

ORIGINAL ARTICLE

Oceanic Mobility and the Empire of the Pass System

Bhavani Raman

University of Toronto, Toronto, ON, Canada
E-mail: bhavani.raman@utoronto.ca

Abstract

From the age of empires to the apartheid regime in South Africa, pass laws have defined the scope of the mobility of subjects by relying on a paper document, the pass. This essay focusses on the pass document to understand the governance of mobility in the Indian ocean. In doing so, it shows how the pass document in its various forms through many centuries in fact, illuminates a form of inter-legal governance through which racialized life came to be constituted via convention and statute.

The paperwork of oceanic mobility provides a compelling vantage point from which to take the measure of imperial laws that have defined the scope of the mobility of subjects. Paperwork has a double-edged relationship to law and empire. The arrangements that distribute and co-relate information inscribed on documents are the site of imperial fashioning because documents carry the procedures and signs of authority. But paperwork also modifies and remakes legal meaning or the status that law endows on persons. As part of this special issue on paperwork empires, my article focuses on the intersecting but different trajectories of a small but powerful document, the travel permit or pass conventionally used to govern the mobility of persons and things across the seas.

In recent years, the archive of trade and transregional mobility across the Indian Ocean has been important to the oceanic turn in legal history.¹ From

¹ Renisa Mawani and Iza Hussin, “The Travels of Law: Indian Ocean Itineraries,” *Law and History Review* 32 (2014): 733–47; Mahmood Kooria and Sanne Ravensbergen, “The Indian Ocean of Law: Hybridity and Space,” *Itinerario* 42 (2018): 164–67; Nurfadzilah Yahaya, *Fluid Jurisdictions: Colonial Law and Arabs in Southeast Asia* (Ithaca: Cornell University Press, 2020); and Fahad Ahmad Bishara, *A Sea of Debt: Law and Economic Life in the Western Indian Ocean, 1780–1950* (Cambridge, UK: Cambridge University Press, 2017).

the early modern era on, documents were intrinsic to free and forced mobility across the Indian Ocean.² In this context, the permit or the pass transected two types of mobility. Strangers were offered safe passage by potentates, kings, or imperial agents in the form of a written document. The pass embodied the conventions of safe passage. At the same time, the pass also facilitated the forced movement of slaves in the seventeenth and eighteenth centuries. In the nineteenth century, after human trafficking was no longer legal, the pass remained essential to the Indian Ocean's plantation-industrial complex. It now facilitated the forced mobility of convict workers and eventually of indentured workers in the form of a permit document. In this manner, the pass was a medium that not only cut across two distinct types of legal mobility, one protected and the other policed, but also cut across two eras bifurcated by the abolition of slavery in law.

One reason why the pass was an efficacious tool for managing mobility was that it was a document that did not stand alone. It was embedded in arrangements of paperwork. These arrangements were closely connected to the material qualities of documents. Signatures, indexes, registers, and ways to arrange and correlate them made up the arrangements of paperwork across imperial jurisdictions, languages, and legal conventions. That is, paperwork's empire is inter-legal. As we will see the pass makes visible racialised life and spaces constituted between bodies of law and between empires.

Boaventura de Sousa Santos defined inter-legality as the phenomenological counterpart to legal pluralism.³ Legal pluralism or the acknowledgement that multiple legal systems coexist within the same political space or social field has successfully allowed legal scholars to critique a monist image of law beholden to a state-centered sovereign authority. Instead, scholars of legal pluralism have pointed to myriad normative orders and authorities that constitute legality and legal meaning. Santos, however, pushes beyond conventional ideas of legal pluralism. Rather than the coexistence of different legal orders in one polity or different polities within a shared language of law, Santos is interested in the relations between law and spatiality. For Santos, inter-legal spaces are "non-synchronic and thus result in uneven and unstable mixings of legal codes (codes in a semiotic sense)."⁴

Of the pass's many histories, the history of how populations were nationalized synchronically and tethered to territory through the documentation of individual identity is especially well known.⁵ Bringing Santos's phenomenological analysis of inter-legality to bear on the pass illuminates another history.

² Fahad Bishara, "'No Country but the Ocean': Reading International Law from the Deck of an Indian Ocean Dhow, ca. 1900," *Comparative Studies in Society and History* 60 (2018): 338–66.

³ Boaventura de Sousa Santos, "Law: A Map of Misreading. Toward a Postmodern Conception of Law," *Journal of Law and Society* 14 (1987): 298. For the debate on legal pluralism from this time see, Sally Engle Merry, "Legal Pluralism," and Franz Von Benda-Beckmann, "Comment on Merry," in *Law and Society Review* 22 (1988): 869–902.

⁴ Santos, "Law: A Map of Misreading." See also Janaki Nair, "The Life of Law in Modern India: A Present History of the Matha Court," in *Iterations of Law: Legal Histories from India*, ed. Aparna Balachandran, Rashmi Pant, and Bhavani Raman (New Delhi: Oxford University Press, 2017), 15–56.

⁵ Jane Caplan and John C. Torpey, eds. *Documenting Individual Identity: The Development of State Practices in the Modern World* (Princeton: Princeton University Press, 2001), 7–8.

Considering the pass, a material object, as the phenomenological counterpart of legal pluralism, shows it to be amenable to interpretation by competing and multiple states, legal traditions, and bodies of law, thereby illuminating the non-synchronic intersection of state and non-state law. In this sense, the document outlines the historical crafting of a genre of statute—pass laws—that have defined the scope of mobility from the age of empires to postwar apartheid regimes.

As we will see, the early history of the pass took different trajectories. It facilitated the mobility of strangers protected by safe passage conventions, exerted the police authority of masters over slaves, and constrained the mobility of convicts and indentured workers in the era that followed the abolition of slavery. Taken together, these versions of the pass show how a distinct realm of racialized life was made by the paperwork of mobility at the intersection of state and non-state law through convention and statute.⁶ This is why, rather than the ordering effect of law, the pass in fact clarifies how legality is fashioned in the shadow of documents.

Case law and treatises do not define the messy business of imperial jurisprudence, argue Lisa Ford and Lauren Benton, signaling a recent interest among legal historians in how imperial jurisdictional struggles shaped the history of international law.⁷ One can further argue that not only was colonial modernity wrought from the coexistence of multiple legal orders but also, phenomenologically speaking, modern colonialism was experienced as an intense reliance on paperwork. In my book *Document Raj*, I used the archive of the British East India Company to show how states that evoke the majesty of law's sovereignty, are equally premised on social and bureaucratic practices that adhere to the materiality of writing. As British imperialism was crafted out of a patchwork of plural legal traditions, the East India Company selectively deployed paper as the *via media* of sovereignty and law, social dealings, and associative life. The liberal, John Stuart Mill, embodied this racialized "paper fever" when he declared that perfect records would compensate for what he believed to be the innate mendacity of the Company's non-European subjects; their incapacity for political deliberation in the style of the Roman statesman, Cicero; and, therefore, their inability to rule themselves.⁸ Paper did not just execute law in the British Empire. Liberal proponents of the law and good government cultivated paperwork as a substitute for self-representation. Colonial subjects caught up in official paper-fever found themselves navigating the broken promise of law through the simultaneous possibility of paper's accountability and its punitive power.⁹ Burning of records and government paper has been widely recorded in studies of agrarian rebellion in British India. The slave registry

⁶ The term "racialization" is used in this article to mean the process of marginalizing, demarcating legal differential procedures in relation to intersecting hierarchies of caste, ethnicity, and race.

⁷ Lauren Benton and Lisa Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800–1850* (Cambridge, MA: Harvard University Press, 2016).

⁸ Bhavani Raman, *Document Raj: Writing and Scribes in Early Colonial India* (Chicago: University of Chicago Press, 2012).

