
INTRODUCTION

THE IDEOLOGICAL ORIGINS OF INDIRECT RULE

ON MAY 10, 1857, native troops of the Bengal army mutinied against their British commanders, instigating the largest indigenous rebellion against European empire in the nineteenth century. In addition to the revolt of over 130,000 Indian soldiers, the “Sepoy Mutiny” brought together a wide array of disaffected groups into popular insurrection against British rule, temporarily shattering the imperial edifice across northern India and provoking a brutal response by the British. In strictly military terms, the war and the final suppression of the insurgency were both short-lived and less catastrophic relative to other major armed conflicts of the era. Yet, in Henry Sumner Maine’s view, it would prove to be “the greatest fact in all Anglo-Indian history.”¹ For Britain, the rebellion was a rude awakening and a deeply disillusioning affair, shaking the growing self-confidence in its imperial mission that had attended the steady expansion and consolidation of the British Empire in India over the prior hundred years. Moreover, the Indian Mutiny signaled the beginning of a particularly turbulent and violent decade in imperial politics during which a number of key uprisings broke out across the empire, most momentarily among the oldest and most important of Britain’s colonies and dependencies—Ireland, Jamaica, and India. Coming in quick succession, the Mutiny, the Maori Wars, the Morant Bay Rebellion in Jamaica, and the Fenian Rising in Ireland (and corollary bombings in England), together produced a threatening portrait of native disaffection and imperial instability that dramatically reshaped metropolitan attitudes toward subject peoples and gave rise to an anxiety about the meaning, character and future trajectory of the British Empire. In this manner, the 1857 Rebellion would come to mark a definitive turning point in the transformation of British imperial ideology.² More precisely, it would mark the decisive *turning away* from an earlier liberal, reformist ethos that had furnished nineteenth-century empire its most salient moral justification.

The liberal model of empire, in which imperial domination was argued to be an effective and legitimate tool of moral and material progress, has been the subject of sustained scholarly interest, and, most recently, a key focus of philosophical and theoretical discussions of empire.³ Yet, while the nineteenth century was certainly the critical period in which *liberal*

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imperialism came to be most clearly articulated and assuredly defended, the marked tendency to treat the liberal model of progressive empire as definitive of British imperial ideology obscures the fact that imperial justifications and governing strategies underwent fundamental revision in the course of the century. In many ways, the remarkable feature of nineteenth-century empire was how the era of its greatest geographic expansion in Asia and Africa—the period between 1857 and 1914—directly coincided with a phase of liberal retrenchment and the repudiation of central assumptions and imperatives underlying the “civilizing mission.” Whereas earlier, reform-oriented, imperial ideologies conceived of native societies as in need of radical reconstruction along Western lines, late imperial thinking questioned both the practicality and the theoretical underpinnings of such an interventionist agenda. In place of the universalist project of civilization, a new emphasis on deep-seated “cultural” differences between peoples came to the fore. Rather than eradicated or aggressively modernized, native social and political forms would now be patronized as they became inserted into the institutional dynamics of imperial power, most notably in the theory and practice of *indirect rule* in colonial Africa.

This book studies the conceptual developments that enabled this broad transition from a *universalist* to a *culturalist* stance in nineteenth-century imperial ideology. As dramatic forms of rebellion, resistance, and instability in the colonies—such as the 1857 Rebellion—occasioned important reassessments of past imperial policy, this, in turn, led to a fundamental rethinking of the nature and purpose of imperial rule. Significantly, these reassessments were premised upon and generated new theories of native society as a way to account for the fact of native disaffection as well as to explain the failure of past imperial policy to modernize subject peoples. On the one hand, postemancipation political crises in the British Caribbean provoked new forms of racialization and racial categorization; the failures of “the Great Experiment” in abolition, for example, were understood as stemming from deficiencies inherent in ex-slave populations, as an innate inability to reform themselves in line with liberal political and economic models.⁴ On the other hand, in India (and later in Southeast Asia and Africa), that is, in areas where imperial rule was not coincident with the prior eradication of indigenous societies, the new racial categorization of extant native societies in the wake of 1857 took the form of a distinct theory of *traditional society*, as a cohesive, cultural whole that likewise was seen to resist the logic of modern society. Intellectually, this reorientation was closely linked to the development of modern social theory, namely its stark historical contrast between traditional and modern societies, and the holistic models of *culture* and *society* that sustained this dichotomy. Late imperial ideology⁵ relied upon the social-theoretic account of traditional society both as the displaced site of imperial legiti-

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mation and the rubric through which to formulate distinct strategies of ruling. The most influential articulation of this model of traditional society in its practical connection to late imperial ideology appears in the social and political theory of Henry Maine and, thus, his work figures centrally in this study.

