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Labour coercion and commodification: from the British Empire to postcolonial migration states

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ABSTRACT

Scholars of migration studies have only recently begun to focus on the interconnected histories of empire, postcolonialism, and human mobility. The existing literature presents a rather uncomplicated narrative of migration policy in a Global South unencumbered by the legacies of imperial rule. In this article, we aim to expand the concept of 'postcolonial migration states' by drawing parallels between imperial rule and postcolonial migration policymaking. We argue that legacies of imperialism endure in the management of mobility across postcolonial states of the Global South: a *legal* legacy through the adoption of colonial acts, statutes, and ordinances; and an *institutional* legacy through the repurposing of colonial bureaucratic infrastructures. We take the case of Indian indentured emigration under British imperial rule and trace its legacies in the contemporary movement of low-skilled labour out of South Asia to the Gulf Cooperation Council states. We find that the processes of labour coercion and commodification remain key features of migration control *during* and *after* colonial rule. Ultimately, we argue for the need to re-examine South–South migration processes to identify continuities between imperial policymaking and postcolonial states' management of human mobility.

1. Introduction

The [indenture] system is a source of injury and abuse, rather than of benefit to the labourers …
– F.R. Prinsep (Scoble 1840, 25)
This is slavery. We are stuck in these jobs because of laws and signatures that keep us here. What is freedom?
– Migrant worker in Qatar (quoted in Human Rights Watch 2020, 55)

The impact of colonial and imperial rule on contemporary migration patterns has gained significant scholarly traction in recent years. Imperial powers carved up territories, displaced populations, and imposed borders, thus creating enduring geopolitical configurations that shape migration flows and challenges today. This article is aimed at building on scholarship interrogating the rise of postcolonial migration in the Global South, albeit

with a focus on how imperial policies directed at economic, resource, and labour exploitation continue to shape cross-border mobility patterns today. The 'postcolonial migration state' emerged when states of the Global South began to rely on migration control policies to resolve domestic colonial-era tensions of citizenship, nation-building, and territorial sovereignty (Sadiq and Tsourapas 2021). While increasing academic attention is being paid to migration policymaking in states emerging from colonial rule (Bashford 2014; Frilund 2018), in contrast to classic liberal immigration states (Joppke 1999), migration studies scholars have yet to pay sufficient attention to how Imperial policies drove migration through colonization, settlement, and labour exploitation. In response, we focus on the workings of the British Empire and its policies on labour migration from South Asia to the Gulf Cooperation Council (GCC) states.

We argue that imperial labour mobility governance was shaped by two practices that continued to shape postcolonial migration states' policymaking. Firstly, British imperial labour policies were marked by legally sanctioned *coercion* in governing emigrant labour via punitive measures and harsh legal systems. Oppressive laws in colonised territories enabled the British authorities to exert control and coercion over indigenous labour, while legal systems often favoured British interests by facilitating the exploitation of resources, wealth, and (forced) labour from the colonies. Secondly, the British engaged in labour *commodification* of its subjects by treating them as objects of economic exploitation whose labour could be monetised (Polyani 1944; Freier, Micinski, and Tsourapas 2021). During the nineteenth century, international law emphasised the 'sovereign' state as 'the exclusive creator of law' (Anghie 2006, 745). Both the colonies and their people were excluded from the justice of laws, as they were based on doctrines that used racial and cultural rankings.

Indigenous populations were often displaced from their lands to make way for resource extraction, while the colonised were subjected to heavy taxes and levies imposed by the empire. International law began to allocate natives a 'quasi-sovereignty' (*Ibid*., 745) such that they could '*transfer* rights, property and sovereignty' as part of treaties and work contracts (*Ibid*., 745; emphasis in original). Principles in law were developed to create a two-fold fiction of 'free' labour: one part regarding its voluntary movement, and the second regarding its voluntary consent to work through contractual agreements. This fiction of 'free' and reciprocal contracts characterised the era of 'free' indentured labour,[1] the legacies of which still structure contemporary South–South labour emigration (Sadiq and Tsourapas 2023). Central to this colonial legacy are policies of labour coercion and commodification that remain in postcolonial states long after independence. We narrow this colonial path dependence across two state policies related to coercion and commodification in labour emigration: documenting proof of consent and regulating labour recruiters. Both remain key challenges to labour migration governance during and after colonial rule.

The article is structured as follows. We begin with an examination of the scholarly literature within migration studies that examines the linkages between empire and mobility in the Global South. That analysis identifies a specific gap in terms of how colonial practices continue to shape migration policymaking in postcolonial states. We situate our argumentation within the evolving literature of the 'migration state', and we continue with an in-depth analysis of the two dimensions of British imperial rule – labour coercion and commodification. We note how such practices continue to reverberate across postcolonial states today in the context of South–South migration. We conclude with a

discussion of how the article's argumentation may be generalisable to other regions and empires in the future.

2. The migration state in the Global South

This special issue seeks to explore how the concept of the 'migration state' has shed light on contemporary migration politics in different parts of the world (see Adamson, Chung and Hollifield 2024; Adamson 2024; Chung, Draudt, and Tian 2024; Triadafilopoulos and Taylor 2024). Hollifield's work provides an influential understanding of the dilemmas facing contemporary liberal states, for it offers a clear analysis of the economic and political trade-offs involved in managing migration in Western contexts – a 'liberal paradox' (Hollifield 2004). More recently, migration scholars have debated the concept's universality by applying it to diverse geographical contexts. The resulting analyses demonstrate how the 'migration state' continues to be a useful tool for comparative analysis of migration management, albeit in modified forms. By focusing explicitly on the Global South, Adamson and Tsourapas (2020) argue that a shift away from the concept's immigration focus would enable it to shed light on diverse practices of 'nationalising', 'developmental', and 'neoliberal' migration management regimes. In fact, by modifying Hollifield's framework to examine 'emigration states', several scholars have identified the various mechanisms linking states to extra-territorial groups across the Middle East (Tsourapas 2021), Asia (Liu 2022; cf. van Dongen 2022) and globally (Gamlen 2008). Frowd (2020) queries the division between immigration and emigration states further as he discusses the evolution of 'transit migration states' in sub-Saharan Africa. The need for a critical understanding of the concept's geographical universality has featured in recent debates on global migration governance (Pécoud 2021; Lacroix 2022), and Hollifield agrees that 'in the twenty-first century it is imperative to understand migration from the perspective of the Global South' (Hollifield and Foley 2022, x).[2]

