

Specters of Indigeneity in British-Indian Migration, 1914

RENISA MAWANI



In response to previous accounts that present indigeneity and British-Indian migration as separate in space and time, Mawani argues that indigeneity was as spectral force in the discourse surrounding the journey of the *Komagata Maru*, and that it shaped legal and political responses to urgent questions about Indian migration in the present and future.

The Komagata Maru

- *Komagata Maru* carried 376 Punjabi passengers from Hong Kong to Vancouver
- The ship was denied entry to Canada under new amendments to Canada's Immigration Act (1910)
- This immigration act required all migrants arrive via "continuous journey"
- this amendment meant to stop Indian migration
- Passengers were detained on the ship in Vancouver Harbour for two months and endured horrible living conditions
- The ship was attacked by government authorities and local police.
- The passengers were deported after a legal test case, - upon eventual arrival in Calcutta, British officials alleged passengers had been involved in revolutionary activity abroad, and would incite anti-colonial activities in India.
- Ship was met with a violent attack by British Authorities and Bengal police, what became known as the Budge Budge massacre
- 26 people dead and many injured.

Glossary

- Race:** a modern regime of power that instituts a range of differences (historical, linguistic, corporeal, cultural, climatic, and moral) as evidenced in scientific, social scientific, humanistic, and commonsense knowledge, and as materialized in attendant regimes of violence.
- Indigeneity:** a legal and political configuration coming from the modern apparatus of racial differentiation, that is produced through changing regimes of power that (re)emerge in different contexts and with varied political and judicial effects.
- Specter:** apparitions of time and it's interruption that present as something that could come back. They shift across the past, present and future.
- Power (as defined by Foucault):** not solely a centralized, repressive, or external force imposed upon individuals and populations by sovereign command, to be effective it must also be internalized so that people might eventually learn to govern themselves by an ideal.
- Temporality:** having a relationship with time

In this article Mawani...

- notes that "Indigenous as a specter" does not apply to Aboriginal communities' strategic deployments of Indigeneity to support their struggles for land, natural resources, and self-determination.
- brings encounters among Indigenous peoples, europeans and non-European migrants into the same frame by highlighting that they occur at the same time
- attends to the complexities of colonial-racial knowledges to redirect away from the intent of individuals to the effects of colonial power relations.
- analyses three episodes where a set of fleeting spectral figures continually erase the presence of Indigenous peoples: a satirical cartoon, a legal test case and a public discourse in Indian newspapers.



A Satirical Cartoon

On May 3rd, 1914, while the *Komagata Maru* was still at sea, a cartoon appeared in the Bombay newspaper, the *Hindi Punch*. This cartoon attracted the Indian colonial government's suspicions. The image points to the exclusion of British Indians from Canada in new ways. The fictional encounter between the two "Indians" suggests that the legal status of British subjecthood was based on European supremacy, contrary to Britain's claim that as Imperial subjects Indians could move freely within the empire. Canadian Officials insisted that it was within Canada's jurisdiction to deny entry to British Indians, and the right to protect its identity as a white settler colony.

"Miss Columbia"

In the cartoon, Canada is an exaggerated, inauthentic, and even implausible figure:

- youthful and European
- visibly male but bearing the Imperial name "Miss Columbia"
- wearing mismatched cultural signifiers: a Plains/Prairie headdress, a Prairie/Subarctic hide robe with fur cuffs, and a wampum belt with CANADA inscribed across it.

Here, indigeneity is depicted through a figure in Canadian control, rather than the self-governing figure the wampum belt usually evokes. The cartoon doesn't make reference to actual Indigenous peoples, but to an fantastical indigeneity. Miss Columbia's youthfulness can be seen as a claim by whitesettler colonies to be young colonial formations, absent of real Indigenous peoples but inheritors of their land and cultures. In this way, spectral indigeneity both authorizes and haunts Canada's authority which is represented through the past. Here the "spectral" gains more significance as Canada's refusal to allow entry to British Indians is inscribed on a parodied "indigenous" body. Like a ghost, there's a return to an abstracted body.

Imperial citizens:

When passengers aboard the *Komagata Maru* emphasized that they were Imperial citizens, they drew comparisons between themselves and white Britons, thus demanding they have equal rights across the empire. Gurdit Singh, who chartered the boat in Hong Kong, warned the Canadian Government: "What is done with this shipload of my people will determine whether we shall have peace in all parts of the Empire". Singh insisted that his decision to charter the ship was largely to assist his countrymen, but it's contended that it was partially intended as a legal challenge to Canadian sovereignty and to racial exclusion.

A month after the ship arrived in Vancouver, amid worsening conditions, "Canada conceded that one passenger could come ashore to act as a legal test case in assessing the constitutionality of the Immigration Act." The three new orders-in-council:

1. disallowed the entry of unskilled labourers and/or artisans,
 2. required each "Asian" entrant to be in possession of \$200 upon arrival
 3. necessitated that passengers make a "continuous journey" from their place of origin to Canada
- The outcome of Munshi Singh's case, a 26 year old farmer would determine the fate of all the passengers.
 - J. Edward Bird and K. C. Cassidy, two lawyers who had previously represented members of Vancouver's Punjabi community were recruited.
 - After denials by lower courts, they appealed to the BC court with the strategy of placing the Immigration Act in a wider Imperial context.
 - The BC court rejected the appeal; the judges thought that the orders-in-council were within the Canada's jurisdiction, and Canada could rightfully exclude "Asiatics".
 - They questioned the applicability of the orders-in-council, arguing that since Hong Kong was a part of the empire, and Munshi Singh as a citizen of the empire arrived via a continuous journey. The court rejected this.
 - They challenged the authority of the second order-in-council, arguing that Munshi Singh was not "Asiatic" but Aryan. The court rejected this too.

