COLONIAL STATES, COLONIAL RULE, COLONIAL GOVERNMENTALITIES: IMPLICATIONS FOR THE STUDY OF HISTORICAL STATE CRIME

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Abstract: The colonial state has been an object of intense study and debate among historians and postcolonial scholars. In this special issue, devoted to questions of colonial state crime, I consider the utility of the colonial state as a conceptual and analytic category for state crime scholars. Focusing upon European colonialism in South Asia, the article first examines definitional problems: within what normative parameters might colonial state behaviour be understood and, thus, its transgressions and crimes registered? I then move to consider two contrasting schools of historiography and their difficulties in settling upon some agreed view of how colonizing foreigners connected with indigenous elites and masses to develop and implement strategies of rule. I suggest that the concept of a colonial state, to which culpability for state crimes may be ascribed, is a chimera and of limited use today. Instead, I describe a model of colonial governmentality and, through a case study of mass famine death, illustrate both its strengths and weaknesses for making sense of how such tragedies occurred and thus how insights from the historical field might improve our understanding of modern and postcolonial states today.

Keywords: colonial India; colonial state; historical state crime; colonial governmentality; famine

Introduction

Now, it is not so clear what anyone should do next, once one has located colonialism as post-Enlightenment rationality’s evil twin.

(Frederick Cooper 2005: 53)

Empires and colonial occupation have marked and shaped the course of world history. The Mongol Empire of the thirteenth and fourteenth centuries was the most expansive ever seen. And indeed the name of Tamerlane (born 1336) still
reverberates across central Asia in ways difficult to appreciate from the West. But it is the high period of European empires, most lasting not much more than 100 years, that we now tend to associate with the term colonialism. The denouement of these experiments in European rivalry and global imperial ambition was signalled by rising anti-colonial politics, insurgencies and searching questions of identity. And with end-of-empire followed the tens and dozens of independence declarations that defined the 1950s and 1960s and multiplied wholesale the count of the world’s nation states. Aside now from a handful of colonial outposts such as American Puerto Rico (see Atiles-Osoria 2016; United Nations General Assembly 2014a, 2014b), the era of formal colonialism is firmly behind us, so to speak of colonialism today is really to speak of history. Yet, defining just what colonialism is or was is a task of mightier proportions than it might first appear. Indeed, colonialism may ultimately come to be defined equally by its legacies as by the imperial period itself. These legacies are the enduring effects of colonial rule that may be found across a range of domains including the political form of government in postcolonial states or, indeed, the very idea of nation itself; their institutional structures, such as systems of law (typically, common or civil); their bureaucracies; their use of language – most notably English, French or Spanish – to bind disparate sub-national polities; and perhaps most importantly of all, these states’ continuing subordination within networks of global capital. It is the temporal relationship that emerges here – of past to present and the act of the looking back – that conditions the “now” in Frederick Cooper’s epigraph above. Back then, when colonialism was an actually existing colonialism, cataloguing its evils was an important political, moral and ethical task and crucial to nationalist and anti-colonial struggle. But what are we to do with such knowledge today? What precisely would be its purpose?

My contribution to this special issue of State Crime is that of a criminologist who has immersed himself for some 20 years in the minutiae of British colonial rule on the Indian subcontinent. India was the oft-noted “jewel in the crown” of the British Empire and in many respects scholars have treated it as a paradigmatic case for the study of colonial forms. The records of Britain’s rule are still to be found today in courthouses and government offices across South Asia. More important papers are sequestered in state or national archives, and in this respect, my work has taken me from Delhi in India to Lahore in Pakistan. In Lahore, as if in a reminder of the subcontinent’s long imperial past, records of British rule are located in the seventeenth-century tomb of Anarkali, a lost love of the Mughal Emperor Jehangir (1569–1627). As bureaucratic order and efficiency would have it, though, duplicate records of more important materials can also be found in London where a meticulously curated shadow-archive rests in the British Library. In my many visits to these archival troves, I have trawled the desk books of district
officers and local magistrates, struggled to understand what colonial officials were attempting to achieve in specific contexts, such as in how the wajib-ul-arz Punjab village administration papers related to the riwaj-i-am registers of local tribal custom, and tracked down the military orders, judicial circulars and settlement papers that formed a kind of “government lite” in British India’s recently conquered or ceded territories.

Together, this mass of material forms the traces of an actually existing colonialism, at least as seen from the perspective of the governors if not the governed (see Ludden 2002; Spivak 1985). The picture I have of colonialism is thus not of a broad general “thing” – a kind of monolithic “British colonialism”, still less a general phenomenon of “colonialism” – but of a set of ideas, practices and lived experiences, enacted by British and Indians alike, each engaged in everyday colonial administration or living within the field of colonial rule. This form of rule crystallized in constantly shifting, constantly rebalancing efforts to govern most effectively and efficiently, at once driven by principle but equally and often in countervailing ways, subject to the attitudes and prejudices of the time. The task for me as a criminologist has been to think through what the bare facts of this everyday administration might mean for those of us interested in crime, justice, law and governance more broadly and how my particular vision as a criminologist points me to ask new questions, the answers to which might further illuminate the already swollen historiography of colonialism, India, liberal and authoritarian governance, penalty, rule of law and the like.

