived by colonists, imperial conceptions of authority ran like the spokes of a wheel with the English crown as both the dominant node and the rim. But before this conception could develop, changes in Amerindians' legal status under imperial law had to occur. Legal decisions post-*Calvin's Case* seriously qualified Coke's opinion regarding the perpetually bellicose status of infidels, notably his opinion regarding the non-continuity of indigenous law in communities after conquest. Several cases held that native institutions could survive, or at least be accommodated into English common law, after conquest. The *East India Company* v. *Sandys* (1684) opinion called Coke's views of non-Christians 'absurd, monkish, fantastical and fanatical' and 'as irreligious as can be', further eroding the authority of his opinion.[22]

The momentum of these decisions reflected the political realities of empire-building and administration. By the 1690s management of the American colonies was problematic, and the committee for trade sitting in London – the entity responsible for both colonial and Amerindian affairs – had become administratively impotent. A new Board of Trade, established in 1696 and given full responsibility for overseeing colonial administration, justice, and commerce, sought remedies. Recognising the precarious safety of the king's subjects in the northern colonies against the threats of the French in Canada and their native allies, the Lords Commissioners proposed to mimic French practices of maintaining friendship with Amerindians. Commissioner John Locke recommended a more intimate connection between military strategy and the incorporation of England's American Indian allies to preserve and promote England's interests. Furthermore, he suggested that Amerindian leaders periodically visit London to witness British power and to strengthen British–Amerindian relations. Thus beginning in 1710, with a visit from several Iroquois headmen, numerous Amerindians found themselves guests in the metropole.[23]

[22] Gavin Loughton, 'Calvin's case and the origins of the rule governing "conquest" in English law', *Australian Journal of Legal History*, 8 (2004), n. 215. The proposition that the laws of a conquered people prevailed until the sovereign imposed new laws was restated in 1722 by the privy council. See Joseph Henry Smith, *Appeals to the privy council from the American plantations* (New York, 1950), p. 482.

[23] Maurice Cranston, *John Locke: a bibliography* (New York, 1957), p. 404; John Locke, 'Copy of a representation from the Lords Commissioners for Trade and Plantations to the Lord Justices', 30 September 1696, Beinecke Rare Book and Manuscript Library, Yale University; Alden Vaughan, *Transatlantic encounters: American Indians in Britain, 1500–1776* (Cambridge, 2006).

Designed originally to display differences between the two cultures, these transatlantic encounters allowed Amerindian leaders to present their concerns directly to sympathetic metropolitan officials. In 1710, Mohawks sought assistance with military, trade, and religious affairs. In 1730, Cherokees discussed commercial and military problems; a number returned in the 1760s voicing similar concerns. In 1734, Tomochichi and several Creeks consulted imperial officials about a commercial treaty with Georgia. In 1736, two Mohegans presented oral evidence to the lords of trade in a long-running lawsuit against Connecticut over improper land confiscations. When the case remained unsettled in the mid-1760s, a Mohegan representative assisted by his colonial guardian once more appeared in the London chambers. By then, native land and trading cases involving imperial intervention had multiplied to include petitions by the Mashpee, Stockbridge, Wappinger, Narragansett, and Wampanoag. As the British merged commercial and military policies and Amerindians became both trade and military allies in inter-imperial struggles for North American dominance, shrewd native strategists effectively exploited British fears of their possible defection to the French. Grasping critical European concepts of empire, natives tried to mitigate commercial pressures from colonists through diplomatic arrangements with British royal officials.[24]

While metropolitan and colonial agendas differed in crucial ways, the imperial trend was nonetheless for curtailing Amerindians' autonomy and their subordination as subjects of the king, albeit allowing for a measure of continued, yet diminished, sovereignty. The French and Indian War (1754–63) shifted the imperial mandate in contentious ways and contributed to escalating frontier violence. By the early 1770s, British officials were less responsive to Amerindian cases as prosecution grew more expensive and time-consuming, and as officials became preoccupied with colonial unrest. When colonial threats materialised into actual rebellion, Amerindians were caught in a bind. Some supported separation; others remained loyal to the crown; even more tried to remain neutral. In the end, all American natives lost the gamble.[25]

Ironically, the American Revolution, with all its claims to freedom, liberty, and democracy, shared none of these gains with Amerindians.

[24] Grant-Costa, 'The last Indian war in New England', *passim*; Vaughan, *Transatlantic encounters*, pp. 165–89.

[25] Vaughan, *Transatlantic encounters*, pp. 186–8; Colin Calloway, *The American Revolution in Indian country: crisis and diversity in Native American communities* (Cambridge, 1995), p. 273; Colin Calloway, *The western Abenakis of Vermont, 1600–1800: war, migration, and the survival of an Indian people* (Norman, OK, 1990), pp. 204–23; Stuart Banner, *How the Indians lost their lands: law and power on the frontier* (Cambridge, MA, 2005), pp. 189–90.

By any measure, the pre-revolution freedom, liberty, and sovereignty of Amerindians was significantly diminished in the early Republic, as former colonies, now states, moved to secure more complete domination over Amerindian polities within their borders. No longer could the empire be the guardian and protector of Amerindian interests. With America being reborn into a new country, the colonists into de Crèvecoeur's 'new Americans', there was no place for 'new Amerindians'. In fact, in the discourse of erasure, America's natives became a vanishing race. In the remaining colonies and territories of British North America, the policies concerning native peoples were not as explicitly coercive as many policies of the new United States, but a general sentiment prevailed that with time native peoples would disappear.[26]

Regional overviews

The North Atlantic maritime

The beginning of the Newfoundland fishery, around 1500, inaugurated trade between Amerindians seeking metal goods and Europeans seeking furs. Our knowledge of this trade is tauntingly fragmentary, but extant evidence points towards Basque and French prominence. Basque words entered the trade's lingua franca and Basques taught the Mi'kmaq to sail. The French established the first year-round fur trading posts: Tadoussac in 1598 at the mouth of the Saguenay River, Acadia in 1604, and Quebec in 1608. Over the sixteenth century, competition to control middlemen positions between European traders and more distant native consumers triggered native power struggles and realignments in the north-east. Iroquoian settlements along the St Lawrence River disappeared, whether from struggles over control of this major transportation corridor, from European-introduced diseases, or both. Along the Atlantic coast, Mi'kmaq raided Abenaki and Penobscot territories from the Gulf of Maine to Massachusetts trying to prevent the southern spread of the lucrative fur trade, a series of conflicts known as the Tarrentine War (1607–15).[27] All European traders found themselves

[26] Referring to Indians at Cape Cod, de Crèvecoeur wrote, 'they appear to be a race doomed to recede and disappear before the superior genius of the Europeans'. As for other New England Indians, he said, 'They are gone, and every memorial of them is lost; no vestiges of them whatever are left of those swarms which once inhabited this country'. J. Hector St John Crèvecoeur, *Letters from an American farmer* (New York, 1904), pp. 147, 149.

[27] Bruce G. Trigger, *Natives and newcomers: Canada's 'heroic age' reconsidered* (Kingston, Ont. and Montreal, 1986), pp. 111–63; Neal Salisbury, *Manitou and providence: Indians, Europeans, and the making of New England, 1500–1643* (New York, 1982), pp. 50–84.

negotiating with native nations who controlled trade and transportation routes stretching deep into North America. The intensity of this early fur trade led to the near decimation of some fur-bearing animals.[28] In the seventeenth century, the most lucrative arenas of the beaver and small skins trade shifted into the Great Lakes region and north around Hudson Bay, and native nations along the Atlantic seaboard found their trading influence with Europeans permanently eclipsed. Instead they became power-brokers in the Anglo-French struggle for regional dominance, as well as ever more vigilant protectors of their own interests, in particular control of land and resources.

In the 1713 Treaty of Utrecht, the French ceded much of Mi'kma'ki and parts of Wulstukiuk and Wabanaki territory to the British, even though the British captured only Port Royal (renamed Annapolis Royal) in 1710. This territorial cession signalled to the region's native nations that Europeans would willingly negotiate away their interests without consulting them. The Wabanaki, Wulstukiuk, and Mi'kmaq became insistent, separately and in concert, that they had relinquished neither their sovereignty nor their lands to one or another European power, as the French cessions implied, but were still autonomous powers in the north-east. Europeans, therefore, were using native lands at native sufferance, and sites of European–Amerindian commerce were to be mutually negotiated. On the ground, native nations were able to sustain this position in northern New England until the end of the Seven Years War (1763), and in Nova Scotia and New Brunswick (established in 1784) until the end of the American Revolution (1783) and the arrival of loyalist settlers. The eighteenth-century successes of these native nations in keeping land out of commercial transactions and in many cases protected by treaties, as well as treaty protections of rights of access to natural resources, became the basis of successful lawsuits against US and Canadian governments in the late twentieth century.[29]

Southern New England

In southern New England, the establishment of dynamic, self-reproducing English settler societies engendered regular and adversarial

[28] Scholars have vehemently debated this phase of the coastal fur trade; see Calvin Martin, *Keepers of the game: Indian–animal relationships and the fur trade* (Berkeley, CA, 1978); Shepard Krech III (ed.), *Indians, animals, and the fur trade: a critique of keepers of the game* (Athens, GA, 1981).

[29] John G. Reid, with contributions by Emerson W. Baker, *Essays on northeastern North America, seventeenth and eighteenth centuries* (Toronto, 2008), pp. 129–91; William C. Wicken, *Mi'kmaq treaties on trial: history, land and Donald Marshall Junior* (Toronto, 2002).

relations with local indigenous nations. Tensions quickly arose over a native-produced and controlled commodity – wampum – white and purple beads made from shells found along the sea coasts of southern New England. Amerindians sold their furs for wampum, a spiritual object, as well as a marker of prestige. In the early seventeenth century, a robust wampum trade developed where shells were plentiful, and the Narragansetts, Wampanoags, and Pequots competed for control of shell supplies. After devastating epidemics in 1616–19 and the 1630s reduced native populations, the Pequots emerged as the dominant economic Amerindian force. The English, upon settling in New England, and not content to share power with local natives, began an aggressive plan to isolate the Pequots and open trade to a wider group of Indians. Pequot leaders responded with a series of strategic attacks, and colonists countered with a horrific massacre of Amerindian men, women, and children, a ruthless campaign to kill and enslave Pequot survivors, in what became known as the Pequot War (1637).[30]

By mid-century, both the wampum and fur trades had declined markedly, and in their place, English settlers eyed another Indian resource, land, which, with ever-increasing numbers of colonists, became a highly desired yet contested commodity. Puritans debated among themselves the political and ethical meanings of land purchases from native nations. Bay colony dissidents, notably Roger Williams, broke away and established new settlements around Narragansett Bay on land purchased from natives. Williams, among others, argued that natives owned the land because they had improved it through clearing corn and squash fields and burning meadows to create spaces where animals grazed and edge environments where berries grew. If Indians could sell the land, then logically the king could not grant what was not his, an argument that threatened core fundamentals of English colonisation. From a native perspective, however, both sides of the argument were about dispossessing them of their land.[31]

Shortly after the Pequot War, a number of southern New England native nations noticed divisions between the local English and officials in London and began rejecting settler demands to submit to colonial jurisdiction. Some sent communications overseas, indicating a willingness to ally themselves with the king of England and allow their properties to become royal property,[32] thereby taking lands in controversy out of the stream of commerce and placing them under royal protection.

[30] Alfred A. Cave, *The Pequot War* (Amherst, 1996), pp. 49–69.
[31] Cronon, *Changes in the land*, pp. 57–9.
[32] Pulsipher, *Subjects unto the same king*, p. 58.

With a nominal royal owner and natives as residents in trust, colonists would conceivably be less keen to trespass on the king's sovereign property. This strategy, however, had two weaknesses. Not all native nations wished to be considered subjected, preferring to be imperial allies. Second, resort to royal protection was effective only as long as a king (or queen) were on the throne in England. During the Cromwellian interregnum, Massachusetts ignored any agreements the late Charles I may have had with native peoples, and under various schemes deprived Amerindians of vast tracts of land. After the Restoration, Charles II signalled that royal relations with natives in southern New England were once again stable, and several Amerindian petitions found their way to the king's council, asking for help against unscrupulous land companies and colonial policies that encouraged encroachment.[33]

Faced with unremitting threats of losing ancestral homelands, in the 1670s many Amerindian communities allied under the leadership of Metacom (called King Philip by the English), the younger son of the Wampanoag chief Massasoit, who a generation before had greeted the Pilgrims at Plymouth. Through strategic use of violence, the Amerindian alliance hoped to check the colonial agenda of converting Amerindian land into English-styled towns and farmlands, but in the end, English firearms and assistance from the English-friendly Mohawks wore down native resistance. King Philip's War was one of the most costly wars in American history in terms of lost lives and destroyed property. Metacom's forces and their families were killed, sold into slavery, or deported, their lands eagerly divided among victorious colonists. By the end of 1677, the message for natives from southern New England to the Chesapeake was that war against the English had monstrous consequences and thus was no longer an option against colonial governments.[34]

Instead transatlantic negotiations assumed greater prominence in native strategies to protect their lands, particularly for groups in close proximity to English settlers. In the late 1670s John Wampus, a Harvard-schooled Nipmuck Indian seafarer, sailed to England and personally addressed the king about land he had lost in Massachusetts and in Connecticut. Through his privy council, Charles II declared that all natives of New England were his subjects and under his royal protection.[35] Moreover,

[33] Grant-Costa, 'The last Indian war in New England', pp. 29–30, 32.

[34] Lepore, *The name of war*, p. xi; Adam J. Hirsch, 'The collision of military cultures in seventeenth-century New England', *Journal of American History*, 74 (1988), 1210–11.

[35] A letter from the Lords of the Privy Council, concerning John Wampus, alias White, an Indian, 28 March 1679, in Royal R. Hinman (ed.), *Letters from the English kings and queens* (Hartford, 1836), pp. 106–7.

he ordered the governments in Massachusetts and Connecticut to give Wampus speedy justice. But justice eluded Wampus; he died in England before he could test the king's judgement in colonial courts. His case, however, critically influenced native strategies to protect land. At the start of the eighteenth century, Mohegans in Connecticut mounted a campaign to protect their lands beginning with a petition to Queen Anne for recovery of thousands of acres reportedly taken illegally by colonists. In their memorial, the Mohegans reminded the queen of their steadfast loyalty and service to her and her predecessors, while also implying that without royal assistance, some Mohegans would likely defect to assist the French. Coming two years into the War of the Spanish Succession (1702–13), the Mohegans' request was favourably received; in 1705 a royal commission determined that their lands had been unjustly alienated and should be returned. Connecticut appealed against the decision, and subsequent imperial commissions examined the merits of the case. A 1743 commission clarified matters significantly. Despite living surrounded by English settlements, the Mohegans were 'separate and distinct' and retained the property of the soil within their rights because their governments and institutions had survived intact to the present. The Mohegans were not a conquered people, the holding continued, and thus they and their lands were protected under natural law and the law of nations, which governed relations between independent sovereign states.[36]

In the 1760s, armed with this principle, at least five other Amerindian tribes from southern New England and southern New York sent memorials to London contesting colonial encroachments on to their lands and requesting royal assistance. Without the distractions of and then preoccupation with colonial unrest, the empire might have played an active role in more disputes involving native land and encroaching colonists. By 1773 the protests of British American colonists overshadowed the complaints of their Amerindian neighbours. On final appeal, the Mohegans lost their case for equitable justice, and the Privy Council turned cool to hearing more Amerindian petitions. Within a decade, to avoid further loss of their autonomy, hundreds of natives from southern New England – Mohegans, Pequots, Narragansetts, Wampanoags, Montauk, and Tunxis, among them – moved away from their ancestral

[36] Grant-Costa, 'The last Indian war in New England', *passim*; *Decision of Daniel Horsmanden, governor and Company of Connecticut, and Mohegan Indians, by their guardians: certified copy book of proceedings before the commissioners of review, 1743* (London, 1769), p. 126. See also Craig Bryan Yirush, 'Claiming the new world: empire, law and indigenous rights in the Mohegan case, 1704–1743', *Law and History Review*, 29 (2011), 333–73.

territories and voluntarily resettled in Oneida Country on the frontier of upstate New York.[37]

The Chesapeake

The constituent groups of the Powhatan Confederacy, living on lands around the Chesapeake basin, first experienced land and resource pressure from Europeans when the English established a colony on Powhatan land in 1607 at a site they called Jamestown, the first place of continuous English settlement in the Americas. By the late sixteenth century, the Powhatans had had sufficient contact with transient European explorers, aspiring traders, missionaries, and soldiers to have lost any awe of the hairy, pale-skinned people who squatted on their lands. But they did not initially comprehend that the English intended to stay. The Virginia Company and its associates, on their part, envisaged that native peoples would work for them, or at least have some plunderable wealth, or barring that, tradable commodities to send back to England. None of those English imaginings proved realistic. The few English who first settled in Tsenacomoco (the Powhatan name for eastern Virginia) pressured the Powhatans to trade their maize for metal goods, many of them pilfered from company supplies. If the Powhatans declined to trade, they often found their food caches plundered.[38]

In 1611, John Rolfe successfully cultivated Orinoco tobacco, already marketed in Europe, in Virginia. This shift to a lucrative, but labour- and land-intensive, commodity provided no respite to the Powhatans. Rather English pressure intensified, for now they sought cleared fields, such as the Powhatans' cornfields, on which to plant tobacco and were disinclined to waste labour or land planting food crops. The English remained insistent that their native neighbours trade their food supplies with them or risk having them appropriated. In three different periods – 1611–14, 1622, and 1644 – the Powhatans attacked English settlements, trying to communicate through the rituals of warfare that the English had breached the bounds of Powhatan hospitality and needed to retreat and restrain themselves. The English had no intention of acknowledging the message, if they indeed grasped its meaning.[39]

[37] Vaughan, *Transatlantic encounters*; William DeLoss Love, *Samson Occom and the Christian Indians of New England* (Boston, 1899), pp. 188–230.

[38] Helen Rountree, *Pocahontas, Powhatan, Opechancanough: three Indian lives changed by Jamestown* (Charlottesville, VA, 2005), pp. 5, 46–52; Rountree, *Before and after Jamestown: Virginia's Powhatans and their predecessors* (Gainesville, FL, 2002), pp. 142–6.

[39] Rountree, *Pocahontas, Powhatan, Opechancanough*, pp. 148–67, 208–15, 231–5.