Beyond the debate on the geographical universality of the 'migration state' across different regional contexts in the Global South, an ongoing scholarly debate seeks to understand the concept's applicability across time. For Klotz, Hollifield's work allows powerful insights into the evolution of migration politics in British colonial settler states such as South Africa (Klotz 2012). As she emphasises in her contribution to this volume, British imperial institutions 'facilitated ideational and policy diffusion' across settler dominions in Canada, South Africa, Australia, and New Zealand in ways that masked and perpetuated racism (Klotz 2024). The diffusion of seemingly neutral rules and practices indicate the overwhelmingly transnational character of imperial governance. Outside the British Empire, Chung demonstrates how Taiwan's migration policies were intimately tied to successive experiences with colonialism through Dutch, Spanish, Chinese, and Japanese imperial rule (Chung 2022, 142). Critical takes on the evolution of migration policymaking have provided separate assessments of Hollifield's concept within the fields of immigration (Natter 2018) and refugee studies (Hamlin 2021). Working on the Arabian Gulf, Thiollet (2022) examines how 'illiberal migration governance' spread patterns across the Gulf during the second half of the twentieth century. Further work on authoritarian contexts by Tsourapas and Natter identify an 'illiberal paradox' arising from the conflict between the economic need for liberal emigration policymaking and the security need for controlled borders (on this, see Tsourapas 2020)

while encouraging liberal immigration policymaking in certain contexts (on this, see Natter 2024). In South Asia, Sadiq (2022) demonstrates how India acquired migration state functions in phases: it emerged first as a subject colony, transitioned to a postcolonial state post-1947 with decolonisation and adopted migration state characteristics in response to regional unrest. Historical takes on Hollifield's concept have also enriched analyses of migration politics in Western contexts, with Lucassen (2022) offering a long-term perspective on post-imperial migration states in the European context following the end of World War II.

Questions remain regarding the utility of Hollifield's concept in understanding why and how the politics of contemporary migration states in the Global South should be examined in tandem with imperial and colonial practices. This is a growing question in the migration studies literature. Mayblin and Turner argue for the need to 'decolonise' migration studies and embed their analysis primarily within questions of modernity and racism (Mayblin and Turner 2020; cf. Collins 2022). In many ways, this is not a novel issue for scholars of migration who have been drawn to how colonial linkages have shaped Western states' immigration and citizenship laws (Zanker and Altrogge 2022) and how they continue to shape global mobility today (Vezzoli and Flahaux 2017). Attempts to shift the focus away from migrant countries of destination towards countries of origin are more recent: works by Mamdani (1996), Cooper (2014), Sadiq (2017), Berda (2022), Galam (2022) and Buckley, Chakravartty, and Gill (2023) aim to link the character of postcolonial membership regimes with colonial rule, while others examine the creation of postcolonial states through a similar prism (Quirk and Vigneswaran 2015; FitzGerald and Cook-Martín 2014). On a broader scale, a group of migration studies scholars has sought to understand the colonial origins of international organisations such as the International Organisation for Migration (Bradley 2023), the 1951 Refugee Convention and the international refugee regime (Krause 2021; Rahal and White 2022).

3. Situating the postcolonial in migration states

Global South states' migration policies are yet to attract sufficient scholarly attention regarding their colonial origins. Despite a plethora of recent work highlighting postcolonial migration politics (Lori 2019; Natter 2018; Belloni 2019), there have been scant attempts at historicising migration states' policymaking in concrete ways. An initial attempt to place Hollifield in conversation with work on colonial and postcolonial migration politics finds that the concept has a strong potential to shed light on continuing legacies of colonial and imperial rule across 'postcolonial migration states' in the Global South (Sadiq and Tsourapas 2021). Focusing on the Indian and Egyptian migration states, the study highlights how the postcolonial *migration* state was not created at the moment of independence, rather it only emerged when states started to rely on migration control policies to resolve colonial-era tensions over nation-building, territorial sovereignty and citizenship. Central to this process is the simultaneous control of cross-border mobility, made possible with stronger institutional capacity, and the development of multiple migration streams that prioritise specific groups of citizens at the expense of others. In this sense, attempts to address past tensions result in the reproduction of colonial and imperial tropes. Ultimately, postcolonial migration states across the Global South feature distinct continuities with migration policy responses developed

by erstwhile colonial and imperial powers. Yet questions remain regarding how labour systems, economic disparities, and cultural impositions from the colonial era continue to shape migration patterns and dynamics both within and from the Global South.

Methodologically, we employ the single case of the British Empire, given its vast geographical spread and longevity, in a crucial case-study approach to address this central puzzle (Gerring 2007). We engage in grounded theory focusing on inductive reasoning with the aim of generating theories or explanations based on empirical data and a deep reading of historical context. We base our analysis on archival and historical records, including official reports and media sources from the colonies during British rule, which yield strong inferential leverage in tracing the institutional legacy of imperial policies on labour emigration from South Asian states during and after colonialism. We focus on the politics of labour mobility under imperial rule and argue that imperial mobility governance was shaped by labour coercion and commodification, which bequeath state practices that continue to influence postcolonial migration states' policymaking today. Arguably, all modern states engage in forms of coercion and commodification in migration policy; what remains distinctive for our universe of cases is how postcolonial states borrow practices from the British colonial experience for their contemporary migration control policies.