I make these observations now for it seems to me that state crime scholars face similar questions about what they might add to an already voluminous historiography. Indeed, the challenge for state crime scholars may be even more acute because generations of ordinary colonial subjects, dedicated journalists, anti-colonial activists, historians, economists, colonial and postcolonial scholars have already unearthed the bare facts of colonial state complicity in a range of harms and what we might today term crimes (e.g. famine death). From a “crimes of the colonial state” perspective then, most of the heavy lifting in research terms has already been done. Not many stones are left unturned. The facts are there. So, state crime scholars face a problem. What value can they add to all the cataloguing and counting, revealing and documenting that has gone before? One option might be to use these bare facts of colonial state complicity to further criminological theory more broadly (for an analogous example in law, see Koga 2016). Another might be to examine work undertaken on colonial and postcolonial states with a view to understanding better the modern state, thus pushing forward state crime theory itself. Indeed, the latter may be particularly apposite. Part of the reason I began by describing my experience and some of the nature of my work as a scholar of colonialism and the postcolonial condition was to counterpoint it to my neophyte
status in the field of state crime. Yet as is often said, a fresh pair of eyes often sees different things. And what has struck me most in this respect is, strangely, the absence of the state in the study of state crime. To my admittedly untutored eye, the state appears in the state crime literature only as a dimly lit apparition that, in some quite untheorized way, causes (or perhaps allows) state crimes. The primary focus, in other words, is upon state crimes and resistance to them.

Perhaps this is an overly stark depiction of the state crime approach. But it marks a quite distinct contrast to the way scholars have approached the problem of colonialism. Here, understanding precisely how the colonial state was constituted, how it operated, what theories or principles (or lack of) shaped its form and what drove its behaviour have all been the subject of intense scrutiny and debate. For in coming to terms with colonialism’s crimes and oppressions, the colonial state has been seen as the heart of the machine. No adequate reckoning of what happened and why seems possible without understanding the colonial state. As a consequence, the literature on colonialism does not just describe what colonial states did and what harms came to pass. Scholars have also sought to understand how and why colonial rulers acted as they did. This is of more than passing interest here for a number of reasons, but not least of these is the enormous continuity that marks the conduct of colonial and postcolonial states. In this sense, understanding the internal dynamics and mechanics of colonial states speaks not just to the past but also to the present. Many of the crimes that state crime scholars concern themselves with today involve the conduct of states in the global South, where most nation states are indeed also postcolonial states.

In the remainder of this article, I would like to take some tentative steps towards suggesting what state crime as a domain might learn from scholars of colonialism and the postcolony and their engagement with the problem of the state, and how this might problematize the notion of colonial state crime itself. Of course, these literatures are enormous, and it is not my intent here to offer a thoroughgoing review of them. Moreover, I limit my analysis to an instance of what Kwasi Kwarteng (2010: 7) terms Britain’s “colonial empire”, which we may distinguish from the “white dominions” of settler societies such as Australia, Canada and New Zealand. My aim here is to point state crime scholars towards some questions that might productively be asked if the field is to go beyond the rather disembodied and agentless abstraction it currently calls the state.1 I begin first with a brief consideration of the problem of definition: how can crimes of the colonial state be defined? This is problematic for the reason that colonial states were by definition coercive. They were despotic. The state did not emerge in an even approximate Hobbesian social contract and so, in some senses, every single act of state can be said to constitute a crime. How, therefore, should we understand and analyse its transgressions? Next, I look at two foundational problems posed by the idea of the
Colonial state: does it make any sense to speak of a colonial state and, if so, what made it distinctly colonial? These questions are far from easy to answer, for while colonialism was undoubtedly a form of foreign rule, often its relationship to the governed was highly circumscribed and its form pieced together over decades or even hundreds of years. Third, I then ask how have scholars of colonialism theorized the colonial state as a means of making sense of its behaviours? Here, I look at the question of whether the colonial state is similar or different to the modern state and at efforts to develop a theory of colonial governmentality. Finally, I attempt to give concrete example to the governmentality analytic by considering an example of what might at first blush appear a simple case of colonial state criminality: mass famine death.

Colonial State Crime: The Definitional Problem

Even within debates on contemporary state crime, the question of what constitutes a crime is fraught with complexity and controversy. Here, I draw on three key statements on the problem: Penny Green and Tony Ward’s (2000) early positioning in a paper titled “State crime, human rights and the limits of criminology”; Kristian Lasslett’s (2014b) effort to draw a contemporary picture in a chapter titled “Understanding and responding to state crime: A criminological perspective”; and Dawn Rothe’s (2014) entry “State crime” in Springer’s Encyclopedia of Criminology and Criminal Justice. What is striking across all three attempts, aside from the absence of discussion of state forms (see below), is the common presumption that state crime arises in the breach. The breach in question is an overreach, a transgression. And what are transgressed are a various assortment of norms founded in the social contract. For Green and Ward (2000), this revolves around legitimacy, grounded in political consent, which produces “some tacit understanding of the limits of legitimate [state] conduct” (108). Lasslett (2014b) develops this to suggest that civil society norms become “rules of conduct” that, when breached, mean “state practices become criminal” (77). The clearest vision of breach in fact comes from Rothe (2014) who proposes that “[p]erhaps most importantly, state-committed crimes rip asunder the social trust between a state and its citizenry” (5039).