⁹ Cedric Robinson, *Black Marxism: The Making of a Black Radical Tradition* (Chapel Hill and London: University of North Carolina, 2021 [originally published 1983]), 158–59.

bills in the British Atlantic between 1813 and 1819 is also a key example. Cedric Robinson writes that the registry and its delayed implementation sparked anti-slavery rebellions in the British Caribbean. Documents filtered legal meanings; they also rendered European law open to alternative legal interpretation.¹⁰

One severe entailment of colonial paperwork was that the burden of paper bore more heavily on those oppressed by race, caste and other social norms. As a number of scholars of South Africa have shown, racialized subjectivity there was constituted by surveillance and mobility documents, and it was maintained in Israel by a permit regime.¹¹ At the same time, paper documents are innately contingent. Official paper document systems are vulnerable to duplication, as colonial Indian officials' paranoia about forgery shows.¹² This double-edged legacy of colonial paperwork as a site of fashioning and rewriting of law and its punitive power motivates my interest in the pass.

A second reason for examining the travel pass is its specific function: controlling mobility through the management of information. John Guillory calls documents "information genres" to indicate how paper enable facts to acquire value by their transmission.¹³ As situated objects, the document enables what is encoded by them to be abstracted as objective information. An index is an excellent example of an information genre. By the same token, what we take to be information has also been shaped by this material encoding. Lisa Gitelman notes that in part, information comes to us in small bits because the concept of information reifies the bounded and portable quality of paper.¹⁴ The index again, is a good example. It compiles a series of bounded paper entries. Using these insights, I approach the pass as an information genre. The evolving history of the pass maps the history of racialized labor control and mobility onto the history of modern information systems.

Finally, the travel pass offers a compelling site for specifying the implications of the changing media arrangements of paper documents. Conventions of writing, signature, and the correlation of the pass to the register make up

¹⁰ On vernacular lives of colonial law with respect to mobility see, Fahad Bishara, "No Country but the Ocean" *Comparative Studies in Society and History* 60 no. 2 (2018): 338–366 and Guo-Quan Seng, "The Gender Politics of Confucian Family Law: Contracts, Credit, and Creole Chinese Bilateral Kinship in Dutch Colonial Java (1850s–1900)." *Comparative Studies in Society and History* 60, no. 2 (2018): 390–414.

¹¹ For an excellent discussion of mobility, documents, and surveillance focused on South Africa, see Uma Dhupelia-Mesthrie, "Paper Regimes," Special Issue on Paper Regimes in South Africa, *Kronos* 40 (2014): 10–22; and Uma Dhupelia-Mesthrie, "The Form, the Permit and the Photograph: An Archive of Mobility between South Africa and India," *Journal of Asian and African Studies* 46 (2011): 650–62. Thembisa Waetjen and Goolam Vahed, "Passages of Ink: Decoding the Natal indentured records into the Digital Age," *Kronos* 40 (2014): 45–73; Keith Breckenridge, *Biometric State: The Global Politics of Identification and Surveillance in South Africa, 1850 to the Present* (Cambridge: Cambridge University Press, 2014); and Yael Berda, *Living Emergency: Israel's Permit Regime in the Occupied West Bank* (Stanford: Stanford University Press, 2018).

¹² Bhavani Raman, *Document Raj*.

¹³ John Guillory, "The Memo and Modernity," *Critical Inquiry* 31, (2004): 108–32; and Caplan and Torpey, *Documenting Individual Identity*.

¹⁴ Lisa Gitelman, *Paper Knowledge: Towards a Media History of Documents* (Durham: Duke University Press, 2014), 4.

the media arrangements of the pass. Over a long historical arc, the authenticity of the pass pivoted from the primacy of the signature of the sovereign or the master of the household to its co-relatability to registers. Yet at no point did the pass's media or legal arrangements assume a centralized command structure. Instead, pass laws and regulations dispersed these media-legal arrangements of policing to the nodal agents of empire. Passes are reproducible; they can be copied, they circulate widely, and they can also serve as objects of political mobilization and counter-publicity that reverberated beyond a specific colony. The pass as such does not illuminate a "local" context to which empire adapted or its laws applied. Rather it serves as a concrete site for the fashioning of inter-legal spaces.

The Pass and the Conventions of Safe Passage

Pass documents in the Indian Ocean in the early modern era materialized a different legal convention than those which would animate later pass laws. The competition for passes in the early modern era correlates to a multi-polar legal world. Documentary conventions allowed for persons to navigate among polities, languages, and law.¹⁵ Safe passage guarantees cut across competing legal traditions across state and non-state domains. This was especially true of the Indian Ocean, where a highly intermixed transregional and disaggregated legality, as Enseng Ho observes, informed conventions of mobility.¹⁶

From the fifteenth century on, the pass became a travel document used for ships in the Indian Ocean. The shipping pass circulated between the high diplomatic conventions pertaining to strangers. The iconic Iberian *cartaz* contained a detailed description as well as the identity of the ship and its cargoes; it was issued for a fee or an annual tribute and it offered exclusive protection. But note the inter-legal tones of this pass. The term "*cartaz*," is derived from the Arabic "Qirtas" (*Qirṭās*: paper). While the Portuguese effort intended to pivot Indian Ocean mobilities toward its *cartaz*, the protocols were based on prevailing conventions. Here, protection extended to strangers did not imply subjecthood, as an *assignado* signed in Goa in 1619 between the ambassador of the Raja of Cochin and the attorney of the Viceroy of the *Estado de India* indicates.¹⁷

Cochin's ambassador, Levy Mudaliar, was a member of a prominent Castilian Jewish family of Levi, who were granted protection by the Raja of Cochin. Not only were Castilian Jews protected persons in Cochin, but they were also favored with high-ranking ambassadorial positions. The ambassador requested a pass in the name of the Raja for a pilgrim ship to travel to Mecca.

¹⁵ For a different focus on entailments for international law, see Lauren Benton and Adam Clulow, "Empires and Protection: Making Interpolity Law in the Early Modern World," *Journal of Global History* 12 (2017): 74.

¹⁶ Enseng Ho, "Afterword: Mobile Law and Thick Transregionalism," *Law and History Review* 32 (2014): 883–89; and Kooria and Ravensbergen, "The Indian Ocean of Law: Hybridity and Space."

¹⁷ Julio Biker, *Collecção de tratados e concertos de pazes que o estado da India portugueza fez com os reis e senhores com quem teve relações nas partes da Asia e Africa Oriental desde o principio da conquista até ao fim do seculo XVIII*, Vol. I. (New Delhi; Madras: Asian Educational Services, 1995), 228–29.

In return, Cochin was not allowed to assert “protection” (i.e., monopoly) over anything defended or prohibited by the Portuguese detailed on other passes. Violations would nullify the pass, and penalties would apply as to a ship without paper.

The effort of the Portuguese to create an imperium by claiming an exclusive jurisdiction of the ocean elicited a critical response from individuals like the jurist of international law, Hugo Grotius. Grotius argued for a free sea. But the *cartaz* had already evoked the opprobrium of sixteenth-century Indian Ocean commentators, notably the Malabar scholar of Ponnani, Sheikh Zayn al-Dīn al-Malibārī. The sheikh objected to the fees charged by the Portuguese for their *cartaz*.¹⁸ Zayn al-Dīn’s criticism illustrates that safe passage conventions associated with the idea of *ribāt*, a concept of coastal guardianship rooted in Islamic vocabulary of war and peace were shifting. Safe passage was being monetized through the sale of passes.¹⁹ Yet monetization did not preclude diplomatic negotiation. Offering safe passage to build spheres of influence became ubiquitous among Indian Ocean thalassocrats including those deemed “pirates.”²⁰ And indeed passes became central to war and peace-making; for example, consider the case of the Golconda Sultan, who did not comply with the conditions imposed by the Portuguese with the pass he received in the 1580s.²¹ Sanjay Subrahmanyam notes that the Portuguese fleet failed to seize the Sultan’s ship. The Sultan proceeded to negotiate a better arrangement and simultaneously secured a safe passage guarantee from the *Estado de India*’s rival, the Dutch East India Company (VOC). The competitive market in protections that cohered around the pass suggests that that document was a medium of inter-legality.²² As far as the Golconda Sultan was concerned, by the conventions of safe passage, he was entitled to seek safe passage from multiple non-Muslim authorities without becoming their subject.