British colonial migration practices, such as forcibly exporting labour out of South Asia, have left an enduring legacy in postcolonial migration states across two fronts: a *legal* legacy through the adoption of colonial acts, statutes, and ordinances; and an *institutional* legacy through the repurposing of colonial bureaucratic infrastructures. Imperial labour coercion and commodification are interrelated processes; by focusing on both in tandem, common actors and practices are revealed. Coercive practices include institutional forms of violence, abuse, and deception, such as those carried out by employers, recruiters, and intermediaries. Commodification practices include institutional forms of monetising labour through debt burdens, contract substitution, undisclosed fees, wage abuse, and the non-provision of housing and health guarantees. Multiple state and non-state actors may engage in coercion and commodification, as they are not mutually exclusive.

Firstly, we demonstrate how colonial *coercion* of emigrant labour led to the development of imperial laws and regulations that supported an entire legal infrastructure devoted to maintaining order in labour recruitment and migration control during British imperial rule. However, as abuses outpaced legislation, a fiction of regulation was created. Secondly, we show how opposition to colonial labour commodification policies towards indentured labour necessitated bureaucratic practices tasked with documenting individual consent, via thumbprints on labour contracts and appearances before magistrates. Consent was critical in distinguishing the 'voluntary' indenture regime from the earlier 'involuntary' practice of slavery. The introduction of a labour contract was meant to demonstrate to the outside international system that labour movement was 'free' and that labourers entered work 'contracts' of their own 'free will'. This fiction of 'free' movement and 'free' contract – and the underlying principle of consent – becomes the hallmark of contemporary labour-emigration policies. Postcolonial sending states are now similarly tasked with documenting the consent of their labour emigrants through signatures, interviews, health checks and predeparture training programmes. Just as under the colonial regime, postcolonial migration states increasingly seek to regulate recruiters and employers. The contemporary emigration infrastructure out of South

Asia was built on the foundations imposed by British India's emigration control. We demonstrate how postcolonial migration states' practices draw heavily on imperial tropes that emphasise the transactional nature of labour emigration and ignore the very precarity that causes such migration flows.

4. Colonial coercion and commodification in British India

For most of human history, coercive labour practices have dominated labour transactions across the world (Acemoglu and Wolitzky 2011). Coercion, or the threat of force to deter or compel another actor to behave in a particular way, was essential to British imperial mobility practices. The formal end of slavery in 1807, with the Slave Trade Abolition Act, did not end the labour demands of British sugar, coffee, tea and rubber plantations in Mauritius, South Africa, the Caribbean, Guyana, Ceylon, Malaya, and Fiji. The British imperial system required a new labour migration regime to maintain plantation econom- ies and their contributions towards maintaining the British Empire. Plantation owners looked towards British South Asia to supplement their labour force, since the African slave labour route had been forcibly closed. In 1834, private plantation owners in Maur- itius surreptitiously arranged for the recruitment and travel of indentured labour from India. Plantation owners in Demerara (British Guyana) and the West Indies became aware of and adopted this practice. This marked the beginning of an 80-year period of British South Asian indentured labour emigration.

The distinction between the forced migration of slavery and the indenture regime rested on documenting the consent of an individual labourer to a single labour contract (Mongia 2018). Much of the initial indentured emigration was unregulated, with individ- ual plantation owners seeking private loans and making private transport arrangements. This caused much frustration, as noted in a letter from the Colonial Secretary's Office in Mauritius, who sternly warned:

> It having lately been attempted to bring Indian Labours *as an object of speculation*, without any specific agreement as to the individuals whom they are to serve, I have been directed to warn you that transactions of this nature not being sanctioned by any laws either of the Colony, or of the United Kingdom, cannot be permitted; and that Indian labourers arriving under such circumstances will not hereafter be allowed to land.[3]

As legal and institutional controls over labour flows were needed, a legal system of 'coolie' emigration was established in 1837 through Act V of the British Parliament. The formal regulation of the indenture regime was met with vigorous opposition, as expressed by a writer to the *Friend of India* gazette on 3 August 1839:

> It is in vain to shut our eyes to the calamities which impend on India. It was in this manner that the Slave trade crept in, under the shadow of Parliamentary regulation; a race was then begun between *abuses* and *legislation*, in which *legislation was always found to be in the rear*. And so it will be with the cooley trade. We must tread the same circle; and, after years of the most poignant misery, come to the same result, that in the case of the *new*, as of the *old*, trade, the only path of safety lies in absolute prohibition.[4] (emphasis in original)

Far from being a 'free' movement of labour, accusations of wanton kidnappings and forced detentions came to light, with implications of police involvement and extortion. Slavery abolitionists found the indenture regime to be simply 'a new system of slavery'

(Tinker 1974). It was reported in 1838 that the conditions on the ship *Hesperus* were 'of the most painful nature', where 'the coolies had to be forced on board … [and] the hatches were bolted down.'[5] Forcefully confined like prisoners, they 'were made to pay by the Chokedars for the privilege of coming on deck' from money that was advanced by company recruiters.[6]

Act V was designed to regulate the indenture regime to include the use of labour contracts, minimal standards of care in dietary and 'space' allocations, along with access to medical attention. Labour permits served as labour contracts to indicate the terms of labour and basic provisions. They were set for five years and were assigned to a specific plantation, but they were transferable to others if the initial owner agreed. Plantation owners, much like contemporary manpower labour companies, wielded much power in deciding whether, and when, labourers could be let go or transferred and what kind of care they received. Abolitionists noted that Indian indentured labour arrived at plantations 'having been robbed of six months' pay' to:

> toil during five years for a recompense bearing *no proportion to the work to which they are subjected* when compared with the common estimation of the *value of labour* in this colony, or to the sum which they would earn if they had the *free disposal* of their own time.[7]

While the labour contract was the key mechanism through which consent to emigrate was documented, the contract also presented a fiction of equal standing between the plantation owner (the employer) and the indentured immigrant (the labourer). It assumed that consent meant a 'willingness' to commodify labour, disposing the 'self' for financial gain. In doing so, the labour contract masked the reality of indentured labour, which was coerced and where plantations owners grossly reneged on their responsibility to provide basic living provisions and wages. When the labourers landed at their designated plantations, severe forms of abuse awaited them. A Government Secretary's Office report dated 2 May 1839 described witness accounts: 'Their hands were tied behind their backs, they were beaten with a rope; ten times they lick them.'[8] Another recounted, 'The coolies were locked up in the sickhouse, and next morning they were flogged with a cat-o'-nine-tails … I cannot tell how many licks, he gave them enough. I saw blood.'[9]

The growing outcry against the violence and blood of the 'coolie trade' pushed the imperial government to respond. A six-member committee was established to investigate claims of coercion. The findings and recommendations were distributed as the Dickens Committee Report (1839–1840) and included several testimonies. The report assigned much of the culpability to labour recruiters who engaged in deceptive practices, and this further polarised sentiment between those wholly opposed to the indenture regime and those who squarely blamed labour recruiters as the source of problems. Colonial administrators sympathetic to plantation owners believed that indentured labour could be made advantageous to all interests through regulation. As J.P. Grant, the sixth member of the Dickens Committee, opined:

> I conclude then that, as far as our information goes, the whole of the evils which attended the export of Indian labourers to our own colonies were casual and may, *by good regulation*, be prevented for the future; that the direct advantages of free emigration are immense, whilst the indirect advantages are incalculable … [10]

Consequently, the Colonial Office passed numerous ordinances and acts to regulate the South Asian indentured regime in an *ad hoc* manner, with each new act layering upon and clarifying the previous one, while distinguishing between colonies and ports. As the gap between abuse and legislation continued to expand, abolitionists charged that the plantation interests were merely calling 'upon the government to give them *laws to coerce labour under a state of freedom* and to place the administration of the laws entirely in their own hands.'[11]

By 1856–57, alarming reports of ship mortality had come to light, especially regarding emigrants departing from the port of Calcutta to the West Indies. The ship *Merchantman* carried 385 labourers, including women and children, 120 of whom lost their lives during the passage. That mortality rate of 31.17% was dramatically beyond the norms of the time (see Table 1). Similarly, the ship *Roman Emperor* carried 313 labourers, 88 of whom died during the journey, resulting in a mortality rate of 28.11%. Of the 12 ships reported during the 1856–57 season, the average mortality rate was above 17%, thus indicating that at least one in six labourers died during the journey from Calcutta to the West Indies. It was argued that the 'mortality and massacre of the voyage far exceeded the African middle passage itself.'[12] A formal investigation ordered by the Government of Bengal found that myriad factors contributed to the higher mortality rates, including the 'increased proportion of women and children', 'the neglect of proper sanitary precautions' and the inability 'to communicate with the emigrants.'[13] A series of new recommendations were introduced, known as the 'Calcutta rules', that other ports of embarkation such as Bombay and Madras were encouraged to adopt.

By 1863, wage and welfare abuse cases had come to light, including 'non-payment of wages' and 'non-delivery of rations' on plantations, and 'wage stoppages' had become a serious concern. Legally, if wages were three months in arrear, the labourer could '*claim the cancellation of the contract,*' but this stipulation was rarely enforced.[14] Penalties for breach of contract by indentured labourers were severe, whereas penalties for breach of contract by plantation owners were seldom applied. It was reported in 1863 that 4,699 formal claims of 'non-payment of wages,' 813 complaints of 'non-delivery of rations,' 35 cases of 'refusal of medical care,' and 260 formal complaints of 'assault and battery' were made in Mauritius alone (see Table 2). Data for the years 1864 and 1870 reveals a multiyear trend in wage and welfare abuse. Since fear kept most labourers from

Table 1. Labour deaths on ships from Calcutta to West Indies (1856–57).

Name of ship	Labourers (including women and children)	Deaths	% of mortality
Wellesley	382	22	5.75
Bucephalus	380	45	11.84
Robert Seppings	291	61	20.96
Roman Emperor	313	88	28.11
Adelaide	304	25	8.22
George Seymour	354	36	10.17
Eveline	387	72	18.60
Maidstone	375	92	24.53
Merchantman	385	120	31.17
Granville	309	37	11.97
Burmah	326	49	15.03
Scindian	288	60	20.83
Total	4,094	707	17.27

Source: Dispatch from Court of Directors, 22 July 1857 in Geoghegan (1873, 26).

Table 2. Formal complaints against employers in Mauritius (1863–70).