A treaty between Powhatans and Virginians in 1646 made all the Powhatan groups subjects of the king of England. Virginians acknowledged modest Indian claims around the remaining towns of the constituent tribes of the confederacy. Commercial exchanges were now of household goods, such as baskets, made by women, and the hiring of Indian men for their skills in the woods as hunters and guides. After Bacon's Rebellion (1676) – triggered by an altercation between Virginians and Susquehannocks but which evolved into a power struggle among Virginians – a royal commission negotiated a remarkably liberal treaty in 1677 with most of the surviving Powhatan groups. It recognised their land claims for three miles around their towns, gave them the right to hunt on unfenced English land, and to continue traditional gathering practices in the marshes. By the early eighteenth century, only five Powhatan towns remained under the terms of the treaty; one hundred and fifty years later, only two remained, the Pawmunkey and the Mattaponi. Virginia law regulating non-white residents soon became so restricted to people of African descent, that Indians of the former Powhatan Confederacy had virtually ceased to exist in law as a distinct entity by the early nineteenth century.[40]

For Virginians and neighbouring Marylanders, concerns with Amerindian neighbours shifted upcountry by 1650. With the founding of Virginia, Susquehannocks, living along the Susquehanna River that drained into one of the northernmost fingers of the Chesapeake Bay, moved south to be within reach of trading opportunities. William Claiborne established trading posts which catered largely to that nation, allowing them to dominate tribes in the northern tidewater areas. When Lord Baltimore established Maryland in 1634, Claiborne and his Indian clientele proved troublesome, and in 1638 the government of Maryland forced him out, thereby alienating the Susquehannocks. That same year, however, Sweden established trading posts on nearby Delaware Bay, and became the Susquehannocks' primary suppliers of European goods, including guns. Marylanders attacked the nation in 1642, but by 1644 acknowledged that they were out-gunned and outmanned by their native adversaries. The Susquehannocks, however, were embattled to the north by their old enemies the Haudenosaunee (or Five Nations Iroquois), who were supplied with guns by the Dutch trading on the Hudson River. In the winter of 1652, the Iroquois turned on the Susquehannocks, after the Hurons dispersed in 1649, effectively forcing the Susquehannocks to negotiate peace with Marylanders in exchange for most of their tidewater lands. The Dutch defeat of the

[40] Rountree, *Before and after Jamestown*, pp. 168, 178, 196.

Swedes, eliminating New Sweden in 1655, reinforced Susquehannock dependence on Marylanders, while the Susquehannock presence drew Haudenosaunee warriors south in attacks against their ancient enemies, and for dominance over smaller native nations in the territory between the eastern Great Lakes and Chesapeake Bay.[41]

Maryland, seeking peace with the Haudenosaunee, persuaded the Susquehannocks to occupy an abandoned Piscataway village on the Potomac with the deleterious effect of attracting the ire of restive Virginians in 1676. In the aftermath of the ensuing Bacon's Rebellion, as well as King Philip's War (1675–6) in New England, royal commissioners were dispatched to Virginia, New England, and New York. Among their charges was some coordination of policy towards native peoples. Maryland sent delegates to Albany, New York, and invited delegates of numerous native nations to meet there for a congress to negotiate a reduction in chronic warfare that plagued all peoples in a swath of territory from the Chesapeake through to New England. Those negotiations, and more extensive ones between New York officials and the Haudenosaunee, became the basis of the covenant chain between the English and Haudenosaunee. The peace it promised, however, did not extend to Maryland, and in the 1680s the Seneca and Onondagas attacked.[42]

The combination of the development of the covenant chain principles and protocols and the chartering of Pennsylvania in 1681 helped to mitigate tensions in Maryland. The English recognised Haudenosaunee claims to suzerainty over most of the smaller Indian nations and land from present-day New York and Pennsylvania, parts of Ohio, and down the backcountry of Maryland and Virginia. That recognition, often protested against by smaller nations, allowed for the negotiated alienation through purchase or treaty of much of Pennsylvania.

Mid-Atlantic, Hudson River–Great Lakes

South of Lake Ontario, between the Hudson and Genesee rivers, lay the homelands of the Haudenosaunee, five Iroquoian-speaking nations (Mohawk, Oneida, Onondaga, Cayuga, and Seneca) who in the fifteenth

[41] Francis Jennings, '"Pennsylvania Indians" and the Iroquois', in Daniel K. Richter and James H. Merrell (eds.), *Beyond the covenant chain: the Iroquois and their neighbors in Indian North America, 1600–1800* (Syracuse, 1987), pp. 76–8; James D. Rice, *Nature and history in the Potomac country: from hunter-gatherers to the age of Jefferson* (Baltimore, MD, 2009).

[42] Jennings, '"Pennsylvania Indians"', pp. 77–80; Richard L. Haan, 'Covenant and consensus: Iroquois and English, 1676–1760', in Richter and Merrell (eds.), *Beyond the covenant chain*, pp. 43–7.

or sixteenth century established the Great League of Peace.[43] Their location, where the east–west transportation route of the St Lawrence River and Great Lakes meets multiple north–south transportation routes – down the Hudson River to the Atlantic, the Delaware River to Delaware Bay, and the Susquehanna River to Chesapeake Bay – made them central players in the centuries-long power struggles among multiple native and European nations for control of the eastern half of North America. Surrounding the Haudenosaunee were other Iroquoian-speaking peoples, including the Susquehannocks to the south and the Hurons to the west; the latter were allied with multiple Algonquian groups stretching from the Ungava peninsula to the western shores of Lake Superior.

Since at least 1600 and the building of a year-round post at Tadoussac, where the Saguenay River drains into the St Lawrence, the French had found themselves entangled in native conflicts, many trade-related, between the Algonquians along the lower St Lawrence and the Mohawks, the easternmost Haudenosaunee nation. In 1608, when the French established a habitation at Quebec, Samuel de Champlain accompanied an Algonquian war party against the Mohawks, who were disadvantaged because their enemies had greater access to metal goods, which were increasingly important in native warfare. Within a few years, however, the Dutch began trading on the Hudson, with Mohawks as a major fur supplier; in exchange the Dutch offered guns, which the French would not sell unless natives converted to Christianity. Access to arms gave the Haudenosaunee a military advantage, but the commercial advantage remained with their Algonquian adversaries who brought in prime northern furs.[44]

Successive epidemics soon exacerbated trade rivalries; outbreaks in 1617–19 and 1633–9 had particularly high morbidity and mortality among densely settled native nations, such as the Haudenosaunee and their Iroquoian neighbours. By the 1640s the Haudenosaunee were attacking the Hurons and their allies in conflicts that were part trade war and part mourning war (taking of captives to replace clan members lost to war and disease).[45] Some captives were ritually killed, but the Mohawks, Oneida, Onondagas, Cayugas, and Senecas adopted large numbers. In 1649, the Hurons around Georgian Bay dispersed in the face of Haudenosaunee attacks, most settling further west among their

[43] Daniel K. Richter, 'Ordeals of the longhouse: the Five Nations in early American history', in Richter and Merrell (eds.), *Beyond the covenant chain*, pp. 11–27; Jon Parmenter, *The edge of the woods: Iroquoia, 1534–1701* (East Lansing, MI, 2010).

[44] Trigger, *Natives and newcomers*, pp. 146–8, 173–5, 262.

[45] Daniel K. Richter, *The ordeal of the longhouse: the peoples of the Iroquois League in the era of European colonization* (Chapel Hill, NC, 1992), pp. 50–74.

Algonquian allies. In 1650–1, Haudenosaunee warriors turned southward, attacking the Susquehannocks, who had acquired guns from the Swedes on Delaware Bay; the Swedes were subsequently driven out by the Dutch.

In the 1650s and 1660s, the French began rebuilding their trade within the Huron-Algonquian system, and searching for new suppliers of fur. Two French traders crossed from the St Lawrence to the Hudson Bay watershed and returned to Quebec with news of trading possibilities further north, only to find themselves punished for unlicensed trading. In retaliation, they approached English investors and persuaded them to send a ship to Hudson Bay to trade, which they did in 1668; in 1670 these investors incorporated as the Hudson's Bay Company. Further south, the English took New Netherland from the Dutch in 1664, and now controlled the fur trade with the Haudenosaunee. The trade's rapid expansion in the 1670s and 1680s glutted European beaver markets by the 1690s; price collapses, coupled with the outbreak of the Nine Years War (1689–97), disrupted commerce spanning the Atlantic and reaching deep into North America. In 1701 the French, attempting to staunch a century of chronic warfare, complicated by a collapse of fur prices in Europe, successfully hosted peace negotiations in Montreal that drew more than 1,500 delegates from thirty-nine native nations.[46]

Against the dispossession, destruction, and dispersal of native communities that accompanied European commerce and settlement in North America, William Penn's decision in 1682 to purchase land for Quakers to settle a colony called Pennsylvania – or Penn's Woods – seems enlightened. Penn wrote to the Lenni Lenape through Swedish and Dutch interpreters that he recognised 'the unkindness and Injustice that hath been too much exercised towards you', and assured them that he and his associates would be 'examples of Justice and Goodness'. His sentiments were slightly disingenuous. Charles II had already granted the charter of Pennsylvania, and Penn was acting on the advice of the bishop of London to pay the natives for the land where Quakers would settle. Regional tensions also counselled a pacific approach. In 1679, Quaker colonists in West Jersey heard rumours that the Lenni Lenape intended to destroy colonial settlements before they became too well established.[47]

[46] Gilles Havard, *The great peace of Montreal of 1701: French–native diplomacy in the seventeenth century* (Montreal and Kingston, Ont., 2001).

[47] James O'Neil Spady, 'Colonialism and the discursive antecedents of Penn's treaty with the Indians', in William A. Pencak and Daniel K. Richter (eds.), *Friends and*

Although Penn's first purchase slipped into the mythology of amicable Quaker–Indian relations, subsequent purchases became iconic of English manipulation, most notably the Walking Purchase. In 1737 brothers John and Thomas Penn claimed that the Lenni Lenape had granted their father land in 1700 that was the distance a man could walk along the Delaware River in a day and a half, a course yet untraversed. The Penns contrived to complete the walk, but only after they had shrewdly cut a trail, chosen a fit runner, and involved the Haudenosaunee in pressuring the Lenni Lenape.[48]

The covenant chain protocols and principles, to which Pennsylvania officials and the Haudenosaunee appealed to pressure the Lenni Lenape, provided for maintenance and updating: either party could raise concerns, and, after formal discussion and consideration, the chain would be renewed or renegotiated.[49] Through this process Haudenosaunee leaders responded to British commercial aggression over trade prices, practices, and abuses. In turn, the British acknowledged the Haudenosaunee as the dominant native power in the region, with tributary nations under them and for whom they could speak. By the mid-eighteenth century commercial tensions were acute, and in 1753, some discontented Mohawks circulated a message around Indian country suggesting that land-hungry New Yorkers and negligent New York officials had through mistreatment broken the chain. The charges, one colonial governor admitted, had merit and the potential to involve the French and provoke an imperial crisis.[50] George II's privy council, when notified of the Mohawks' charges, responded by tightening control over Amerindian affairs. In June 1754, a congress of representatives from seven colonies, imperial officials, and native diplomats convened in Albany to hear Indian grievances and renew the chain of amity and peace. The outcome, however, was hardly efficacious; unscrupulous colonial agents used the gathering to wrangle even more land from Amerindians. In London, privy council anxiety turned to anger. Stripping colonial governments of authority over Amerindian

enemies in Penn's Woods: Indians, colonists, and the racial construction of Pennsylvania (University Park, PA, 2005), pp. 27–31 (quotations on pp. 30 and 31).

[48] Steven C. Harper, *Promised land: Penn's holy experiment, the Walking Purchase, and the dispossession of the Delawares* (Bethlehem, PA, 2006), pp. 46–72; Spady, 'Colonialism', pp. 18–40.

[49] Glossary of figures of speech in Iroquois political rhetoric in Francis Jennings *et al.* (eds.), *The history and culture of Iroquois diplomacy: an interdisciplinary guide to the treaties of the Six Nations and their league* (Syracuse, 1985), p. 117.

[50] 'Albany Congress representation of the present state of the colonies', in Leonard W. Larabee *et al.* (eds.), *The papers of Benjamin Franklin*, vol. V (New Haven, 1962), pp. 372–3.

affairs, they replaced them with two royal superintendents who were more responsive to addressing Amerindian concerns, one for a northern district, one for a southern district.[51]

By the 1750s, nativist movements were emerging among Amerindians who, pressured by expanding British American settlements and land loss, felt a growing sense of commercial entrapment. Such nativist sentiment was widespread in the mid-Atlantic and Great Lakes regions and portended a reconfiguration of Amerindian alliances. Most prominent was a movement personified by an Ottawa military and political leader, Pontiac, and a Lenni Lenape prophet, Neolin.[52] Towards the end of the Seven Years War (1756–63), after the French in Canada surrendered to British forces and the ground war in North America subsided (1759–60), Jeffery Amherst, the newly promoted governor-general of British forces, decided he could with impunity reconfigure the diplomatic and trade protocols that had governed relations between Europeans and Amerindians for more than a century. The Amerindian response was quick and sharp. Pontiac and his allies attacked military forts and trading posts from New York to the Mississippi River and from the Great Lakes to the Ohio River during the summer of 1763. After losing more than a dozen posts, and retaining only Detroit, Fort Pitt, and Fort Niagara, the British army considered distributing smallpox-infected blankets. The withholding of trade goods, and diplomatic and military pressure from eastern Indians, particularly the Haudenosaunee, for western Indians to exercise restraint, helped to end most fighting by late 1764.[53] The British ministry, meanwhile, responded with the Royal Proclamation of 1763, the second half of which dealt with Amerindian policy and lands. It established the crest of the Appalachian Mountains as the boundary between native peoples and colonists, notwithstanding natives living east of it. More significantly, it outlawed private purchases of native lands and required that all land acquisitions from natives be negotiated through a representative of the crown.[54]

Metropolitan–colonial tensions over the implications of the proclamation of 1763 were soon complicated by multiple imperial tensions that led to civil war between British Americans and the British government in 1775. Initially the two sides in the war thought they could avoid involving

[51] Timothy J. Shannon, *Indians and colonists at the crossroads of empire: the Albany Congress of 1754* (Ithaca, 2000).
[52] Gregory Evans Dowd, *A spirited resistance: the North American Indian struggle for unity, 1745–1815* (Baltimore, 1992).
[53] Colin G. Calloway, *The scratch of a pen: 1763 and the transformation of North America* (New York, 2006), pp. 66–91.
[54] Ibid., pp. 92–111.

native peoples, but it proved impossible, especially when many of the persistent tensions in North America involved conflicts over which British entity – colony, empire, commercial agents, royal appointees – would determine access to and alienation of Amerindian land. In many respects, the fighting unleashed by the American Revolution continued for a half-century in the trans-Appalachian west. After the 1783 Peace of Paris, in which Amerindian diplomats were not allowed to participate, even though their lands were being traded away, the new United States government announced that natives in the trans-Appalachian west, even those who had allied with Americans in the war, had lost their lands and would have to move west of the Mississippi River into Spanish territory, a policy that reflected how thoroughly the discourses of erasure had become commonplace for Anglo-Americans. They were not so commonplace for Amerindians who resisted this newest rationale of dispossession with new pan-Indian movements, cultural renewal, and militant resistance. But for the US government it was increasingly imperative that Amerindian claims be extinguished so that the federal government could sell Indian lands to speculators and thereby raise revenues to pay the war debt and fund the new government.[55]

The Lower South

By the time a group of gentry and aristocrats established Carolina in 1663, the English had achieved success in sustaining colonies in the Americas and making them economically viable. Attendant with that success were three large-scale forces that would shape Anglo-Amerindian relations in the south-east. First, English enterprises were generating labour demands beyond the numbers of indentured servants coming from England, Ireland, and Scotland, and from about 1670 to 1720, the bound labour force would be supplemented with Amerindian slaves shipped from Charles Town, South Carolina. Second, competition among the Spanish, English, and French offered Amerindians multiple commercial outlets. And third, Amerindians increasingly recognised that the European settlements with which they traded were largely entrepôts: the goods they purchased were produced not in North America but in Europe; and the items they brought to trade, slaves excepted, were not destined for North American markets but European ones. In 1701, some Santee, angry at colonial middlemen, decided to take their deerskins directly to England, and attempted an Atlantic

[55] Alan Taylor, *The civil war of 1812: British subjects, American citizens, Irish rebels, and Indian allies* (New York, 2010).

crossing in their canoes. Rough seas overturned their canoes, and their English rescuers sold the survivors into slavery.[56] Notwithstanding the immediate folly of this plan, the strategy fits the larger pattern of native peoples recognising that they were operating within a transatlantic world and that circumventing English colonial authorities through the establishment of transatlantic relations might serve them well.

In the mixed economy of the seventeenth-century Carolinas, before the plantation economy entrenched itself, especially in South Carolina, Anglo-Amerindian trade in furs, deerskins, and slaves figured prominently. By the early eighteenth century, however, economic shifts, both regionally and transatlantically, were destabilising relations with native peoples and contributed to two major Anglo-Amerindian wars in quick succession: the Tuscarora War (1711–15), fought primarily between North Carolinian settlers and the Tuscaroras, and the Yamasee War (1715–17), fought primarily against South Carolina by most of the native nations of the area. Both wars had considerable impacts on the character of trade between British Americans and native peoples.[57]

From the first English settlement of Carolina, the trade in Amerindian slaves was more regular and larger than in other regions of British America, peaking in the first two decades of the eighteenth century as South Carolinians used the excuse of the War of the Spanish Succession (1702–13) to join native allies in raids against natives in Spanish territory. This acceleration of the slave trade coincided with a collapse of the Carolina fur trade, as prices for furs in Europe fell in the 1690s in the wake of oversupply from North America. While deerskins remained important, native and English traders alike were looking for other commodities. By the early 1710s, the disruptions of international war, a slave trade based on violence, and a transatlantic trading system in transition contributed to the Tuscarora War and then the Yamasee War, the impact of which effectively ended the Carolina slave trade.[58]

In 1712, after the outbreak of the Tuscarora War, Massachusetts prohibited the import of Amerindian slaves from the Carolinas, and Pennsylvania and Rhode Island imposed prohibitively high import taxes; New Jersey followed suit in 1713 and New Hampshire in 1714. In 1715, as war engulfed South Carolina, Connecticut restricted Amerindian slave imports from the Carolinas. War also decimated the

[56] James H. Merrell, *The Indians' new world: Catawbas and their neighbors from European contact through the era of removal* (New York, 1989), pp. 49–51.

[57] Ibid., *passim*; Steven J. Oatis, *A colonial complex: South Carolina's frontiers in the era of the Yamasee War, 1680–1730* (Lincoln, NE, 2004), *passim*.