¹⁸ Mu’abbirī al-Malibārī, Zayn al-Dīn ibn ‘Alī, *Tuḥfat al-mujāhidīn* (Add MS 22375 : 1822 British Library, London). I consulted the *Toḥfutt-ul-Mujāhideen* (*Tuḥfah Al-mujāhidīn*) an Historical Work in the Arabic Language, trans., M. I. Rowlandson (London: Murray, 1833). For readings of the Arabic text see *inter alia*, Meia Walravens, “Multiple Audiences of a History from Sixteenth-Century Malabar: Zayn al-Dīn al-Ma’barī’s *Gift of the Strugglers for Jihad*,” *South Asian Studies* 35 (2019): 226–36.

¹⁹ Mahmood Kooria, “An Indian Ocean *Ribāt*: War and Religion in Sixteenth-Century *Pomāni*, Malabar Coast,” in *Imagining Asia(s): Networks, Actors, Sites*, ed. Andrea Aciri, Kashshaf Ghani, Murari Jha, and Sraman Mukherjee (Singapore: ISEAS – Yusof Ishak Institute, 2019), 147–74. Jos Gommans briefly discusses Khafi Khan’s description of the Franks in *Muntakhabul Lubāb* as patrollers of the sea (*muḥāfaẓat-I daryā*), which we could take to mean custodians or guardians of the sea. Jos Gommans, *Mughal Warfare: Indian Frontiers and Highroads to Empire, 1500-1700* (London: Routledge, 2002), 164.

²⁰ Sebastian Prange, *Monsoon Islam: Trade and Faith on the Medieval Malabar Coast* (New York: Cambridge University Press, 2018). Prange notes that traders responded to the pass by reorienting their routes to Gujarat, Konkan, Coromandel, and around Kayalpatnam.

²¹ Sanjay Subrahmanyam, “Persians, Pilgrims and Portuguese: The Travails of Masulipatnam Shipping in the Western Indian Ocean, 1590-1665,” *Modern Asian Studies* 22 (1988): 503–30.

²² This situation is described as one that involves the mutual (partial) recognition of a normative system pointed out by Franz Von Benda-Beckmann, “Comment on Merry,” 898.

The monetization of the *cartaz* criticized by Zayn al- al-Dīn was not unique to the Portuguese. The Safavid and Mughal administrations of the *khāṣṣa* (the royal household) collected, farmed out, and delegated road tolls, a traveler's protection tax called *rāhdārī*.²³ The *dastak rāhdārī* or *parwāna-i-rāh-dārī* (travel permit) obligated imperial officials to provide safe passage to the holder, even providing the holder with a guard.²⁴ Akin to an insignia, or the token of a protector's hand, the pass spatialized and visualized the authority of its issuer through its circulation.

It is unclear whether shipping passes were systematically registered at this time. The monetization of passes, however, remained crucial to treaty agreements establishing and negotiating trade monopolies right through the middle of the eighteenth century, as evidence from the Malabar coast suggests. In 1662, the Dutch concluded a treaty of friendship with the king of Travancore, by which they received the power to issue shipping passes to all sailing vessels entering Travancore.²⁵ When the Dutch captured nearby Cannanore (Kannur) in 1663 from the Portuguese, they agreed that the king of Kolathiri, North Malabar would receive half the revenue made from the sale of shipping passes.²⁶ During Travancore's pepper wars with Dutch in the mid-eighteenth century, which ultimately led to a drastic decline in Dutch imperial power in Malabar, the Travancore ruler Marthanda Varma offered a conditional peace. Among other things, the king offered to deliver 1000 candies of pepper if he received a Dutch pass to sell 200 candies of pepper at his pleasure.²⁷ After he won the defining 1753 war against the Dutch, the king of Travancore secured a treaty by which he supplied pepper at reduced rate to the Dutch and agreed to check its smuggling. In return, the Dutch protected the coast and issued him more passes so that Travancore could sell pepper directly to the Coromandel coast.²⁸

Evidence from Arakan on the eastern shores of the Bay of Bengal suggests shipping passes could be inter-medial because they were anchored in conventions of diplomacy and treaties; for example, consider a Persian *farmān* or decree issued by the Marauk U king of Arakan examined by Arash Khazeni.²⁹ The decree, dated 1728, is from Raja Chandrawizaya of Arakan, and invites

²³ A. K. S. Lambton, "Khālīṣa," in *Encyclopaedia of Islam, Second Edition*, ed. P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs, and P.J. Bearman (Volumes X, XI, XII), Th. Bianquis (Volumes X, XI, XII), et al. Accessed December 5, 2022. doi:10.1163/1573-3912_islam_SIM_4172.

²⁴ 'Dastak-i rahdari' in *Tarikh-i Shakir Khani* [The history of Shakir Khan] British Library, Persian Manuscripts Collection, No. Or. 26,140; a copy of this folio is reproduced in Ibn Hasan, *The Central Structure of the Mughal Empire, and its Practical Working up to the Year 1657* (London: Oxford University Press, 1936). I am indebted to Nandini Chatterjee for this document and its translation. The *rāhdārī* issued as a *parwāna* is mentioned in Captain H. Wilberforce Clark, *The Persian Manual, A Pocket Companion* (London: W. H. Allen, 1878), 370.

²⁵ M. O Koshy. *The Dutch Power in Kerala, 1729-1758* (New Delhi: Mittal Publications, 1989), 31.

²⁶ *Ibid.*, 34.

²⁷ *Ibid.*, 80.

²⁸ *Ibid.*, 104

²⁹ Arash Khazeni, *The City and the Wilderness: Indo-Persian Encounters in Southeast Asia* (Oakland: University of California Press, 2020).

the Armenian merchant Khwajeh George and his sibling, a Nakhoda or sea captain in Madras (Chennai) to trade in ivory and rice. Khazeni shows how safe passage conventions secured in writing were a way of imperial refashioning. Here the Arakanese kings of Mrauk U mobilized the Islamic-Persianate conventions of safe passage to invite Armenian merchants residing under British protection in Madras to trade with Arakan at the start of the monsoon. Khazeni notes that the Persian decree was a “golden ticket,” a permit that was notably transactive. Furthermore, while the permit indicates Persian as a mutual language of documents in the northern realms of the Indian Ocean in the eighteenth century, Khazemi established that the document was in fact a translation of the earliest dated Burmese palm-leaf manuscript in the British library. This manuscript is a single leaf permit issued to a foreigner, one “Khoja Joro Jin,” seeking permission to trade. What was shared between the two documents is a royal seal. Both bear the king’s seal, inscribed in Pali, “Supreme Lord, Master of the Golden Palace,” blind-stamped on the palm leaf permit, stamped in black ink on the Persian letter, and in red wax on its cloth envelope and paper wrapper.³⁰ The Pali seal closely resembles that of the Mughals, most notably in the circular shape of the seal and in the pattern of lines and latitudes in the field. Furthermore, the decree’s structure resembles the form and content of the Mughal commercial decree, which offered royal protection to foreign merchants and companies to conduct trade while simultaneously adapting to Arakanese form.³¹

The Pali seal embodied the king’s trust and endowed divine protection to its recipient across the medium of palm leaf and paper. The attributes of a certificate facilitated a multi-modal expression of safe passage that could speak simultaneously to Persian and Arakanese conventions. The pass, appears here, to quote Cornelia Vismann, as a documentary gesture of power,³² but it does so because it was an object that served as a mutually recognizable entity among competing powers, languages, and law. In this way, the papers of safe passage—whether monetized shipping passes discussed in Malabar treaties or diplomatic decrees issued by Arakan kings—are the phenomenological counterpart of legal pluralism.

