

Before citizenship: Liberalism's colonial subjects¹

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This paper is concerned with the way colonial states established limited forms of access to civic and political life for their subjects. The issue of how colonial subjects were constructed as *political and civil subjects* is not well understood and one aim of this paper is to propose a new and hopefully more productive way of understanding the relationship between colonial subjects and their colonizers. This might be understood as a new lens through which colonial debates around native participation may be read and understood, or a new ear to some of the nuances of colonial language and concern. At the same time as saying this it must be recognized that the colonial state, and those subject to it, were not homogeneous. Marked differences existed between the early and late periods of colonial rule in British India, just as also between British colonialism in India and Africa, or British colonial rule in India and that practiced by, say, the French in Algeria. The case study for this research has been British rule in India in the second part of the nineteenth century. This should be borne in mind when

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considering conclusions drawn here and the extent to which they might reasonably be generalized to other colonial contexts.

The paper is divided into three sections. Section I provides a brief sketch of nineteenth century British liberal political thought in respect of colonialism and the projection of British rule offshore. Its aim is not to provide a comprehensive review of this topic but rather to indicate some of the broader views and assumptions that animated colonial administration from the latter part of the nineteenth century forward (for a more comprehensive review, see Moore, 1966; Sullivan, 1983). Key amongst these was the idea that liberty rights and political participation were the preserve of societies that had reached a mature level of civilization; for those that had not, despotic government was not only preferable but indeed desirable. Post-colonial theorists have debated the extent to which such a colonial state may or may not be considered modern. In section II the work of Partha Chatterjee is described, for his reading of colonial discourse as guided by a ‘rule of colonial difference’ has been influential. This rule, he asserts, is the rule of race, a rule that allowed natives to be screened out of the otherwise universalizing measures taken up by the liberally minded colonial officials. While race certainly was invoked frequently in colonial debates, and often in purely racist tones, I will attempt to argue in section III that race also worked as a marker, or range rider, for a far more complex set of assessments of the native undertaken in the spirit of John Stuart Mill’s claim that only those capable of civilized conduct were eligible for participation in civic and political life. I critically review and revise Chatterjee’s analysis of the Vernacular Press Act 1878 and argue that in a colonial rule by law, native character – not race – was the key issue upon which decisions about access to liberal, modernising innovations turned. I conclude by arguing that character development and rule by law were two parts of a single mechanism of governance articulated in the colonial sphere and that, contra Chatterjee, the metric underlying a rule of colonial difference was character and conduct, rather than race.

I. Liberalism and despotic government

Liberalism is widely recognized as a universalising doctrine. Within the liberal political order basic rights are held to be available to all, without regard to creed, colour or religion. Liberals range against restrictions on individual liberty where ever they find them around the world, believing that elementary civic rights (eg., equality before the law), political rights (eg., the right to vote) or social rights (eg., to sexual preference) are constrained neither by national boundaries nor cultural background. The basic structure of contemporary liberal thought can be traced to the mid 18th century. But it is perhaps most widely associated with its mid 19th century proponent, J.S. Mill, whose three short treatises *Utilitarianism* (1861-3), *On Liberty*

(1859) and *Representative Government* (1861, all collected in Mill, 1972) developed, respectively, an abstract theory of action upon which the doctrine could rest, the practical features of political and social organization it required and, finally, the relationship between inner freedom and political liberty. The latter is crucial to understanding how Mill, in constructing a principled defence of liberty and the limits of state power, could at the same time arrive at a principled justification for the subjection of native peoples and their rule by ‘despotic government’.

In fact, once the structure of Mill’s doctrine was established, conclusions such as these concerning what he termed ‘barbarous peoples’ would flow naturally from it. The key to understanding why lies in his conceptualisation of government, which he took to cover both internal behavioural regulation – self-government – and the manner in which a social body might best be organised or regulated – through representative government. To the inner domain he attached the term ‘freedom’, while to the outer, social, domain he spoke of ‘liberty’. Freedom designated the capacity for individual autonomy and self-development, aspects of personal maturity or ‘civilisation’ that, while internal and thus unobservable, could be read from certain important aspects of character, namely self-discipline, choice and responsibility. People so constituted, he argued, had a right to liberty from government intrusions, whether such intrusions be by acts of despotism or of paternalism. The important thing to note here is the nested structure he is proposing: first one attains a level of self-government, then one becomes eligible for participation in the political community and, ideally, in a form of representative government. Clearly, though, some limitation must be placed on the extension of these presumptive rights: children, for instance, could not be expected properly to exercise choice and responsibility, and so this liberal model did not extend to them. Beyond that, however, Mill felt this model applicable to all ‘civilised peoples’, arguing even that British settler colonies would be best left to govern themselves through representative institutions.