[58] Alan Gallay, *The Indian slave trade: the rise of the English empire in the American South* (New Haven, 2002).

personnel that made the slave trade possible. Natives killed approximately ninety English traders in the first days of the Yamasee War, depriving 'South Carolina of [the] practical knowledge, experience, personal networks, and paraphernalia' on which the trade depended. War and the English need for Indian military allies also complicated the question of Amerindian slavery. During the Yamasee War, South Carolina returned Tuscarora slaves taken during the Tuscarora War in exchange for the Tuscaroras' military support against the Yamasee and their allies. In negotiations for their support, the Cherokee demanded the return of Cherokee children taken as slaves.[59]

In the years after these two wars, the plantation economy in South Carolina gained ascendancy over the Indian trade. Carolinians passed legislation that eliminated the category of mustee – a person of Indian and African descent – from the categories of slaves. Any slave with African ancestry was a 'Negro'. For their part, natives insisted on more structured trade and the governments complied by establishing price lists of trade goods. Indian burdeners who previously carried packets of skins to Charleston were increasingly cautious of the dangers it entailed. In turn, the white population attempted to keep Indians at some remove, and English traders began leading trains of packhorses into Indian country. Indians also became shrewd in operating within the intensifying regional geopolitics, as the French, Spanish, and British jockeyed for control in the south-east.[60]

The Cherokee, who inhabited parts of Georgia, North Carolina, South Carolina, Virginia, Kentucky, and Tennessee, grew to prominence in the early eighteenth century, assisting Carolinians in both Indian wars. Yet, the Cherokee were an expansive people, and by 1730 a Francophile faction attempted to sway the larger group to French trade and military interests. Alarmed by such prospects, some colonists devised a plan to send Cherokee representatives to England to renew tribal loyalties to the empire and protect British–Cherokee trade relations. Entertained by London merchants and the royal court, in 1730 seven Cherokee diplomats negotiated a more formal alliance between the two polities in the form of a commercial treaty that provided for the continuation of trade between the nation and the empire, while prohibiting Amerindian commerce in the region with French and Spanish merchants. During the French and Indian War, the Cherokee respected the alliance, supplying soldiers for the British in exchange

[59] William L. Ramsey, *The Yamasee War: a study of culture, economy, and conflict in the colonial South* (Lincoln, NE, 2008), pp. 165–84 (quotation on p. 179).
[60] Gallay, *The Indian slave trade*, pp. 40–70.

for protection from their enemies, but subsequent trade abuses at the hands of Carolinians increased frontier tensions, and by 1759, war had erupted in Cherokee country. Borderland violence once more trumped the imperial agenda. In 1760, in an attempt to repair Amerindian–imperial relations, Cherokee leader Osteneco personally appeared before George III, petitioning for a lasting peace between their two countries. Two years later, five more Cherokee delegates returned to the metropolis, complaining about colonial authorities' ineffectiveness in addressing colonial encroachments on their land, and seeking royal protections.[61]

Had it occurred at an earlier time, colonial authorities might have regarded imperial Amerindian policies with proper respect, but by the 1770s, some colonial leaders became brazen enough to flout royal supremacy. Virginian expansion into the upper Ohio River valley provoked Amerindians into raids against settlers and surveyors.[62] In 1774, Virginia's governor sent colonial militia against the Shawnee and Cherokee, ignoring Amerindian treaty rights in those lands. After nearly a year of mounting violence on both sides, the Shawnee finally acquiesced to Virginia's demands and surrendered their territory south of the Ohio. The war continued several more years; some Shawnee quit the region entirely and migrated to northern Alabama; other bands seeking refuge from chronic warfare moved to south-east Missouri.[63]

Rupert's Land

Founded in 1670, the Hudson's Bay Company (HBC), along with the East India Company, exemplified the company as imperial factor. Its charter granted it exclusive English rights to trade in the lands of the Hudson Bay watershed (Rupert's Land), itself a huge territory, but by the early nineteenth century the HBC also administered the adjoining British territories of the Mackenzie Basin and the Oregon Territory. At the apex of its influence it governed approximately half of North America's territory, albeit most of it sparsely populated. Like other joint-stock companies founded in the seventeenth century, the HBC had the privilege of waging war against native peoples, though this was a privilege it never exercised. In the history of European expansion,

[61] Vaughan, *Transatlantic encounters*, pp. 141–9, 168–74, 186–8.

[62] Michael N. McConnell, *A country between: the upper Ohio Valley and its peoples, 1724–1774* (Lincoln, NE, 1992), pp. 255–60.

[63] Richard White, *The middle ground: Indians, empires, and republics in the Great Lakes region, 1650–1815* (Cambridge, 1991), pp. 356–65; Calloway, *The American Revolution in Indian country*, pp. 169–70.

the HBC is singular in its long avoidance of military altercations and violent confrontations with native peoples that historically have overdefined Anglo-Amerindian relations elsewhere.[64]

The men who administered North American trade shaped commercial practices in concert with native clients and at times in opposition to company directives sent from London. During the HBC's early years, native peoples made clear that food was not a legitimate item of commerce in their cultures, a practice observed for more than two centuries. Food was shared as a gift and freely given during periods of famine, but it was not traded.[65] HBC employees engaged in long-term conjugal relations with native women that often bound them into extended native kin networks.[66] When native trading expeditions arrived at a fort, often having travelled hundreds of kilometres from the interior of the continent, greetings and gifts would be exchanged in celebration of the travellers' safe arrival. Trade negotiations began with a group's trading captain making a speech, explaining trading expectations for the benefit of both his group and company employees.[67]

In these respects, HBC practices tended to honour native protocols of exchange, persuading many outside observers – contemporary critics and later scholars – that the company had been obliged to adjust to 'primitive' peoples whose exchange practices were non-market-based and who could not understand standard commercial practices such as prices valuated in metallic currencies that fluctuated in response to changes in supply and demand. Subsequent research based on long runs of data drawn from the HBC records countered that perception by showing that prices did fluctuate against the established 'standard of trade', the price list that valuated English goods in beaver. Further, valuating goods and services in a 'commodity of the country', such as beaver, tobacco, sugar, or deerskins, was widespread in British America and not dependent on native peoples; rather it was a strategy that compensated for volatilities in the Atlantic economy.[68]

The symbiotic rituals shaping the lives of HBC employees and native peoples exemplified the positive and creative aspects of the erasures and reinscriptions that commerce could make possible, as objects crossed cultural divides and were refashioned to suit new circumstances. Less

[64] Mancke, 'Chartered enterprises', pp. 253–6.
[65] Julius E. Lips, 'Naskapi law', *Transactions of the American Philosophical Society*, new series, 37 (1947), 443.
[66] Jennifer S. H. Brown, *Strangers in blood: fur trade company families in Indian country* (Vancouver, 1980).
[67] Ray and Freeman, *'Give us good measure'*, pp. 53–62.
[68] Ibid., *passim*.

discernible on the ground were the linkages of commerce and coercion that defined Anglo-Amerindian relations elsewhere. Yet letters from London to chief factors in North America detailed the impact of geopolitics on the company's affairs; almost every British treaty involving North America from Ryswick (1697) to Oregon (1846) had an impact on the HBC, sometimes directly, sometimes indirectly. If the British, French, Spanish, Russians, and later Americans were not jockeying for territory in North America, then British interests were competing amongst themselves for control of the fur trade. So volatile was the latter that in 1821 the British government coordinated the merger of the HBC and the Montreal-based North West Company.[69]

If trading practices reflected the symbiotic relationship between the HBC and native people, geopolitical manoeuvrings were their antithesis, with strategists in Europe and North America making decisions about the lives and land of people whom they did not deign to consult. When the British government arranged the transfer of Rupert's Land from the HBC to the new Dominion of Canada in 1869, it happened as a gigantic real estate transfer rather than a transfer of governance; indeed issues of governance were not addressed. When Canadian government surveyors arrived in Rupert's Land, they met with stiff resistance from native peoples; the Métis in Red River rose up in rebellion and forced the establishment of the province of Manitoba. Native nations, particularly the Ojibwa on the south-east edge of Rupert's Land, demanded recognition of their ownership of the land and effectively forced the Canadian government to extend the terms of the Proclamation of 1763 which acknowledged native rights to the land. Had the British and Canadian governments taken more seriously the history of Anglo-native relations in North America, they might have anticipated the responses. The native nations that resisted most strongly were those whose lands lay at the intersections of contested claims for upwards of two hundred years. They were practised in resisting unilateral assertions.[70]

Conclusion

The reactions of the Ojibwa in Rupert's Land were similar to those of other native nations with histories of contentious relations with the British and their Euroamerican descendants. Native peoples with extensive experience of Europeans generally expressed the greatest

[69] Mancke, 'Chartered enterprises', p. 253.
[70] J. R. Miller, *Skyscrapers hide the heavens: a history of Indian–white relations in Canada*, 3rd edn (Toronto, 2000), pp. 197–224.

scepticism about commercial practices being productive of long-term equilibrium, especially when it came to land, people, and natural resources, and they negotiated the hardest to have their rights inscribed in treaties. It came relatively late to Rupert's Land because only in the late nineteenth century did the prairies become of interest for white settlement. In other parts of the Americas, the resistance came earlier and a fairly discernible pattern is apparent. In the early seventeenth century, Amerindians tried various strategies of accommodation and negotiation with European settlers. Later that century, many groups became aware that transatlantic and cisatlantic negotiations among Europeans and Euroamericans were determining the future definitions of native peoples, and Amerindians increasingly tried to enter those negotiations, a strategy which continued into the nineteenth century.

As the regional overviews indicate, the dominant issues in colonial–Amerindian relations, for at least two centuries, concerned commercial matters – abuses in trade affairs and disputes over land. In regions with English planter settlements, confrontations over encroaching colonists and unfair land practices rather than problems in the fur or deerskin markets tended to prevail. Generally, colonial policies sought to dominate, marginalise, or erase Amerindians, whether from the market or from the American demographic landscape. Responses from native communities ranged from open warfare with colonial militias and frontiersmen to diplomatic negotiations with imperial officials. In most cases, Amerindian violence led to displacement, enslavement, or the ultimate erasure, death. For native nations that survived the period of Anglo-American colonialism, one defining feature of their political and economic agendas was interaction with the British empire, either through its official superintendents as intermediaries or by direct intervention in London. Yet this last strategy was effective only within the context of European rivalries for North American dominance. Once the British defeated the French on land and sea during the French and Indian wars, a marked change of policies towards Amerindians by British imperial and colonial officials occurred. While the empire established a geographical boundary line marking native and colonial spaces, it did little to enforce its maintenance. As a result, colonial governments ran roughshod over native peoples, native lands, and native rights.

Atlantic historians have described British expansion in terms of peopling, circuits, networks, and trade. But it was also defined by discourses of erasure. The Americas were a 'new world', phrasing that implies a place with an insignificant past, if it existed at all, a place of absences of human meanings: religion, civilisation, politics, society,

art. The decimation caused by newly introduced diseases – such as smallpox, influenza, measles, mumps, and tuberculosis – reinforced the sense among Europeans that the pre-Columbian human presence on the land could be erased; the English in New England attributed smallpox epidemics in the 1610s and 1630s to the hand of God clearing the land and preparing it for them. Europeans purchased slaves from Africa to work the 'new world', people who had their identities voided by the marketplace and the Middle Passage, who could assert no claim to the land on which they worked, for they were clearly not natural possessors of the Americas, notwithstanding their huge labour inputs in improving land.

In response to bloody Spanish conquests in the Caribbean, central Mexico, and Peru, the English countered that commerce was a more peaceful and benign form of engagement, a potential form of dispossession in which the dispossessed could participate and sanction their own dispossession. Yet many Amerindians found commerce with the British to be problematic because traders frequently used manipulative and deceptive tactics, and then turned to the law to buttress their actions, making erasures through the market, such as unwitting sales of land, virtually irrevocable. By the late seventeenth century, native nations were attempting to remove land from commercial transactions, and during the eighteenth century had some success by appealing beyond colonial officials to the metropole, and shifting their negotiations over land and resources out of the world of commerce and into the world of diplomacy.

The discourses of erasure that started as philosophical questions and scholarly debates in the sixteenth century became by the late eighteenth century accepted knowledge among the British, so that their legal and diplomatic concessions to persistent native demands were often condescending and expedient actions rather than re-examinations of fundamental attitudes. Thus almost simultaneous with insertions in the 1794 Jay Treaty that native nations could cross the international border at their will, the British were settling Australia with convicts and dispossessing the Aborigines with the 'knowledge' proved over two centuries of debate and experience in the Americas, that this 'southern Asia' was an empty land, a *terra nullius*.[71]

[71] P. G. McHugh, *Aboriginal societies and the common law: a history of sovereignty, status, and self-determination* (Oxford, 2004), pp. 4, 202. See also Robert J. Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg, *Discovering indigenous lands: the doctrine of discovery in English colonies* (Oxford, 2010); James J. Buss, *Winning the West with words: language and conquest in the lower Great Lakes* (Norman, OK, 2011).

Significantly, these discourses of erasure were much harder to impose on societies within Asia and North Africa, and hence the emergence of an orientalist discourse, one which acknowledged their achievements but then disparaged them. Asia and North Africa had old narratives which had long been interwoven with European narratives. Indeed one of the developments of the early modern era was the division of millennia-old Afro-Eurasian narratives into separate historical narratives, with the European one reflecting dynamic and progressive characteristics of social development and Asian and North African ones characterised by social stagnation and despotism. In short, Asia and North Africa could be orientalised. But orientalism as a description of how Europeans engaged in 'othering' has not had resonance for explaining intercultural relations in the Americas, Australia, and the Pacific where 'othering' was achieved more consistently through discourses of erasure.

Sub-Saharan Africa is the anomaly. Early modern African polities were enigmas for Europeans, in part because most Africans only allowed Europeans modest footholds on the continent. While the land and polities of sub-Saharan Africa eluded European understanding, the Africans who found themselves Atlantic migrants and dispossessed of identity could too easily become the proxies for how Europeans understood Africa itself. The entrenchment of discourses of erasure drawn from the Americas, Australia, and the Pacific islands could then be projected on to Africa, and the continent became another *terra nullius* where peoples did not have polities, religions, social customs, or cultures that made them legitimate possessors of the land. Africa could therefore be divided among European powers sitting in Berlin, not long after and not unlike the transfer of Rupert's Land from the Hudson's Bay Company to the Dominion of Canada. Kenya could be opened for British settlement, as could the northern prairies of North America, and indigenous occupants in both places dispossessed.

In the sixteenth century, the English had countered the Iberian claims to the extra-European world and the exclusionary policies of the Spanish and Portuguese by arguing that merchants had a natural right to travel peaceably anywhere in the world and should not have their passage restricted. This idea drew on longstanding merchant practices in the Afro-Eurasian world and was refracted again and again in European framings of overseas expansion. It was at the core of Hugo Grotius's arguments on freedom of the seas in the early seventeenth century. It found new resonance at the end of the eighteenth century, most particularly in *The Wealth of Nations* (1776). In this, Adam Smith criticised monopolies and imperial systems for their excessive costs and

restrictions on trade. But the global system of commerce that had developed over the early modern era and which British merchants exploited relied on a significant degree of state coercion and protection. British merchants, for example, challenged Spanish claims to the Pacific north-west coast of North America in the 1780s by establishing trading posts at Nootka Sound for the sea otter trade, expecting that the British government would defend them diplomatically, if not militarily, when the Spanish tried to turf them out. The resulting 1790 Anglo-Spanish Nootka Sound agreement, indeed, removed commercial restrictions on British merchants in the Pacific and effectively ended Spain's exclusive Pacific claims. If Europeans wanted examples of trading systems that were not highly dependent on government backing, it was not to their own systems but to those of Asian merchant communities that they should have looked. But, in fact, British merchant communities did not want to face the vulnerabilities faced, for example, by Chinese merchant communities in South-East Asia who found their ranks decimated by the murderous rages of the Dutch in Bantam or the Spanish in the Philippines without recourse to the Chinese government in China. Such a world of trade without state protection was not attractive for western European merchants.

Three years before the Nootka Sound agreement, the newly independent United States wrote a new constitution, in part to provide funds at the federal level for foreign policy and to fight Indian wars in the trans-Appalachian west. Americans wanted to create an 'empire of liberty', as Thomas Jefferson called it, but that empire depended on state coercion and a further refinement of the discourses of erasure that defined relations with Amerindians. The new government asserted that native peoples had lost all rights to lands east of the Mississippi because some had sided with the British during the American Revolution. When they did not obediently remove themselves, the federal government legislated removal. Many natives believed that commercial engagement with whites had unduly weakened them, and while their explanations were weak, they had grounds for suspicions. Indeed, US attempts to dispossess native peoples through a combination of government policies and market forces continued with the 1887 Dawes Act designed to carve up reservations into individual holdings which Indians would then be pressured into selling to whites, once again participating in their dispossession through the ostensible neutrality of market forces.

When anthropologists documented aboriginal societies in the late nineteenth and the twentieth century they found cultures that circumscribed exchanges with elaborate rituals of reciprocity and gift-giving and that expressed deep reserve about 'market' exchange. While

some of those practices of gift-giving and reciprocity can be historically documented, they were probably not simply timeless reflections of unchanging cultures, but also historically conditioned and rational responses to an intrusive world of white commerce embedded in elaborate webs of law, diplomacy, and state coercion and protection that made Anglo-Amerindian commerce a system of irrevocable erasures for native peoples. It is not surprising that in response to the coercion of commerce, Amerindians tried, and often succeeded, in protecting their land, liberties, and sovereignty through law and diplomacy.

15 Placing British settlement in the Americas in comparative perspective

Trevor Burnard

This chapter explores whether historians of British America have anything especially interesting to learn from historians of British Asia and British Africa about how the British Atlantic was formed and about how it operated in the seventeenth and eighteenth centuries. In addition, it asks whether the particular characteristics of British settler societies in British America help illuminate themes in British Asian history. It should be noted, however, that my expertise and my orientation is within the Atlantic rather than concerned with British Asia. My comments on British Asia need to be considered within that light, of an interested non-specialist thinking about how developments in British Asia help advance studies of the British Atlantic.

The increasing willingness of Americanists to expand their geographical horizons has been a natural concomitant of the extraordinary growth of Atlantic history as a governing paradigm through which the history of non-continental early America can be viewed.[1] But a caveat is in order before we congratulate ourselves on how we are opening ourselves up to new fields of knowledge. It is all very well for enthusiasts to urge us to see Atlantic history as a slice of world history and to note that the most enterprising members of the British nation in the early modern period did not limit themselves to a single oceanic basin as we historians do and to insist on the interconnectedness (and thus indivisibility) of Atlantic and Asian histories in respect to 'the multiplicity of overlapping jurisdictions, sovereignties, identities, contexts, and political communities that defined the early modern period'.[2] It is another

[1] Peter Coclanis, 'Atlantic world or Atlantic/world?', *WMQ*, 3rd series, 63 (2006), 725–42.