The empire of early modern paperwork then does not admit a stable legal order or sovereign-centered account of legality. The shipping pass was a medium that crafted a disaggregated inter-legality particularly suited to competitive trade networks of the transregional Indian Ocean trade. This is why the pass became such an important form for imperial fashioning whether by the Portuguese, the Dutch, or the Arakanese, or by the Rajas of the Malabar coasts. It is increasingly clear however, that the dense transactive and hybridized world of commerce and law of the Indian Ocean coexisted with

³⁰ “A New Display of Southeast Asian Manuscripts from the Sloane collection,” British Library Blog, September 12, 2018, accessed December 5, 2022. <https://blogs.bl.uk/asian-and-african/2018/09/a-new-display-of-southeast-asian-manuscripts-from-the-sloane-collection.html>

³¹ Arash Khazeni, “Merchants to the Golden City: The Persian *Farmān* of King Chandrawizaya Rājā and the Elephant and Ivory Trade in the Indian Ocean, a View from 1728,” *Iranian Studies* 51(2018): 933–45.

³² Cornelia Vismann, *Files: Law and Media Technology* (Stanford: Stanford University Press, 2008).

and rested on the traffic in human beings. The Indian Ocean's slave trade flourished in spaces of disaggregated inter-legality. The question posed then, is whether and how passes facilitated the forced mobility of humans.

The Paperwork of Forced Mobility in the Indian Ocean

The centrality of the slave trade to Indian Ocean history from the seventeenth century onwards cannot be overemphasized. While a substantial traffic in humans was not known in the sixteenth century, the yearly capture and transport of several thousand persons across the Indian Ocean appears to have expanded at the turn of the seventeenth century, fueled by state and non-state entities. During this time the extensive trafficking of humans from the Indian subcontinent and eastern coast of Africa created population shifts with the depopulation of some regions and resettlement of others. In the eastern shores of the Bay of Bengal, the trafficking of humans facilitated the alliance of Portuguese and Arakanese raiders. From the 1620s, Portuguese captains unaffiliated with the Portuguese imperial bureaucracy led raiding on Bengal's deltaic coast.³³ The captives were sold to work in paddy cultivation and spice plantations, or to serve as soldiers and court scribes in South East Asia. The Arakanese rulers, the Mrauk U kings, leveraged slave procurement to fuel their political ambitions by 1630s. Indeed, rice and slaves were directly responsible for Arakanese expansion: it offset the shortage of domestic workers to clear its forests and supplied the spiralling export market in humans. Dutch forays into the area were also motivated by the capture of humans to work in the VOC's growing network of Indian Ocean trading posts, factories, and spice plantations. The demand for workers in Southeast Asian Dutch strongholds was especially high, following VOC colonization.

The high demand for labor was also one reason why the Arakanese and Dutch competed to exert a tight control on slaves through paperwork. This effort to regulate transshipment of trafficked humans and to a lesser degree marronage broadly served as contexts for the paperwork of forced mobility in the Indian Ocean. The Arakan court sought to reserve its exclusive right to retain skilled captives as slaves. Subrahmanyam writes of the Dutch receiving an Arakanese decree that bade them to buy only "new Bengalis" (*nieuwe Bengaelders*).³⁴ Once purchased, the slave and the seller had to be registered in Arakan. The VOC could not purchase skilled captives.

One difficulty with tracing the registration and passes pertaining to slaves is the nature of human trafficking in the Indian Ocean which was both highly competitive as I have just indicated, highly prevalent, but also embedded alongside highly diverse forms of forced labor. At one level, the enslaved formed a considerable proportion of coastal settlements. The starkest evidence

³³ Thibaut. d'Hubert, "Pirates, Poets, and Merchants: Bengali language and literature in seventeenth-century Mrauk-u." In *Culture and Circulation* eds. De Bruijn, Thomas, and Allison Busch, (Leiden: Brill, 2014), 47–74.

³⁴ Sanjay Subrahmanyam, "Slaves and Tyrants: Dutch Tribulations in Seventeenth-Century Mrauk-U," *Journal of Early Modern History* 1(1997): 201–53.

comes from Dutch records. At least half of the population of the Dutch Fort at Cochin, Malabar, consisted of slaves.³⁵ A considerable number were forcibly sent from Cochin to Cape Town, Colombo, and Batavia. At the same time, most Dutch households in Cochin had between three and ten slaves.³⁶ As historians of Dutch slavery note, plantation and small-scale farming intermingled with one another, household slavery was dominant in urban settlements, and small groups of slaves worked together.³⁷ Furthermore, forms of forced labor were diverse. Localizing systems of bondage that immobilized people socially and spatially to their community, polity, ruler, or land—prevalent in caste-oppressive practices of labor extraction—existed alongside global or transregional trafficking in humans over long distances.³⁸ The intertwined relations of mobility and immobility is of course evidence of the continuous adaptation of institutions of coercion, whether under the sign of caste oppression and/or enslavement. But the diversity of forced labor regimes has also meant that the information about the forced mobility of humans is woven into rather than separated from data pertaining to more general population surveys such as those of households, ship lists, settlements, and absconders.

A second characteristic of Indian Ocean permits and passes concerning forced mobility seems to be that the documents were generally directed toward rendering the master accountable to regulation. This seems to be one response to the competition for labor. Linda Mbeki and Matthias van Rossum have noted that two sources, the records for the permission for forced transport (*overgekomen brieven en papieren*) and the registers of transactions (*acten van transport*) provide detailed information about Dutch-sponsored human trafficking.³⁹ The permissions for transport recorded details about owners and transporters and toponymic indexes of the enslaved. The permission by its very nature, does not elucidate the substantial illegal transportation of slaves, and overrepresents the high-ranking VOC officials and ship passengers who paid for the passage of their slaves. The second type of document, proofs of sell, are preserved for Dutch Cochin from 1753 onwards. It is striking that the registers of sell were created precisely when Dutch power began to decline in Malabar after the disastrous pepper wars with the Kingdom of Travancore. Registration monitored the transregional labor flows to Dutch colonial ports exactly when the VOC was losing a vital source of forced labor. Slave owners were required to register and notarize the transfer of ownership in the presence of a notary. The slaves

³⁵ Anjana Singh, *Fort Cochin in Kerala, 1750–1830: The Social Condition of a Dutch Community in an Indian Milieu* (Leiden; Boston: Brill, 2010), 32.

³⁶ *Ibid.*

³⁷ Nigel Worden, “Indian Ocean slavery and its demise in the Cape Colony,” in *Abolition and Its Aftermath in Indian Ocean Africa and Asia*, ed. Gwyn Campbell (London; New York: Routledge, 2005), 26–45.

³⁸ Alexander Geelen, Bram Van den Hout, Merve Tosun, Mike De Windt, and Matthias Van Rossum, “On the Run: Runaway Slaves and Their Social Networks in Eighteenth-Century Cochin,” *Journal of Social History* 54 (2020): 66–87.

³⁹ Linda Mbeki and Matthias van Rossum, “Private Slave Trade in the Dutch Indian Ocean World: A Study into the Networks and Backgrounds of the Slavers and the Enslaved in South Asia and South Africa,” *Slavery & Abolition* 38 (2017):1, 95–116.

bought by VOC subjects were moved overseas to Cape Town via Ceylon and Batavia.⁴⁰

The permits and registers discussed in the scholarship on Dutch Indian Ocean slavery sought to monitor labor movement between ports in the context of intense competition over labor by rendering masters holdings legible to the VOC. This is not to say that individual privately signed slave passes were non-existent in Dutch ports or that fears of marronage were absent from the records of Indian Ocean slavery.⁴¹ However, it is certain that for now, the Anglo-Dutch Caribbean, rather than the Indian Ocean, has attracted scholarly research on the pass issued to slaves.