	1863	1864	1870
Non-payment of wages	4,699	3,743	2,551
Non-delivery of rations	813	787	272
Refusal of medical care	35	30	47
Non-delivery of tickets	357	414	356
Assault and battery	260	205	238
Total	6,164	5,179	3,464

Source: Geoghegan (1873, 91).

filing official complaints, the actual numbers are estimated to be much higher. In 1871, it was noted that for the sugar estates, 'the planter won 91% of his cases.'[15]

More regulations to limit coercion and commodification by labour recruiters were introduced in 1864 (Act XIII of 1864).[16] For example, section 17 of the Act appointed a medical inspector to determine whether a labourer was in a fit state of health to emigrate, and sections 18–19 established official emigration depots in Calcutta, Madras and Bombay to separate indentured emigration from commercial trade and other activities at the port. In an attempt to regulate the double system of recruitment, one by 'special agents' of individual employers (plantation owners) and another by 'recruiting agents' appointed by the official Emigration Agent, the 1864 Act set up a licensing scheme to streamline recruitment activities (Sections 24–35 of Act XIII of 1864).[17] It required recruiters to register and purchase (for ten Indian rupees) a one-year licence to recruit labour to a specific colony. Each recruiter was to appear before a magistrate or protector with the emigrant labourers they had recruited, but even these regulations were lacking in implementation.

Like many before it, the 1864 Act was contradictory. While seeking to limit coercion through the regulation of recruiters, it also deemed individual consent to a contract to be *irreversible*. Section 44 of the 1864 Act made refusal to embark a criminal offence: 'an emigrant refusing or neglecting without sufficient cause to embark is not to be forced on board; but may be prosecuted under Section 492 of the Indian Penal Code.'[18] Once a contract had been signed, regardless of whether the labourer fully understood it, there was no way of going back. Coercion operated through the threat of criminal proceedings. That irreversibility made those labour contracts similar to the contemporary labour contracts signed by low-skilled migrant labour out of South Asia. Had indentured labourers been aware of their negligible accommodations, lack of medical care in plantations and non-payment of wages, they would not have 'consented' to such subjugation. British plantation owners were colluding with labour recruiters in the non-provision of basic contractual obligations.

Describing the conditions of a 'sickhouse' (medical bay) in British Guiana, an observer noted:

> the house itself was wretchedly filthy … the poor sufferers had no mats nor mattresses to lie on; a dirty blanket was laid under them, and their clothes wrapped together formed a kind of pillow … The squalid wretchedness of their appearance, their emaciated forms and their intense sufferings from disease and sores were enough to make the heart bleed![19]

Claims of deficient housing and medical facilities for indentured labourers spanned across the plantation colonies. In Mauritius, the death rate among Indian indentured labourers on plantations was as high as 55.1% in 1868.[20] If overwork, disease, undernourishment, and

Table 3. Indentured labour suicides in Mauritius (1868–70).

	1868	1869	1870
Indians	61	89	59
Others	3	1	8

Source: Geoghegan (1873, 100).

dilapidated conditions did not take lives, desperation led to other violent actions such as suicides. Official records from 1868, 1869 and 1870 documented the death of 61, 89 and 59 Indian labour suicides, respectively (see Table 3). Yet an investigation led by Sir A. Gordon attributed suicide deaths among Indian labourers 'to an intense nostalgia' instead of the deplorable conditions that violated their contracts.[21]

Over time, South Asian labour in various plantation colonies mobilised against the injustice of indenture, and this led to anticolonial solidarity. In Natal, indentured labourers who had become 'free Indians' were subject to racialised policies that controlled their mobility and residence (Klotz 2022). Consequently, the Natal Indian Congress was formed in 1894 to advance the welfare of 'free Indians,' while in Trinidad, free Indians established the East Indian National Association in 1897 (Mahase 2020, 137–9). Agitation and protests in Mauritius and Fiji erupted due to harsh 'vagrancy' laws that targeted 'free Indians' no longer tied to plantation contracts. Under increased pressure in the colonies, and with its tenuous position in WWI, the British government formally suspended the 80-year-old indenture regime in 1917 and replaced it with the 1922 Emigration Act in India.

The 1922 Emigration Act sought to limit coercion and commodification in labour emigration through formal bureaucratic regulations. It carried forward (and renamed) key bureaucratic positions, such as the Protectorate General of Emigrants, and required the use of international passports and clearance stamps that were distinguished by class and education level. It also maintained the colonial-era licensing scheme for labour recruiters. Demand for indenture-like labour shifted from faraway plantations in Mauritius, Fiji, Guyana, and Trinidad to nearby regional plantations in Ceylon, Burma, and Malaya. Labour demands also shifted from sugar, rubber, tea, and coffee plantations to Britain's oil extraction industry in the Middle East. By the 1930s and 1940s, South Asian labour was again complaining of unsafe and discriminatory working conditions in the Gulf, leading to strikes at key oil refineries (Wright 2021). Labour recruiters exploited loopholes in emigration regulations to pass off 'unskilled labour' as 'skilled labour' and sent thousands of Indian labourers overseas. The 1922 Emigration Act eased mobility restrictions for an educated middle-class and sought to protect 'unskilled' labour through heighted regulation, but recruiters were able to circumvent these protocols. As Wright (2021) emphasises, Indian labour recruitment was organised, hierarchical and ideal for the exploitative manpower needs of British oil companies; labourers could be 'hired' and 'fired' with ease despite having contracts.

5. Postcolonial coercion and commodification in the South Asia – Gulf Cooperation Council (GCC) migration corridor

Postcolonial migration governance in South Asia carries the legal and institutional legacies of the 1922 Emigration Act. After achieving independence in 1947, India officially

kept the 1922 Emigration Act and some of its key provisions for 60 years – almost as long as the British kept the former indenture regime. Even as South Asia splintered during decolonisation, labour-emigration policies remained strikingly similar. In 1983, a new Indian Emigration Act replaced the British era legislation but retained many of its colonial features that emphasised the 'welfare' of the migrant and promoted overseas employment – a strategy that again risked coercion and commodification of its citizens. Other South Asian countries that were subjected to the British colonial indenture regime followed a similar legislative path. Bangladesh updated the 1922 Emigration Act with an Emigration Ordinance in 1982, while Sri Lanka's Emigration Ordinance of 1917 was updated in 1971 with the Exit Permit Act.