Maine is perhaps best remembered as a theorist of legal modernity, for the famous contention advanced in *Ancient Law* that legal evolution could be conceptualized in terms of a movement “from Status to Contract.”⁶ This formulation, which is premised upon a distinct account of relationship between kinship and law in primitive societies, continues to mark Maine as a founding figure of modern anthropology and sociology. However, for political theory, Maine’s historical and anthropological work has always been more or less ignored in favor of his late writings on popular government; thus defining Maine as primarily, a conservative critic of democracy. In his own time, Maine was a leading jurist and legal historian of Victorian Britain who served as Law Member in the Viceroy’s Council in India during the crucial period of post-Mutiny consolidation. As a highly visible member of imperial administration and a preeminent scholar of Indian law and society, Maine’s ideas would fundamentally shape the trajectory of late imperial ideology. As a critical conduit between emerging social theory and the imperatives of imperial governance, no intellectual was more influential in shaping the practical work of nineteenth-century British empire (with the possible exception of James Mill).⁷ Maine’s seminal contribution to imperial policy debates stemmed from his evocative account of the unique dynamics of primitive, ancient societies, of which India was a prime example. Maine’s account of status and contract not only emphasized the radical and systemic difference between ancient and modern society but also drew attention to the customary basis of ancient society. In doing so, Maine constructed a generic model of native society, newly defined as *traditional society* in opposition to modern society, that stressed the primacy of the “social” in understanding and explaining the nature of native society. In contrast to earlier conceptions of non-Western societies as politically dysfunctional (embodied in various theories of Oriental despotism), Maine’s social-theoretical model conceptualized native society as an apolitical, functional whole, held together by stable bonds of custom and structures of kinship.

Historically, this model of traditional society came to prominence in the aftermath of the 1857 Rebellion, in the context of a fundamental rethinking of the future character of British rule in India. While the conflict ended with the final abolition of the East India Company and the official transfer of the Government of India to the Crown, this institutional change was arguably less momentous than the deeper shift brought about in political, cultural, and moral attitudes toward empire and its

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subjects. Among imperial administrators and metropolitan observers alike, it would both generate a crisis of imperial legitimacy and occasion reassessments of past imperial governance, especially those policies that were seen to have precipitated revolt. In seeking to make sense of native disaffection and resistance, these critical reassessments drew upon and elicited new ethnographic and sociological accounts of the nature of native society.

The most prominent imperial perceptions of the rebellious native were framed by notions of ingratitude and inscrutability. The fact of resistance was itself taken as evidence of a derisive and perverse rejection by Indians of the civilizational benefits proffered by imperial rule. Because the progressive and moral character of the British Empire in India was taken as given, its rejection could only appear as irrational, for which a specific kind of accounting was required. In the case of 1857, the trope of inscrutability was often linked to a reading of the revolt as “an outburst of terrified fanaticism.”⁸ Maine had no doubt “that it was a genuine fanatical rising”⁹ rooted in deep religious and caste fears of pollution. This account would give great causal weight to, firstly, the specific grievance that provoked the outbreak of the Mutiny, namely the refusal of native troops to use newly issued rifle cartridges greased with beef and pork fat and, secondly, the more pervasive fear of conversion generated by the increase in missionary activity. Moreover, the religious interpretation of the revolt was given substantive confirmation in the Queen’s Proclamation of 1858, which made the principle of noninterference into native religious beliefs and customs the cornerstone of post-Mutiny imperial policy. In a very obvious sense, the more jingoistic portrayals of the conflict as fueled by obscurantist, religious sentiments clearly functioned to justify a “war of retribution” and elide recognition of the political character of the rebellion.¹⁰ Yet, even among more critical observers who argued that the trajectory of past imperial policy had significantly contributed to the upheavals, the notion of native inscrutability played a central role.

At one level, specific policies connected to the pre-Mutiny administration of Lord Dalhousie—such as “the doctrine of lapse” (which enabled the aggressive annexation of princely states) and the expansion of officially sanctioned missionization—were seen in hindsight to have been premised on mistaken judgments about the content, character, and strength of native customs and beliefs.¹¹ This was supplemented with a more general skepticism about previous trajectories of imperial policy, especially its more progressive currents that had attempted to place the modernization of Indian society as the pivot of Britain’s imperial project. The Mutiny was seen as a sign of the failure of liberal, utilitarian, and evangelical reforms to either transform, civilize, and emancipate the native or lend security to the imperial order. The altering of native habits

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and beliefs as well as the reshaping of native economic and social structures were now viewed as more difficult and more protracted than advocates had previously assumed, and as themselves potentially fomenting instability. In this vein, Maine argued that

it is a question of the gravest practical importance for the rulers of India how far the condition of religious and social sentiment revealed by the Mutiny survives in any strength. . . . It is manifest that, if the belief in caste continues unimpaired or but slightly decayed, some paths of legislation and of executive action are seriously unsafe: it is possible to follow them, but it is imperative to walk wearily.¹²

The status of native belief had “a direct bearing on the structure of government which it may be possible to give to the Indian possessions of this country.”¹³ The emerging post-Mutiny consensus sought to curtail the transformative ambition implied in the civilizing mission and reconstitute the imperial order on a more conservative basis, in line with the “traditional” imperatives of native society. If the native of reform was figured as a child amenable to education, conversion, and assimilation, by contrast, the native of late empire was construed as tenaciously bound to custom, whose acquiescence to British rule would depend on protecting the traditional basis of native society. The inscrutability of the native in revolt would be overcome by attentiveness to and deep knowledge of the unique (cultural) logic of native society, a logic that purportedly made imposed radical change impossible and/or undesirable. Maine’s work was crucial here, both in terms of providing a methodological foundation for supposedly better ethnographic knowledge of traditional India and in formulating a distinct, substantive account of the customary basis of native society (through his influential conceptualization of the Indian village-community).