From the mid-seventeenth century on, the pass signed by masters in the Atlantic became central to forced mobility.⁴² In its effort to prevent slave flight, the Barbados government decreed in 1652 that all persons boarding ships had to show a “ticket under the Governor’s hand” and if any alien captain carried any ticketless person, the next ship of that nation would be seized. The embarkation ticket soon became a ubiquitous travel document, and a tool of racializing labor mobility.⁴³ In the Dutch Atlantic, from 1710, persons of African descent or of mixed race required letters of permission from their masters to work at sea *in addition* to passports or documents of personal identity.⁴⁴ By 1742, all free persons of African or mixed descent had to give written proof of their freedom.⁴⁵ The paperwork of mobility intricately weaved state and non-state policing authorities. The pass empowered planters and overseers to act as slave hunters and incarnated the justice of peace as an extended arm of the patriarchal household.⁴⁶ The rules were broken and negotiated, Marisa Fuentes reminds us, albeit in ways that show they mattered.⁴⁷ Moreover,

⁴⁰ *Ibid.*, 103.

⁴¹ Personal Communication, Matthias van Rossum.

⁴² Marcus P. Nevius, “New Histories of Marronage in the Anglo-Atlantic world and Early North America,” *History Compass* (2020) 18: e12613; Linda M. Rupert, “Marronage, Manumission and Maritime Trade in the Early Modern Caribbean,” *Slavery & Abolition* 30 (2009): 361–82; Linda Rupert, “Seeking the Water of Baptism: Fugitive Slaves and Imperial Jurisdiction in the Early Modern Caribbean,” in *Legal Pluralism and Empires, 1500–1850*, ed. Lauren Benton and Richard Ross (New York: New York University Press, 2013), 199–32.

⁴³ [Acts and Statutes] of the Island of Barbados Made and Enacted Since the Reducement of the Same, *Unto the Authority of the Common-Wealth of England* (London: Printed by Will Bentley, and are to be should by him [sic.] ..., 1654), 21–23; on prohibiting aid to slave flight, 43–47; and Edward Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World* (Cambridge, MA: Harvard University Press, 2018), 29.

⁴⁴ Rupert, “Marronage, Manumission,” 368.

⁴⁵ *Ibid.*, 369.

⁴⁶ The overlap in authority of planters and justices of the peace could center different authorities. In the Caribbean, the penal contract system depended on state administration and in Assam, India it relied on private enforcement. See Prabhu Mohapatra “Assam and the West Indies, 1860–1920: Immobilizing Plantation Labor,” in *Masters, Servants, and Magistrates in Britain and the Empire*, ed. Douglas Hay and Paul Craven (Chapel Hill: University of North Carolina Press, 2004), 480. See also Elizabeth Kolsky, *Colonial Justice in British India: White Violence and the Rule of Law* (Cambridge: Cambridge University Press, 2010).

⁴⁷ Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: University of Pennsylvania Press, 2016), 2–6, 28. On the history of slave rebellion in Barbados,

pass documents calibrated punitive power along racial lines. Penalties for slaves defaulting pass regulations were harsher than for servants. In Barbados, indentured servants also needed a pass to be absent from the plantation. If convicted for not having one, such a person had their period of indenture extended by a month.⁴⁸

The individuated slave pass became germane to the economy of Atlantic human trafficking and to the spatialization of segregation; that is, apartheid systems from Virginia to South Africa. In Virginia, in 1656, a pass similar to the slave pass was demanded of indigenous persons entering the colony to trade. In 1680, an exclusive slave law was dedicated to the pass. Sally Hadden notes that Virginia's pass laws prevailed until mid-nineteenth century.⁴⁹ In the Cape Colony, a proclamation of 1797 just after the second Xhosa wars, prohibited all natives from entering the colony without a badge or passport signed by the magistrate. The pass integrated media and legal architecture in the master's and governor's signature to calibrate a racial order of permanent suspicion across state and non-state bodies of law.

In the Indian Ocean, where under the Dutch, a system of registration monitored the transshipment of enslaved persons, the connection between the individualized slave pass and registration had begun to firm up as slavery was legally abolished. From that time on, the pass defined the scope of the mobility of convicts, indentured workers, and manumitted populations. At this time too, a shift occurred. As the individuated passes began to be more firmly anchored in systems of registration, they came to resemble good behavior bonds, a media-legal arrangement that expanded the jurisdiction of magistrates over workers and often restrained the freedom of mobility.

The Pass and the Register

The registered pass was an information genre created for containing labor mobility and strengthening racial segregation by permits. Between 1806 and 1830s, the pass integrated registration with good behavior bonds in response to the legal abolition of slavery. At the heart of this paperwork system was the conditionally free worker from whom labor had to be extracted. Thus, in 1828 Lord Dalhousie, as lieutenant governor of Nova Scotia, opposed the movement of black refugees into Nova Scotia after the War of 1812 because according to him, the refugees were slaves by habit: "their idea of freedom is idleness."⁵⁰

see Hilary Beckles, *Black Rebellion in Barbados: The Struggle Against Slavery, 1627-1838* (Bridgetown, Barbados: Carib Research & Publications, 1987).

⁴⁸ [Acts and Statutes] of the Island of Barbados:81-82.

⁴⁹ Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, MA: Harvard University Press, 2003).

⁵⁰ Amani H. Whitfield, "The Development of Black Refugee Identity in Nova Scotia, 1813-1850," *Left History: An Interdisciplinary Journal of Historical Inquiry and Debate* 10 (2005): 9-31; John N. Grant, "The 1821 Emigration of Black Nova Scotians to Trinidad," *Nova Scotia Historical Quarterly* 2 (1972): 283-92; and "The Report on Lord Dalhousie's History on Slavery and Race," Lord Dalhousie

Dalhousie's comments are evidence of the challenge posed by the abolition of slavery to a transoceanic global labor system upon which imperial geography was dependant. The officials and former slave owners sought to resolve their fear of juridical abolition by returning to paperwork. By the 1880s, documents, variously called "tickets of leave" or "tin tickets," tethered specific bodies—convicts, indentured workers who had completed their contract, indigenous persons dispossessed to reserves, and groups decreed and classified as hereditary criminal castes—to registers kept in the custody of magistrate-agents. The registered pass system was nodal rather than centralizing, and through it, various diverse imperial offices such as protector of immigrants and the Indian agent were integrated with police stations and circumscribed the movement of workers by race, caste, and ethnicity.

Vismann defines the register as a cross reference system for databases that, till the emergence of the modern file, was the principle means of storing, transmitting and retrieving information.⁵¹ But registers are not omniscient nor uniform: State registration projects not only emerge from non-state forms of registration⁵² to battle forgery and target select populations.⁵³ The registration of paper passes in the aftermath of abolition calibrated the degree of freedom of mobile workers. This happened when in addition to workers' being registered, passes served as sureties for good behavior (a special exercise of the prerogative exercised by magistrates or justices of peace), just as human trafficking began to be coded as morally abhorrent.

In the common law tradition, binding undesirables upon recognizance to keep the king's peace as a preventive measure was long known.⁵⁴ Now the arrangements of the bond were folded into the pass system as it became the means to craft the uneven distribution of freedom. In many ways, this version of the pass fructified in the context of debates about slavery's abolition, which Diana Paton notes took place in the same discursive field as debates about punishment facilitated the expansion of magistracy or police power.⁵⁵ The pass built on those debates, by deepening the distinction between forms of labor while simultaneously placing them on a continuum in relation to idleness and enshrining them in law.⁵⁶ In the Indian Ocean too, this work of the pass system is best illustrated in British-controlled Mauritius.