Like the colonial indenture regime, an interregional network of private recruitment agencies still dominates the labour-emigration industry in South Asia. South Asian labour plays a crucial role in meeting the labour needs of GCC states while also providing employment opportunities for individuals seeking better economic prospects. The latest available figures, provided by the World Migration Report 2022, indicate that migrants in 2020 accounted for 88% of the population in the United Arab Emirates (UAE), nearly 73% in Kuwait, 77% in Qatar and 55% in Bahrain, with South Asian labour comprising a significant proportion of these migrant populations (McAuliffe and Triandafyllidou 2021, 75).

Labour migration to the GCC is largely governed by the Kafala system, which is a sponsorship-based arrangement where migrant workers are dependent on individual sponsors/employers, who wield considerable authority over workers legal status, employment conditions, freedom to exit the country or change employers, thus revealing striking similarities with conditions faced by colonial indentured labourers out of South Asia (Lori 2019). Contemporary labour recruiters play a central role in addressing the labour needs of employers and often engage in coercive practices (Malit and Tsourapas 2021). Thiollet refers to this as a form of 'migration rent' in which state and non-state actors extract income from migrants through fees and taxes on permits, bureaucratic authorisations and even remittances that labourers send home (Thiollet 2024). For low-skilled workers, these practices include institutionalised debt bondage, where labour emigrants pay up front for the cost of emigration, thus creating an environment of manipulation, violence, and physical abuse. Labourers often take out loans at exorbitant interest rates based on false or misrepresented information with fees 'nine times the average income of some workers' home countries.'[22] For example, a migrant worker from Madras said that, 'to pay the recruiter's agency fees, he had sold part of his land and his wife's gold jewellery, borrowed from relatives and taken out a loan of 90,000 Indian rupees (USD 1,800).'[23] Another migrant from Andhra Pradesh, India said, 'I took out a loan for the 120,000 [Indian rupees] at 3% *monthly interest*. I paid off my principal, but I don't know how much interest I still owe.'[24] He had been working in the UAE for three years and paid a labour recruiting agency 120,000 Indian rupees (USD 2,400) for his work visa and 5,000 rupees (USD 100) for a plane ticket. Labour-receiving countries in the GCC prohibit employers and recruiters from passing fees on to labour migrants, but there is little enforcement of these regulations, and manpower agencies can easily coerce labour under a fiction of compliance.

A second coercive practice deployed by recruiters is the use of fraudulent labour contracts, including cases of contract substitution. Migrants depart from their countries of

origin on one contract and are then forced to sign another contract upon arrival in the country of destination.[25] For example, a labour supply agency had promised 30 men from Andhra Pradesh, India, jobs in the Gulf with a basic salary of 700 dirhams (USD 190), but once they arrived the company forced them to sign new contracts with a basic salary of just 350 dirhams (USD 95). One worker said, 'We refused to sign anything. But after a month we all signed because they were going to send us back.'[26] Much like the threat of criminal proceedings against indentured labour in the colonial period, contemporary labour is coerced with the threat of deportation. Another employee said, 'We had to sign three or four copies [of the contract] really fast, they just flipped up the bottom of the pages where we signed.'[27] They were instructed to do this as soon as they arrived, with no explanation of the contract or opportunity to read it. Just as in the colonial era, those who are deemed illiterate used their fingerprint as a marker of consent. One Bangladeshi worker said, 'We just waited in a queue, and the Al Jaber people said that if you're illiterate you put your fingerprint on a blank page; they didn't explain anything.'[28] Such abuses render labour contracts as merely providing a fiction of compliance.

Even without signing new contracts, some migrant workers discover that their actual salaries are half of what was promised.[29] Labourers consent to loan amounts based on expected salaries, but when the actual salaries are much lower, their debt bondage increases, leaving them worse off. A surveyor's assistant in Abu Dhabi said:

> I sold land to pay for part of the agent's fee and had to take out a loan for the rest. The agency said I'd get a basic salary of 700 dirhams [USD 190] per month, but when I got here my salary was only 350 dirhams [USD 95]! When I first came here I was going to save money for a house, get married, have a child, but now, this isn't really possible.[30]

These wage violations form part of a wider trend. A rare study of 93 low-skilled labourers in Qatar found coercion and commodification systematic in the construction industry.[31] Labourers faced multiple forms of wage abuse, citing 'payment of recruitment fees', 'delayed or unpaid wages', 'lack of overtime payments' and 'underpayments of basic payments' as the most common methods through which they are exploited (see Table 4). Interviews revealed a total of 254 instances of wage abuse across six categories. The official position of other destination countries such as the UAE is that they 'will not intervene in cases of contract fraud perpetrated by foreign labour agencies outside the country's borders.'[32] Bearing high debt burdens, low-skilled emigrant labourers rarely contest such exploitative practices and even if they seek recourse, minimal avenues exist for institutionally and legally challenging employers.

For example, a 'free visa, free ticket' government policy scheme was introduced in Nepal in 2015 to shift the cost of migration to employers and recruiting agencies by

Table 4. Type and number of migrant wage abuse cases in Qatar (2020).