Yet the same could scarcely be chanced for ‘uncivilised’ peoples, among whom Mill cited Indians and the Irish as exemplary cases. These he referred to as ‘barbarians’:

For the same reason [as applied to children] we may leave out of consideration those backward states of society in which the race itself may be considered as if in its nonage. The early difficulties in the way of spontaneous progress are so great, that there is seldom any choice of means of overcoming them; and a ruler full of the spirit of improvement is warranted in the use of any expedients that will attain an end, perhaps otherwise unattainable. Despotism is a legitimate mode of government in

dealing with Barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion. (Mill, 1972: 73)

British government of 'barbarous' peoples was thus to be released from the strictures that applied to 'civilised' peoples. But Mill at the same time recognised that despotic government was not an unalloyed good, as oriental despotism demonstrated, and so its use must be justified by its demonstrable benefits in lifting societies from their 'nonage' to a higher level of civilisation. Of course, the basic thrust of this idea was not new. John Locke before him had established the liberal tactic of first proposing a universal standard and then as quickly rescinding it by application of some logical principle. For instance, in Locke's long discussion of childhood, education and tutelage (1794, 1839) he sought to show how participation in a political process must be restricted for those whose capacity to make reasoned choices (and thus to give reasoned consent to be governed) was not yet fully developed. Armed with the evidence of India's backward state of civilisation, minutely detailed in his father James Mill's three volume *The History of British India* (1817), and his own experience as a senior policy writer within the East India Company, it was a small step for J.S. Mill to equate native character and society with that of a part-formed European character and state of society. He was, as it were, offering a civilisational turn to the German zoologist Ernst Haeckel's then popular recapitulation theory, the notion, as Gould (1996: 143) puts it, that an individual 'climbs its own family tree' and in so doing reflects in miniature the stages of human evolution. In this case, for Mill, the benefit of a benevolent despotic government was that it could, as it were, catapult a society through time, raising its level of civilisation in the course of generations what might otherwise have taken centuries; or if the civilisational progress had 'stalled', as was suspected of India, achieving what might otherwise never have occurred at all.

In sum, Mill's influential account of political society established personal freedom as a field of ethical performance – reflected in the arts of self-government and observable through individual character and virtue – that must precede entry into the rights-based realm of political liberty. The exclusion of those whose capacity for self-government was as yet undeveloped would be tempered by tutelary institutions: for children, the principle such institutions were school and family; among the barbarous races, a benevolent despotism resting on the rule of law would serve to educate, and so to elevate, these masses toward a point where they could one day rule themselves. Yet how were such judgements of capacity to be made in the colonial context?

II. A ‘rule of colonial difference’

Historiography of the British colonial state in India has been subject to a variety of intellectual forces, trends and fashions. Yet it would be fair to say that in the wake of Michel Foucault’s work and its further influence on a nascent post-colonial studies movement, interest in colonial governance – as distinct from administration – has in recent years reached its zenith. Influential among post-colonial accounts of colonial rule has been the work of Partha Chatterjee and in *The Nation and its Fragments* (1993) he sets out an important argument about the colonial state as a regime of power. Chatterjee’s argument, in a nutshell, is that colonial administrators developed a whole array of signs or markers that would serve the dual purpose of, on the one hand, identifying deficiencies in native capacity, while on the other, providing a kind of indelible justification for natives’ exclusion from notionally universal liberal reforms. While a number of such signs were invoked, by far the most common and most influential, he argues, was the concept of race. Unfortunately, Chatterjee’s argument is marked by a number of significant weaknesses, while the data from his choice of historical cases (including the Ilbert Bill affair and debate over the Vernacular Press Act 1878) serve, upon closer inspection, actually to undermine the central claims of his thesis. Moreover, there is an elementary problem of logic in any argument that presents race as a singular, monolithic, construct determining inclusion or exclusion in the colonial sphere: if race was the determining factor, it would lead all natives to be excluded from the application of a regulation or law, which would of course beg the question of why the measure was ever enacted. This is all the more the pity because Chatterjee’s principal idea, that the British colonizers invoked what he terms a ‘rule of colonial difference’ (p. 19) to exclude (I would argue, *certain*) native subjects from benefits of ostensibly universal measures of reform, is a potentially very useful one.