[2] Philip J. Stern, 'British Asia and British Atlantic: comparisons and connections', *WMQ*, 3rd series, 63 (2006), 712. See also Alison F. Games, *The web of empire: English cosmopolitans in an age of expansion, 1560–1660* (New York, 2008). For Atlantic history not being global history, see Bernard Bailyn (ed.), *Soundings in Atlantic history: latent strictures and intellectual currents, 1500–1830* (Cambridge, MA, 2009), p. 4.

thing to actually undertake real comparisons between such disparate areas, especially given that most practitioners in British Atlantic history come to Asian and even African history from a standing start. Few Atlantic historians have read outside American and European histories, let alone conducted serious research into fields where linguistic skills in non-European languages are essential. Of course, truly comparative work on Asia and the Atlantic can be done: scholars of the Portuguese and Dutch empires do it all the time.[3] But it is rare for such work to be conducted on British Asia and British America, in part because mastering the secondary, let alone the primary, sources in these two fields is a massive undertaking. We can see this in the exception that proves the rule, P. J. Marshall's superb comparison of British Asia and British America in the period of the American Revolution. Marshall shows how officials in London, fixated with the travails and triumphs of the East India Company, could insist that what worked for the East India Company also had to work for the American colonies. But Marshall's book is that of a mature scholar with long experience in two archives. It is asking too much of less experienced scholars to be able to replicate such work, especially now that the historiographies of both British Asia and British America are exploding in size and complexity.[4]

Does it make any sense, therefore, for early Americanists, with work enough in the histories of the Americas to satisfy a long historical career, to interest themselves in British Asia and British Africa? I think it does make sense, even if it has to be acknowledged that Americanists are unlikely to be able to approach Asian history in any other guise than that of interested amateur observers. As this chapter attempts to show, there are sufficient points of contact between the two fields to make the enterprise worthwhile. But if we are to make comparisons between the British Atlantic world and British Asia it is important to determine what should be the frame of reference through which comparisons could be made. We might look at direct linkages, although in the seventeenth and eighteenth centuries these linkages, especially between Asia and America, were slight. There were, of course, some individual linkages, of which perhaps the most consequential was that made by Elihu Yale, a Boston-born merchant who made his fortune in the early stages of the East India Company's incursions into southern India and whose philanthropy to a struggling Connecticut college led

[3] Francisco Bethencourt and Diogo Ramada Curto (eds.), *Portuguese oceanic expansion, 1400–1800* (Cambridge, 2007).

[4] P. J. Marshall, *The making and unmaking of empires: Britain, India, and America c.1750–1783* (Oxford, 2005).

the trustees to name the college after their benefactor. Linda Colley has told us of the amazing life of Elizabeth Marsh, an adventuress conceived in Jamaica who had some links to North America and many varied experiences in the Mediterranean, North Africa, and especially India.[5] Bharati Mukherjee has traced the links imaginatively in her 1993 novel *The holder of the world*, a retelling of Nathaniel Hawthorne's *The scarlet letter*, placing the story in seventeenth-century New England and seventeenth-century Bengal. But the individual links between British Asia and British America were, until the nineteenth century, rather limited. As Huw Bowen reminds us, many barriers made it difficult to gain access to Asia from America. No direct sea passages linked the two areas. Moreover, the British, unlike the Spanish, had no staging posts between the Pacific coast of the Americas and the East Indies, making it possible to move westward to the Orient. Consequently, the numbers of Americans with first-hand knowledge of British Asia must have been minuscule in the colonial period. The only exceptions may have been pirates and seamen. Soldiers and merchants, two normally well-travelled groups, did not as yet move between east and west on any large scale.

What movement there was between the two areas came at the intellectual level. As Bowen notes, 'the vast majority of Americans … found that their awareness of Britain's Oriental empire was shaped, first and foremost, by what they consumed and what they read'.[6] Some historians, notably T. H. Breen, have argued that the increasing integration of the world through trade and consumption 'had the capacity to influence how colonists imagined themselves within a larger empire'. Drinking tea and wearing Indian textiles, however, do not seem to me to have connected colonists in North America and Britain closely with the people who produced such commodities. As is true today, consumers in the eighteenth century found it easy to have a cognitive dissonance between what they ate, drank, and wore on their bodies and the people by whom and places where such things were made. Tea, especially, that quintessential Asian commodity, was quickly made familiar and part of quotidian existence in Britain and North America in the same way that sugar,

[5] Linda Colley, *The ordeal of Elizabeth Marsh: a woman in world history* (London, 2007).

[6] H. V. Bowen, 'Colonial American views of Britain's Asiatic empire, 1756–1783', in Christine Daniels and Michael V. Kennedy (eds.), *Negotiated empires: centers and peripheries in the Americas, 1500–1820* (New York, 2002), p. 289. For an account of the British in India in the seventeenth century that explicitly places the East India Company within a global imperial perspective, see Philip J. Stern, *The Company-state: corporate sovereignty and the early modern origins of the British empire in India* (New York, 2011).

tea's accompaniment, had previously been incorporated into metropolitan ways of living. Its meaning quickly became disconnected from its Chinese and later South Asian associations, with tea-drinking becoming a national and quintessentially British habit rather than one betokening sympathy with or awareness of Asian manners and modes of living.[7]

In similar ways, the incorporation of India into the British empire did not force North American colonists to think deeply about the implications for themselves of Britain having extensive Indian territory, at least until the dispute between Britain and the thirteen rebellious colonies of North America made the activities of the East India Company a matter of transatlantic discourse. Readers of the *Pennsylvania Gazette* in Philadelphia, British America's most cosmopolitan city, hardly read about the east at all before the American Revolution. It has been estimated that only 0.8 per cent of news items in this journal between 1740 and 1765 were concerned with Asia, Africa, or the Middle East. So exotic was India that few colonists in North America either noted much about it or cared about its impact on their world. It was ineffably 'other', which may have made it relatively easy to assert moral virtue after 1767 through principled rejection of East India goods as symbolic of how the British government had been infected with despotic Asian values.[8]

Matters, however, may have been different in the West Indies. These lands could be easily associated in the British imagination with the hot, tropical, and decadent lands of the east. Mimi Sheller writes interestingly on how orientalist discourse – in the sense used by Edward Said, in which the Orient is, *inter alia*, a place of despotic power, sensuous stagnation, and dangerous hybridity and potential racial degeneracy – can be traced in the discursive construction of the Caribbean from the seventeenth century onwards. She shows how frequently the Caribbean was imagined in travel literature as being similar to the Orient or the Levant, luxuriant hothouses where the active mastery of Europeans is transformed and degraded through torpor, self-indulgence, and debauchery. The decadent West Indian planters become, through their tropicalisation, like the worst kinds of oriental tyrants.[9] Early abolitionists like Granville Sharp made the comparison explicit: the slaveholder, Sharp declared, was an 'arbitrary monarch, or rather a lawless Basha in his own territories'.[10]

[7] T. H. Breen, *The marketplace of revolution: how consumer politics shaped American independence* (Oxford, 2004).
[8] Bowen, 'Colonial American views', pp. 290–5.
[9] Mimi Sheller, *Consuming the Caribbean* (London, 2003), pp. 107–42.
[10] Granville Sharp, *A representation of the injustice and dangerous tendency of tolerating slavery* (London, 1769), p. 82.

The major reason why British North American settlement and British settlement elsewhere were fundamentally different comes from the old distinction between colonies of exploitation and colonies of settlement.[11] In British America, unlike British Asia or West Africa, settler societies of considerable vitality and dynamism did appear during the eighteenth century. These societies compared themselves to Britain rather than to other overseas possessions. They were right so to do, given their growth in numbers over the course of the eighteenth century and given their increasing conformity to models of Anglicisation. Of course, significant similarities existed between Asia and America. Both were part of a single entity, the British empire, especially after the Seven Years War, when what happened in one part of the British world had palpable effects in other parts. The most conspicuous event that started in one region but reverberated in the other is, of course, the Boston Tea Party of 1773 where an American crisis was precipitated as a result of government attempts to solve a problem relating to the East India Company.

Nevertheless, the differences between conditions in colonies of settlement and colonies of exploitation were so great as to make direct comparisons rather pointless. In settler societies, extensive settlement, natural population increase, the consolidation of power by self-confident native-born elites and the more or less successful transformation of these societies into highly anglicised colonial variants of British metropolitan culture had by the mid-eighteenth century not only differentiated these colonies from newer or more marginal American colonies, but also differentiated them from every other area in the world where Britain had a presence. It was only in the early nineteenth century, with the establishment of flourishing settler societies in southern Africa, northern America, and the Antipodes, that the type of societies that existed in British North America prior to the American Revolution began to reappear. Not surprisingly, the kind of settler discourse that precipitated conflict between imperial centre and colonial periphery in the 1760s was re-established in new settler societies in this period.[12]

One of the great mistakes that the British made in the years after the Seven Years War was to fail to recognise the extent to which these settler colonies in British North America were different from other areas of imperial presence. They had no excuse for such a failure because Benjamin Franklin, with his usual prescience, had told them in his seminally important work *Observations concerning the increase of*

[11] Herman Merivale, *Lectures on colonization and colonies* (London, 1861), pp. 260–1.
[12] Alan Lester, 'British settler discourse and the circuits of empire', *History Workshop Journal*, 54 (2002), 27–50.

mankind how rapid population growth and general affluence was making Pennsylvania not just Britain's equal but in time its likely superior once the effects of early marriage and high fertility had increased its population past that of the mother country. Franklin shows us that mid-eighteenth-century Pennsylvania and Bengal had little in common save mutual membership in a British empire about to break up. What Franklin pointed out was that in colonies where there was a predominance of white native-born settlers of English ancestry, claims by colonists that they deserved equal treatment to those in the metropolis – that they were indeed people fully equal in rights and attainments to subjects of the king living in the British archipelago – were claims that had to be taken seriously. Franklin emphasised the point by arguing that population increase among the English in British America's northern provinces was so rapid that it was arithmetically likely that within a century these places would outstrip the mother country in terms of population. Moreover, these rapidly growing provinces full of white people but with little slavery would soon become more valuable to Britain than the more obviously wealthy southern colonies, the rich but demographically dismal West Indian islands, and Britain's new and alluring possessions in India. The northern colonies were valuable precisely because their source of wealth was their ability to produce white people, 'BRITONS' who 'tho' a Hundred Years transplanted, and to the remotest part of the Earth, may yet retain … that Zeal for the Publick Good, that military Prowess, and that undaunted Spirit, which had in every Age distinguished their Nation'.[13]

Franklin argued for an empire based on common interest, a common interest based on ethnicity, as he saw it, or race, as we might see it today, not economics. Colonists and Englishmen as white Britons deserved preferment over those of a darker hue. If far-sighted British politicians adopted policies (William Pitt the Elder comes to mind) towards settler politicians that recognised the shared Britishness of white settlers, whether born in Britain or in the Americas, then, Franklin implied, great things could happen: 'What an accession of Power to the British Empire by Sea as well as by Land! What increase of Trade and Navigation! What numbers of Ships and Seamen!' But such expansion of the empire could only come through recognising an Anglo-American solidarity based on race. Pennsylvania was important because it was in such places that augmentation of the 'proportionately very small' number of 'white People in the World' could be achieved. The aim of British

[13] Benjamin Franklin, *Observations concerning the increase of mankind*, in Leonard W. Labaree *et al.* (eds.), *The papers of Benjamin Franklin*, vol. IV (New Haven, 1959–), pp. 225–34.

policy, Franklin averred, should be to increase the numbers of 'White People on the Face of the Earth'. The transformation of landscape so that America came to resemble an improved, anglicised, and more fertile version of southern England should be accompanied by, if not ethnic cleansing, then at least a promotion of white population: 'And while we are, as I may call it, Scouring our Planet, by clearing America of woods, and so making this Side of the Globe reflect a brighter light to the eyes of Inhabitants in Mars or Venus, why should we, in the Sight of Superior Beings, darken its People? Why increase the Sons of Africa, by planting them in America, when we have so fair an Opportunity, by excluding all Blacks and Tawneys, of increasing the lovely White and Red?'[14]

Unfortunately for Franklin and for Americans such as James Otis, the first revolutionary ideologue and proud son of Boston – who described the rest of the British empire derogatorily as a 'compound mongrel mixture of English, Indian, and Negro' with the northern provinces alone being full of 'freeborn British white subjects, whose loyalty has not yet been suspected' – British officials grasped neither Franklin's point about the inevitability of the demographic and economic expansion of the northern provinces of America and the need to be sensitive to the opinions of British settlers in these regions that they were themselves both white and British, nor his implicit warnings, in this work and in later writings on the revolutionary conflict of the 1760s, that the white inhabitants of British North America could not be treated as though they were the same as the millions of Bengalis who had been acquired by Britain during the Seven Years War.[15]

As Franklin and others insisted, the links that connected Britain to British settlers in the Americas were those of fraternal affection and a shared sense that they were members of a common enterprise. He told Peter Collinson, 'We are in your Hands as Clay in the Hands of the Potter and as the Potter cannot waste or spoilt his Clay without injuring himself; so I think that there is scarce anything that you could do that may be hurtful to us, but what will be as much or more so to you.' British vitriol against their fellow countrymen left him bemused. He could only resort to sarcasm: 'The gentle terms of republican race, mixed rabble of Scotch, Irish and foreign vagabonds, descendants of convicts, ungrateful rebels etc., are some of the sweet flowers of English

[14] Ibid.

[15] James Otis, *The rights of the British colonies asserted and proved* (Boston, 1764), in Bernard Bailyn (ed.), *Pamphlets of the American Revolution, 1750–1776*, vol. I (Cambridge, MA, 1965), pp. 435–6.

rhetorick, with which our colonists have of late been regaled. Surely, if we are so much their superiors, we should shew the superiority of our breeding by our better manners!' He could not believe that Britain would do what it threatened, not only because by attacking American settlers it was engaging in obviously un-English tyrannical behaviour, but also because he reckoned the British chances of success in imposing tyranny were small. Once he was convinced that America had 'no favours to expect from the Ministry; nothing but submission will satisfy them', he knew that North Americans would fight because otherwise they would suffer 'the most abject slavery and destruction'. Once 'on the high road to mutual enmity, hatred and detestation', then 'separation would be inevitable'. American loyalty to Britain was not coerced but was voluntary. Asked by friends in 1766 about what made Americans loyal before 1763, he told them: 'They were governed by this country at the expence only of a little pen, ink and paper. They were led by a thread. They had not only a respect, but an affection for Great Britain.' Once the bonds that linked Englishmen in America with Englishmen in Britain were dissolved, then the British empire, as he knew it, would be dissolved. America, he told David Hartley, a British parliamentarian, 'will not be destroyed: God will protect and prosper it: You will only exclude yourselves from any share in it'.[16]

British officials, to their cost, ignored Franklin's warnings about the need to distinguish between white 'Britons' living overseas and non-white subject peoples. As a considerable literature on subjecthood tells us, these warnings fell on deaf ears. Building on assumptions that began to be formulated in the 1740s, the British, in what Elizabeth Mancke tellingly calls a spirit of 'cosmopolitan authoritarianism', increasingly refused to differentiate between white fellow citizens and non-white subjects.[17] In the eyes of Americans like Franklin and Otis, the status of the latter (including even slaves, who began to be considered subjects rather than the politically and socially excluded) was being raised while the status of the former was being debased. As an expanding imperial garrison state became more and more a feature of post-Seven Years War imperialism, and as the British government became more insistent in the reach of its authority and in the view that the duty of subjects, black or white, was to obey rather than treat with British officials on grounds of near equality, the sensibilities of white colonists to greater imperial

[16] Labaree *et al.* (ed.), *Papers of Benjamin Franklin*, vol. XI, p. 182; vol. XII, pp. 35–6; vol. XXII, p. 217; Benjamin Franklin, 'Invectives against the Americans, 1765', in J. A. Leo Lemay (ed.), *Benjamin Franklin: writings* (New York, *c.*1987), p. 563.

[17] Elizabeth Mancke, 'Early modern expansion and the politicization of oceanic space', *Geographical Review*, 89 (1999), 225–36.

oversight and to what they perceived as softness towards non-white and non-Protestant people were increasingly set aside.[18]

The colonists who rebelled in 1775–6 were outraged at attempts to make equivalences between their situation and the situation of conquered Indians in India. They were no more impressed by the increasing tendency of imperial officials to use the example of the East India Company's behaviour in India (behaviour that men in Whitehall very much condoned) to be the model of what should happen in North America. The East India Company was a generally compliant partner of the British government in empire. It was willing to yield its autonomies over local rule in ways that no American colony was prepared to do. It was also prepared to submit to imperial reforms that turned it into a reliable agency for imperial purposes. British officials found it very difficult not to analogise between an India 'where empire in the sense increasingly envisaged by British opinion was being successfully made' and a recalcitrant America, full of imperial subjects who refused to accept that they were either subjects or people who would easily accede to the imperial and parliamentary will.[19] But colonists did not accept this developing imperial world-view. They saw the East India Company as infected by 'Asiatic despotism'. It was also a glaring example of the cosy corruption in high places that justified Americans' growing republican beliefs. Marshall succinctly summarises American views of the contrast between a smooth-running Indian empire and an American empire that by the 1760s refused to follow the imperial lead: 'The intentions of British ministers were despotic. In India, the land of despotism, they could fulfil their wicked intentions; in the colonies, the land of freedom, they were resisted.' As John Dickinson protested, 'We are not Sea Poys, nor Marattas, but British subjects who are born to liberty, who know its worth, and who prize it high.' Americans would resist the tyrannical East India Company that Dickinson thought was casting 'their eyes on America as a new theatre whereon to exercise their talents of rapine, oppression and cruelty'.[20]

But the irrelevance of Africa and Asia as counterpoints to eighteenth-century British America that seems so obvious when studying

[18] C. A. Bayly, 'The British and indigenous peoples, 1760–1860: power, perception and identity', in Martin Daunton and Rick Halpern (eds.), *Europe and its others: British encounters with indigenous peoples, 1600–1850* (Philadelphia, 1999), pp. 19–41; P. J. Marshall, 'Empire and authority in the later eighteenth century', *JICH*, 15 (1987), 105–22; Christopher Leslie Brown, *Moral capital: foundations of British abolitionism* (Chapel Hill, NC, 2006), pp. 212–38; H. V. Bowen, 'British conceptions of global empire, 1756–1783', *JICH*, 26 (1998), 1–27.

[19] Marshall, *Making and unmaking of empires*, pp. 270–1.