In metropolitan debates, the seeming ingratitude of the native in revolt provoked a deep sense of disappointment and hostility, a hostility that worked to harden racial attitudes toward non-European peoples. The growing sense that subject peoples might be “irredeemably savage” displaced earlier attempts—especially prominent in abolitionist, missionary, and liberal discourses—to construe native peoples as intrinsically amenable to reform and civilization.¹⁴ In this sense, coupled with the Morant Bay Rebellion of 1865, the Mutiny was a crucial episode in the making of Victorian racism.¹⁵ Politically, the disillusionment with the agenda of reform and the concomitant racialization of subject peoples, led, in the case of Jamaica, to the dramatic turning away from the principle of representative government with the voluntary dissolution of the Assembly in the aftermath of the 1865 Rebellion. The transformation of Jamaica from a self-governing to Crown colony signaled not only the turn to more stra-

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tegitally defined and overtly authoritarian rule in the West Indies, but also cemented a racialization of the constitutional trajectories of the Empire as a whole. Race now defined an increasingly precise institutional division between white settler colonies oriented toward greater degrees of self-government and colonies/dependencies of predominately nonwhite populations in which representative government was aggressively disavowed. In India, the political analogue of racialization was a heightened sense of a fundamental difference between English and Indian institutions such that the attempt to rejuvenate Indian society on Western models was considered to be both futile and disruptive. The strategic abandonment of the liberal agenda in this case implied the turn to a very different philosophy of imperial governance, one in which the native was thought to be best ruled through his/her own institutions and structures of authority. Ruling was thought to require a more precise knowledge of the dynamics of native society, and an adjustment to the supposedly natural and traditional foundations of native society. As an ostensibly less intrusive and less disruptive mode of power, *indirect rule*, the rule through native institutions, was often championed as both more efficient and more fruitful for stabilizing the imperial order. It would be normatively defended as a deference to native agency, and, in more enlightened self-descriptions, as a form of cosmopolitan pluralism, one that recognized and respected the cultural specificity of native society.¹⁶

One of the most important conceptual innovations Maine provided to the theory of indirect rule was his provocative account of the ways in which native societies were increasingly threatened under the rubric of modern imperial rule. While Maine detailed the internal coherence of native institutions, he also argued that this structural integrity was rendered increasingly fragile with greater contact with modern institutions. And, in practical terms, the rapidity of the process of disintegration, for Maine, engendered the gravest consequences for the stability of imperial rule. This warning about the potential “dissolution of society” under the imperative of modern empire proved to be the ideological linchpin of the theory and practice of indirect rule. For advocates of native institutions, Maine’s cogent account of the disruptive, structural impact of colonial/modern institutions upon native society vividly demonstrated the urgent need for protection. The call for the protection or rehabilitation of native society was committed not only to the idea that native society contained within itself the resources for its maintenance and reproduction, but also that this unity was threatened by and yet in need of imperial rule. For it was the portrayal of native society as simultaneously *intact* and *vulnerable* that underpinned the paternalistic impulse of late imperial rule.

What began in India as a principle of noninterference into native religious practices in the wake of 1857 had, by the turn of the century, meta-

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morphosed into an array of arguments for the protection and rehabilitation of native institutions. *Indirect rule* became the foundational principle of late imperial administration and philosophy in Asia and Africa, articulated in different forms, for example, in Swettenham's vision for Malaya, Cromer's policy in Egypt, and, most famously, Lugard's account of the dual mandate for tropical Africa. In all these various manifestations, Maine's account of a traditional society in crisis supplied a rationale and an impetus for indirect imperial rule, a rule to protect native society from the traumatic impact of modernity. Maine thus stands as the progenitor of a distinct and powerful line of imperial thinking, and emerges as a pivotal figure in the intellectual history of empire.¹⁷

Maine's work provided the intellectual grounds for the consolidation of a distinctive pattern of rule, one whose influence and importance, moreover, would only increase with the dramatic expansion of European empires throughout the nineteenth century. As the percentage of the world controlled by European imperial powers increased from 35 percent to 84 percent,¹⁸ with the most significant increase coming with partition of Africa at the turn of the century, the models for ruling alien subjects forged during Britain's Indian experience, in the period of high empire, would become transportable in key respects. Indirect rule was not only the dominant model of British imperialism in Africa and Southeast Asia, it would also come to be emulated in French, Portuguese, and German colonial practice.¹⁹ In this manner, indirect rule had a profound impact on the reshaping of indigenous societies, one whose institutional legacy continues to be felt in many contentious arenas of postcolonial politics across Asia and Africa.

FROM UNIVERSALIST JUSTIFICATIONS TO CULTURALIST ALIBIS

Recent scholarly work in the intellectual history of empire and the history of political thought has drawn attention to the intimate and indeed constitutive relationship between the development of modern political theory and the history of European expansion. A growing body of literature has begun to reckon with the ways in which modern political thought has been shaped by, on the one hand, political arguments about the legitimacy of conquest and colonization, and, on the other, attempts to comprehend the global diversity of life practices, knowledge of which increased with five centuries of European expansion. Studies of the conquest and settlement of the Americas, for example, have examined how many prominent early-modern thinkers were drawn into a host of debates about the nature and legitimate grounds of sovereignty (*imperium* in the classic sense) and

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property (*dominium*). Debates around such pivotal, practical questions about the right to expropriate land and assert authority over native peoples generated conceptual innovations central to the development of modern theories of sovereignty and property, especially in the emergence of early-modern natural rights theories. The problem of empire and foundations of liberalism appear in a profound sense to be coeval.²⁰