There is not space here to provide a sustained critique of Chatterjee’s work.² Though I will attempt to identify some of its key problems, that is not my purpose in drawing attention to it. Rather, it is to use the *idea* of a ‘rule of colonial difference’ itself. For I believe that when shorn of the weight of Chatterjee’s monolithic notion of race, it in fact provides a very productive tool for reading and rethinking colonial discourse on inclusion and exclusion and the demands of colonial civic and political life. This of course is not to say that race, and indeed a base kind of racism, was not a factor in colonial life and discourse. It can scarcely be doubted, for example, that Mill recognised the stain of British racism in India. In

² See Kolsky (2005) for a critique and then revision of the notion of a rule of colonial difference that is broadly sympathetic to the argument developed here.

Representative Government he decries ‘European settlers’ who, ‘[a]rmed with the *prestige* and filled with the scornful overbearingness of the conquering nation ... have the feelings inspired by absolute power, without its sense of responsibility’, going on to note that ‘it seems to them monstrous that any rights of the natives should stand in the way of their smallest pretensions.’ (1865: 199). Two decades later and faced with the racist demands of Bengal’s non-official Europeans that the Ilbert Bill (conferring full judicial status upon native judicial officers) be withdrawn, Gladstone was to opine that if power was ever to shift to native hands then it should in fact be the *purpose* of colonial government ‘to chasten the saucy pride so apt to grow in the English mind toward foreigners, and especially towards foreigners whose position has been subordinate.’ (cited in Chatterjee, 1993: 21). The point is that elementary racism, whether against the Irish at home or Indians on the subcontinent, may always be found in some moment, florid and unapologetic. But do such instances serve to characterise ‘colonial rule’ in its entirety? And if they do not, how might the colonial governance of one race by another be understood?

My suggestion is that the notion of a ‘rule of colonial difference’ will be a useful analytic tool for deciphering the ways in which the myriad differences between colonized and colonizer were negotiated by the latter as colonial government sought to draw its subjects into the rapidly modernizing colonial society of late nineteenth century India. Following Mill and many of his nineteenth century contemporaries, both those in agreement (eg., Morley, 1874) and those opposed to him (eg., Stephen, 1874), I also propose two further suggestions. First, that character and virtue – or more specifically, the character and virtues of natives and native society – were key conceptual categories in the minds of colonial administrators as they sought to shape native conduct and society. And second, that the principal tool to which they looked for such shaping was the law.

III. Race, law and native capacity

What joined liberal theorists and administrators as diverse and opposed as J.S. Mill and James Fitzjames Stephen was their belief in the positive power of law: its tutelary power, its civilising power and the yardstick of civilisational uplift which its demands upon the will and character of a people would provide. Mill described the ‘government of law’ as ‘the foundation of all modern life’ (1865: 22). Stephen, for his part, and in typically blunt fashion, described the purpose of British law in India thus:

... the establishment of a system of law which regulates the most important part of the daily life of the people constitutes in itself a moral conquest more striking, more

durable, and far more solid, than the physical conquest that rendered it possible. It exercises an influence over the minds of the people in many ways comparable to that of a new religion. ... Our law is in fact the sum and substance of what we have to teach them. It is, so to speak, the gospel of the English, and it is a compulsory gospel which admits of no dissent and no disobedience.