[20] Ibid., p. 271; Bowen, 'Colonial American views', pp. 294–6.

conventional mainstream American colonies like Pennsylvania or Virginia does not seem so clear if the geographical focus is moved elsewhere, in either time or space. If we look at British America in the seventeenth century, then comparisons between it and what later developed in British India and British West Africa seem not entirely inappropriate. In that century, one can posit similarities between British settlement in British America and elsewhere, especially if the focus is the southern or island colonies of British America.[21] High mortality, imbalanced migration, fluid labour relations, chronic political instability, the importance in politics and the economy of chartered companies, and the presence of sizeable and powerful Amerindian populations that had to be dealt with not as submissive inferiors but as powers in their own right – these were all features of seventeenth-century American life that were replicated in the small white societies perched precariously on the edges of West Africa and India that Britain established in the late seventeenth century.[22]

Making such comparisons also has purchase if we look at what used to be called the frontier and which now is termed either the borderlands or, using the fashionable and useful term, the middle ground. In these contested territories at the edges of European settlement, the relationship between European traders and cultural brokers and the politically and culturally dominant Amerindians who controlled most of the physical landscape, and who had advantages in the intellectual conversations between themselves and Europeans, was not all that different conceptually from the relationship between Europeans and African rulers and between Europeans and Indian princes.[23] It also makes sense

[21] Stephen Hornsby makes these connections explicit in a persuasive reconceptualisation of geographic regions in British Atlantic America (*British Atlantic, American frontier: spaces of power in early modern British America* (Hanover, NH, 2005)).

[22] For Africa, see K. G. Davies, *The Royal African Company* (London, 1957); Robin Law, '"Here is no resisting the country": the realities of power in Afro-European relations on the West African "slave coast"', *Itinerario*, 18 (1994), 50–64. For India, see D. K. Bassett, 'Early English trade and settlement in Asia, 1602–1690', in J. S. Bromley and E. H. Kossman (eds.), *Britain and the Netherlands in Europe and Asia* (London, 1968), pp. 83–109. See also Sanjay Subrahmanyam, 'Frank submissions: the Company and the Mughals between Sir Thomas Roe and Sir William Norris', in H. V. Bowen, Margarette Lincoln, and Nigel Rigby (eds.), *The worlds of the East India Company* (Woodbridge, 2002), pp. 69–96.

[23] For a recent overview, see 'Forum: the middle ground revisited', *WMQ*, 3rd series, 63 (2006), 3–96. There is little engagement with subaltern studies. Conversely, scholars versed in subaltern studies do not seem well acquainted with middle-ground literature. See, for example, Ann Laura Stoler, 'Tense and tender ties: the politics of comparison in North American studies and (post) colonial studies', *Journal of American History*, 88 (2001), 829–65. For an intriguing attempt to use the insights of middle-ground and subaltern studies in another part of the world, see Daniel Goffman, *Britons in the Ottoman empire, 1642–1660* (Seattle, 1998).

to make such comparisons when looking at life and power relations in the marginal colonies of eighteenth-century British America. The Mosquito Shore and the logwood-cutting region of Honduras are similar structurally, for example, to West Africa as far as Europeans were concerned, in part because mahogany gatherers and logwood cutters lived in 'stateless' conditions hemmed in by Spanish rulers who claimed territorial sovereignty over the areas where Honduran settlers worked and cultivated.[24]

Settlement by Europeans in India and Africa also has relevance to early American studies in the West Indies. The idea that the West Indies was akin to India or Africa in regard to settlement patterns and relationship to the imperial centre would have been anathema to patriotic white West Indians, people who prided themselves on being proud British citizens. But for all their posturing that they were 'British subjects entitled to the laws of England', white settlement in the West Indies was not all that different in some ways from the white presence in India or Africa.[25] One would not want to go too far – the differences between the West Indies and India or Africa were many and significant, while the similarities between the West Indies and British North America were deep and long lasting. But the trend, as imperial officials unwittingly realised during the imperial crisis of the American Revolution and its aftermath, was to link the West Indies and the East Indies together in their likely future social and economic trajectory. The tragedy for the West Indies, as least as white planters saw it, especially after the removal of the vast majority of white Protestant inhabitants from the empire after the Peace of Paris and after a settlement with the Protestant Irish through the 1782 repeal of the Irish Declaratory Act gave them rights previously denied, was that the number of white Britons who thought as white West Indians did about their proper place in the empire was dramatically smaller. It was far easier in 1783 than in 1763 for imperial officials to see the empire as composed of non-white subject peoples who needed to be brought under firm metropolitan control if only because the number of whites in the empire was so reduced. In 1776, the white population of the empire was probably just over 2 million, with the North American colonies accounting for about 1,500,000 and Ireland another 500,000. American independence

[24] O. Nigel Bolland, *The formation of a colonial society: Belize, from conquest to crown colony* (Baltimore, 1977). For a significant attempt to connect Atlantic history with the middle ground, see James Sidbury and Jorge Cañizares-Esguerra, 'Mapping ethnogenesis in the Atlantic world', *WMQ*, 3rd series, 68 (2011), 181–208.

[25] Nicholas Bourke, *The privileges of the island of Jamaica vindicated* (London, 1765), pp. 27–8.

reduced white numbers drastically. The only part of the empire, outside the British archipelago, where white numbers were increasing appreciably was in British North America (Canada), where a flood of loyalists after 1783 quickly made these colonies more populous than the West Indies, despite the latter having been settled by the English for more than 150 years. White populations in Africa, India, the Atlantic islands, Honduras, and the prison colony of Australia were tiny, amounting to not much more than 20,000 whites in total. The total number of whites in the empire, excluding Ireland, in 1788 must have been between 150,000 and 175,000 – numbers that paled in comparison with the numbers of non-white subjects in the West Indies, Africa, Australia, and above all in India.[26] From 1783 until the 1850s, the similarities between the declining West Indian planter population and the growing and still demographically insignificant white population of India were appreciable enough for both groups to be lumped together in the imperial mind as structurally similar groups.[27]

If we are to look at early America through the lens of British Asia or Africa, how should we go about it? The first approach would be to incorporate the three areas into a new imperial model that see them as connected through common membership in a British imperial enterprise. Marshall's book – a work that explicitly attempts to put together two historiographical traditions that are not usually combined – fits firmly within this imperial approach. For Marshall and similar imperial historians, the focus of attention has to be Britain. The point of view is that of London. The British Atlantic and British Asia come together insofar as they are British and part of a larger British polity, the British empire. Marshall poses the question neatly: 'With hindsight of gigantic proportions, it is possible to see two destinies beckoning Britain before 1750 and 1783. Were the British to be part of a predominantly Atlantic empire consisting of equal communities of free peoples of largely British origin, in which they were to be at best primus inter pares, or were they to rule over a polyglot worldwide empire, most of whose members were clearly subject peoples?'[28] It is history from the centre, designed to ask an imperial question of an imperial people.

[26] See C. A. Bayly, 'The first age of global imperialism, 1760–1830', *JICH*, 26 (1998), 28–48. For a synthetic account of imperialism over the *longue durée*, see Jane Burbank and Frederick Cooper, *Empires in world history: power and the politics of difference* (Princeton, NJ, 2010).

[27] David Lambert, *White creole culture: politics and identity during the age of abolition* (Cambridge, 2005), pp. 141, 144–5.

[28] Marshall, *Making and unmaking of empires*, p. 279.

Marshall asks these questions in order to understand what Britons thought they were doing when reconceptualising empire after the trauma of the loss of the American colonies. They are questions also asked by historians interested in what Britain's focus of empire meant for how Britons conceived of themselves and their history.[29] What unites historians of Britain interested in the impact of global empire on British culture, society, and politics, and practitioners of what is called 'new' imperial history is that both groups tend to reject notions that see the eighteenth-century empire as a series of separate places, linked not to each other but only to Britain. Instead, they conceptualise the British empire as being more like a web or a series of overlapping networks, in which 'imperial institutions and structures connected disparate points in space into a complex mesh of networks', allowing us to understand the inherent relationality of nodal points within the empire.[30] As Nicholas Dirks puts it, colonialism can be seen as 'a moment when new encounters within the world facilitated the formation of categories of metropole and colony'.[31] In part, these assertions concern the nature of imperial history as practised in the twenty-first century, a question that need not distract us here.[32] But if, as seems to be the case, imperial history is seen as a series of interconnected networks that did not necessarily privilege either metropolitan or colonial spaces, then it is incumbent on British Atlantic historians to consider the ways in which the British Atlantic and British Asia might be networked together, on the assumption that what constituted empire was multiple imperial networks that continuously fragmented and then became reconstituted into new kinds of imperial groupings. These groupings, it is asserted, ranged widely over space.[33]

[29] For some representative works, see Maya Jasanoff, *Edge of empire: conquest and collecting on the eastern frontiers of the British empire, 1750–1850* (London, 2005); Eliga Gould, *The persistence of empire* (Chapel Hill, NC, 2000); Michael Fisher, *Counterflows to colonialism: Indians in Britain, c.1600–1857* (London, 2003); Roxann Wheeler, *The complexion of race: categories of difference in eighteenth-century British culture* (Philadelphia, 2000).

[30] Tony Ballantyne, *Orientalism and race: Aryanism in the British empire* (Basingstoke, 2002), pp. 15–20, 39.

[31] Nicholas Dirks (ed.), *Colonialism and culture* (Ann Arbor, 1992), p. 6.

[32] For the polemical import of 'new' imperial history, see the references to P. J. Marshall and 'traditional' imperial history throughout the footnotes in Nicholas Dirks, *Scandal of empire: India and the creation of imperial Britain* (Cambridge, MA, 2006).

[33] David Hancock, *Oceans of wine: Madeira and the emergence of American trade and taste* (New Haven, 2009); Elleke Boehmer, 'Global and textual webs in an age of transnational capitalism', *Postcolonial Studies*, 7 (2004), 11–26. See also Michael Jarvis, *In the eye of all trade: Bermuda, Bermudians, and the maritime Atlantic world, 1680–1783* (Chapel Hill, NC, 2010).

The second approach is oceanic. By oceanic, one means that we look at the interconnectedness of British Asia, British Africa, and British America by seeing them less from the perspective of an imperial official in Whitehall than from the perspective of a person, such as a slave, a pirate, or a seafaring merchant, walking the decks of an ocean-going vessel.[34] The attraction of oceanic history is that it combines, potentially, the advantages of both centred and decentred history, as Fernand Braudel showed in his masterwork on the Mediterranean Sea.[35] Oceanic history provides a focus but not a direction, mainly because an ocean is abstracted from nation-state and empires. Its modus vivendi is the movement of peoples, ideas, and commodities from one place to another and the new cultures and historical phenomena that are created as a consequence of movement. But implicit in oceanic history is the idea that one culture is not privileged over another; the centre has no more claim to historical precedence than the periphery.

The problem, of course, is that an oceanic world is largely an invented world. We may like to use the Indian Ocean and the Atlantic Ocean as useful heuristic devices whereby interesting historical phenomena can be usefully explored, but we have to recognise that people in the past could not have seen themselves as parts of specific oceanic worlds. They could not do so because, to an appreciable degree, they did not recognise oceans in the way that we do. What we call the Atlantic Ocean, our ancestors perceived as several distinct seas. As Martin W. Lewis and Karen E. Wigen have argued, the continents we name are modern creations. Well into the nineteenth century, no one had an accurate idea of what various continental landmasses (Eurasia, North and South America) looked like or whether they were in some way connected.[36]

Another problem is that oceans are both large and amorphous. We may not like using empire as an analytical category imposing order on multiple historical phenomena, but it does provide a way to talk about power, in particular, and gives shape to historical events and processes.[37] Oceans as an analytical category do not do this. Although we are urged to see oceans as linked culturally as they are physically, we tend to see

[34] Ian K. Steele, *The English Atlantic: an exploration of communication and community, 1675–1740* (New York, 1981).

[35] For a recent appreciation of Fernand Braudel and oceanic history in general, see 'Forum: oceans of history', *American Historical Review*, 111 (2006), 717–80.

[36] Martin W. Lewis and Karen E. Wigen, *The myth of continents: a critique of metageography* (Berkeley, 1997).

[37] For an exemplary way of using empire to talk about oceanic connections, see J. H. Elliott, *Empires of the Atlantic world: Britain and Spain in America 1492–1830* (New Haven, 2006).

the major oceans as distinct entities that share relatively little in common. The histories of the Indian Ocean world and the Atlantic Ocean world do not often intersect except at trivial levels, at least in writings on the Anglophone world.[38] More importantly, looking at the connections between oceans can be seen as epiphenomenal when seen not from the decks of an ocean-going vessel but from the land, whether from the interior of India or from the equally large domains of continental America.

But in certain cases oceans did connect peoples directly and significantly. The greatest areas of connection were between West Africa and British America, especially the settlements in the West Indies. These areas were linked together by the Atlantic slave trade that transported millions of Africans across the Atlantic in the seventeenth and eighteenth centuries. The British share of that trade was 28.1 per cent, amounting to 3,112,300 Africans, of which more than 85 per cent went to British possessions in the Caribbean.[39] The central agents in ensuring that most of these Africans reached British America were sailors. The number of sailors involved in the British Atlantic slave trade was sizeable, perhaps amounting to 330,000 men between 1680 and 1807.[40] These sailors may not have lived in British America but they spent a great deal of time there, especially in the chief slave trade ports of Bridgetown and Kingston. In general, the staffing on a slave ship was one seaman for every ten African captives. If that ratio holds true, then in the early 1770s, when more than 15,000 Africans were shipped per annum to Jamaica, that island alone would have been visited by at least 1,500 seamen, many of whom were discharged as soon as the voyage ended and left to wander Kingston until they died, found jobs in the plantation sector, were press-ganged into the Royal Navy, or, most usually, re-engaged on ships engaged in the triangular trade. Those numbers may not seem large, but averaged over the course of the eighteenth century (at a conservative rate of 800 seamen disembarking in Jamaica per annum), they amount to somewhat more than the numbers of people who went from England to British North America between

[38] Compare Sujata Bose, *A hundred horizons: the Indian Ocean in an age of global empire* (Cambridge, MA, 2006). For an interesting work on the Atlantic and Indian empires as seen through the eyes of an individual cosmopolitan family, see Emma Rothschild, *The inner life of empires: an eighteenth-century history* (Princeton, NJ, 2011).

[39] David Eltis, 'The volume and structure of the transatlantic slave trade: a reassessment', *WMQ*, 3rd series, 58 (2001), 43–4.

[40] Philip Morgan, 'British encounters with Africans and African-Americans circa 1600–1780', in Bernard Bailyn and Philip D. Morgan (eds.), *Strangers within the realm: cultural margins of the first British empire* (Chapel Hill, NC, 1991), p. 160.

1700 and 1776.[41] More to the point, the numbers of seamen in towns like Kingston, the epicentre of the eighteenth-century British Atlantic slave trade, were so high as to comprise at any one time a considerable proportion of the white population. They may have amounted in Jamaica to 2 per cent of the white population in early summers in the 1770s. The numbers of seamen arriving, staying, and dying (perhaps 300 seamen died every year in Kingston alone) meant that a considerable percentage of the population of Jamaica had direct experience of Africa.

Occasionally, such direct contacts led to surreal encounters between Britons and enslaved Africans, where past lives intruded into present realities. Thomas Thistlewood, a Jamaican slave overseer, recounted an extraordinary tale involving the father of his employer, John Cope, Sr, previously governor of Cape Coast Castle in present-day Ghana, and an enslaved African called Wager, previously Apongo, once a prince on the Gold Coast and in 1760 a principal lieutenant of the rebel Tacky. In Africa, Apongo was 'a Prince in Guinea, tributary to the King of Dome [Dahomey]'. He used to 'Come to visit the late John Cope, my employer's father, when governor of Cape Coast Castle, attended by a guard of 100 men, Well-armed. He was surpriz'd and took prisoner when hunting, and Sold for a Slave, brought to Jamaica and sold to Capt. Forest. In Jamaica Mr Cope knew him again and Wager used when a Slave Sometimes to go to Strathbogie to see Mr Cope, who had a Table Set out, a Cloth laid etc. for him, and would have purchased him and sent him home had Capt. Forest come to the island.' The interesting life of Wager, 'King of the Rebels', came to an end, however, when he was captured at the end of Tacky's revolt in 1760, being condemned to 'hang in Chains three days then be took down and burnt'.[42]

As this episode indicates, what was most important about the transit of Englishmen from Africa to the West Indies was the nature of the experiences that they brought with them. The most important experience transferred across the Atlantic Ocean was knowledge about how to treat Africans, either Africans to whom one was subservient politically and with whom one needed to cultivate good relations in order to conduct trade, or Africans, mostly on slave ships, over whom control was exerted. We have a good deal of information about the first kind of knowledge, drawn from travellers' accounts and from studies of West African society and West African encounters with Europeans. What is

[41] James Horn, 'British diaspora: emigration from Britain, 1680–1815', in *OHBE*, vol. II: P. J. Marshall (ed.), *The eighteenth century* (Oxford, 1998), p. 32.

[42] Lincolnshire County Archives, Lincoln, Monson 31/11, Diary of Thomas Thistlewood, 30 September, 4 December 1760.

clear here is that, in ways quite similar to the kinds of power structures and personal interactions that pertained in that part of America that was controlled by Native Americans, Africans remained very much in control of almost all aspects of society and politics on the West African littoral throughout the seventeenth and eighteenth centuries.[43] White settlement in Africa was so insubstantial during this period – Philip Morgan extrapolates from data provided by K. G. Davies that no more than 350 Britons lived in British enclaves in West Africa at any time in the early eighteenth century and estimates that no more than 15,000 Britons resided in West Africa between 1680 and 1780 – that the British were utterly dependent for their physical survival and their commercial prosperity upon African princes and middlemen. Mortality rates were so high among white residents and the interior was perceived to be so dangerous for whites that Britons never ventured much beyond their coastal outposts. Ipso facto, trade and cultural interactions between Africans and Europeans had to be done on African terms.[44]

Davies estimates mortality rates for Britons in West Africa of about 27 per cent per annum, higher than in the British West Indies where white mortality rates ranged between 10 and 15 per cent per annum, and of an entirely different order to mortality rates in North America. Indeed, white mortality rates were so high in West Africa that in a sense it does not make sense to talk about a white community in the region. A few white men spent many years in the region. Lionel Abson, for example, was an English merchant in mid-eighteenth-century Benin who lived in Ouidah for thirty-six years, fathering several children with local women, one of whom, George, he sent to be educated in England. More typical, however, was the brief African career of James Low, a clerk from Aberdeen, sent out to work as a factor for Sir Alexander Grant on his slave factory on Bance Island, in the Gambia. Low, unlike most white men in Africa, was conscientious and hard working, meaning that he soon became thoroughly depressed by the vice, alcoholic excess, and sexual depravity that seemingly surrounded him. He did not need to wallow in African despair for too long, however, as he soon succumbed to illness, dying of a fever after a residence on Bance Island of about nine months.[45]

[43] James H. Merrell, *Into the American woods: negotiations on the Pennsylvania frontier* (New York, 1999).