Studies of empire in nineteenth-century political thought have also focused on the particularly salient and paradoxical relationship between liberalism and empire. Scholars have sought to understand how a liberalism ostensibly grounded in universal and democratic principles generated, at the same time, justifications of imperial rule. In analyzing the ways in which J. S. Mill denied the applicability of representative government to India, or how Alexis de Tocqueville lent support to the conquest of Algeria, these studies have investigated theoretical tensions in liberalism that could justify a variety of forms of political exclusion. In doing so, they have undermined everyday assumptions about the relationship of empire to political thought which either presume that questions about empire, expansion, and colonization were merely incidental to the development of liberal thought or that any contradictions were contingent accommodations to contemporary opinions and prejudices. In demonstrating that the potential for exclusionary practices was compatible with the theoretical core of liberalism, these studies raise fundamental philosophical and political questions about the limits of liberal political theory.²¹

At the same time, studies of liberalism and empire have only unevenly addressed the question of how justifications of empire historically evolved in relation to the practices and politics of imperial rule on the ground. On the one hand, this has led to a privileging of the progressive civilizing mission as the paradigmatic ideological form of nineteenth-century empire, thus eclipsing other salient features of imperial thought and practice. In particular, a singular focus on liberal justifications of empire elides the manner in which, at the height of imperial power, moral and political justifications of imperial rule gave way to the ascendancy of elaborate social, cultural, and racial explanations and alibis of European imperial domination. On the other hand, liberalism and liberal imperialism are often analyzed as static theoretical constructs, in which core ideas about human nature and human diversity are seen to propel the variation in stances—critical, justificatory, or otherwise—taken by thinkers vis-à-vis empire and imperial projects. Rather, I want to suggest, liberal imperialism is better understood as a historical constellation such that conceptualizations of moral universalism and cultural diversity ought to be seen as evolving in response to a changing set of imperial dilemmas. This recognition compels us to consider how philosophical claims about human unity

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and diversity were negotiated, contested, and reconstituted on the practical terrain of imperial politics.²²

Moreover, attending more closely to the fate of liberal imperial thought—to the ways that liberal justifications of empire and liberal ideologies of rule came to be increasingly questioned and criticized—reveals a more general dynamic underlying modern imperial ideology, especially universalistic defenses of empire. At the peak of imperial confidence in nineteenth-century Britain, when the project of liberal reform (and its program of remaking the world in its own image) encountered resistance, its universalism easily gave way to harsh attitudes about the intractable differences among people, the inscrutability of other ways of life, and the ever-present potential for racial and cultural conflict. That is, when empire faced opposition or produced consequences that did not fit neatly into its vision of progress, the error was understood to lie less with the structure of imperial power (and the contradictions that ensue from its attempt to elicit social transformation through force) than in the nature of colonized societies. Resistance, especially political resistance, when refracted through the imperial lens, was redescribed as a deep-seated cultural intransigence to universal norms of civilization. The ways in which liberal confidence and capaciousness could slide into moral disavowal, disillusionment, and an unforgiving stance toward others, I would argue, reveals a theoretically significant instability *internal* to the structure of imperial ideology.

The oscillation between universalist justifications and culturalist alibis, between viewing colonized societies as either amenable or resistant to transformation, may prove to be a necessary and general feature of the political dynamic of modern empire. The turn from liberal justifications to culturalist alibis in nineteenth-century discourses of imperial legitimation was not in any strict sense necessitated by the internal logic of liberalism, but rather emerges as a political reaction and reconfiguration. It intimates a temporal logic and entailment between universalism and culturalism, a systematic connection that should not be dismissed as a mere historical contingency. Understanding the transformation of nineteenth-century ideology, moreover, signals a cautious lesson for the contemporary revival of theories of benevolent empire and trusteeship today, for it draws attention to the ways in which revitalized imperial politics seemingly go hand in hand with heightened forms of cultural conflict.

Late imperial ideology, and especially indirect rule, has always been difficult to conceptualize straightforwardly as *ideology*, since it was more often defended in practical and strategic terms as founded less upon ideas than expediency. The mainstream of British imperial historiography has tended to contest the notion that the British Empire had any sort of ideological unity, even going so far as to question whether *the* Empire as such

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ever existed as a coherent unit.²³ Imperial historians have especially underplayed (even dismissed) the role of ideas and ideology in shaping the structure and pattern of the British Empire.²⁴ Since Gallagher and Robinson's influential critique of Eurocentric theories of imperialism, imperial historiography has shown a marked tendency to emphasize local developments and local (imperial and native) actors as the primary agents that both propel imperial expansion and shape governance patterns (the latter predominately understood as regimes of collaboration and accommodation with powerful native agents).²⁵ In this perspective, the emergence of indirect rule in Africa is understood to result from the constraints and limitations imposed on imperial administration by rapid territorial expansion and limited manpower. Indirect rule is thus rendered a rarefied name for a political necessity, a practical institutional solution that accommodated itself with "facts on the ground," that is, with local conditions and structures of power. In the self-understanding of imperial administrators, indirect rule was likewise conceived of as emblematic of the practical, anti-ideological orientation of British imperial policy, routinely contrasted to the militancy of the French *mission civilisatrice*.