Following from these definitions of state crime as a concept – that which emerges in the breach – we then find two primary ways in which state crimes themselves come to be defined: either as breaches of law or as breaches of human rights/breaches which produce social harm. Both follow from this view of a state–citizen contract born in political consent. Recalling Hobbes’s (1651/1909) Leviathan, which contrasts a state of nature and “war of all against all” with a Commonwealth assembled under the protective arms of the sovereign, the social
contract becomes the leitmotif of all efforts to tie state conduct to a norm. Empires and colonial rule were born in no such contract: colonialism was a strategy of conquest. To be sure, contractualism served as a tool. Witness New Zealand’s Treaty of Waitangi, joining the British Crown with Maori sovereigns in a (later disputed) transfer of sovereignty, or Indian Native States’ treaties with British government in India producing “subsidiary alliances” (see Aitchison 1909; Malleson 1875) or the many transfers of land and sovereignty in what came to be termed the “scramble for Africa” (see Alexandrowicz 1973; Hertslet 1894; Lugard 1922). Treaties, Lugard (1922: 15) observed in The Dual Mandate in British Tropical Africa, were a tool of conquest designed to “salve” the “sensitive official conscience”, acquiring by legal means what would otherwise be taken by conquest (though cf. Alexandrowicz 1973: especially Ch. 5).

Was this the original colonial state crime? Either way, the problem remains that neither the fact of land grabbing nor the means by which it was achieved (conquest or legal instruments) brings us closer to finding a suitable definition of colonial state crime. Put another way, what we lack is a suitable analytic frame to replace the social contract as establishing the normative parameters within which colonial state and colonial subject might stand before each other. Nor will this problem be solved without understanding more about the form of the colonial state itself, so it is to that topic we now turn.

**Does It Make Any Sense to Speak of a Colonial State?**

Western thought is particularly enamoured of binaries: mind–body, Orient–Occident, state–subject and perhaps most pervasively colonizer and colonized. It might be hazarded that the latter has proved especially resistant to more nuanced analysis because the political force of anti-colonial critique rests so heavily upon the moral binary of domination and victimhood. One effect of it, however, has been to reify the concept of the colonial state as the vehicle through which dominant colonizers oppressed their indigenous victims. In The Peasant and the Raj: Studies in Agrarian Society and Peasant Rebellion in Colonial India, Eric Stokes (1978: 31) wrote that “Indian nationalist writers have strenuously kept alive the notion, first voiced by British administrators, that Indian society suffered . . . wanton derangement from arbitrary decisions” about land and other matters at the hands of the new colonial state. This vision of an ancient society utterly transformed by a new and foreign form of rule continues to influence the historiography of colonialism in India.

In an important essay titled “Dominance without hegemony and its historiography”, Ranajit Guha (1989: 274) took the existence of such a state as an a priori, proposing that the colonial state was “an absolute externality” to Indian society. It
was, he said, “structured like a despotism” (original emphasis in both). Indeed Guha (1989), who was the leading figure of the Subaltern Studies movement of the 1980s and 1990s, worked hard to force a radical separation between the edifice of colonial rule and the society of the colonized:

The colonial state in India did not originate from the activity of Indian society itself. No moment of that society’s internal dynamics was involved in the imposition of the alien authority structure which provided the process of state formation both with its primary impulse and the means of its actualization. (274)

For Guha then, the state was a modality of expropriation imposed upon Indian society. Like state crime scholars today, he was interested in the results of its rule – its pernicious effects. But beyond a critique of metropolitan thinking that provided the ideological supports for such despotistic rule, he was not much interested in the colonial state itself as a phenomenon. At the time he wrote this, Guha had been reading the work of another Subalternist scholar, Partha Chatterjee (1986), on anti-colonial nationalisms. To understand the form and behaviour of the postcolonial state, Chatterjee was positing another binary that would at once absolve Indian society of the crime that some members manifestly did participate in Guha’s “process of state formation . . . and the means of its actualization” and account for the great continuity of state form and behaviour into the postcolonial era. This era, after all, should have been a time when the colonial state’s despotsisms were sloughed off and the state born anew. Why have postcolonial states been such a disappointment?

The new binary revolved not around state–polity but the character of those who made up the Indian polity. Here, colonial and postcolonial states were lumped together – “the character of the successor regime too [is one of] dominance without hegemony” (Guha 1989: 307) – and the polity was split between a collaborator class (the indigenous bourgeoisie, who stood opposed to their compatriots while at the same time claiming to speak in their name) and the rest. Marxist influences on Subalternist thought encouraged a view of colonialism as no more than a technique for the extension of post-Enlightenment modernity’s greatest forces – reason and capital – and thus of colonialism as but a vector for global capital. It was the blinding of the indigenous bourgeoisie by reason – freeing their minds from the “Puranic thraldom” of traditional thought (Guha 1989: 307) but replacing this with tenets of liberal political and economic thought – that gave them “universalist pretensions” (307), allowing them to imagine India and Europe within one historical story of development and progress, guided by capital and shepherded in the coming era by a new postcolonial state. Thus for Guha and his Subalternist brethren, “[t]he contradiction between indigenous capital and metropolitan capital does not need an alternative theory of the state” (Guha 1989: 307, original emphasis).
Here, the colonial state and its postcolonial successor regime stand opposed to and radically separated from a pure, organic indigenous society.