(1876: 168-9)

Despite such forceful statements of the virtue of law, the modern colonial state envisaged by British administrators required more than blind adherence to legal prescriptions. The object of a society shaped by law's values is not a society of automatons, and law cannot enter and regulate every activity, interaction, communication and transaction made within the social sphere. Thus, while law may act to provide broad guidance, to instantiate important principles of a just society, it is individuals themselves that the state must rely upon to maintain good order, tranquillity, productivity, harmony and the exercise of justice in the myriad dealings undertaken in the social domain. It is at this point that we recognise the importance of Mill's insistence on the primacy of self-government; that an open society freed of the heavy hand of a ruler must be one in which individuals may be relied upon to govern their own conduct, to behave in a 'reasonable' and just fashion towards the interests of others. For as long as Mill's analysis was set against a background of then contemporary British society this remained a fairly academic argument, for there was no 'state of nature' out of which Britons might be raised. In the colonial context, however, there was indeed something akin to it: a foreign, traditional society, with all its social mores, customs and religious codes, that British administrators were attempting to transform into a modern society on an English model. In this context, character was recognised by administrators as crucially important to their task, for it was precisely the appropriately shaped character that would allow native subjects to function within a modernising society governed by law, giving them independence from its institutional forms and a measure of continuity and coherence in their interaction with its various institutional elements, and with others.

On this view, the purpose of a 'rule of colonial difference' was to identify those individuals or groups whose conduct and character appeared to be such as would allow for their integration into civic or political life. Conversely, the rule would also operate to identify those whose conduct and character marked them out for further special, tutelary attention. I will use two examples to illustrate the operation of the rule in two different areas of colonial governance. First, and very briefly, I will show how the rule of colonial difference conceptualised in this way offers a distinctly different reading of Chatterjee's example of debate over the Vernacular Press Act 1878. Second, I will apply the rule to some of James Fitzjames

Stephen's ostensibly race-based objections to native participation in civic and political society and show, through a wider reading of Stephen than he commonly receives in the post-colonial literature, that his attitude to the colonial project was intimately tied to notions of character, self-government, social transformation and the rule of law.

The Vernacular Press Act 1878.

Chatterjee describes the circumstances under which debate over the briefly lived Vernacular Press Act 1878 took place (it was repealed within four years by the new Viceroy, Lord Ripon). Officials felt that seditious ideas were being aired with increasing frequency within the vernacular press and so sought to gag it through a set of prohibitions upon objectionable material, backed up by powers to confiscate machinery, demand bonds from printers and publishers, and so on. The measure did not apply to the English language press, which, for Chatterjee, is strong evidence of the way race was used as a criterion, or 'rule of difference' for restricting the otherwise universal principle of freedom of speech. In fact, even on the data he presents, this conclusion seems extremely dubious, emerging less from the data than from the presuppositions brought to the case by his notion of racial differentiation as the colonizer's key tactic of rule.

Let me briefly mention four observations that undermine Chatterjee's conclusions and that support my proposed revision of the manner in which a rule of difference may have worked. The first two points are linked. First, Chatterjee conflates and confuses language (native vernacular vs. English) with race itself, presuming that one can stand as a simple marker of the other. He then, secondly, proceeds to ignore the then Governor of Bengal, Ashley Eden's, comments that 'One the whole, the English Press of India, whether conducted by Europeans *or Natives*, bears evidence of being influenced by a proper sense of responsibility and by a general desire to discuss public events in a moderate and reasonable spirit.' (my emphasis, cited in Chatterjee, 1993: 25). The native press publishing in English were exempt from the Act, as Eden goes on to note. The reason of course, could have been scripted by Mill or Stephen alike: that the editors and contributors to these newspapers evidenced good character, including the proper civic virtues of 'reason' and 'responsibility'. Doubtless such terms can be read to mean 'uncritical of government' or 'staying out of politics', as Chatterjee seems later to acknowledge, but that is not the point. The point is that these evaluations cut across racial boundaries and so invalidate the very point they were supposed to support: that colonial judgements were made upon the basis of *race*. In fact, as the case of the Vernacular Press Act attests, such judgements appear to have been made on the basis of conduct, character and comportment – none of which are racial characteristics. Two further points merit