A Legal Test Case

The Specter of Indigeneity in Deliberations

The **specter** of indigeneity was appropriated by a court judge to augment Canada's authority and to legitimate the exclusion of the *Komagata Maru* and its passengers.

- Justice McPhillips maintained that Canada had "the right to deport...irrespective of race," but that right was premised on questions of desirability, suitability, and assimilability.
- Justice Martin did not see the first order-in-council to be discriminatory.
- He claimed that "even a native Canadian Indian", from Alberta, who attempted to cross the boundary into BC would be turned back.
- It was highly unlikely that authorities could successfully control movements between provinces, given the rugged terrain and their difficulties stopping aboriginal peoples from crossing the Canada-U.S. border.
- Justice Martin continued that to allow admission to unskilled labourers from India would result in an injustice against Canada's indigenous peoples.
- In 1914, indigenous peoples were not "Canadians" as Justice Martin suggests. Displaced from their land and denied their claims of sovereignty and self-determination, they were government wards placed on reserves, governed by the Indian Act, and disallowed from voting.

As it was used in the Court of Appeal, indigeneity was a **specter** extracted from the lives of aboriginal people and their ongoing struggles against the settler state. The judge brought "native Canadian Indians" from the "before" they were confined to in the Canadian imagination, momentarily into the present, but only to ensure that British-Indian migration would stay beyond Canada's present and future.

Racial discourse in South Africa

- In Indian-English newspapers, the figure of the native South African was evoked regularly by British Indians as evidence of their own racial superiority and as anti-colonial critique.
- Narratives of Indian migration to South Africa have been cast in a "brown-white axis", recounting Indians settling lands long inhabited by native Africans without ever encountering them, which was contrary to reality.
- The south African regime of colonial power relied upon Indians and native Africans being on unequal terms.
- Both groups were incorporated into colonial power as active participants in the production of racial antagonisms:
- Africans described Indians as despotic and exploitative
- Indians capitalized on racial hierarchies to their own advantage.
- Gandhi used colonial perception of "native laziness" in contrast to Indian "self-discipline" while overlooking visible exploitation of native labour.
- The claims to sovereignty and racial superiority advanced by British Indians could only gain currency at the expense of native Africans, who they implied were confined to the past.
- Like Gandhi, Indian papers did not address the racism, coercion and violence experienced by native South Africans.
- The newspapers focused on the racism their countrymen faced in South Africa, which was often seen as necessary to overcome "to maintain the good name of this country [India]".
- Given their proximity to the British some argued Indians were ready to join the Imperial fraternity.

Conclusions

Mawani suggest that the persistence of indigeneity in struggles over British-Indian migration invites a rethinking of colonial **temporalities** and their governing logics. The identities of native, migrant, and settler brought racial and juridical "order" to the heterogeneous and entangled lived experiences of colonial life. The representation of Indigenous people as the "before" and the British-Indian migrant as the "after" were deployed by the settler state. Here, the return of indigeneity in its multiple changing forms highlights these irreconcilable logics of time and space that gave currency to colonial power. The historian Povinelli contends that the priorness of indigeneity remains "even when no actual person claims to be the present manifestation of the surviving prior". In the case of the *Komagata Maru*, it was not actual indigenous peoples, but their indigeneity that was called upon to do the work of excluding immigrants

A Conversation in Newsprint

Hindi Punch highlighted the double standard of mobility in the empire, where British Indians were barred from entering white settler colonies but white settlers were free to enter India.

Similarly, Indian newspapers raised the question:

How can the King both affirm and deny? How can he grant rights which he confirms as King of England, while as King of South Africa or King of Canada he denies those rights?

The *Civil and Military Gazette*...

- advised that "resolution of these matters necessitated a wider discussion of racial difference"
- encouraged its readers to consider where Indians were placed in hierarchies of race.
- highlighted the racial taxonomies through which British ruled operated and in which Indians had invested in
- described the paradoxes in Imperial promises, explaining "The Crown is in each case but a part of a different government".
- cautioned that for British Indians to demand equality with all British subjects, they could be compared with a group they did not want to be affiliated with, and that might unravel their claims to racial supremacy over anyone.

The *Pioneer*

- asked whether Indians would have no objections if the "black races" of South-Africa were allowed to settle in India.

The *Tribune*

- denied the analogy that "we are to the people of Canada what the Negroes are to Indians."
- and continued "if we had as extensive and unoccupied tracts of land as Canada and Australia, we would certainly welcome any people on earth to fill them up on equal terms with other British subjects."
- In conceiving Canada and Australia to be "unoccupied tracts of land," the *Tribune*, also erased the sovereignty and presence of indigenous peoples in settlement colonies.

Mawani, Renisa. "Specters of Indigeneity in British-Indian Migration, 1914," *Law and Society Review* 46 no.2 (2012): 369-403.