**An Alternative View: The Endogenous Colonial State**

There is a gratifying simplicity to the vision of the colonial state as exogenous, as a pure externality, as a mendacious expropriating machine supported by a collaborating bourgeoisie who gain independence only to replicate the colonial form. For a start, it allows us to look at colonial/state crime simply as a result. But that is to ignore why such results happened, how they happened and what their happening made possible or cut short. Furthermore, it is important to note of the Subalternist vision, much as Frederick Cooper (2005: 43) has argued of Frantz Fanon’s depiction of French colonialism in *The Wretched of the Earth*, that it “was more an attempt to define a politics that excluded a middle ground than to describe an observable reality”. A quite different view of the colonial state appears in work latter dubbed the Cambridge School, though neither its themes nor methods are entirely discontinuous with earlier historical work (e.g. Robinson 1972). The Cambridge School approach eschewed a singular and monolithic vision of British colonialism on the subcontinent and saw continuity not only in colonial–postcolonial transitions (as the Subalternists proposed) but also in the emergence of a British colonial state from within *pre*-colonial Indian society. On this view, the colonial state was an endogenous effect of British immersion in pre-existing structures of indigenous power, patronage and economic activity.

In addition to prompting vociferous protest, what this approach did was in fact force much more refined attention to the processes of state formation and state activity. It also broke down the easy binary of expropriating state/oppressed subjects. C.A. Bayly’s (1983) *Rulers, Townsmen and Bazaars: North Indian Society in the Age of British Expansion 1770–1870* is a landmark study in this field and will suffice to give a sense of this alternative vision. Against the Subalternists’ view of a singular European modernity and a British colonial state parachuted in upon Indian society, Bayly (1983: 163) noted the problem that “Indian society is so complex that any unqualified exposition of historical trends must be superficial, and any deeper one will become enmeshed in paradox”. Bayly attempted to straddle both using intricate research into “the ligaments that tied the state to agrarian society” in pre-colonial and colonial India (8). He argued that British authority emerged and later triumphed only through its deep enmeshment in, and recruitment of the ideas, practices and resources of pre-colonial society. All of this occurred as the nascent colonial state expanded its reach after 1765. Key supports to the emergence of a British colonial state were thus a number of factors extant in eighteenth-century Indian society. One was the legitimacy of imperial rule itself (Britain was, after all, only succeeding a declining Mughal Empire); another was
the existence of a diplomatic system designed by the Mughal rulers to accommodate outsiders’ entry into local systems of trade and politics; still one more was the only very loose relationship between Indians’ concepts of royalty/sovereignty and their attachment to territory: indigenous sovereigns were concerned with revenue, recognition and ceremony but did not place high value upon the territorial sovereignty they gave over for guarantees of royal title and pension. The political and commercial environment into which the British inserted themselves also contained highly developed administrative and business cultures and deep capital markets in trading towns such as Benares (modern day Varanasi). Indeed, Bayly illustrated how colonial expansion right through the late eighteenth and early nineteenth centuries was resourced via successive British administrations tapping indigenous capital markets for funds. The picture given by Bayly was thus one in which British interests leveraged mobile intermediate social classes that stood between fragile state forms of pre-colonial Indian society and the agricultural masses below them. British power was centralizing and to an extent modernizing, but he found little evidence before the early twentieth century of British colonialism acting as the Subalternists’ vector for global capital.

When Does Colonial Rule Become the Colonial State?

What we have seen thus far are two contrasting approaches to understanding the dynamics of society, economy and state across the roughly 350 years of British engagement with India. The pictures painted have been brief and necessarily schematic, but they should I hope give a sense of the complexity of the task of understanding the contexts within which conduct that might be regarded as criminal or harmful arose. It might be useful to finish this section by noticing two further areas of difficulty in tying down a simple idea of a colonial state to which crimes may be attributed. Both problems concern the question of at what point we might say “this was a colonial state – it caused these wrongs”.

To begin, the government to which I have been referring above in Bayly’s study was not the British government. It was, rather, a commercial entity, the British East India Company, a joint stock company trading into the subcontinent under a Royal charter first issued in 1600. At what point between the early 1600s and 1800s may we say there was a colonial state in India at all? And given that a commercial body, not any kind of formal state, exercised this form of rule in a foreign land, how are we to treat this fact? Should we ignore it and simply assume the East India Company was a proxy of the British state? That would certainly make things more black and white. Unfortunately, the relationship of Company to Crown was not clear for much of the former’s first 100 years. Furthermore, there is plenty of evidence of the Company not only acting like an independent state but indeed litigating against the British state to maintain these prerogatives. In fact,
the matter was not settled with certainty until more than 150 years after the first charter grant, when in May 1773, the House of Commons agreed a resolution: “That all acquisitions [by the Company] made under the influence of military force, or by treaty with foreign princes, do of right belong to the [British] state” (East India Company 1830: 51; on the Company, see generally Stern 2011).

Neither was the East India Company case a unique one. For as Steven Press (2017) details in Rogue Empire, the Company’s precedent set the ground for a massive expansion of corporate and individual treaty making, colony and empire building that gained pace throughout the nineteenth century. The paradigmatic case of this is King Leopold of Belgium’s personal colonial possession, the Congo Free State. But as Press describes, the capacity of individuals or corporations to hold sovereignty, to wage war, collect taxes, negotiate treaties with sovereign states and undertake a range of state-like functions was far from unusual and, in the nineteenth century, enjoyed a degree of international legal recognition.