consideration. Chatterjee notes, in addition to the fact that the Act was quickly repealed (hardly making it a glowing example of governance by race), that it was rapidly forced through the legislature with the hope of forestalling long debates and possible opprobrium from Britain. Such was the haste and magnitude of threat it faced that the Viceroy Lytton referred to its passage as ‘a sort of coup d’etat’ (cited in Chatterjee, 1993: 25), suggesting that this act is far from an archetype of colonial governance. Finally, Chatterjee closes this case study of the Vernacular Press Act with a rather astonishing concluding remark. Noting the eventual decline in the use of language to classify groups, he observes that ‘[o]ther, more practical, means emerged to distinguish between proper members of civil society’ – by which we must presume he means, or at least includes, natives of the English press – ‘and those whom the state could recognise only as subjects, *not citizens*.’ (my emphasis, pp. 25-6). Are we to believe then that the rule of colonial difference, which made the editors of the vernacular press subject to a gagging order, but left editors of the English language native press free to publish, was part of a wider political project of political inclusion leading to colonial citizenship? Perhaps this was the case, but the arguments I wish to make here are more limited and concern the manner in which a rule of colonial difference might have worked, a matter that I will turn to in more detail below.

J.F. Stephen: race and colonial governance

If discussions of race need to be read in a more complex fashion, perhaps one in which race operates as a kind of shorthand for a more complex set of assessments, how are we to deal with ostensibly unambiguous assertions of racial superiority or inferiority at the heart of the colonial state? One of the most frequently cited examples of racism appearing in the literature on colonial governance is found in an article written by James Fitzjames Stephen, a law member on the Viceroy’s Council (1889-72), prominent jurist and critic of J.S. Mill. Writing in defence of British imperialism and his brand of authoritarian liberalism, he famously described India as:

... a country densely peopled, grossly ignorant, steeped in idolatrous superstition, un-energetic, fatalistic, indifferent to most of what we regard as the evils of life, and preferring the repose of submitting to them to the trouble of encountering and trying to remove them.

(Stephen, 1883: 554)

This passage is also cited by Chatterjee who, erroneously I think, presents Stephen’s representation of native character, as well as his argument in *The Times* earlier that year that

Britain, as a ‘belligerent civilisation’ of conquest, was under no obligation to run India on ‘native principles of life or of government’, as *prima facie* evidence that race operated as a conceptual or principled category that disabled natives and lead to their exclusion. A wider and more attentive reading of Stephen shows this to be incorrect. I will point to four reasons why this is so: the context of these remarks; Stephen’s broader ideas about political participation and rule; his comments elsewhere on native capacity; and his understanding of the colonial mission. Taken together, I believe these problematize any straightforward reading of Stephen as a kind of doyen of racist colonial government and serve further to illustrate the importance he and other administrators placed on character and capacity.

The purpose of highlighting context is to provide cues as to how to read and interpret a statement. Here, I think, we find Stephen, the abrasive pugilist of public debate, goading his critics in one part of a series of such intellectual skirmishes (this one in response to criticism by Sir Arthur Hobshouse in the *Contemporary Review*). Yet within months Stephen is forced to admit that in his *Times* reference to a belligerent English civilisation ‘I may have yielded to the temptation of expressing my opinions in a needlessly trenchant and unpopular style’, (1883: 542) and that such an expression ‘may have appeared harsh’ (p. 565). In back peddling from these statements he tries to point out that the model of governance he proposes in no way implies ruling ‘in a spirit either of hostility or of indifference to the interests of the natives of India.’ (p. 542). Whatever the merit of such protestations – and indeed whether or not they bear squarely on the issue of how a rule of difference might have worked – this attention to the context of his writing does require us to dismiss interpretation of his words purely at face value. They also encourage us to look elsewhere to see whether he might have framed the same idea in different ways. Consider the following passage from a chapter on Indian legislation contributed to W.W. Hunter’s *A Life of the Earl of Mayo* (1876: 165):

society in India has remained for a great number of centuries in a stagnant condition, unfavourable to the growth of wealth, intelligence, political experience, and the moral and intellectual changes which are implied in these processes.

Here we have the same themes of a country unprepared in many ways for self-government, but laid across them is another theme that Stephen, and certainly also J.S. Mill, would constantly return to: the process by which a society could be elevated through the tutelary processes and institutions of good government. Stephen laid these out in some detail in this chapter on Indian law, to which I will return below.