Wage abuse (Type)	Number of wage abuse cases
Delayed or unpaid wages	59
Lack of overtime payments	55
Contract substitution	13
Lack of departure payments	20
Underpayments of basic payments	35
Payment of recruitment fees	72

Source: Human Rights Watch (2020, 15). A total of 93 workers were interviewed.

capping the permitted recruitment agency fee at 10,000 Nepali rupees (USD 100), yet violations of this policy abound. Once a contract has been signed, recruiters only issue receipts for 10,000 Nepali rupees, which is a miniscule fraction of what migrants actually pay (Eapen 2019). By manipulating receipts, recruiters maintain a fiction of rule compliance and profit from it. Bangladesh's Ministry of Expatriates' Welfare and Oversees Employment has established a similar free structure and cap for various job categories that distinguish between skilled and unskilled labour. Similarly, the Government of India has regulations that control recruitment fees and distinguish between countries of destination as well as labour categories. Yet, despite these formal policies for protecting migrant workers, the International Labour Organisation estimates that labour emigrants out of South Asia have paid close to USD 10 billion in bribes to acquire jobs that often leave them poorer (Eapen 2019). These 'unauthorised cash transactions' continue on a daily basis, feeding a multi-billion-dollar recruitment industry, paid by those who are already most vulnerable.

The gap between regulation and abuse faced by current low-skilled labour out of South Asia to the GCC parallels the conditions faced by indentured labourers under the British colonial regime. In both cases, labour is harshly coerced and commodified by recruiters and employers who use *irreversible* labour contracts to seemingly denote 'consent' even as violations of state regulations are widespread. Moreover, laws overtly privileging employers make accountability difficult. When labour contracts are forced and irreversible, they become harder to distinguish from labour bondage and trafficking. Female domestic workers are particularly vulnerable because they are isolated in residential settings. For example, a Bangladeshi domestic worker says she was 'bought' by an Omani family against her will, they confiscated her passport and mobile phone, forced her to work 21 hours a day with little food and when she ran away the police returned her to the employer (the abusive family), who beat her severely. As she recounted, 'they beat me mercilessly. I became numb from all the beating.'[33] The coercive relationship between 'employee' and 'employer' is further commodified by charging 'release money', primarily from female domestic workers, with the cost often exceeding the original recruiting fee. Another female Bangladeshi domestic worker paid a recruiting fee of 300 Omani rial (USD 780) for work, where the employer's adult sons sexually harassed her. When she pleaded with the employer to be allowed to leave, the employer responded, 'I bought you for 1,560 rials (USD 4,052) from Dubai. Give it back to me and then you can go.'[34] The practice of demanding 'release money' from domestic workers was common, according to recruitment agents, though not legally sanctioned.

Not unlike the conditions faced by indentured emigrants in the colonial era, physical abuse in working environments and wage abuse, coupled with high debt burdens, can lead to violent outcomes such as suicides. In 2010, it was reported that 'almost every two days a migrant worker commits suicide in Kuwait' (Migrants Rights 2010). In Nepal, recent data suggests that for overseas Nepali workers, official deaths by suicide are comparable to deaths by workplace accidents (see Figure 1).[35] In 2008–09, there were nine deaths by suicide and six deaths by workplace accidents of overseas Nepali workers. For 2017–18, an alarming 132 deaths by suicide were reported, compared with 67 deaths due to workplace accidents. This dramatic rise parallels an overall increase in labour emigration out of Nepal, particularly to the Gulf region, and may be indicative of harsh working conditions abroad. The classification of migrant death is significant
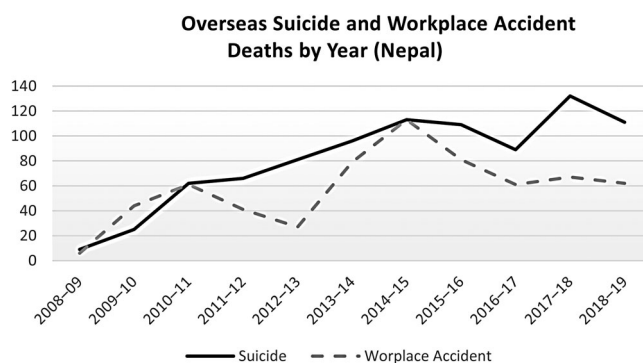
**Overseas Suicide and Workplace Accident
Deaths by Year (Nepal)**

Figure 1. Overseas Suicide and Workplace Accident Deaths by Year (Nepal).
Source: Government of Nepal 2020, 83. Data is in aggregate form and is not disaggregated by country of death.

because the official cause of death is linked to the amount of monetary compensation that must be paid to the family of the deceased. It is often speculated that incorrect classifications are routinely applied to migrant deaths to reduce the economic burden on the company or employer (ILO 2016). Similarly, government data from India suggests that an overwhelming majority of the global overseas deaths of Indian workers during 2013–2016 occurred in the Gulf (see Table 5).[36] Of the 3,927 total deaths that occurred globally of Indian workers overseas in 2016, a significant proportion (3,210 deaths) occurred in GCC states (Table 5).

The parallels between the indenture labour regime under British colonialism and contemporary low-skilled labour emigration out of South Asia are striking. Debt bondage, non-payment of wages, disputes over the non-provision of basic goods such as food, shelter and medical treatment, along with physical abuse, assault and battery, have remained constant challenges in the labour-emigration regime. Labour recruiters emerged as critical actors during and after British colonial rule, and the labour contract remains the primary mechanism for documenting individual consent that is irreversible, even in the face of blatant wage abuses and fraud. These continuities and challenges reveal how the *legal* and *institutional* legacies of colonial migration impact contemporary postcolonial migration states. Two colonial practices continue to challenge postcolonial migration governance: the fiction of regulating coercive labour recruiters who often use violence, abuse, and manipulation; and second, the fiction of 'consent' that legitimates and masks the extreme commodification of vulnerable emigrating labour.

Table 5. Indian worker deaths abroad (2013–16).

	2013	2014	2015	2016
UAE	1,385	1,435	1,540	825
Saudi Arabia	2,394	2,430	2,693	1,559
Kuwait	533	559	611	295
Oman	555	519	520	272
Qatar	241	279	279	152
Bahrain	163	175	223	107
GCC Total	5,271	5,397	5,866	3,210
Global Total	6,329	6,564	7,171	3,927

Source: Lok Sabha Unstarred Question No. 1,782; Government of India (2016). Table and totals compiled by authors.