Scholarly Panel on Race and Slavery, Dalhousie University, Nova Scotia, Canada September 2019, accessed December 5, 2022, <https://www.dal.ca/dept/ldp/findings.html>

⁵¹ Vismann, *Files: Law and Media Technology*, 77.

⁵² Keith Breckenridge, and Simon Szreter, eds. *Registration and Recognition: Documenting the Person in World History* (Oxford: Oxford University Press, 2012).

⁵³ Radhika Singha, "Settle, Mobilize, Verify: Identification Practices in Colonial India," *Studies in History* 16 (2000): 151–98; and Elizabeth Lhost, "From Documents to Data Points: Marriage Registration and the Politics of Record-Keeping in British India (1880–1950)," *Journal of the Economic and Social History of the Orient* 62 (2019): 998–1045.

⁵⁴ Marie-Eve Sylvestre, Nicholas Blomley, and Céline Bellot, *Red Zones: Criminal Law and the Territorial Governance of Marginalized People* (Cambridge, UK: Cambridge University Press, 2020), 43–50.

⁵⁵ Diana Paton, *No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780–1870* (Durham: Duke University Press, 2004), 4–5.

⁵⁶ On apprenticeship in Barbados see, Melanie Newton, *The Children of Africa in the Colonies* (Baton Rouge: Louisiana State University Press, 2008), 141–73.

Mauritius, like the broader world of the Indian Ocean arena, witnessed the consolidation of many bonded labor regimes (corvée, penal, and indentured) in response to abolitionist pressure.⁵⁷ The island was known to Arab, Malay, and Portuguese sailors from the tenth century onwards.⁵⁸ The Dutch intermittently occupied and settled Mauritius with slaves from Madagascar and convicts from Batavia (present day Jakarta) and abandoned the island in 1710.⁵⁹ The French East India Company occupied Mauritius in 1715, renamed it “Isle de France,” and integrated it into the Francophone legal system. They reshaped it as a slave plantation society with a version of the *Code Noir* in 1723, modelled on Caribbean sugar colonies and the nearby Reunion Island.⁶⁰ Mauritius’s Port Louis, a free port, received both the enslaved and sojourners.⁶¹ The enslaved worked in plantations and in houses; the manumitted lived with the free in the “*Camp des Noirs*” in St. Louis also called the “Malabar settlement.”⁶² While some inhabitants of the Malabar settlement owned slaves, others also provided resources for slaves to flee to the city. Division and discrimination followed the intersecting fault lines of caste and ethnicity.⁶³

When the British seized Mauritius at the end of the Napoleonic Wars, these labor arrangements were largely undisturbed even as avenues for legal recognition of status and emancipation opened up. The control over mobility and liberation was exercised through paperwork. After the slave trade was banned in 1807, the island’s Francophone planter class colluded with newly arrived British officials to consolidate sources of bonded labor by manipulating the imperially managed slave registry.

Imperial abolitionists had successfully advocated for the introduction of a slave registry from 1813 in Britain’s crown colonies as a key aspect of their reformist campaign. Masters were tasked with registering their slaves. It was thought that registration would prevent an illegal slave trade and curtail the violence of masters. On their part, the enslaved in Barbados and elsewhere understood registration as a call for emancipation. Delays in its unfolding

⁵⁷ Gwyn Campbell, “Servitude and the Changing Face of the Demand for Labor in the Indian Ocean World, c1800-1900,” in *Indian Ocean Slavery in the Age of Abolition* (New Haven: Yale University Press, 2013), 23-44.

⁵⁸ Ann Kumar, “Dominion Over Palm and Pine: Early Indonesia’s Maritime Reach,” in *Anthony Reid and the Study of the Southeast Asian Past*, ed. Anthony Reid (Singapore: Institute of Southeast Asian Studies, 1993), 101-22.

⁵⁹ Clare Anderson, *Convicts in the Indian Ocean: Transportation from South Asia to Mauritius, 1815-1853* (New York: St. Martin’s Press, 2000), 6; and Kerry Ward, *Networks of Empire: Forced Migration in the Dutch East India Company* (New York: Cambridge University Press, 2009), 63.

⁶⁰ Megan Vaughn, *Creating the Creole Island: Slavery in Eighteenth-Century Mauritius* (Durham, NC: Duke University Press, 2005), 83.

⁶¹ Vijaylakshmi Teelock, “A Hub of ‘Local Cosmopolitans’: Migration and Settlement in Early Eighteenth to Nineteenth-Century Port Louis,” in *Connectivity in Motion. Island Hubs in the Indian Ocean World*, ed. Burkhad Schnepel and Edward Alpers (Cham: Palgrave Macmillan, 2018).

⁶² G. Milbert *Voyage pittoresque à l’île-de-France, au cap de Bonne-Espérance et à l’île de Ténériffe* (Paris: A. Nepveu, 1812).

⁶³ Richard Allen, “Lives of Neither Luxury nor Misery: Indians and Free Colored Marginality on the Ile de France (1728-1810).” *Outre-Mers. Revue d’histoire* 78 (1991), 341.

stimulated rebellion is evidence that paper stimulated new legal meanings even as the registers themselves were considered unreliable and prone to manipulation.⁶⁴ In Mauritius too, the registers disguised illegally imported slaves, as the abolitionists became well aware, while serving as evidence for compensation offered to planters after abolition.⁶⁵ At the time of abolition in 1835, the island had one of the largest slave populations in the British Empire, while also rapidly becoming a destination for indentured workers. The pass law was officialized alongside this transition. It curtailed the mobility of time-expired indenture workers (called “old immigrants”) and came to be integrated with police registers modeled on older marronage and vagrant registers.

The Mauritius police maintained marronage registers from the 1770s, if not earlier.⁶⁶ It was the first thing that the new British administration supported. Two days after he arrived on the island in 1810, Mauritius’s first Governor Robert Farquhar, who had published a tract on the virtues of indenture work as an alternative to slavery, received a plea from slave owners for the return of runaways who had found refuge under the British flag.⁶⁷ Farquhar reissued orders that missing maroons would be apprehended. No slave could leave town or the master’s *habitation* without a pass, and as before, government permission was required for manumission. (Farquhar would go on to serve in his private capacity as the London attorney for colonial slave owners seeking compensation for emancipation).

Aside from protecting the interests of planters, Farquhar introduced convict workers to Mauritius,⁶⁸ extending to the island an Asian convict transportation network that had for long operated as a labor procurement system, but that now began to be supported as a replacement for slave labor.⁶⁹ Farquhar

⁶⁴ Hilary Beckles, *Black Rebellion in Barbados: The Struggle Against Slavery, 1627-1838* (Bridgetown, Barbados: Carib Research & Publications, 1987). On the unreliability of registers, see Anthony J Barker, “Distorting the Record of Slavery and Abolition: The British Anti-Slavery Movement and Mauritius, 1826-37,” *Slavery and Abolition* 14 (1993): 185-207. Melanie Newton writes of the “whitening” of slave owners in the Barbados slave registry. Newton, *The Children of Africa in the Colonies*, 18.

⁶⁵ On the unreliability of registers, see Barker, “Distorting the Record of Slavery.” Melanie Newton writes of the “whitening” of slave owners in the Barbados slave registry. Newton, *The Children of Africa in the Colonies*, 18.

⁶⁶ Richard Allen, *Slaves, Freedman and Indentured Workers in Colonial Mauritius* (New York: Cambridge University Press, 1999), 39. Allen writes of five such registers that included the 1772-75 maroon capture book for the island and the 1799-1812 register of the Bureau du Marronage.

⁶⁷ Deryck Skarr, *Slaving and Slavery in the Indian Ocean* (Houndmills, Basingstoke, Hampshire: Macmillan, 1998), 94, fn. 26 and 27. The orders were passed in 1811.

⁶⁸ Parliamentary Papers, *Papers relating to East India affairs: viz. regulations passed by the governments of Bengal, Fort St George [Madras] and Bombay, in the Year 1816*, XIII (1819): Regulation XIV, May 18, 1816, 38.