[44] Morgan, 'British encounters', pp. 160, 183; Davies, *Royal African Company*, pp. 240–90.

[45] Robin Law, *Ouidah: the social history of a West African slaving 'port'* (Oxford, 2004), p. 75; David Hancock, *Citizens of the world: London merchants and the integration of the British Atlantic community, 1735–1785* (New York, 1995), pp. 195–8.

The second kind of knowledge gained by Europeans about Africans has been less studied but may have been more important in shaping life in the Americas. This knowledge was garnered in the harsh environment of the slave ship. One feature of British American life that differentiates it from contemporaneous life in Britain was not only the existence of an institution, chattel slavery, that had no parallel in Britain, but also the notably fierce and violent character of that institution, a ferocity that vitiated in the opinion of many Britons claims by Americans that colonists were as British as residents of the metropolis. Treating poor people fiercely was, of course, standard practice throughout the British empire, including the metropolis, but treating people as chattels and as commodities was something that had to be learned. This process of commodification was undertaken in two places: the slave ship, where Africans were turned from people into numbers and then into property, and the plantation, where Africans were 'seasoned' into the rules, behaviours, and radical uncertainties that marked African chattel slavery in the new world. British sailors played a key role in both processes.

Stephanie Smallwood and Emma Christopher have written revealingly about the ways in which sailors forced Africans to do their will on slave ships. They did so through a variety of means but principally through terror and the application of brute force. Terror and brute force were the foundation of planter rule on plantations as well. The key problem white settlers faced was how to force reluctant Africans to do what planters wanted them to do. They could only do this through employing men who were experienced enough and tough enough to punish Africans for derelictions of rules and willing to do the arduous things necessary to make adult men compliant to their will. Little work has been undertaken on this subject, on exploring the real subalterns of imperial history (in the sense of a subaltern being a subordinate member of the officer class), but it seems obvious that there was direct linkage between the increased presence of sailors and soldiers (men used to harsh, gang-like discipline either on slave ships or in the late seventeenth- and early eighteenth-century British army) in British America around the turn of the eighteenth century and the sudden appearance in Virginia and Jamaica of slave forces considerably larger than ever seen before. It was not the discovery that using slaves in gangs increased efficiency that caused the rise of the very large plantations, but the presence of battle-hardened and slave-trade-hardened men willing and able to do the difficult work needed to discipline slaves.[46]

[46] Stephen Saunders Webb, *Lord Churchill's coup: the Anglo-American empire and the Glorious Revolution* (New York, 1995). For sailors in the British Atlantic slave

These kinds of linkages that made the plantation colonies of British America and the small British enclaves of West Africa more connected than might be first imagined did not exist to the same degree between British America and British India. Here, there was no oceanic highway carrying large numbers of people from one place to another. But a close examination of white settlement patterns in British India and British America, especially the British West Indies, shows that if there were not direct connections, there were at least comparisons that make studying one region instructive for the study of the other region.

One clear link is in regard to mortality. People born in Europe did not do well in areas with tropical and semi-tropical climates, whether in the American South, the West Indies, West Africa, or India. If we exclude the settler colonies of British North America from our analysis, then the empire was connected together by extraordinarily high rates of mortality among migrants venturing overseas. This pattern is especially true if we only look at English migrants, a category that declined in number considerably between the seventeenth and eighteenth centuries. In the seventeenth century, most English migrants went to America's southern colonies and to the West Indies, especially Barbados. In the eighteenth century British migrants (of whom Scots and Irish comprised more than 70 per cent of those going to British North American colonies in the eighteenth century) tended to go to the northern colonies, the Middle Colonies in particular, where they joined tens of thousands of German migrants. But the English were a small proportion of migrants going to these northern regions. By the eighteenth century, English migrants were as likely to go to the West Indies as to North America and in the latter tended to settle in the plantation colonies: probably about 80,000 English and Welsh went to each area before 1776. They also were the majority of the small number of British migrants who went to Africa and India, where migration before the American Revolution was probably not much more than 15,000 to each place.

Looking just at English migrants, it seems clear that they gravitated to hotter climates. In those hotter climates, they died in droves. Neither in Africa, Asia, nor the West Indies were European-born populations self-sustaining. The tropics were the graveyards of Europeans, as was the Atlantic slave trade, where mortality rates among sailors in the late eighteenth century were just less than 18 per cent per annum. As Robert

trade, see Emma Christopher, *Slave ship sailors and their captive cargoes, 1730–1807* (Cambridge, 2006); Stephanie E. Smallwood, *Saltwater slavery: a middle passage from Africa to American diaspora* (Cambridge, MA, 2007).

Travers and Vincent Brown have shown in innovative cultural analyses of the particular character of white life in eighteenth-century Jamaica and Calcutta, the pervasiveness of death among the white population bred among Europeans a certain morbid fascination with death and a curious fatalism about impending doom, accentuating already strong tendencies towards immediate gratification and a ready acceptance of the vagaries of human existence.[47]

The ravages of mortality severely compromised the success of white settlement in tropical regions. We tend to take the small white populations of the British West Indies and of nineteenth-century British India as evidence of a lack of commitment by the British to white settlement in both areas. But the fact of relatively small white populations in each area (magnified in each case by the numerical dominance of indigenes in India and imported slaves in the West Indies) belies the multiple attempts by Britain to establish white settler societies on the British North American model in both regions.[48]

The dreadful demographical experience of English migrants to hot climates in the seventeenth and eighteenth centuries undercut what was a developing discourse on the tropics, first developed by Columbus in the late fifteenth century but most influentially articulated by Alexander von Humboldt in South America in the early nineteenth century. Von Humboldt virtually invented the tropics as a field of scientific inquiry and was delighted by what he saw as its 'organic richness' and 'abundant fertility'. He gave concrete scientific expression to what Philip Curtin has described as 'a full fledged myth of tropical exuberance' in which Europeans saw tropical lands not only as superordinarily abundant but also as potential fields of economic exploitation.[49] The American experience, especially that of the plantation colonies of the American South and the British West Indies, gave credence to ambitious, sometimes fanciful, plans to turn the tropics into plantation regions that would bring great wealth to the British empire. In India, Europeans did not attempt to transform Indian agricultural techniques until relatively late, with little transfer of farming techniques or crops from one part of the empire to the subcontinent until after 1833, when

[47] Robert Travers, 'Death and the nabob: imperialism and commemoration in eighteenth-century India', *Past and Present*, 196 (2007), 83–124; Vincent Brown, *The reaper's garden: death and power in the world of Atlantic slavery* (Cambridge, MA, 2007).

[48] Trevor Burnard, 'Not a place for whites? Demographic failure and settlement in comparative context, Jamaica, 1655–1780', in Kathleen Monteith and Glen Richards (eds.), *Jamaica in slavery and freedom: history, heritage, and culture* (Kingston, Jamaica, 2002).

[49] Philip D. Curtin, *The image of Africa: British ideas and action* (Madison, 1964), pp. 58–60.

the British began to encourage tea planting under their own direction in north-east India. They did, however, begin to encourage plant transfer through the establishments of botanical gardens, following a long eighteenth-century tradition of making the botanical sciences serve the colonial empire.[50]

Perhaps because Africa, through its involvement in the Atlantic slave trade, was closely integrated into the Atlantic trading system, a few persistent Britons wanted to develop plantations on the West African coast. The duke of Chandos, for example, was very enthusiastic about plantation schemes in Africa, arguing that Africa 'could become as beneficial to England as America is to Spain'.[51] When Britain established its first permanent settlement in Africa in Senegambia in 1758, promoters fantasised about the plantation prospects in the region. Charles O'Hara, the first governor, waxed lyrical about its potential for tropical commodity production. He thought that the land was suitable for 'rice, wax, cotton, indigo and tobacco', with cotton being particularly promising. It was, he thought, 'repeatedly proved to be the finest in the world' and if pursued once Senegambia became a British settlement would give Senegambia 'the name of a Plantation'. He did not 'doubt from the certain known Valuable Commodities with which this province abounds but that it will in Time be one of the richest colonies belonging to His Majesty'.[52] It did not work. Britons did not have the support of local leaders in order to acquire labour for their plantations and could not persuade Europeans to move willingly into the region. Incompetent administration, corruption, endemic disease, and bad luck doomed the settlement to stagnation and failure. The point of British settlement in West Africa, however, is significant. Some Britons envisaged in the mid-eighteenth century that Britain could develop a new empire based not on Franklin's settler model but on the model of colonisation perfected in the West Indies and based around tropical plantation produce. This model would extend the West Indian model into both West Africa and also India. As Christopher Brown argues, visionaries such as the imperial fixer Malachy Postlethwayt imagined places like Senegambia as being the nodal points of empire, linking together, through plantation produce and the civilising power of commerce, the potential of West Africa with the actuality of the West Indies and the limitless wealth of India.

[50] Londa Schiebinger, *Plants and empire: colonial bioprospecting in the Atlantic world* (Cambridge, MA, 2004).
[51] Joseph E. Inikori, *Africans and the Industrial Revolution in England: a study in international trade and economic development* (Cambridge, 2002), pp. 385–8.
[52] Charles O'Hara to the Board of Trade, 25 July 1766, TNA, CO, 267/1.

He saw the East India Company as the key agent transforming these tropical regions into one great area of British commerce, making real an integrated world of commerce and power that only Portugal had tried (and failed) to put in place.[53]

What is curious is that by the early nineteenth century India, a large part of which is not strictly part of the tropics but which is characterised by a hot climate, was also becoming incorporated into European understanding of the tropics. Here we see the interplay of knowledge in the West Indies supplanting knowledge in India. As David Arnold shows, it was West Indian medics who did much to propagate the idea of India as a tropical environment in which Europeans needed special precautions against climate and disease, especially hill-stations and sanatoria. One reason for them doing so was to make a firm division between those parts of the world characterised by disease and immorality and those not. The physical weakness caused by tropical heat and humidity produced moral laxity and racial degeneration. These assumptions later became codified into a critique of the tropics that, in the words of the influential Yale geographer Ellsworth Huntington, writing in 1915, led to what he called 'tropical inertia', a state of mind and physical condition that sapped virility (though not sexual activity), engendered backwardness and disease, and contributed to the degeneration of the white race.[54] In the early nineteenth century West Indian medics transferred their supposed expertise and experience of tropical environments to India and played a part in developing an imperial discourse on the tropics, one in which earlier images of the tropics as places of natural abundance were replaced by images of the tropics as unpolished and pestilential regions, less landscapes of settlement than landscapes of desire, and impure desires at that.[55]

That the tropics were debilitating places for Europeans, places where a degree of sexual debauchery unacceptable in Europe was allowable, became a standard trope in treatments of the hotter areas of Africa, Asia, and the Americas. The West Indies, Africa, and India became areas where Europeans argued that sensuous pleasures were heightened and where hybridity – the mixing of people, passions, and bodily sensations – was a dominant feature of life. Europeans were changed by being in the tropics (the word 'tropic' itself has a dual meaning, being both a geographical region and a state of being, derived from the Greek

[53] Brown, *Moral capital*, pp. 269–73.
[54] Ellsworth Huntington, *Civilization and climate* (New Haven, 1915).
[55] David Arnold, 'The place of "the tropics" in western medical discourse', *Tropical Medicine and International Health*, 2 (1997), 308–9.

term tropikos, or 'turning').[56] In particular, they were willing to violate standards of proper behaviour, notably in their willingness to cohabit with women of other races. These kinds of behaviour would have been difficult to contemplate in temperate zones.

Much could be said about how fears of hybridity and the loss of purity coincided with ambitions for cosmopolitanism and a willingness to embrace tolerance and heterogeneity in the so-called 'torrid zones'. It is a subject of increasing attention in work on India and the West Indies, with some historians, such as Durba Ghosh, emphasising the instrumentality of interracial relationships and others, like William Dalrymple, stressing how interracial relationships signified a moment of openness and cultural curiosity between east and west.[57] What is clear, however, is that it was the proclivity of European men to 'riot in the goatish embraces' of their coloured mistresses, as Jamaican historian Edward Long put it, that not only shaped the social character of life in communities where whites were at best dominant minorities among a host of non-whites, but also influenced the increasingly negative reception of those whites who were part of these often very wealthy dominant minorities. As Robert Travers notes, 'as Britain acquired an Asiatic empire, it appeared that the poles of liberty and despotism, and of temperate and torrid zones, were suddenly being ratcheted together'. It was hardly accidental that the popular dramatist Samuel Foote achieved considerable success with two plays lampooning, respectively, West Indian absentees (*The patron*, 1764) and East Indian nabobs (*The nabob*, 1772) in which the heroes were characterised by having both 'overgrown fortunes' and a 'general spirit of dissipation'.[58] Renewed attention to sexual intimacy and cultural hybridity in the West and East Indies has encouraged historians of early America to reconceptualise North American culture, in ways that would have appalled Benjamin Franklin, as a product of a mestizo culture, aligning North America not only to other parts of the British empire but also to Spanish America.[59]

[56] Srinivas Aravamundan, *Trocopolitans: colonialism and agency, 1688–1804* (Durham, NC, 1999), pp. 1–4.

[57] Durba Ghosh, *Sex and the family in colonial India: the making of empire* (Cambridge, 2006); William Dalrymple, *White Mughals: love and betrayal in eighteenth-century India* (London, 2003).

[58] Trevor Burnard, '"Rioting in goatish embraces": marriage and improvement in early British Jamaica, 1660–1780', *History of the Family*, 11 (2006), 185–97; Robert Travers, *Ideology and empire in eighteenth-century India: the British in Bengal, 1757–1793* (Cambridge, 2007), p. 49.

[59] Gary B. Nash, 'The hidden history of mestizo America', *Journal of American History*, 82 (1995), 941–64.

One reason why it is important for scholars of British America to look at white settlement patterns in British Africa and British India in the long eighteenth century is that it highlights how contemporaries in British America came to differentiate between the types of settlement that Europeans founded in the new world. One category of differentiation was the ability of Europeans to become the masters of environment and people in particular regions. Key to European mastery was not just transforming landscapes into recognisable variants of European landscapes, but also replacing indigenous inhabitants demographically with majority European populations. Only when demographic dominance had been achieved was mastery properly gained. It was then that settlements of exploitation could become settlements of colonisation, settler colonies defined 'as societies in which Europeans have settled, where their descendants have remained politically dominant over indigenous peoples, and where a heterogeneous society has developed' under settler control and numerical dominance.[60]

Another difference was climatic, between temperate zones where civilisation was considered to be possible and where the mental attributes of temperate people could be cultivated, and tropical regions, where the tendency was towards excess, mental decline, and social and sexual indulgence.[61] In these latter societies, the tendency, even for people of European descent, was to decline and degenerate, both morally and biologically, into mestizo populations. The notion of a tropical zone of 'exuberant abundance' that exhibited also features of primitivism, violence, and destruction took some time to emerge within scientific and philosophical discourse. The idea of a temperate zone, however, where both Europeans and civilisation flourished, may have been earlier developed. Let us return to Benjamin Franklin and his pioneering essay in political economy in which he celebrated the fecundity of Englishmen living in the cool regions of the American north.

What is little appreciated about Franklin's work is that it is in part a diatribe against the West Indies, in particular, and against the British government, in general, for their continual fascination with tropical

[60] Daiva Stasiulis and Nira Yuval-Davis, 'Introduction: beyond dichotomies – gender, race, ethnicity and class in settler societies', in Daiva Stasiulis and Nira Yuval-Davis (eds.), *Unsettling settler societies: articulations of gender, race, ethnicity and class* (London, 1995), p. 3.

[61] In 1864 Alfred Russel Wallace, co-founder of the theory of 'natural selection' and one of the leading tropical theorists of his day, asked: 'Is it not the fact that in all ages, and in every quarter of the globe, the inhabitants of temperate have been superior to those of tropical countries?' See A. R. Wallace, 'The origins of human races and the antiquity of man', in Michael D. Biddiss (ed.), *Images of race* (Leicester, 1979), p. 47.

regions as places where the empire could derive most wealth. Franklin saw the West Indies as less an ornament to empire than a danger. He did so for two reasons. First, West Indian prosperity was based upon slavery, and slavery, he had come to believe by 1750, was an inherently bad investment when interest rates were high in the colonies, when wages for manufacturing work were low in Britain, and because 'every slave being *by Nature* a *Thief*'. Basing an economy upon slaves was a mistake, he thought, in part because the most important economic value of a labourer was his or her character. The character of Africans, he asserted, was uniformly bad. Slaves – Africans of poor character – were taking up spaces that could be profitably occupied by British immigrants – whose industry and frugality would eventually lead to greater prosperity and to the advancement of the British race. Moreover, importing large numbers of slaves, as in the West Indies, both kept European-born populations demographically stagnant and, more significantly, transformed those populations into ones 'infected' by African values and African behaviours. West Indian planters, in this reading, were addicted to slavery, venery, and all sorts of characteristics that Franklin considered 'African'. What was dangerous about the West Indies was that unlike British North America, where whiteness was being Americanised, the West Indies were Americanising blackness.[62]

The author of *Poor Richard* lambasted Africans as dreadfully hopeless people with no work ethic. If Americans could 'see and know, the extreme slovenliness of the West Indian slaves in making Molasses, and the Filth and Nastiness suffered to enter it, or wantonly thrown into it, their Stomachs would turn'.[63] Even worse than the effects of slavery on Africans was, he believed, its effects on whites. He argued that when whites owned slaves, 'the white Children became proud, disgusted with Labour and being educated in Idleness, are rendered unfit to get a living by Industry'.[64] West Indians, in short, surrounded by Africans, dependent upon Africans, unable to grow their populations sufficiently to counteract African tendencies, were themselves turning into Africans. As Franklin Knight notes, British West Indians could not develop the sort of settler patriotism that infuses the work of men like New Englander John Adams due 'to the instinctive ambivalence of a group whose hearts and minds remained adamantly European while their bodies responded to the overpowering impact of African ethnic and cultural influences on their brittle plantation world'. Indeed, 'the

[62] David Waldstreicher, *Runaway America: Benjamin Franklin, slavery and the American Revolution* (New York, 2004), pp. 133–9.
[63] Ibid., p. 176. [64] Franklin, *Observations*, pp. 227–30.