In contrast to the orientation of imperial historiography, one of the central aims of this book is to explore indirect rule as a distinctive ideological formation, whose conceptual roots are linked to the rejection of earlier liberal models of empire and to developments in modern social theory. The emergence of indirect rule as the dominant form of British imperial practice was a historical formation, forged through the long experience of empire and rebellion in British India, and specifically devised as a critique of earlier assimilationist strands of imperial policy. It was premised on an ideological shift, one that interpreted what was *practically* necessary in strikingly new ways. What was deemed expedient depended on a distinct account of the nature of imperial order and what would be construed as threats to that order. Whereas for liberal reformers the corruption and degeneration that imperial rule was meant to overcome was associated with "premodern" or "traditional" forms of hierarchy, patronage, and domination (i.e., institutions of slavery, feudalism, and caste), for advocates of indirect rule, threats to the imperial order were broadly linked to the problem of modernization, which was seen as socially disruptive and thus politically unwieldy. Yet, in claiming to accommodate imperial rule to the facts on the ground, ideological work was also required in inventing a particular view of native society, and the designation of particular sets of actors and institutions deemed to be "natural" and essential to the stability of the imperial order.

Indirect rule also came to function as ideology in a more classic sense, as a way to conceal and justify the consolidation of imperial power. But as a form of justification, it was of a peculiar kind, and one that differed

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markedly in its ethical/moral character from earlier and more well known liberal justifications of empire. With the turn away from reform-oriented imperial policy in the aftermath of 1857, late empire became severed from any clear ethical justification, in effect generating a crisis of imperial legitimation. British imperial ideology in India as it came to be constituted in the early nineteenth century had been closely tied to the ideals of *trusteeship* and *improvement*, which taken together conferred a moral imperative to the imperial mission. It was an ethical horizon that was defined by a sense of needing to atone for the injustice/violence of conquest through the active rejuvenation of Indian society. This ethical horizon, which in its most progressive formulations would be linked to the goal of eventual self-government by Indians, was broadly shared by political thinkers from Edmund Burke to John Stuart Mill, and policymakers from Charles Grant to T. B. Macaulay. While liberal justifications of empire always had their detractors, after 1857 both their prominence and efficacy were dramatically eclipsed. And with their decline, a more general waning of ethical arguments and moral justifications of empire ensued. Imperial policy debates would be overwhelmingly framed by questions of stability and order, remaining remote from, even dismissive of, concerns about the moral purpose and legitimacy of imperial rule. The idea of educating India for eventual self-government as the telos of empire was almost entirely eclipsed, and only reemerged in the twentieth century in response to the demands of Indian nationalism.

In the late nineteenth century, in the absence of overt and ambitious justifications of imperial rule, the burden of legitimation was increasingly shifted onto native societies. Imperial rule was often construed as a necessity for curtailing the tendency of native societies toward dissolution, born of endemic internecine conflict, or (more subtly) from contact with modern civilization. Moreover, the remedy to these crises would be sought through the protection and reinvigoration of native society. Native society here functioned both as pretext and solution, as an *alibi* for the fait accompli of empire. To contrast late imperial alibis to earlier justifications is not to imply that these prior forms were *less* ideological, more authentic, purer, or necessarily more attractive models of imperial rule. Liberal imperialism, and the universalism that underpinned its agenda of reform, harbored its own contradictions, exclusions, and deferrals, often premised upon profoundly distorted visions of indigenous societies. But the distinction relies less on whether one ideological formation was either more descriptively accurate or normatively superior, than on what each postulated the purpose of empire to be, and thus the conceptual terrain upon which imperial legitimacy would be constituted and contested. For liberal reformers modern empire had to be decisively severed from older, extractive and oppressive forms of conquest, and rendered just by becoming an

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agent of civilizing progress. Legitimacy would be defined by the ethical character of the imperial regime, given by its motivating logic and elevated ideals. With the collapse of the liberal model and its moral vision, however, the legitimacy of empire became disassociated from avowed metropolitan imperatives and, instead, enframed and mediated by the immanent properties of subject societies. In the process, native society was given an altered and heightened ideological function, not strictly as a pathology to be overcome but as a structure to be accommodated and contained.

The term *alibi* is meant to mark the ways in which late imperial ideology worked through this definitive form of displacement, in which the sources of imperial legitimacy, power, and authority are refracted *elsewhere*—in this case from metropole to colony. Rather than as a self-consciously willed project, empire would be reactively and retrospectively defended; the continuity of imperial domination would be construed as the lesser evil to leaving native societies to collapse on their own. Moreover, as a form of rule, empire was depicted as merely an epiphenomenal construct *indirectly* ruling through preexisting native institutions and structures of authority. Native society as *alibi*, thus, was “an *alleged* elsewhere,”²⁶ an ideological construct that made possible the deferral and disavowal of moral and political responsibility for imperial domination.

SOCIAL THEORY, TRADITIONAL SOCIETY, AND
THE “CULTURAL” LIMITS OF POLITICS

While indirect rule emerged from a set of imperial debates about how to rule native societies, these debates were also shaped by intellectual developments in the ways in which non-European societies were conceptualized, linked especially to the rise of modern social theory. Therefore, another preoccupation of the book is the analysis of the reciprocal impact of social theory, and the expanding scope of colonial knowledge, on imperial thought and practice. As was noted above, recent studies of empire in political theory have not only been interested in how major political thinkers developed arguments about the legitimacy of imperial expansion, but have also explored the ways in which modern political thought has been shaped by the attempt to comprehend the global diversity of life practices, knowledge of which increased in tandem with the growth of European empires. From the “discovery” of the New World, the encounter with Oriental languages and civilizations, to the “scramble for Africa,” imperial encounters have engendered theoretical reflection on the nature of human diversity. These encounters generated new modes of comparison—new frameworks by which Europe would be related to