⁶⁹ Asian convict transport has been widely studied. See Anand Yang, *Empire of Convicts: Indian Penal Labor in Colonial Southeast Asia* (Berkeley: University of California Press), 2021. Clare Anderson makes the explicit the coincidence between Asian convict transport and emancipation in Clare Anderson, ed., *A Global History of Convicts and Penal Colonies* (London: Bloomsbury Academic, 2018), 211-44.

imported a penal labor regime to Mauritius building on his prior experience in Penang. Clare Anderson's account of these penal arrangements indicate their resonance with Australian penal colonial history. Governors in these latter penal settlements in Australia were given "property in service" by which they could put a convict to work. An imperial official, Alexander Maconochie, is credited with formulating the mark system of parole in the 1840s while in charge of the penal settlement at Norfolk Island.⁷⁰ After their period of service, convicts received a "ticket of leave," signed by the governor's hand that permitted the individual to be employed in a circumscribed district and on the maintenance of good behavior or the governor's pleasure.⁷¹

It is very likely that Farquhar formulated his convict management plan before Maconochie in ways that signal a desire to craft a labor regime whose associations with slavery would remain concealed. Anderson notes for instance that Farquhar's Proclamation 193 of 1816 ordered convicts, like government slaves before them, to work on public works, but rendered them subjects of colonial laws. Farquhar thus formulated a continuum of labor forms calibrated along degrees of unfreedom. The law was crafted in the penumbra of paper-fever, documents, and registers. From the perspective of the paperwork systems that are the subject of this article, it is striking that Farquhar's 1816 proclamation required a register of convicts to be kept to take notes on good conduct for which convicts were rewarded with tips. After 1819, convicts were permitted to hire themselves out as apprenticed servants or laborers after their period of compulsory service.⁷² Soon after, their movement was managed by passes signed by employers.⁷³ The Mauritius convict pass like the Atlantic slave pass mobilized the signature of the employer.

It is significant that good behavior *and* personal registration became conditions for the mobility of racialized strangers a year after the convict pass became law. While Farquhar was still governor, a proclamation in 1817 enjoined strangers coming to Mauritius to procure security for their good behavior during their residence in the island. This proclamation was revived in 1829 when a large number of workers arrived and it was used to deport at least 329 men suspected of abandoning their work that year.⁷⁴ In Mauritius, the modeling of the pass on peace bonds first among convicts and then among migrants calibrated legal status against unemployment (or vagrancy), which invited deportation. We should consider that this tightening

⁷⁰ Maconochie is often called the "father" of penal reform, because his well-publicized report on convict transportation presented to the British Parliament in 1838 was used by the Molesworth Committee to end transportation to New South Wales, and he subsequently formulated his "mark system" as commandant of the penal settlement at Norfolk Island.

⁷¹ Clare Anderson, "Transnational Histories of Penal Transportation: Punishment, Labour and Governance in the British Imperial World, 1788–1939," *Australian Historical Studies* 47 (2016): 381–97.

⁷² Clare Anderson, *Convicts in the Indian Ocean: Transportation from South Asia to Mauritius, 1815–53* (Houndmills, UK: St. Martin's Press, 2000), 53–54.

⁷³ *Ibid.*, 53–54.

⁷⁴ *Report of the Royal Commissioners Appointed to Enquire into the Treatment of Immigrants in Mauritius. Presented to both Houses of Parliament by Command of Her Majesty* (Charing Cross, London: William Clowes and Sons, 1875), 27.

occurred precisely when Mauritius's increasingly vocal *gen de couleur libre* secured protection against discrimination and a status similar to that of Europeans before the law. The pass was thus entrenched in Mauritius before the abolition of slavery.

After emancipation, Ordinance 16 1835 used the passes to knit together the laws of vagrancy with master–servant laws.⁷⁵ Anyone unemployed was considered a vagabond and could be put to work. Those deemed vagabonds were to be placed under police surveillance and if convicted, imprisoned. For our purposes, it is significant that all expired service indentured workers entering the labor market had to register themselves with the police. They were given a ticket that included their name, birthplace, employment, marriage status, and the name of their employer.⁷⁶ The ordinances after abolition consolidated three important elements of the pass system. The pass was to be managed by the police station, shifting the authority of its supervisory power from the slave master to the police and magistracy. The Mauritius police was now empowered to undertake “vagrant hunts” modelled on old fugitive slave laws.⁷⁷ Second, the pass resembled in its information the data fields of the register rather than a letter of permission signed by the governor or slave holder. The ticket was a portable copy of the entries in the register. The pass circulated individual register entries rather than the master's or governor's signature. That is, the pass materialized and mobilized an architecture of information. As a correlate of the register, the pass served as a tracking device. The register was portable and moved with ease between the police bureau and other nodal points of the empire. In 1841, the immigration office received old registers from the police. Soon after Ordinance 22, 1847, workers who had served their period of indenture were compelled to go back to work and always carry the ticket as proof of status, and by 1846, all immigrants were to be registered and acquire a passport.⁷⁸ To be *sans papiers* would mean being arrested without a warrant. From 1864 to 1880s to be paperless meant being sent to the vagrant depot. The vagrant depot was previously the convict barracks built by Farquhar.⁷⁹ The Mauritius worker pass was thus inter-legal. Its form can be located at the intersection of different bodies of law governing the vagrant, the slave, the stranger, and the convict.

While the pass illuminates an inter-legal space crafted to constrain labor mobility, it also opened up the possibility of subversive or unforeseen legal interpretation on the part of the pass holder. Mauritian passes were objects of code breaking, self-differentiation, and public mobilization. Already in the Indian Ocean, Indian convicts arriving in British penal settlements in South East Asia refashioned their compulsory service as a type of military service—

⁷⁵ *Ibid.*, 29.

⁷⁶ *Ibid.*, 30.

⁷⁷ Allen, *Slaves, Freedman and Indentured Workers*, 54.

⁷⁸ *Report of the Royal Commissioners*, 68 and 69.

⁷⁹ See Saloni Deerpalsingh, “An Overview of Vagrancy Laws, Its Effects and Case Studies, 1860–1911,” in *The Vagrant Depot of Grand River, Its Surroundings and Vagrancy in British Mauritius*, ed. Vijayalakshmi Teelock (Port Louis: Aapravasi Ghat Trust Fund, 2004), 47–83.

naukari (retainership) —for the Company rather than forced servitude, appropriating to their permit of restrained freedoms the idea that they were not enslaved.⁸⁰ Anand Yang notes that it is likely that glossing over of overseas transportation as *naukari* emerged after the establishment of colonial penal colonies.⁸¹ There is some evidence that the pass system in Mauritius may have facilitated upward economic mobility. As “old immigrants,” the pass holders went on to become labor recruiters and creditors. There may have also been an effort to issue duplicate passes. After the pass system was introduced in the 1830s, there was an overall decline in the prosecution of vagrancy, possibly indicating the proliferation of duplicate passes.⁸²

Caste explicitly freighted the Mauritius pass showing how forms of immobility shaped the management of global labor mobility. The *Report of the Royal Commissioners* appointed to enquire into the treatment of immigrants in Mauritius favored the pass system because it “proved in every way to be better adapted for men in the state of civilization of the *low caste* natives who emigrate to these colonies [my emphasis].”⁸³ The commissioners presented the indentured resident pass as something that they were borrowing from the neighboring French colony of Reunion. However, the British Mauritius pass was in fact premised on good behavior bonds to prevent “roaming,” which had been used to curtail slaves, maroons, and convicts. Every “old immigrant” (i.e., those whose indenture period was completed) was now bound to report within a week of the expiry of the contract to the “Inspector of Police at the central station of the district and then, and there to justify his status by production of his ticket, and further to declare [...] his [*sic.*] place of abode and occupation, employment or means of subsistence.”⁸⁴ A counterpart of the pass was maintained in the police station. The pass had to be signed by the police, have a photograph of bearer and operate as a voucher for the status of the bearer and render them free from molestation. The pass system created a context whereby except when working continuously under written contract, the worker was consistently under police watch. Like the former convicts of the Australian penal colonies, any worker, or as the manuals called them “immigrant” found outside the district of residence and “being unable to give a *satisfactory reason* for his [*sic.*] being there” could be arrested without warrant. Thus, arrested and produced before the magistrate, the worker could be sent back to the Immigration Depot for further enquiries. These rules were first promulgated as ordinances in (Ordinance 31), 1867 and then as laws by 1868.⁸⁵

⁸⁰ Anand Yang, “Indian Convict Workers in Southeast Asia in the Late Eighteenth and Early Nineteenth Centuries.” *Journal of World History* 14, (2003): 183.