A second difficulty in tying down the idea of a singular, encompassing colonial state is the frequently limited ambitions of such states qua states. In her study Law and Colonial Cultures: Legal Regimes in World History, 1400–1900, Lauren Benton (2002) argues that Guha’s binary of colonial state versus indigenous society and thus of dominance versus hegemony is fundamentally mistaken because it imputes a Westphalian notion of statehood where no such thing existed. “Colonial states”, she argues, “did not in an important sense exist as states in the early centuries of colonialism”:

> They did not claim or produce a monopoly on legal authority or on the assignment of political and legal identity. Indeed, colonial conditions often intensified the fluidity of the legal order. . . . There was dominance, undeniably, but both colonizing and colonized groups were not irrational or deluded when they sought advantage in the fractured qualities of rule. (Benton 2002: 259, original emphasis)

Such a view dovetails with Bayly’s detailed work in India. His evidence shows, for example, that in the first almost 200 years of East India Company engagement with trade and politics on the subcontinent “there was little metropolitan capital directly invested in India” and that before 1850 “the number of European commercial personnel resident on the [commercial heartland] Ganges–Jamuna trade routes remained less than one hundred” (Bayly 1983: 229). Furthermore, he suggests, even if a more rigid form of colonial rule reduced the opportunities of some groups:

> in north India the results of Company rule were to further entrench the power of the [indigenous] commercial people and the new zamindars over peasants and
labourers, and to further energise market villages and new towns through which agricultural produce was pumped in order to pay enhanced rates of taxation. (Bayly 1983: 498)

In affirmation through deep empirical and localized research of a point Benton makes based on her view across continents, empires and centuries, Bayly argues that British governance before 1870 should best be thought of as a “limited raj”. His conclusion is echoed by Anand Yang (1989) who in a detailed study of agrarian relations in the Saran District of Bihar uses the same term to describe British colonialism’s light touch rule. Even when changes in Saran’s land ownership due to revenue assessments were considered, authority and wealth continued to circulate within a narrow strata of twice-born (high) castes who in turn continued to maintain their traditional grip upon the rights of tenants. Taken together, Yang concludes that “[r]elative stability in the agrarian social structure thus characterized the district between 1793 and 1920” (226). For Bayly, colonialism could thus never be exogenous to Indian society in the way Guha (1989) had argued. Instead it “worked in a field of force created by Indian social classes and conditions. It had no reality outside those conditions” (Bayly 1983: 499).

**Researching Crimes of the Colonial State**

These conflicting views of the colonial state and the sense of cascading complexity – running from the Subalternists’ simple exogenous state to Cambridge School scholars’ endogenous state continuous with pre-colonial political and economic orders, then to questions of the meaning of the term “state” to describe commercial governance then on to the facts of limited scope, penetration and intervention – undermine the coherence and utility of elevating the colonial state to a special position. This is not at all to diminish the harms and oppressions of colonialism. It is simply to suggest that even though colonial states did exist, the concept of “the colonial state” probably serves only a limited analytic and theoretical purpose today in “state crime” terms. Returning to Bayly’s (1983) observation, we seem stuck between a vision of the state rendered in the most wooden terms of the Subalternists and thus tending towards the “superficial”, or accommodating so much detail of locality, time and context that developing broader arguments becomes “enmeshed in paradox” (163). Ultimately, however, the latter may be part of the lesson: colonial rule was far more heterogeneous, far more fluid and far more contingent than those of us living today naturally imagine statecraft to be. We must be wary therefore not to impose today’s assumptions upon an earlier time. For this was an environment where such stability, focus and singular form was likely never contemplated even as possible, still less as desirable or appropriate.
From Colonial States to Colonial Governmentality

For these reasons and others, colonial and postcolonial scholarship has moved away from a focus upon the state per se and towards a broader view of governance, or governance effects. As the latter phrase might suggest, the work of Michel Foucault has been particularly influential here in driving analyses of colonial and postcolonial rule that focus variously upon sovereignty (e.g. Blom Hansen and Stepputat 2005), discipline (e.g. Pierce and Rao 2006), bio-power (e.g. Prakash 1999; Stoler 1995) and more latterly governmentality (e.g. Brown 2014; Griffiths 2017; Heath 2010; Kalpagam 2014; Legg 2007; Wikramasinghe 2015). At one level, this reflects an effort to understand whether colonial rule was more or less than simply “the tropicalization of its Western form” (Prakash 1999: 125). But the shift of attention from the colonial state to colonial rule also reflects a return of interest to the animating impulses of imperial governance and a need to understand just why colonial rule came to be shaped as it was, why it intervened in some aspects of indigenous life but not others, what effects these choices produced, what they made possible and what they closed off (for another interesting argument against state-focused analysis, contemporary with that of Foucault, see Abrams 1988).