Before doing so, however, it is necessary also to understand Stephen's words within the context of his broader thinking on political participation, for Chatterjee's rule of colonial difference requires that civic and political exclusion occur on the grounds of race. Thus, these characterisations of the Indian demos as ignorant, superstitious, lacking moral qualities and so on, need to be a *racial* characterisation and not a catalogue of characteristics common to other social bodies, such as perhaps the English demos also. In fact, once we attempt to partial out general cultural differences it becomes enormously difficult to support any claim of racial characterisation. Stephen was a strong opponent of representative government not just in India but so too at home. He looked upon the extension of the franchise with trepidation, fearing that it would subject Britain to a dictatorship of the masses, most of whom were too ignorant and ill informed to understand the processes of government and too ruled by base fears and desires to resist the entreaties of those whom he termed 'the wirepullers and their friends' (1874: 155). He was one of a coterie of nineteenth century intellectuals who argued trenchantly against Britain's emerging democracy. Along with the likes of Henry Maine, his professor at Cambridge and predecessor on the Viceroy's Council, and William Lecky, he subscribed to what Benjamin Lippencott (1938) has termed 'the three leading doctrines of the critics [of democracy] – the common man's inferiority, the title of the few to rule, and authority.' (p. 257). The characterising features of ignorance and fatalism can thus be seen in Stephen's thought, not as the preserve of India's demos – as a race-based rule of colonial difference would imply – but of the common people more generally. These were the features that marked out not racial difference, but the difference between those capable of self-government and political participation, and those ill-prepared and unsuited for such demands. 'What is there' asks Stephen in *Liberty, Equality, Fraternity* (1874), 'in the *character* of a very commonplace ignorant peasant or petty shopkeeper in these days which makes him a less fit subject for coercion on Mr Mill's principle [regarding children and barbarians] than the Hindoo nobles and princes who were coerced by Akbar?' (my emphasis, p. 32). Why, he asks, 'may not educated men coerce the ignorant?' (p. 32).

Yet Stephen was nothing if not a complex figure. On the one hand he denied that the common man could be improved in readiness for political participation. Indeed, this was one of his major points of disagreement with J.S. Mill, who saw representative government not only as desirable but also as achievable, and not just for men but for women too. On the other hand, however, we quickly find in Stephen's writing evidence not only of a recognition that British government had and would continue to change and 'ready' the natives of India for some kind of political participation, but clear and unambiguous claims that such a program of massive social transformation was nothing less than the *raison d'être* of British government of India. We find in Stephen's work on legislation under Mayo, for instance, the observation that the

native subjects of law would no longer submit to its administration in an abject or fatalistic way, as they might have under the despotic rulers of old. Where such fatalism in the face of maladministration can be found, he says, it 'is merely the remnant of the state of things which, as many signs show, has passed, or is rapidly passing away.' (1876: 163). In contrast to his pronouncements elsewhere concerning the inherent unsuitability of the demos for political participation, we find in his writing on India strong arguments to the contrary. Concerning British government in India, Stephen felt that the 'mere introduction' of law, order, the instruments of trade and commerce and a system of education would 'produce a social revolution throughout every part of India modifying every part of the daily life of the natives, and changing every article of all their creeds.' (1876: 174). In passages that should have a familiar ring to students of Michel Foucault's work on governmentality and the transformation of subjectivity, Stephen wrote that Britain's 'great and characteristic task is that of imposing on India [new] ways of life and modes of thought' (1883: 558), while keeping in mind that 'the general problem is the welfare of the community.' (p. 554). And just as Stephen came to accept the inevitability of democracy in Britain, so too did he accept that natives must be involved in local self government, the administration of the colonial state and civil society more broadly. It was, after all, the logical outcome of the massive transformation – 'one of the most extensive and far-reaching revolutions recorded in history' (1883: 556) – undertaken by the colonial state. The only a priori limit upon native participation, Stephen argued, would be that it should not trump 'European ascendancy' in ultimate decisions (p. 560).