⁸¹ *Ibid.*

⁸² There was a decline in vagrancy-related arrests in 1861, but this was likely because of widespread requests for duplicates for lost passes: 12,500 duplicates were issued in 1861 and these numbers were ultimately reduced to 1126 in 1871. *Report of the Royal Commissioners*, 223.

⁸³ *Ibid.*, 129.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*, 130.

K.

Ordinance No.
31 of 1867.

FROM IMMIGRATION NUMBER 150,000 TO NUMBER 164,999.

a. From 150,000 to 154,999.		b. From 155,000 to 159,999.		c. From 160,000 to 164,999.	
District Number and Letter of Pass.	Immigrant's Number and Letter.	District Number and Letter of Pass.	Immigrant's Number and Letter.	District Number and Letter of Pass.	Immigrant's Number and Letter.
1	151,778	2	157,686	10	162,611
5	154,444	3	157,028	11	161,625
6	152,368	4	158,220	15	162,673
8	152,293	7	158,058	17	162,757
9	152,234	12	159,104	20	162,453
13	152,657	16	158,100	28	161,824
14	152,640	19	155,876	33	163,983
18	151,520	24	155,155	35	162,588
21	151,138				
22	154,618	36	156,000		
23	153,456				

Figure 1. Pass system information design in Ordinance 31, 1867

The paperwork of passes spatially segmented labor through an information system. The register, a system of cross-reference, tethered the former indentured worker to the codes of good behavior. A machinery of indexes corresponding with uncial letters and italic letters were appended to registers for easy reference to locate individuals. The number of registers were correlated to estimates of the worker population in Mauritius. Thus, a system of reference and cross-reference for tracking and querying the passes were established. The information design allowed the distribution of the register, while the passes were printed in different colors for different districts. Specimens of the passes were posted in every police station. The variations of the Mauritius pass system found all over the indenture worker system inscribed racialized alien status under the supervision of magistrates (Figures 1 and 2).

Certainly the injustices of the pass laws themselves were an object of public mobilization. In 1871, a petition detailing the ills of the pass system particularly Ordinance 31, 1867 garnered 9401 workers' signatures, anticipating by decades the campaigns led by Mohandas Gandhi against the pass laws targeting Asians in South Africa.⁸⁶ The petition, organized by workers and a German estate manager, Adolphe De Plevitz, discussed the nexus between the magistracy and the planters and the fees charged for good behavior tickets, and noted the continuity with slave ownership, vagrant hunts, and the widespread fear of arrest. In response to the petition, a Royal Commission was appointed to look into the treatment of immigrants in the islands. Although the commission confirmed the criticism of the system of indenture and noted the many deficiencies of the legal and bureaucratic paper arrangements of indentured labor regimes, it did not recommend the dismantling of the pass system. Indeed, by the late nineteenth century, pass laws made their way into many imperial jurisdictions to deem indigenous as strangers and to constrain racialized alien mobilities. The processes of

⁸⁶ Ibid., 16-22.

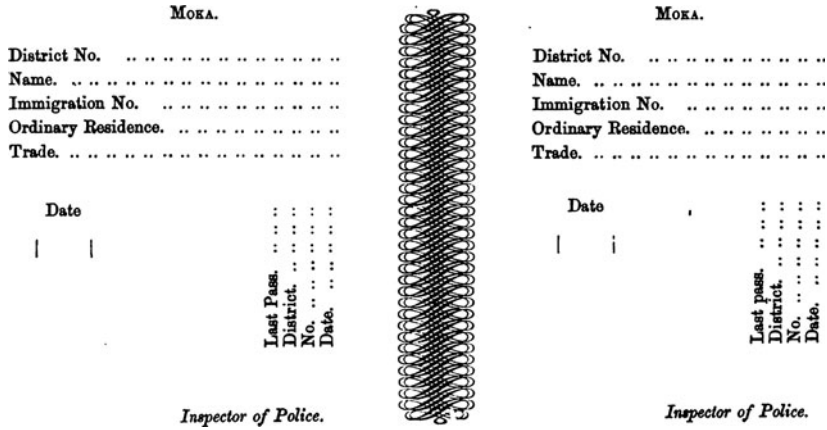


Figure 2. Pass and counter foil of the pass

dispossessing the indigenous and excluding Asians were certainly interlinked,⁸⁷ and were freighted by the racial calibration of legal subject-hood.

Conclusion

By illuminating the history of the pass over a long historical arc, this article has mapped the paperwork of mobility in the Indian Ocean. From facilitating the mobility of strangers and the forced mobility of slaves, individuated passes served as the infrastructure of racialized policing and anticipated pass law statutes of the nineteenth century. Yet, if passes were sites of code making, they were also an object of code breaking and a means to refashion legal meaning by pass holders in the interstices of law and empires. The scholarship on legal pluralism is myriad, but in its engagement with imperialism, it has signalled efforts to re-envision colonial law in terms of hybridity, fragmented jurisdictions, and negotiations around multiple normative orders (including those advanced by non-state authorities). Many studies of colonial legality in this vein have importantly centered the actions of litigants and colonial subjects as they navigated legal arenas to foreground a flexible or fluid view of imperial law. But while this push against a monist image of imperial law has challenged both the idea of law as command and a Euro-centric notion of law, the burden of accounting for an enduring racialized order cutting across state and non-state jurisdictions remains pressing. The pass was the material medium that circumscribed mobility the Indian Ocean according to norms of racial and caste hierarchy. It is an object and form that was inter-legal; it sorted persons into subjects of colonial slave, stranger, or indigenous law. The iterations of the pass thus make visible the dominion of documents in contexts of legal

⁸⁷ Renisa Mawani, *Colonial Proximities: Crossracial Encounters and Juridical Truths in British Columbia, 1871-1921* (Vancouver: UBC Press, 2009); and Leti Volpp, "The Indigenous as Alien," *UC Irvine Law Review* 5 (2015) 289-325.

fragmentation or multiplicity. Documents, the pass shows, do not subsume law. Rather, a media history of the pass illustrates the document as an object that enabled racialized hierarchies and struggles over them to emerge from legal multiplicity.

Acknowledgments. The author thanks the participants and organizers of the Paperwork Empires workshop; Columbia University's Center of Comparative Media colloquium and Ceynep Celik; and the University of Western Ontario's Legal History Research Initiative and Rande Kostal for their valuable feedback on earlier versions of article. Suggestions by an anonymous reviewer for *Law and History Review*, Nandini Chatterjee, Melanie Newton, and Gautham Rao helped sharpen this article immeasurably. The author also owes a debt of gratitude to the work of many scholars whose valuable research and insights made it possible to write this article when the pandemic closed archives and libraries.

Bhavani Raman is Associate Professor in the Department of Historical and Cultural Studies at the University of Toronto Scarborough.

Cite this article: Bhavani Raman, "Oceanic Mobility and the Empire of the Pass System," *Law and History Review* 41 (2023): 565–585. <https://doi.org/10.1017/S0738248022000542>