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other social and political formations, and unfamiliar cultures and practices would be made scientifically (and morally) comprehensible. As Richard Tuck has argued,

the extraordinary burst of moral and political theorizing in terms of natural rights which marks the seventeenth century, and which is associated particularly with the names of Grotius, Hobbes, Pufendorf, and Locke, was primarily an attempt by European theorists to deal with the problem of deep cultural differences, both within their own community (following the wars of religion) and between Europe and the rest of the world (particularly the world of the various pre-agricultural peoples encountered around the globe).²⁷

In the eighteenth century, the encounters with, and growing knowledge of, different societies in the East and West challenged major Enlightenment thinkers to reconceptualize the nature of human diversity in a globalizing world. Thinkers such as Montesquieu, Diderot, Kant, Herder, and the Scottish philosophical historians, all took up this challenge directly, developing philosophical and historical methods to rethink and account for the diversity of ways of living and the historical development of societies. Enlightenment thinkers understood that the new age demanded new philosophic anthropologies and histories (from ancient times to modern commercial society), but ones that were truly global in nature.²⁸

With the institutionalization of the modern social sciences and the concurrent expansion and intensification of modern technologies of imperial governance, the nineteenth century witnessed a veritable explosion of historical and anthropological research on the non-European world. In this period, the records and reports of expanding colonial bureaucracies ascended to the rank of evidentiary knowledge for the anthropologist and sociologist. This expansion of colonial knowledge was to have profound consequences for the development of modern social science, indeed laying the groundwork of modern disciplines of anthropology and sociology. It brought forth a variety of new facts to be confronted and comprehended, and generated methodological innovations in the ways societies would be conceptualized, classified, and compared. Ideas about comparison and “the comparative method” were given a heightened investment in the nineteenth century, as a subject for philosophical elucidation as well as a privileged model for attaining scientific certainty with a universal scope.²⁹ Two of the most ambitious theoretical endeavors to emerge in response to the challenge of universal comparison were nineteenth-century social theory (or classical sociology) and evolutionary anthropology. While classical social theory focused more squarely on analyzing the unprecedented nature and dynamics of industrializing societies, the attempt to chart the unique trajectory of Western modernity necessarily involved making

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large-scale and conceptually bold comparisons with other social formations, past and present. The disciplinary birth of anthropology can be readily seen as intimately linked to the rapidly expanding scope of historical and ethnographical researches, and its striking feature was the prominence of grand schemes of social evolution that attempted to enfold and categorize the radical diversity of social practices across time and space.³⁰ Moreover, nineteenth-century responses to the problem of incommensurability—such as sociological narratives of transition, evolutionary and comparative methodologies, and hierarchical scales of civilization—were closely tied to the development of holistic conceptions of kinship, culture, and society.

Maine's work contributed to the development of both theoretical traditions, and he is often acknowledged as a founder figure of both sociology and anthropology. Maine's distinction between societies based upon status and contract was representative of the dualistic construction of traditional and modern societies typical of nineteenth-century social theory. Maine's contrast between the corporate nature of ancient/primitive society and the individualist basis of modern society not only directly shaped Ferdinand Tönnies's evocative rendering of this binary in *Gemeinschaft und Gesellschaft*,³¹ but also closely resonated with many of Durkheim's early formulations about the differences between mechanical and organic solidarity in simple and complex societies, respectively.³² For anthropology, Maine was one of the earliest to theorize kinship as the structuring principle of social interaction, as a cornerstone of a holistic model of society. And even as anthropology came to reject speculative, evolutionary theories about the earliest forms of society, Maine's "jural" model of kinship, kinship as enacting a set of reciprocal rights and duties, was substantively revived in twentieth-century anthropology, especially in British social-functionalism.

In the context of late nineteenth-century empire, sociological and anthropological theories made available a generic model of native society, newly defined as *traditional society* in opposition to modern society. Maine outlined many of the central features of this model—kinship as a central structuring principle of society, the intermingling of law and religion in early jurisprudence, the predominance of rigid, ritual codes of conduct circumscribing individual action, the hold of custom on both modes of action and conceptual imagination, and finally the moral and functional priority of community or the social whole—that would become commonplace assumptions about traditional society carried forward into twentieth-century anthropology and sociology, especially in theories of sociocultural modernization. Most importantly, nineteenth-century theorists such as Maine produced a distinctively *apolitical* model of traditional society, one that embodied a substantive and methodologi-

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cal investment in viewing societies as functional, cultural wholes. It was a view that stressed the internal cohesiveness and the communal/corporate orientation of native society, prioritizing the cultural determination of individual action and thought, and thus, de-emphasizing political conflict, change, and agency. This model of native society as an integral whole, held together by reciprocal bonds of custom and structures of kinship, would provide the theoretical foundation, and even a normative justification, for late imperial ideologies of protection, preservation, and collaboration.