In the South Asian case, an earlier generation of scholars laid the foundations in studies such as Eric Stokes’s (1959) *The English Utilitarians and India* and R. J. Moore’s (1966) *Liberalism and Indian Politics 1872–1922*. Armed with a more sophisticated box of theoretical tools, recent scholarship has built upon these works to understand not just what the colonial state looked like but also how and why it conducted itself in the way it did and thus how and why the crimes or harms of colonialism came to pass in the manner they did. The literature on colonial governmentalities is rather sprawling, and there is not room to review it here. What I will do here instead is briefly outline the governmentality idea, as presented by Michel Foucault, before noting a recent attempt by the state crime theorist Kristian Lasslett to use governmentality to fill the yawning gap in state crime theory, which is, of course, the lack of any theory of the state. At stake here is the suitability, first, of governmentality as a model or approach and, second, the degree to which colonial contexts might produce different forms of governmental reason and practice.

Michel Foucault and Governmentality

Most criminologists will be at least broadly familiar with Michel Foucault’s notion of the disciplinary society most famously developed in his landmark study of the prison, *Discipline and Punish* (Foucault 1977). In that book, Foucault presented a story of historical transformation in which feudal European societies ordered by a form of sovereign power, embodied in law, gave way to what he termed a disciplinary society ordered by techniques of power and forms of knowledge that would produce docile
and orderly bodies. In the first volume of *The History of Sexuality* (Foucault 1979), he modified his position, suggesting instead that the history of modern societies should be understood as one in which disciplinary power, which acts by disaggregating the population into individual subjects, was joined by a second basic form that re-aggregated them and so took population itself as its target. This he termed bio-power or the biopolitical form of power. These two forms, he said, were “not antithetical” but “constituted rather two poles of development” (Foucault 1979: 139). In the last decade or so, however, his main works have been supplemented by the publication in English of his annual lectures at the College de France. The effect has been to reframe and resituate the books (e.g. cf. Foucault 1977, 2015) and to elaborate wholly new visions.

Amongst the most influential of these have been the lectures of 1977–1978 titled *Security, Territory, Population* (Foucault 2007). Beginning Lecture 5 of *Security, Territory, Population*, Foucault proposed “to go over the dimension that I have called by the ugly word ‘governmentality’” (115), which may be understood as “a general economy of power” (11), and which takes two forms. On one hand would be a governmentality of police, where the term police takes its original meaning of “the set of means by which the state’s forces can be increased while preserving the state in good order” (313). Here, rather than separating sovereign and disciplinary power, as he had in *Discipline and Punish*, Foucault placed them together within “an instrument of direct, but negative intervention” that is characterised by either “the feudal form of . . . allegiance” or “the form of a total and exhaustive obedience [of individuals] in their conduct” (356).

Against this form of governance by obedience, which can never be entirely successful, Foucault posited a liberal governmentality. This expands upon bio-power’s attention to population. It looks for the natural laws of population not only in the biological sense – birth rates, death rates and so on – but so too in the social sense. Here, the question becomes, what natural law governs the conduct of individuals? The answer, Foucault proposed, is self-interest. Individuals must be left to pursue their self-interest as far as possible and without the weight of interventions that too often disrupt or inhibit processes that are best left to take their natural course. Governing, on this view, will be a process attending to what makes the population work best, most naturally, while intervening as little as possible:

The fundamental objective of governmentality will be mechanisms of security, or, let’s say, it will be state intervention with the essential function of ensuring the security of the natural phenomena of economic processes or processes intrinsic to population. (Foucault 2007: 353)

What makes this a liberal governmentality is the idea of freedom at its heart: the freedom of natural processes to run their course. Thus, Foucault argues,
“[f]ailing to respect freedom is not only an abuse of rights with regard to law, it is above all ignorance of how to govern properly” (353). Elsewhere he wrote of this as “the subtle game of interventions and freedoms” that reflects the rationality of liberal government (cited in Bidet 2016: 226). This is not to say that domination does not occur or that it does not collect in certain pockets and have effects that appear hierarchical. It is rather to say that the primary analytic should shift from that of state–subjects, or dominators–oppressed, to governors and governed.

**Liberal Governmentality, State Crime and (Post)colonial Rule**

If modern governmental power is framed around the problematic of freedom, as Foucault suggests, it might seem paradoxical at best to extend that analytic to colonial situations where the defining trope has always been one of domination and oppression. Doing so offers a combination of advantages and disadvantages for a state crime approach. The most obvious disadvantage is that a governmentality analysis radically de-centres the state as it draws a bead on the rationalities of governance that condition relationships between governors and governed. Furthermore, while culpability may be attached to states or individuals, it is not clear how it is to be distributed when the focus is upon rationalities, intelligibilities, supports and other mechanisms of a form of power that, in Foucault’s (1979) words, has no “headquarters” (95). On the other hand, and more positively, all that we have seen in the South Asian colonial context suggests that a focus on “the colonial state” would anyway be far too narrow to capture all the relations of social order that characterized Indian society and produced specific kinds of effects.