Creole habits, customs, and outlook' so deprecated by contemporary writers were 'contrapuntal to the Eurocentrism of the late eighteenth and early nineteenth century'.[65]

Franklin's sense of a virtuous America thus rested on a sense of northern difference from degenerate West Indian planters. He doesn't mention other parts of the empire – it was too soon in 1760 for the immensity of British conquests in Asia to have percolated through into the consciousness even of such a sophisticated thinker as Franklin. What Franklin was laying down, however, were the rudiments of a discourse that was to later be refined into a critique of orientalism. Orientalism is, of course, a discourse about the east. It also, however, is a discourse about the west, be that west Europe or the America that the English settlers so celebrated by Franklin did much, in combination with others whose contributions to American development we are still struggling to recognise, to fashion in their own image. Because discourses of orientalism, for all their flaws, tell us something important about both the colonial and the post-colonial condition, then studies of colonial British America that are influenced by studies of British settlement elsewhere, be that in Africa, Asia, or Ireland, in which orientalist discourses play their part, should be thought of as better works than those that are narrowly parochial. We gain a great deal, as students of either the Atlantic world or the Indian Ocean world, by reading across fields.

[65] Franklin Knight, *The Caribbean: the genesis of a fragmented nationalism* (New York, 1978), p. 64.

16 Britain's oceanic empire: an afterword

H. V. Bowen, Elizabeth Mancke, and John G. Reid

The historic novelties of transatlantic navigation – the European mastery of a sea route around Africa to Asia and then the circumnavigation of the globe – have profoundly influenced a half-millennium of commentary on the consequences of European overseas expansion. For most commentators, both learned and popular, these events mark a sharp break with the past, a developmental fault between the medieval and modern eras. The introduction of new American commodities into Europe – for example, tobacco, potatoes, and pineapples – the greater availability and affordability of previously scarce Asian commodities – such as pepper, cotton, silk, porcelains, and spices – and the establishment of European colonies and eventually new societies in the Americas reinforced that sense of historic fissure. Yet all Europeans, including the English, projected power and privileges into transoceanic arenas using practices, many of considerable antiquity, that were widely known in the Afro-Eurasian world. In the competitive geopolitical environment in which Europeans built overseas empires, those practices were sufficiently reconfigured, realigned, and refurbished that the old became strikingly new, while still being familiar to the sixteenth- and seventeenth-century jurists, lawyers, and diplomats who wrote charters, debated the merits and ethics of expansion, and over time articulated a new body of supranational practices that would eventually come to be called international law.[1] By analysing how the English bridged the political fault that transoceanic expansion opened – the tensions and ambiguities that emerged between domestic and foreign politics, internal and external sovereignty, and the application of old practices in new contexts – it becomes possible to see the legal, constitutional, and ideological sinews that tied English (after 1707, British) subjects in both

[1] We are following the argument used by Ken MacMillan in making the distinction between supranational and international. See also Ken MacMillan, *Sovereignty and possession in the English new world: the legal foundation of empire, 1576–1640* (Cambridge, 2006).

the Atlantic and Indian Ocean arenas back to the king and realm and to an increasingly powerful metropolitan state that by the late eighteenth century displayed aspirations for governance with a global reach.

We can glimpse the complicated shifts in the centuries-old conventions of long-distance trade and the complex interface of commerce, diplomacy, law, governance, and sovereignty in the cases of two English merchants who in the late seventeenth century tried to trade in India independently of the East India Company. As Philip Stern has noted, the Company claimed that George Bowcher, trading out of Surat, and Thomas Pitt, trading in Bengal, were interlopers who were violating the terms of the Company's charter. Both Bowcher and Pitt, along with a number of other Englishmen in Asia, defended the legitimacy of their business activities by arguing that they possessed grants from Mughal officials that authorised their presence and commercial pursuits in India.[2] While Company officials discounted the very existence of these *farmans* that Bowcher and Pitt claimed to have obtained, it was nevertheless customary practice for merchants engaged in long-distance commerce to negotiate with local officials for the liberty to trade in a particular port or region. All along the littoral of the Indian Ocean and South China Sea were cosmopolitan port cities with residents of far-flung diasporic merchant communities: Arab Muslims, Persian Muslims, Hindus, Parsis, Jews, Armenians, Chinese, or the more recently arrived Portuguese, English, Dutch, and French. The privileges or liberties customarily extended to foreign merchants included the right to civil governance of their own associates, often including families, to practise their own religion, and to come and go freely. Restrictions usually included proscriptions on owning real estate and engaging in military activities.

When East India Company employees first arrived in Indian Ocean ports, they prided themselves on negotiating commercial privileges rather than resorting to attacking strategic ports, as the Portuguese had done in the early sixteenth century and the Dutch in the early seventeenth. The practice of merchants negotiating for trading and long-term residential privileges was centuries-old and contributed to the sensibility expressed by Montesquieu that 'The natural effect of commerce is to lead to peace.'[3] These conventions of long-distance trade, with similar understandings applying to the peregrinations of scholars

[2] Philip J. Stern, *The Company-state: corporate sovereignty and the early modern origins of the British empire in India* (New York, 2011), p. 51.

[3] Charles de Montesquieu, *The spirit of the laws*, ed. and trans. Anne M. Cohler, Basia C. Miller, and Harold Stone (Cambridge, 1989), p. 338.

and religious pilgrims, were widely known and practised throughout the Afro-Eurasian regions that lay on major trading routes. The Islamic powers that controlled the caravan routes across central Asia built caravanserais, hostels where merchants could find lodgings and meals, and which were often protected by guards hired by local authorities.

The maritime arrival of Europeans in the trading system of the Indian Ocean and China Sea tested those practices, initially when the Portuguese attacked and conquered key Indian Ocean ports and then created the *Estado da India*, a royal jurisdiction of the Portuguese crown, the territory of which would be the Indian Ocean and the port cities it could take and control. Claiming suzerainty, if not sovereignty, over the maritime waters east of the line of Tordesillas, the *Estado da India* attempted to oblige African and Asian mariners to travel only with Portuguese-issued licences. Its bureaucracy, however, was not extensive enough to control the thousands of merchants operating in East Africa and Asia, some of them Portuguese. One independent group of Portuguese merchants negotiated with Ming officials for trading privileges in Macao, a port city in China that subsequently came under royal Portuguese governance.[4] Thus the claims of Bowcher and Pitt that they had successfully negotiated with local Asian rulers for trading privileges were not implausible.

The example of Bowcher and Pitt also illustrates the tension between internal and external English sovereignty in the extra-European world.[5] For the East India Company, the presence of Bowcher and Pitt concerned the governance of English subjects outside the realm of England, and thus represented a problem of internal sovereignty. The Company claimed that in those parts of the world between the Cape of Good Hope and the Strait of Magellan the crown had delegated its power over English subjects. This position effectively limited the crown's prerogative authority, and was not dissimilar to the position of the Massachusetts Bay Company, which attempted to prohibit settlers in the Bay colony from appealing legal cases back to England. The Massachusetts Bay Company, however, was of modest size and claimed jurisdiction over a relatively small amount of territory, so English subjects who were disaffected with its governing policies could leave the colony and settle in places such as Rhode Island or the New Haven colony.

[4] Malyn Newitt, *A history of Portuguese overseas expansion, 1400–1668* (London, 2005), pp. 145–6.

[5] MacMillan, *Sovereignty and possession*; Lauren Benton, *A search for sovereignty: law and geography in European empires, 1400–1900* (New York, 2010).

The situations of Bowcher and Pitt also concerned English relations with foreign powers, and thus involved external sovereignty. The position of the East India Company was that its authority over all English subjects in the Indian Ocean basin effectively constrained the power of any Asian prince to grant trading privileges to an English subject independently of Company approval. Thus the Company could appeal to the internal (domestic) authority granted to it by the crown and thereby override the prerogative of an Asian prince to determine who would be allowed to trade in the territory he governed. As Stern indicates in his chapter on governance and regulatory frameworks in India, 'the principal problem of interloping was not simply monopoly enforcement, but the defence of the Company's political authority and jurisdiction'.[6] The Company's power and jurisdiction were not bounded in space, except as the capacious stretch of the globe east of the Cape of Good Hope and west of the Strait of Magellan, but were defined simply by the presence of English subjects and thus intruded on the jurisdictions of others.

Empire-building is intrinsically a process of domesticating the foreign, of converting matters of external sovereignty to internal sovereignty. Yet in the cases of interloping English merchants, internal sovereignty was not achieved through conquest or dynastic marriages (Bombay excepted), the millennia-old vehicles for building empires, or even through negotiation with Indian officials, which, as Michael Fisher explains in his chapter on British diplomacy in India, became the way to subordinate Indian princes to British governance in the late eighteenth and early nineteenth century. Rather it expressed itself through the claim that English authority over English subjects extended to wherever English bodies went in the world, that it could supersede the authority of local officials, and that it could be delegated to a chartered enterprise such as the East India Company. English subjects, therefore, became sites of sovereignty, embodiments of English *imperium*, agents of empire, and expression of *imperium* that was unbounded in geographic space and common to English endeavours in both the Atlantic and Indian Ocean worlds.

Expressions of *imperium* also bridged both internal and external sovereignty, and many of the debates among Britons over the proper ordering of the empire turned on the ambiguities and tensions in this issue. For example, during the sixteenth century English diplomats began arguing for liberty of trade and navigation, which they claimed was protected by natural law and the law of nations, and thus other princes could not arbitrarily abridge it, as the Spanish and Portuguese

[6] See above, p. 138.

had done. The English crown, however, issued charters for commercial corporations, such as the East India Company and the Royal African Company, with monopoly privileges that limited the trading privileges of its own subjects, a practice that was highly contested among Britons, and had one of its greatest legacies in economic debates over free trade from the seventeenth century to the present. The East India Company defended its monopoly privileges with considerable success through the eighteenth century, but as Bowen makes clear in his chapter on British patterns of engagement in the Indian Ocean world, with encroachments by its own employees, as well as by other British mariners sailing out of the colonies and provincial ports in Britain. In contrast, Atlantic interlopers broke the Royal African Company's monopoly on the slave trade by the late seventeenth century.

English subjects first became agents of empire in the sixteenth century through activities in transoceanic arenas, such as fishing, trading, and early attempts at settling colonies. Over the seventeenth and eighteenth centuries, the successes of a wide array of enterprises, from flourishing colonies, to the founding of Calcutta in India, to international ascendancy in the Atlantic slave trade, to fabulously wealthy sugar colonies built by that slave labour, to enclaves such as St Helena in the South Atlantic that provisioned ships sailing to and from the Indian Ocean, brought an ever larger and wealthier empire into being. Overwhelmingly, the people who counted themselves as part of this empire were the natural-born or naturalised subjects of the English monarch, and included the English, Welsh, Irish, Scots (after the Union of the Kingdoms in 1707), and a growing number of adopted subjects, most of them from Protestant Europe, whether the Dutch and Swedes who stayed in the mid-Atlantic colonies after their takeover by the English, Huguenots fleeing the end of religious toleration in France, or German-speaking Protestants from the Palatinate, Salzburg, and Moravia. Indeed, as Trevor Burnard notes, Benjamin Franklin argued passionately that the metropolitan British government should pursue an empire of white subjects and be wary of incorporating too many non-British, non-white subjects.

The confidence among Britons that they shared a legal and ideological identity is reflected in scholarly arguments that English common law was key to the establishment of 'the sovereign and legal foundations of the British Atlantic world', especially in the British American colonies. Such an emphasis has implicitly reinforced the sense that one of the greatest differences between British America and British Asia was legal and constitutional. Britons could transplant English legal and juridical practices into American colonies, but faced greater difficulties

in doing so in Asia where, as the chapters on the British in Asia show, they worked within a plurality of legal systems. Yet, as Ken MacMillan shows in his chapter on English law and sovereignty in the Atlantic world, English officials under both the Tudors and the Stuarts drew not on English common law, which legal experts advised was only applicable within the realm, but on supranational sources of law, such as the *ius commune* (including the law of nations and natural law), canon law, admiralty law, and Roman law. MacMillan argues that a series of Anglo-Atlantic constitutions developed over the early modern era as royal officials attempted to craft practices that were appropriate to the changing circumstances of expansion and colonists established colonial governments. Charters, or letters patent, shaped the first transoceanic constitution through their articulation of the relationship between the external expression of the crown's sovereignty vis-à-vis other expanding powers and its internal expression vis-à-vis its own subjects. Critical to the latter was the articulated position that the crown retained sovereignty over British bodies, a reciprocal relationship composed of the assurance of royal protections and the allegiance of subjects.

This constitutional relationship between crown and subject, shared in both Atlantic and Indian Ocean arenas of expansion, rested on a combination of natural law, Roman law, and feudal law that ostensibly would be recognised and honoured by both natural-born subjects and foreigners. As both MacMillan and Travers show, while it continued to be a core principle as constitutional accretions were built up, it became qualified in diverse ways: by specific adaptations and arrangements in the places where subjects found themselves; and through royal proclamations, conciliar circulars, and parliamentary legislation. Thus English constitutional practices in transoceanic regions allowed for remarkable flexibility, while at the same time giving a sense that indeed a set of legal understandings existed that might be called a transoceanic, not just transatlantic, constitution. But at some point, Travers also queries, might constitutional diversity become destabilising, if not sufficiently divergent as to be substantively different constitutional systems?

In the Atlantic basin, and to a lesser extent in the Indian Ocean, hundreds of adventurers, operating as individuals or in small partnerships, engaged in maritime enterprises. Their relationship to the crown was not articulated through a charter as it was for enterprises such as the East India Company or the Virginia Company, and thus it was more ambiguous, as was the case, for example, for the thousands of Englishmen who crossed the Atlantic annually to work in the Newfoundland fishery. Stephen Hornsby and Huw Bowen detail the Atlantic and Indian Ocean trade networks that British interests forged and which influence

our conceptualisations of the geographies of British expansion. The networks that Hornsby analyses were overwhelmingly North Atlantic, dipping down near the Equator to access the West African slave trade. Thus what is called British Atlantic history is more precisely the history of the British in the North Atlantic. The British who sailed the South Atlantic during the seventeenth century and first half of the eighteenth, in contrast, were generally in the employ of the East India Company, sailing to or from the Indian Ocean, or living on St Helena, which the Company maintained as a provisioning station.

Over the seventeenth and eighteenth centuries, two North Atlantic systems of British trade developed, one metropolitan-based with four or five distinct networks and the other based in the North American colonies. These systems were interconnected and reinforcing, but by the early eighteenth century were operating in their own distinctive patterns. The metropolitan system – comprising the West Indies network (including the slave trade), the Newfoundland fishery, the fur trade into Hudson Bay, British trade with Portugal and its Atlantic islands, and some trade with the North American colonies – was overwhelmingly male, hierarchical, and disciplined, what Jerry Bannister describes as highly authoritarian. The hubs of these merchant networks were largely in London, but in the eighteenth century provincial towns such as Liverpool and Glasgow handled a growing volume of long-distance trade. The overseas nodes of these networks were generally small settlements of British sojourners, such as slave-trading factories, fishing outports, and agents in ports such as Bridgetown, Barbados. This system relied on the financial and military infrastructure of metropolitan Britain, and by the early eighteenth century the British navy had a prominent presence in places such as English Harbour, Antigua and St John's, Newfoundland. The colonial system, in contrast, produced staples for export, such as tobacco and rice for European markets, and grains, livestock, and timber products for a burgeoning provisioning trade to the West Indies. With vibrant port towns, expanding farms, local systems of government, and a weak military presence, this colonial system by the early eighteenth century was fortified by high natural population growth that generated persistent pressure for more agricultural land, at the expense of the native population, and for greater autonomy from metropolitan control.

A third Atlantic system can be added to these two, one long dominated by the East India Company, and which connected into the Indian Ocean. As Bowen argues, the South Atlantic connection is important for understanding Britain's global maritime surge in the late eighteenth and early nineteenth century that took it into the Pacific. In addition to

the Company's control of major maritime routes and port cities in Asia, a vibrant network of 'country trade' emerged, pursued by employees of the East India Company who were stationed in India. Country trade involved commerce within Asia and with East Africa, while the trade between India and England was metropolitan-based and controlled by the Company, but as Bowen shows was also subject to interloping by other British merchants. When the British set their sights on Pacific expansion, they relied heavily on the South Atlantic and Indian Ocean networks that had already been forged over decades of trade with Asia.

The British world we have discussed thus far was in the main ethnically British and held together by bonds of affinity, by conceptions of law and sovereignty that could span vast maritime spaces. It depended also on nodes of extra-European territory that protected maritime networks, as well as providing access to Asian, African, and American markets and agricultural production. Some Britons thought of it as an oceanic empire comprising networks of long-distance trade. In North America, as Hornsby argues, the oceanic emphasis was qualified as seventeenth-century territorial footholds generated a north-to-south agricultural zone that by the early eighteenth century was pressing westward into the continent. For Benjamin Franklin and many other colonial British Americans, it was the empire that Britain should preserve, albeit with territorial expansion in North America. For generations of scholars, it was also the colonial American world that they studied. Travers argues that the British control of vast territory in Asia after the 1757 battle of Plassey and the institutional expressions it assumed back in the metropole, with ministerial responsibility for India separated from that for the colonies, made it seem that British interests in Asia had always been separate and distinct from developments in the settler colonies. An empire of white settler societies was juxtaposed with an empire of ethnically non-European subjects, and these two kinds of territorial empire sat awkwardly with decades of British contention that theirs was primarily an oceanic and commercial empire defined by English liberties. This conceptual tension is also reflected in scholarship that emphasises links between English settler expansion into Ireland and the Americas, and implicitly reinforces the territorial aspects of empire.

If, however, we track Atlantic history through the commercial precursors of the East India Company, then a line of analysis emerges that exposes critical shifts in the character of the British empire that are less apparent when emphasising the expansion of English settlement. The first East India Company charter came after five decades of English commercial manoeuvring to gain access to Asian markets without provoking the Spanish. A series of enterprises shared investors, including

the Muscovy Company (chartered by Mary Tudor in 1555), searches for a north-east passage around Russia to Asia followed by searches for a north-west passage, the Levant Company incorporated in 1581 by Elizabeth I for trade to Asia through the eastern Mediterranean and merged with the Venice Company in 1592, individual voyages to Asia in the 1590s, and finally the founding of the East India Company in 1600, delayed for two years while Elizabeth weighed the interests of state in cordial relations with Spain and the interests of state in accommodating commercial allies.[7] The Company's charter included military powers, even though the Company ostensibly did not aspire to prey on Spanish shipping, as had many shipowners and sea captains under letters of marque from Elizabeth when she took her war against Spain on to the high seas.

The enfolding of military powers within a commercial charter of incorporation expanded the expressions of English war-making privileges in the extra-European world from licensed privateers (which indeed continued during wartime) to delegating them to a corporation, a practice that would continue with other joint-stock companies, such as the Virginia Company and the Massachusetts Bay Company. Unlike the short-term contracts of privateers, the inclusion of military powers in a charter of incorporation could extend those privileges for the life of the corporation. Also included in their charters was the right to establish overseas colonies and claim land in the name of the monarch, which in the immediate instance gave British merchants access to ownership of foreign lands that was beyond conventional merchant privileges.