6. Conclusion

This article argues that an examination of colonial and imperial rule is necessary for understanding contemporary migration practices across the Global South. Colonialism was fundamentally based on the abuse of power and the establishment of hierarchical relationships. By studying how this translates to migration policymaking, we can analyse power structures, systems of domination and the mechanisms through which unequal relations were created by colonial structures and sustained in postcolonial practices. Importantly, we also argue that these colonial and imperial practices persist, albeit in different forms, to this very day. The legal and institutional legacies of empire continue to shape contemporary migration practices and reveal how labour policies that were designed to serve imperial interests survive in new forms to serve the interests of post-colonial states. Taking the 'migration state' as a foundational premise, this article is embedded in ongoing debates within international politics on the development of the concept of 'postcolonial migration states', which appear to have distinct continuities with pre-independence practices. By focusing on the workings of the British Empire through a crucial-case-study approach, we argue that imperial labour mobility governance was shaped by two practices that continue to distinguish postcolonial migration states' policymaking today: firstly, legally tolerated *coercion* in governing emigrant labour; and secondly, widespread practices of migrant *commodification*.

While the previous sections identified continuities between the British Empire and postcolonial migration states' practices in the treatment of emigrant labour, similar patterns emerge in other notable empires and the states that arose from their imperial rule. For one, coercion was a central part of French imperial strategy, particularly in Africa, which witnessed the use of forced labour and coercive recruitment practices. The French authorities, through mechanisms like *corvée* labour or forced conscription, would require indigenous populations to provide labour for public works projects such as road construction or infrastructure development (McDougall 2017). Similar practices persist today in numerous francophone African states which can be traced back to the particularities of their unique French colonial histories. Likewise, Italian colonial authorities facilitated the recruitment and trafficking of labourers from Libya. Labour brokers and intermediaries were involved in the process, and they engaged in practices that treated migrants as commodities to be bought, sold, and transported for labour purposes. Those practices included debt bondage, where migrants incurred debts for their passage and were subsequently exploited to repay them through labour (Vandewalle 2012). Clearly, more comparisons of migration policies *within* and *across* empires are needed to assess varying forms of imperial and colonial legacies, thus providing a promising research agenda for future scholarship.

While Hollifield's 'migration state' concept provides a fruitful way of analysing the contemporary politics of migration, more scholarly work is needed in terms of historicising it and unpacking its colonial and imperial underpinnings. Doing so will shed light on how colonial hierarchies and ideologies, such as racial and cultural superiority, continue to inform migration policies, practices, and public discourses. Such engagements will enable a more comprehensive understanding of the structural factors that contribute to the marginalisation and exclusion of certain migrant groups. Importantly, we believe that recognising the colonial and imperial dimensions of the 'migration state'

highlights the importance of addressing historical injustices and promoting social justice in migration governance. A careful analysis of postcolonial migration states' practices underscores the need to challenge and dismantle discriminatory practices rooted in colonial legacies, to critique structural power imbalances between the Global North and the Global South, and to centre the voices and experiences of marginalised migrant communities.

Notes

1. Indentured denotes a labour category, presumed to be unskilled and expendable, that applies to both formal indentured emigration (labour under contract) as well as informal, non-contractual labour emigration. The latter includes private or illegal recruitment. See Tinker (1974), Mongia (2018), Mahase (2020), Singha (2020), Mayblin and Turner (2020), Wright (2021) and Agarwala (2022).
2. We recognise the contested nature of the concept of the 'Global South'. For a discussion of the interplay between the non-West, the Global South and postcolonial states in terms of the international politics of migration, see Sadiq and Tsourapas (2023).
3. Author's emphasis. See Government of India 1839, 177–8.
4. Scoble (1840, cover page).
5. *Ibid.*, 7.
6. *Ibid.*
7. Authors' emphasis. *Ibid.*, 28.
8. *Ibid.*, 16. Witness statement regarding the conditions on the Vreed-en-Hoop plantation.
9. *Ibid.* Witness statement regarding the conditions on the Vreed-en-Hoop plantation.
10. Author's emphasis. See Geoghegan (1873, 6). J. Geoghegan, a senior official of the British empire, was Under Secretary to the Government of India, Department of Agriculture, Revenue and Commerce.
11. Scoble (1840, 23). Author's emphasis.
12. Attributed to abolitionist Lord Brougham, see Geoghegan (1873, 9).
13. *Ibid.*, 27. Other causes that were listed included 'probable foul state of the bilge' and 'changes in the diet of emigrants', among others.
14. *Ibid.*, 91. Emphasis in original.
15. *Ibid.*
16. *Ibid.*, 39–43.
17. *Ibid.*
18. *Ibid.*, 44.
19. Scoble (1840, 13).
20. Geoghegan (1873, 94). Death rates in 1869 and 1870 were lower.
21. *Ibid.*, 100.
22. *Ibid.*, 35.
23. *Ibid.*, 34.
24. Human Rights Watch (2009, 35).
25. There have been efforts in the GCC to combat contract substitution. In 2018, Qatar introduced Qatar Visa Centres (QVCs) in India, Nepal and Bangladesh (among other countries) to limit contract substitution and force employers to honour contracts signed in home countries.
26. Human Rights Watch (2009, 41–2).
27. *Ibid.*, 42.
28. *Ibid.*
29. *Ibid.*, 2.
30. *Ibid.*, 37.
31. Human Rights Watch (2020, 15).

32. Human Rights Watch (2009, 3).
33. Human Rights Watch (2016, 22).
34. *Ibid*., 24-5.
35. Data is not disaggregated by country of death.
36. Data is not disaggregated by cause of death.

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