The system of indirect rule in the form of a “limited raj” described earlier can in fact be understood in these Foucauldian terms as a technology of government, harnessing what colonizers understood as India’s natural laws of social order and bringing them, relatively unfettered yet nonetheless subject to subtle intervention, into the wider colonial order of things. In my book *Penal Power and Colonial Rule* (Brown 2014), I sketched out a genealogy of this liberal governmentality viewed through the lens of crime and social order in British India. There, modern rule was seen to emerge from a host of techniques that at once recruited indigenous institutions and practices, reformulated norms, introduced new methods and positioned the self-interested subject within a modernizing colonial milieu. In the area of state crime, Kristian Lasslett (2015) has proposed that in the absence of any theory of state in Marx’s three-volume *Capital* (1857–1894), we might profitably look to governmentality as a solution. He briefly develops his idea of how the two might intersect before applying the governmentality analytic to the problem of corruption and extractive criminality in postcolonial Papua New Guinea (PNG). I am not a Marxist scholar, and so I will leave to one side his proposals with respect to the utility of such a synthesis for Marxist analysis. In doing so, I note that
Jacques Bidet (2016) has provided an extended account of these possibilities in his recent book *Foucault with Marx*. Having read both, though, I remain to be convinced that governmentality needs Marx, even if the reverse is not true, and that either way, the resultant hybrid would have poor application to colonial contexts. The reason why is that as indicated by Bayly (1983), most colonies were at best pre-capitalist in their general form, even if late-stage colonialism in certain places like India might have contained nested pockets of capitalist economic order (for similar conclusions in the case of British colonialism in Africa, see Cooper 2014).

Returning to the question of (post)colonial state crime, Lasslett’s (2015) proposal to apply a governmentality analytic to this form of criminal conduct is particularly interesting and a useful first step in thinking through the problem. However, in applying the governmentality approach without reflection upon the literature on colonial or postcolonial governmentalities, it essentially elides that which is most problematic in the PNG situation (see also Lasslett 2014a).2 There is not space here to give a just critique of this detailed and thoughtful work on postcolonial PNG, so I will instead return to the question of colonial state crime, what kind of harms we might look to and how a governmentality approach might allow us to understand better how such harms arose. Rather than turning once more to the colonial or postcolonial governance of criminal tribes in India on which I have written at length (Brown 2014, 2017), I wish to finish here by making just a few observations about one of the most debated examples of a putative colonial state crime: mass famine death.

**Colonial Liberal Governmentality and Famine Death**

Anti-colonial nationalists and critics of empire more generally have pointed to the massive scale of famine death in India as evidence of the wickedness, carelessness and brutality of British rule. In *Late Victorian Holocausts*, Mike Davis (2001) arrays evidence from various sources to estimate that between 6 and 10 million lives were lost in the famine of 1876–1879 and between 6 and 19 million in that of 1896–1902. A prominent Indian critic, R. C. Dutt, wrote in 1900 that while “[t]here is no doubt these famines are directly caused by the failure of the annual rains over which man has no direct control”, it was “equally certain that their intensity and their disastrous effects” were a result of colonial policies that at once invested too little in the land, such as in irrigation works, while drawing too much from it, via land tax assessments (Dutt 1900: xiv). Even now, the famines’ causes remain subject to intense debate (see generally Chaudhary et al. 2016). Thus, for example, while Davis (2001: 8) brushes aside “the erroneous claim that British railroads eased hunger in India”, Robin Burgess and Dave Donaldson (2010: 453) conclude on the basis of detailed econometric modelling that “the ability of
rainfall shortages to cause famine disappeared almost completely after the arrival of railroads” in new Indian districts. Whichever may be the case, even at the time the impacts and scale of suffering of the famines were recognized and pointed to as examples of state failure. In his Report on the Famine in the Behar Districts of Bengal in 1866, for example, F. R. Cockerell found that no “relief at all commensurate with the need of the people” had been provided until the famine was well under way, meaning that many Indians “were already in a moribund state” when they arrived at relief centres and thus their “first meal gave the death blow” (Cockerell 1867: 16).

Implicit in the analyses of both Dutt and Cockerell – though in fact for opposite reasons – are a set of assumptions about the dominance of the colonial state and the extent of its reach. Yet as the work of Bayly (1983), Yang (1989) and others suggests, British power was far more fragile, and so governmentality’s nuanced attention to the political economy of power in colonial states provides an opportunity to understand better its relationship to colonialism’s undoubted harms. The difficulty with the approaches pursued thus far is that while by their examination of specific policy settings (e.g. funding railways vs irrigation) they continually re-centre the colonial state – and thus ease ascription of culpability to it – they bring us little farther along in understanding why colonial rule as a form of power was shaped in this way, why within such a political rationality interventions were or were not made and against what backdrop of governmental logic these events took place. These seem particularly apposite questions for state crime scholars interested in the crimes of postcolonial states today since there has been such a strong continuity of governance across the colonial–postcolonial divide (on the postcolonial Indian state and famine, see below). There is space here to indicate only very roughly how such an analysis might be made in terms of famine. One thing this will involve is a move back from the detail of policy itself. One of the difficulties of Lasslett’s (2015) attempt to use governmentality in the context of state crime in PNG was that governing rationalities and technologies of government in the sense Foucault invokes them were in my view confused with the epiphenomenal policy plays of government itself, such as decisions to tweak policy settings this way or that: for example in “[t]ax holidays, tariff reductions . . . relaxation of visa laws” and so on (Lasslett 2015: 653). We need instead to develop a model of governance that allows us to understand the rationalities of rule that make such things possible and thinkable and that developed the broader political economy out of which ephemera like relaxed visa laws or inadequate famine relief emerge.