In contrast to the dynamism of modern society, traditional society in social theory was often construed as fundamentally static, dominated by nonrational forms of politics and economics, themselves pervaded by religious, kin-based, customary ties. And while it was in this model of traditional society that modern social theory elaborated its most deterministic model of social behavior, social theory initiated a more general shift toward a view of society that emphasized the nonrational bases of sociability, that is, in terms of either the external force of social and economic structures or pervasive cultural attachments and historical habits. In important ways, then, social theory sought to project a model of the social as the privileged arena for understanding the nature and dynamics of society. The concept of *society* is for sociology what the concept of *culture* is for anthropology, namely a relatively autonomous entity that affects, limits, and even determines the character of social, political, and economic institutions. With the rise of social theory, the question of politics was thus reframed in a context that increasingly emphasized the limits of political action in relation to social, cultural, and historical imperatives. This shift toward a view of human behavior as a product of collective learning, social conditioning, and historically informed custom would have important legacies for twentieth-century social science. Not only is the modern anthropological concept of culture³³ indebted to this model of society, but also the sociological tradition notably retained many of these elements in its general account of social integration.³⁴

In exploring how social theory shaped the intellectual foundations of late imperial ideology, this study draws attention to the imperial context of the origins of social theory, both in terms of how social theory influenced the theory and practice of nineteenth-century empire and how empire, in turn, shaped the central concepts of modern social theory. Finally, as the concept of culture has become a central category in contemporary politics, political science, and political theory, interrogating a key moment in its political and theoretical emergence has become evermore vital. Contemporary debates in political theory around the question of culture often conceptualize culture as the definitive site of difference, rooted in alternative forms of social organization and/or structures of attachment and

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being. But to experience and conceptualize difference as primarily cultural is a peculiarly late nineteenth- and twentieth-century phenomenon.³⁵ What I want to suggest is that this way of conceptualizing culture has analogical connections to (perhaps even genealogical roots in) developments in nineteenth-century social thought and the changing dynamics of late imperial rule. Attending to this period could yield important insights into contemporary conundrums about the relationship between culture and politics—the ways in which politics and political questions are often displaced and circumscribed by cultural forms, and the continuing difficulty of reconciling bounded and static conceptions of culture with transformative accounts of political sovereignty and agency.

ORGANIZATION OF THE BOOK

In elucidating the intellectual and ideological foundations of late empire, the book is organized around an extended analysis of the character and influence of Henry Maine's social and political theory. Maine was a pivotal figure in the transformation of British imperial ideology, in whose work one can trace the most direct, causal connection between the socio-theoretic model of traditional society and the ideology and practice of indirect rule. In this sense, the book aims to reconstruct central features of Maine's work to demonstrate the profound impact of his thought in the practical work of empire in nineteenth century. Maine's intricate analyses of the dynamics of ancient and primitive society are explored less with a view toward assessing their enduring truth value than for understanding the ways in which they articulated and responded to a set of theoretical dilemmas emergent from the imperial experience and, specifically, how Maine's ideas were mobilized to justify definite forms of action in the imperial policy arena.

Contemporary interpretations of Maine's work vary fundamentally depending on the context of intellectual formation and reception in which his work is situated, that is, whether Maine's work is understood in its Indian, British, or European milieu and whether his identity as a legal thinker, social theorist, historian, or political theorist is foregrounded.³⁶ In terms of Victorian intellectual discourse, Maine's identification of the expansion of the sphere of contract with the apex of civilization offered a conservative, historicist-cultural defense of *laissez-faire* liberal individualism, a progressivism that could easily be aligned with Victorian evolutionism. Considered from the vantage point of his work on village-communities, however, Maine was also taken up by a variety of advocates of communal property (from agrarian radicals to Indian nationalists) as a sympathetic defender of primitive societies.³⁷ This particular interpreta-

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tive paradox—of how Maine came to be seen as simultaneously a defender of both custom *and* contract—is central to the preoccupations of this book. At the theoretical level, there was a crucial ambiguity in Maine's account of custom and precontractual society that lent itself to these divergent readings. While Maine was never a nostalgic champion of the virtues of traditional societies, his methodological approach to the study of primitive societies (the use of historical-comparative methods and the critique of utilitarianism) and his conceptualization of the integrity and rationale of ancient/primitive society worked to historicize and relativize the institutional forms of modern society. Historically, this ambiguity proved to be especially consequential, for despite his own reservations, Maine's account of primitive society would be used to justify the conscious retreat from freedom of contract and the defense of custom under the rubric of indirect rule. This study seeks to explore these interpretative conundrums by expanding the traditional lenses through which Maine's work is analyzed, bringing together his theoretical writings and his policy prescriptions, his lesser-known anthropological work and his jurisprudence, and, most importantly, taking into account the significance of both metropolitan and colonial intellectual arenas in the formation and influence of Maine's social and political theory as a whole.³⁸

Chapter one argues that in the latter half of the nineteenth century moral and political justifications of empire, particularly the liberal model of imperialism, receded in significance from the forefront of debates about imperial rule. The chapter charts the transformation of imperial ideologies in the nineteenth century through the analysis of the work of Edmund Burke, James Mill, J. S. Mill, J. F. Stephen, J. R. Seeley, and Henry Maine. Over the course of the century, the central tenets of liberal imperialism were challenged as different forms of rebellion, resistance, and instability in the colonies instigated a more general crisis about the nature and purpose of imperial rule, a crisis that precipitated the waning of ethical justifications of empire. As modes of justification became more tentative in terms of their moral and political aspirations, late imperial ideologies of rule were presented less in ideological than pragmatic terms, as practical responses to and accommodations to the nature of "native society." Under this cover, social, cultural, and racial theories entered through the back door, as it were, to explain and legitimate the existence of empire; they functioned less as justifications than as alibis for the *fait accompli* of empire. The most important consequence for ideologies of imperial rule was a move away from the commitment to the more transformative ambitions underlying the so-called civilizing mission, a central hallmark of the project of liberal imperialism. In place of the universalist project of civilization, which at its core believed in the possibility of assimilating

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and modernizing native peoples, a new emphasis on the potentially insurmountable difference between peoples came to the fore.