Conclusion: Native character and the rule of colonial difference

So how might we make sense of a rule of colonial difference? I think it is plain that race itself is too blunt an instrument to have operated as a rule governing entry to higher realms of civic and political participation. In the rule of one race over another it is obvious that racial difference will often be discussed, sometimes used as a shorthand for a range of different factors, sometimes mixed and conflated with others, and sometimes also used pejoratively and negatively. Yet there also seems ample evidence that colonial administrators – both in principle and in practice – looked for ways to govern through a recognition and management of the capabilities of their native subjects. It is worth reiterating here an observation made earlier: that governance through law cannot regulate every aspect of conduct; rule through law requires that the subjects of law conduct themselves according to its principles in its interstices, beyond its reach. The character traits that a transforming, modernising, improving colonial state sought would not be found in every subject immediately, and so some screen would be required to regulate colonial subjects' movement into the newly fabricated civic and

political structures. The case of the Vernacular Press Act 1878 is apposite. What was at issue was not whether natives, whether defined ethnologically or biologically, might operate a press. It was whether those who operated presses would conduct and comport themselves in a manner satisfactory to the modernising state. Thus, when the line came to be drawn on this matter of press freedom it cut *through* lines of race, for it was by this time not a matter of race but a matter of conduct, or as Foucault might have said, the conduct of conduct.

Indeed, attention to the development of responsible, self-governing individuals has been a central theme of recent analyses of social transformation in the ‘governmentality’ tradition (Burchell, Gordon and Miller, 1991; for an argument about colonial governmentality, see Scott, 1999). Here I am less concerned with the broad claim that colonial government sought to re-set key features of the social and political landscape such that individuals would be motivated to reconstitute themselves as new, modern subjects. My concerns in this paper, rather, have lain at a finer grain of analysis. I have sought to examine the specific techniques through which governmental power regulated access to new domains of life and forms of conduct in the colonial domain. Freedom of expression was one such domain of conduct. What we find in the Vernacular Press Act 1878 and the debates that surrounded its passage is an articulation of the normative content of this new civic domain: it is a domain bounded by certain expectations about the nature and purpose of expression and the manner, habits and comportment of those who would run a press. While Chatterjee might suggest that successful negotiation of the refigured colonial landscape provided an entrée into, or in some way constituted a form of ‘colonial citizenship’, my more limited objective has been to illuminate the structure or organization of the new colonial arrangements.

These, I have suggested, were grounded in a rule of difference that gave colonial administrators some guide as to the capacities of colonial subjects. Where Chatterjee saw such a rule as simply a metric of racial difference, I have attempted to show how such a rule would fail to make sense and how, in fact, it was character – that abiding concern of the Victorians both at home and abroad – that conditioned access to civic and political life and institutions. The discussion of Mill and the liberal concern for reasoned action and self-government provides the key to understanding why character was felt so important: self-government, liberals believed, was a necessary prerequisite to any form of political liberty, which ideally ought to be constructed as a form of representative government. Yet many analyses of ‘colonial governance’ also tend to gloss too lightly, I believe, over the question of how colonial ‘rule’ actually worked – that is, what colonial rule actually looked like, as opposed to the idea of rule in the abstract – and fail to connect with the extensive primary and secondary literature on colonial government. It is for that reason I have sought to emphasise

the manner in which British colonial rule was imagined as a rule by law, and thence to show how character may be understood within a framework of rule by law. For British theorists and administrators alike it was the very fairness and justice that law instantiates that justified their despotic rule of a subject people. Yet law cannot regulate the conduct of all people at all times, and neither law nor regulation can envisage the myriad situations in which fair, reasonable and just conduct will be required. It is at this point that character becomes important, for character provides individuals with the tools for deciding, choosing and acting appropriately within a normative structure; character, in other words, is the portable and flexible structure within which normative principles are embedded (O'Neil, 1996). In the case of British colonial rule then, the great transformations that would, in the words of J.F. Stephen, herald new 'ways of life and modes of thought' (1883: 558), would be gauged, measured and assessed, not only through compliance with the law, but so too through the character of native subjects. Access to civic and political life would, indeed, be regulated and distinctions and discriminations would indeed be made. But the 'rule of colonial difference' was not to be exercised by reference to skin colour – a rule by race – but by reference to capacity – in a rule by conduct and character.

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