Any European power with ambitions for overseas empire-building depended on the services of merchants: money, ships, maritime expertise, and skills in intercultural diplomacy. Yet historically the merchant networks that prosecuted long-distance trade operated at the margins of, if not largely outside, the institutions of landed power and were held together by ethnicity and religion. It is not just coincidental that two of three major monotheistic religions – Judaism and Islam – were closely associated with merchant systems in the late medieval imagination of Europeans. Muhammad was a merchant and Islam spread along merchant networks, as had Christianity; and Jewish merchants and bankers were involved in the early Atlantic forays of the Iberians. These religions of 'the book' and the literacy that undergirded them also undergirded merchant networks, making it possible to negotiate affairs such as contracts, sales, and marriages over great distances. Their self-governing

[7] James Mather, *Pashas: traders and travellers in the Islamic world* (New Haven, 2009), pp. 37–8.

characteristics, including systems of law often derived from religious teachings, effectively made them a kind of polity, though not of a sort defined by territory or sovereignty.[8] Indeed negotiated arrangements for trading privileges and contracts with monarchs for services such as loans kept merchants aware of their valuable, yet outsider, utility for landed powers.

All five major overseas powers devised ways to incorporate merchants within their systems of sovereignty, to shift the bonds of attachment from functionally specific contracts to allegiance and a growing insistence that merchants be natural-born subjects. The most notorious policy associated with this shift was the purging of Jews from Spain, including large numbers of merchants. In Portugal, many Jews, both Portuguese-born and refugees from Spain, became *conversos* and were sufficiently involved in the royally controlled mercantile system of the Portuguese empire as to cause serious rifts between the Portuguese crown and nobility who felt threatened by the *converso* commercial elite. The Portuguese limited the involvement of Italian merchants early in the sixteenth century, while the Spanish obliged all merchants engaged in trade to the Indies to be members of the *consulado* and thus the royal bureaucracy could monitor who was trading.[9] The French government, after benefiting from the Huguenot (French Protestant) merchant networks in the sixteenth century, began restricting them in the seventeenth, as seen in the 1627 attack on La Rochelle, an Atlantic port city dominated by Protestant merchants, prohibitions on them going to Canada, and the revocation of the Edict of Nantes in 1685, after which thousands of Huguenots fled to English or Dutch territories. In the English empire, navigation acts, beginning in 1651, limited the involvement of foreign merchants by requiring Atlantic trade with the colonies to be transported in English vessels with crews composed of 75 per cent English subjects. The Dutch remained prominent Atlantic shippers largely because of their control of a few Caribbean islands in which they had free ports, as well as their use of the South Atlantic and the Cape Colony for their transit to Asia. By the end of the seventeenth

[8] Elizabeth Mancke, 'Polity formation and Atlantic political narratives', in Philip D. Morgan and Nicholas Canny (eds.), *Oxford handbook on the Atlantic world, c.1450–1820* (Oxford, 2011), pp. 382–99; Sanjay Subrahmanyam (ed.), *Merchant networks in the early modern world* (Aldershot, 1996).

[9] Richard L. Kagan and Philip D. Morgan (eds.), *Atlantic diasporas: Jews, conversos, and crypto-Jews in the age of mercantilism, 1500–1800* (Baltimore, 2009); Daviken Studnicki-Gizbert, *A nation upon the ocean sea: Portugal's Atlantic diaspora and the crisis of the Spanish empire, 1492–1640* (New York, 2007).

century, the quasi-political autonomy of European merchant networks from landed powers that for centuries had characterised mercantile activities was sharply curtailed in the Atlantic world and licit trade had been pulled within the sweep of European powers with overseas interests and claiming sovereign powers.

Commercial practices in the Atlantic, therefore, became distinct from those in the Indian Ocean world. Transatlantic navigation, a creation of Europeans, made the Atlantic Ocean an arena in which Europeans could project exclusionary commercial practices and imagine a space of imperial control, albeit an imperial space in which outsiders were ideally excluded rather than incorporated and complemented with colonies of natural-born subjects. Significantly, the parts of the extra-European Atlantic where exclusionary practices did not prevail were West Africa, where Afro-Eurasian long-distance commercial relations, both trans-Saharan and maritime, continued to be undertaken by a cosmopolitan array of merchant groups, and the Portuguese South Atlantic, which had become quite porous by the eighteenth century, and largely beyond the control of the metropolitan Portuguese government in Lisbon. The national networks of commerce that Europeans imposed on North Atlantic navigation and quite successfully enforced into the twentieth century, albeit with some changing of the guards and the United States as a new player, were more difficult to impose on the ancient commercial practices of the Indian Ocean world that long pre-dated the maritime arrival of Europeans. But as the chapter by Lakshmi Subramanian shows, the British did begin to impose trading restrictions on Indian merchants in the late eighteenth century.

The Indian Ocean world that the East India Company entered in 1600 differed dramatically from the Atlantic world. Sailing routes stretching from East Africa to China had been known and travelled for millennia by diverse networks of merchants, and Europeans were adapting themselves to an existing body of navigational knowledge rather than creating it.[10] African and Asian merchants had long transported a great array of commodities, both luxury and bulk, between ports around the littoral, and so Europeans did not have to develop commodities for export, as they did in much of the western Atlantic, for example sugar and tobacco. Landed powers in Asia and Africa had little interest in controlling maritime transport and merchants armed

[10] Michael Pearson, *The Indian Ocean* (London, 2003); K. N. Chaudhuri, *Trade and civilisation in the Indian Ocean: an economic history from the rise of Islam to 1750* (Cambridge, 1985).

their crews to defend themselves from pirates, rather than to engage in acts of conquest. Thus when the Portuguese entered the Indian Ocean in ships fitted with cannon, they posed a formidable threat to Asian port cities, and quite easily took Goa, Hormuz, and Malacca, three key sites in the *Estado da India*. A century later when the East India Company arrived, as a minor European player in comparison with the Portuguese and Dutch, it was determined to engage in peaceful trade, as its English counterparts in the Levant Company were doing in the Ottoman empire, rather than armed trade. Yet by 1770 the Company was a major territorial power on the sub-continent with governance over people and local economies that far exceeded in number and value the people and economies that Britain had just acquired in North America during the Seven Years War.

The nearly simultaneous acquisition of vast territories in North America and Asia was not coincidental. The European competition for overseas empire that frequently resulted in war was not restricted to the Atlantic. While distance slowed the spread of the struggles for overseas control, it could not stop them, despite requests from the directorships of the French and British East India companies that their respective home governments keep the fighting associated with the War of the Austrian Succession (1744–8) and the Seven Years War (1756–63) out of the Indian Ocean basin. If the British living overseas thought of themselves as residing and operating within a series of pales positioned around the Atlantic and Indian Ocean basins, indigenous peoples increasingly sensed that they were being enveloped in a far-reaching system over which they had little control or access at the higher reaches. However much they might hold the upper hand locally vis-à-vis their European guests, the ultimate decisions over the disposition of their lands, resources, and peoples might well be made in negotiations held in Europe and from which they were excluded.

The mid-eighteenth-century British shift from an empire of islands and coastal enclaves to expansive territorial control forced a fundamental reconsideration of the policies that had shaped metropolitan oversight of overseas trade and colonisation for the previous century. Most pressing was the need to accommodate non-English systems of law, at times as the dominant legal regime, as happened in Quebec. All the chapters on diplomatic, military, and commercial relations in the Atlantic basin and Asia pay heed to that transition, as well as to the constellation of geopolitical forces, particularly competition among Europeans, that impacted strategies of resistance both by indigenous peoples who found themselves pulled within the British empire and by whites who opposed new metropolitan practices, such as the Royal

Proclamation of 1763, the Quebec Act of 1774, and the greater inclusion of Bengalis in the British courts in Calcutta.[11]

In his chapter on East India Company diplomacy in India, Michael Fisher traces the 'long and halting transition in diplomatic models and praxis from Mughal-centred to British-centred imperia'.[12] He details how in the seventeenth and eighteenth centuries Company officials adapted themselves to many of the Indo-Persian protocols that informed Mughal diplomacy and points out that the Company negotiated not just with the Mughal court but also with regional princes who retained considerable diplomatic autonomy, maintaining relations not just with the Mughal court but also with other princes in India and with diverse merchant communities. Indeed the inroads the EIC made into the geopolitics of India were often through diplomatically arranged agreements with these regional princes. Douglas Peers, in his chapter on British–Indian military relations in post-Plassey India, argues that sepoy tensions arose, in part, out of an attenuation of personal relations between British officers and Indian soldiers, and the growing bureaucratisation and depersonalisation of Britain's military establishment. Some British officers recognised that sepoys would not give 'their loyalty unconditionally' to the British officers under whom they served, the British monarch, or the more abstract British imperial state. Rather, loyalty rested on negotiations going back generations, which were integrated into Indian society at a regional level, factors which most British officers chose to ignore. For sepoys, indiscipline – including mutiny – was a primary way to express their dissatisfaction with British governance, but again British officialdom chose to interpret indiscipline not as a judgement on British colonialism but as a negative reflection on the character and worthiness of Indian soldiers. Peers's argument complements that of Fisher, who details how the British stationed residents in the courts of Indian princes, and obliged local rulers to terminate independent negotiations with other princes and to restrict external relations to communications through the British resident, enforcing, as it were, exclusionary diplomacy.

British processes of bureaucratisation and depersonalisation that Peers and Fisher document in the making of British colonial India in the late eighteenth century had begun long before in the British Atlantic. Wayne Lee's analysis of Anglo-indigenous military relations in the Atlantic shows a similar attempt at military bureaucratisation

[11] P. J. Marshall, *The making and unmaking of empires: Britain, India, and America c.1750–1783* (Oxford, 2005).

[12] See chapter by Fisher above, pp. 249–81 (quotation at p. 257).

by the English, though more than two centuries earlier in sixteenth-century Ireland, and Irish soldiers, like Indian sepoys, resisted serving under officers they did not know personally. The English could imagine their evolving relationship with Irish troops as implying a change from being clients or auxiliaries to being subject soldiers integrated into the English army, which indeed happened in the eighteenth century. While the English in America may have initially envisaged a similar outcome with the indigenous nations there, integrating them as subjects into the British military was not going to happen. Indeed initially native nations attempted to play different European groups off against one another and against their local enemies. By the late seventeenth century, however, European power was on the ascendant in many areas where Amerindians now found themselves determining the European power they would support or attempting to remain neutral.

Eric Hinderaker documents similar developments in Anglo-Amerindian diplomatic relations in North America. In contrast to English recognition of Mughal sovereignty in seventeenth-century India, in the Americas the English tended to discount native claims of sovereignty and endeavoured to reduce indigenous polities to subordination. The chapters by Lee and Hinderaker emphasise the cultural divides that the English had to navigate to engage in diplomacy and military relations with Native Americans, whose more consensual decision-making processes distinguished their societies from most in Europe and Asia. The cultural unfamiliarity between English colonists and Amerindians, as well as the impact of European-introduced diseases, produced 'ruinous' outcomes for Amerindians. Negotiations initially were, Hinderaker argues, 'diplomatic in only the most limited sense of the word'. For negotiations to be diplomatic there must be a 'mutual effort to discover or create the basis for reciprocal relations, in which both parties to the relationship operate with some degree of confidence that the other can promise something useful and deliver on that promise'. In early seventeenth-century English America, that confidence – and with it regard – was largely absent from negotiations with native peoples. People on both sides – English and indigenous – found themselves on steep learning curves to reach a stage of mutual confidence, but Hinderaker discerns that by the late seventeenth century the lineaments of common understanding, if not confidence, had emerged along much of the Atlantic seaboard. For many natives, their confidence tilted towards negotiations with royal, not colonial, officials, and some even journeyed to Britain to negotiate directly with officials in Westminster, a point also emphasised in the chapter on Anglo-Amerindian commercial relations by Paul Grant-Costa and Elizabeth

Mancke, as Native Americans tried to protect their lands from commercial transactions.

In military and diplomatic relations, and to some extent in commercial relations, we can discern an English desire to eliminate the messiness of local particularities in their negotiations with indigenous peoples. In the absence of good communications, a serious problem for governments aspiring to project *imperium* over great distances, order could be created through consistency in practice and the application of sets of procedures that were tilted towards the needs of the projector of *imperium* rather than the needs of local negotiators. Set procedures could create a general awareness – even knowledge – of what was happening at a great distance by defining and then disciplining a set of practices that could be justified on the grounds of efficiency and control of property. These rationalised sets of practices buttressed British *imperium* by projecting a construction of efficiency and protection of property rights that was not place-specific. Increasingly, the British expressed it as a projection of universal knowledge that was superior to local knowledge. In her chapter on commercial dispute resolution, especially regarding insurance claims, Lakshmi Subramanian details the dialectic between Indian merchants and the mayor's court in Bombay as both sides responded to the pressure by the Company to rationalise and standardise business practices. Jerry Bannister argues in his chapter on regulation and governance that Atlantic governance was based on ideas of cultural difference, political subordination, and economic exploitation, and that the British developed an array of practices that they projected overseas, including 'English laws and institutions to facilitate the regulation of alien peoples'. That approach, as we know, met frequent resistance on the ground.

Natural-born British subjects prized their relative ease of movement throughout the British empire and one of the findings of this project was the importance of reinforcing English practices that ostensibly could be applied anywhere in the world. From the sixteenth century on, the English emphasised that expansion was about the English protection of ancient liberties, initially the liberty of trade, which historically was a privilege negotiated by merchants with local princes. But in the diplomatic struggles between the English and Iberians over liberty of trade, it became constructed as a liberty projected and protected by the home sovereign, and with time gained ascendancy over the older meaning, becoming linked to the other expressions of English liberty, in particular the liberties of self-government, habeas corpus, conscience, and movement. In the Americas, liberty was very much something the English took with them, all the while fearful of colonists 'going native'

because of the freedoms offered by Amerindian societies. But the strident English transference of their own ideas of liberty meant that the overseas 'other' had little to offer in the way of new socio-political practices.[13] At best indigenous leaders could extend their practices, which the English interpreted as particularistic while articulating their practices as having global applicability.

In the British empire, by self-acclamation an empire of trade, commercial relations have had considerable explanatory power with respect to the linkages between British expansion into the Atlantic basin and then further into Asia. But how central were such trade ties if narrowly construed? British merchants operated within commercial systems that were relatively recent political and diplomatic constructions, albeit adapted from much older practices. Europe's landed powers with overseas interests had enfolded merchants within their claims of sovereignty, increasingly pushed out foreign merchants, and created zones of exclusive trade, particularly in the western Atlantic world. While Europeans had not been able to control Indian Ocean maritime space in the way they could Atlantic Ocean space, they nonetheless used the projection of standardisation and rationalisation of practices and knowledge as a form of control. In the Indian Ocean world, the penetration of those practices into Indian commercial society was modest before the achievement of territorial control in the mid-eighteenth century, but had assumed fairly sophisticated articulation in Company systems of accounting and correspondence that affected the movement of goods between Asia and Britain.[14]

Nevertheless, Indian merchants and firms retained considerable discretion over their business practices well into the nineteenth century, as is shown in the chapters by Lakshmi Subramanian and Rajat Datta. Indeed, as Datta shows in his chapter, British colonialism in India did not have an immediate and general deleterious impact on all Indian commerce. And as Subramanian shows, magistrates on the mayor's court in Bombay were known to study carefully the local systems of dispute resolution rather than summarily impose English judicial practices. In some instances, particularly in Calcutta, the willingness of British magistrates to honour local customs and law, at times at the expense of natural-born British subjects, caused cultural tensions and

[13] Jack P. Greene (ed.), *Exclusionary empire: English liberty overseas, 1600–1900* (New York, 2010).

[14] K. N. Chaudhuri, *The trading world of Asia and the English East India Company, 1660–1760* (Cambridge, 1978); Niels Steensgaard, *The Asian trade revolution of the seventeenth century: the East India companies and the decline of the caravan trade* (Chicago, 1974).

British merchant claims that officials were being overly sympathetic to local practice. British merchants made similar complaints about concessions to French Canadian practices in Quebec.

The chapter on Anglo-Amerindian commercial practices by Grant-Costa and Mancke suggests that the British projection of commercial values was initially most successful in North America. The emphasis on attempts to dispossess native nations through commerce, to oblige them through various stratagems to sell their lands, is striking in showing how far ancient practices could be transformed in the Atlantic world. Historically, merchants had limited access to control of land in foreign countries. European slave-trading forts in Africa were built on land under long-term leases from African princes. Until the Union of the Kingdoms, the English had policies to limit Scots from acquiring land in their overseas territories. One of the attractions to Europeans of islands with few or no inhabitants was that they could be claimed as 'wasteland' and an occupier could establish a property claim through improvement. Bombay was one of those islands for the Portuguese. The move towards fee simple land transactions of North American territory, which was initially 'foreign' to the English, was a significant development. As Grant-Costa and Mancke argue, it was also a practice that many Amerindians sought to check through diplomatic channels in an attempt to protect their lands. The British commercialisation of Amerindian lands and the discursive construction of such commercialisation as 'natural' facilitated land rushes in the nineteenth century, whether across North America, into the Antipodes and Pacific, or as the penetration of British capital into land and resources in Latin America after the collapse of the Spanish empire in the early nineteenth-century wars of revolution.[15] It was again one of those forms of standardisation, this time a fully commercial one, that the British would argue should be applicable anywhere in the world and protected by British law.

Bannister, in his provocative chapter, argues that British governance and regulation in the Atlantic world increasingly emphasised a rigid discipline that was often harsh to the point of being despotic, especially in maritime trades including the fishery and in the colonies with large African slave populations, and that the Atlantic was not devoid of the 'oriental' tendencies that the British discerned in Asian cultures, but rather that these were part and parcel of Atlantic expansion. Burnard captures the concern of elite British colonists at the inclusion of a growing number of non-British subjects into the empire and the growing

[15] John C. Weaver, *The great land rush and the making of the modern world, 1650–1900* (Montreal, 2003).

discipline of overseas subjects through standardised regulations, such as Bannister describes, that could be applied down to the local level in the colonies. Indeed, European metropolitan governments, beginning with the British, began to learn from their colonists in the Americas how far they could push central coordination and rationalisation of their overseas empires. Bannister's and Burnard's chapters suggest that the Atlantic was a space in which extremes manifested themselves, the liberties accorded British American colonists contrasting with the harsh conditions on the ships of the Royal Navy or the murderous conditions of slavery. These chapters also suggest that the longstanding distinctions between British developments in the Atlantic and in the Indian Ocean world also helped to mask the commonalities of regimes of legal and economic discipline that allowed Britain to project *imperium* globally and establish an oceanic empire.

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