Chapter two analyzes the relationship between empire and the origins of social theory, with a special focus on the development of a generic, apolitical model of traditional society. In Maine's seminal contribution, traditional society emerged as an integrated social whole that, while contrasted sharply with the imperatives of modern society, was understood to have a logic and rationale of its own. The dichotomy of the modern and the traditional—a central innovation of modern social theory—was constructed upon an intensification of the contrast between ancient and modern society that took place in the aftermath of the French Revolution. This intensification implied a systemic contrast, a move that involved the intermingling of specific methodological and political claims about the functional interdependency of social spheres, the malleability of human nature, the plasticity of social life, and the central determinants of human behavior. In this manner, dominant strands of social theory positioned themselves as critiques of political philosophy and foregrounded the sociological, cultural, and historical conditions that necessarily constrained the domain of political thought and action. The social theoretic model of traditional society exemplified the shift toward a view of human behavior that increasingly emphasized the nonrational bases of sociability, the dominance of social and cultural norms, and the persistence of historical habits and customs, thus intimating the essential features of the modern anthropological definition of culture. Moreover, it was this substantive model of traditional society as an integral whole, held together by reciprocal bonds of custom and structures of kinship, that would provide a theoretical foundation for late imperial ideologies of protection, preservation, and collaboration.

Chapters three and four examine how Maine's model of traditional/primitive society became elaborated and implicated in two key imperial policy domains—legal reform and land tenure. In both cases, Maine would sharpen his theoretical account of traditional society and propose an innovative sociology of colonialism, demonstrating the ways in which the customary bases of traditional society were undermined through contact with modern institutions. These two domains were not only vital to the structure of imperial rule in South Asia, but the evolutionary history of law and property were also the central themes of Maine's scholarly work. These chapters examine Maine's practical contribution to Indian policy debates as they relate to the general trajectory of his political, historical, and legal thought. Maine was the leading figure of the English school of historical jurisprudence, who made his reputation through his critique of John Austin and the rival claims of utilitarian jurisprudence. Against the Austinian definition of law as "the command of the sover-

eign,” Maine mined ancient and primitive legal sources to elucidate the transformative epochs, such as the era of customary law, through which law was seen to have generally passed before reaching its modern legislative form. Chapter three elaborates the practical and theoretical implications of Maine’s jurisprudence by focusing on his intervention in the extended debate on the codification of Indian law. While Maine was a vehement advocate for a uniform civil code, his argument for codification was driven by his direct experience and distinct account of the current, disastrous state of Anglo-Indian law than by any Benthamite zeal for the benefits of enlightened codification. Maine’s critical understanding of Anglo-Indian law grew out of his theoretical understanding of the natural trajectory of customary law and the deleterious impact of imperial rule and English law on native law. In this manner, Maine’s important work as legal member of the Viceroy’s Council is assessed in terms of immediate Indian policy debates as well as in terms of Maine’s jurisprudence as a whole.

Chapter four turns to Maine’s influential account of the history of property, its decisive role in the nineteenth-century debate on property, and its impact on the controversial debate on land tenure in British India. According to Maine, understanding the origins and evolution of property had been obscured by the dominance of natural law theory (in both its Roman and modern incarnations) that understood dominion in terms of individual modes of natural appropriation. By contrast, Maine offered an alternative sequence in which property was originally held in common and gradually over time becoming divided, breaking down into forms of individual ownership. Maine’s thesis about the communal origins of rights in property (and of modern conceptions of rights in general) effectively called into question the historical and logical priority of the unitary conception of individual proprietorship, and imputed alternative communal modes a legitimate historicity. In this way, his evolutionary progressivism and optimism was tempered, perhaps unwittingly, with a historicism that engendered a presumption about the relativity of modern legal and political forms, especially the modern institution of private property in land. In practical terms, the latter made it possible to question the viability and applicability of modern institutions (legal, political, and economic) in societies (like India) considered to have not reached the appropriate stage of social evolution.

Chapter five details how Maine’s theoretical portrait of primitive/ancient society, especially his innovative conceptualization of native society in crises, laid the foundation for the theory and practice of indirect rule. Maine argued that modern imperial rule had forced a direct confrontation between modern and traditional institutions, a confrontation that seemed to necessitate the dissolution of native society. Crucially, following

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Maine, late imperial policy makers conceived of this dissolution as a major threat to the stability of the imperial order and thus implicated imperial rule in a political logic of protection, preservation, and restoration of traditional society. The chapter examines the specific ways this image of native society in dissolution was mobilized in the context of late imperial policy, first in post-Mutiny India and later in Southeast Asia and colonial Africa. Building upon the work of Maine, administrators such as Alfred Lyall, Lord Cromer, Arthur Gordon, and Lord Lugard, cumulatively elaborated a distinct political theory of indirect rule, institutionally grounded in a policy of decentralization and normatively associated with cosmopolitan pluralism.

Finally, the coda to this study revisits the question of liberalism's past and present relationship to empire and elucidates the theoretical significance, and contemporary political resonances, of this revised account of nineteenth-century imperial ideology. Attending to the origins of late imperial ideology in the crisis of liberal empire, I suggest, focuses critical analysis on a distinct political logic of modern empire—a regressive dynamic marked sequentially by moral idealism, culturalist explanation, and retroactive alibis. I argue that focusing on the political entailments of liberal imperialism, rather than upon its theoretical assumptions alone, offers a distinct (and perhaps more) effective strategy for understanding and criticizing the contemporary revival of liberal arguments for empire.