Considering famine death in this light provides insight into colonial governance as a phenomenon and into the adequacy or otherwise of “the colonial state” as a theoretical and analytic category today. I have suggested elsewhere (Brown
that part of what distinguished colonial governmentality from its metropolitan counterpart was the way it construed and articulated self-interest and liberty as techniques of rule. Turning to famine, we find a different refraction of very similar rationalities. I will mention just three here. First, what we find very broadly in the colonial governance of famines in “native” life is an ascription to the primacy of natural processes and a great reluctance to fall back on forms of regulation that sought to control things which, it was understood, were better left alone. Coincidentally, when Foucault described this, he used price controls on grain in Europe as his example: efforts to control price and so to invest directly in the well-being of the population continually failed or produced paradoxical results. Ultimately, it came to be realized that allowing grain price to vary freely produced the most beneficial results (Foucault 2007: Chapters 2 and 13). Descriptions of British famine policy continually cycle back upon *laissez-faire* as a driving force of rural indebtedness and declining food availability that increased the exposure of tenants and traditional proprietors of the land to famine. In a study of the devastating famines of the 1890s in northern Madhya Pradesh, for example, David Baker (2004) concludes that “support for *laissez-faire* set the seal on the partnership [between administrations and money lenders] that created the famine in the region between 1891–1901” (420). Elsewhere though, *laissez-faire* seems to have reduced rather than exacerbated famine. Strong flows of grain into Gujarat during the famines of 1812 and 1824 created price-spikes and protests elsewhere in the region as the commodity flowed towards strongest demand (Adamson 2016). In fact, *laissez-faire* reflected two-related governmental visions of freedom and self-interest. Broadly, introduction of *laissez-faire* gave effect to what Moore (1966) described as a Whiggish ideal of political economy “which demanded the minimum of government interference with the fruits of the individual’s labour” (72). Such a view of freedom was grounded in the economic theory of Adam Smith, but its grip over official minds may also have been related to its apparent success in western India in abating famine (Adamson 2016; cf. Davis 2001). Against the carrot of government’s lighter hand upon a peasant’s wages of industry, however, there was also a stick. For in the words of one senior administrator, “[i]t is right to protect the weak and simple as far as . . . possible . . . But we must leave him the power of ruining himself if he deliberately chooses to do so” (cited in Baker 2004: 420). Under these lights, the indebtedness and land transfers that clearly accentuated the shock of drought and transferred rural wealth from peasants and land holders to money lenders was to many eyes not foremost a drought risk factor. Rather, it reflected a natural rhythm of rising and falling players in a free market. In the words of Robert Davies, Lieutenant Governor of the Punjab in the 1870s, it reflected “a natural process of competition, which is both wholesome and necessary” (cited in Barrier 1966: 19).
Nevertheless, when droughts hit and famines did occur they were shocking even to the most jaded eyes. Famine commissions and reports regularly pointed to the inadequacy of ameliorative action that would have placed a restraining hand upon *laissez-faire*’s dynamic forces, curbing price freedom, limiting freedom of movement of essential foodstuffs, intervening in the free labour market and the like. But the capacity of colonial administrations to respond effectively in the way envisaged by critics was constrained by a second feature of colonial governmentality on the subcontinent with which we are already familiar. Thus, the “limited raj” of British authority in the countryside described by Bayly (1983) sat atop a continuous pre-colonial social order and meant that the infrastructure of rule was thinly spread and in much of the agricultural hinterland barely evident at all. Control was exercised by powerful local intermediaries in a strategic move that lightened British fiscal burden while also at once leaving alone and reinforcing long-standing indigenous forms of order, social hierarchy and control. Anand Yang’s (1989: 95) study of agrarian relations in the Saran District of Bihar between 1793 and 1920 showed that even “in the late nineteenth and early twentieth centuries, there were never more than five or six official Europeans stationed there; added to indigo planters the total was only about 100, less than 0.01 per cent of the district’s population”. Thus, when famine struck in Saran as elsewhere in the colonial hinterlands officials were frequently slow to realize it, had few infrastructural resources to establish relief systems and relied heavily upon the same powerful local intermediaries who would profit from knock-down land sales made by beggared and starving small proprietors. 3

Third and finally, this colonial governance as a regime of dispersed and fractured sites of power framed within a political economy of *laissez-faire*, and connecting British and indigenous normative systems and structures of order, splinters culpability for famine death into so many pieces as to question the point of thinking in such terms. Unless the colonial state is stood up as a kind of straw man, we are in a position where an analytic method focused on rationalities of rule provides a better view of generalizable causal mechanisms but lacks the capacity to attach culpability to crime. Returning to Madhya Pradesh, Baker (2004) concludes finally that if the administration created famine [through its attachment to *laissez-faire*], so too did its money lending supporters, who exploited the need for capital over four decades and realized their debts by seizing land, leaving agriculturalists without resources at times when they needed them most. (427)

Casting in a less positive light Frederick Cooper’s (2014) observation about “the creativity with which [colonized] communities reconfigured structures and ideologies imposed on them” (55), what we find here are not Guha’s (1989) Westernized
collaborators – his urban, intellectual, bourgeoisie enraptured by Enlightenment reason – but a predatory money lending class deeply rooted in local, rural social systems. Here, famine effects emerged due to colonial policies that allowed long-standing patterns of intra-communal indigenous rivalry to run their course. Paradoxically, the colonial state was not dominant enough. It intervened too little. It set broad conditions for order but eschewed the role of regulator of all and everything. In Madhya Pradesh, the effects of this liberal rule and the predation it allowed of one class of Indians upon another were profound:

Indebted, landless and addicted to drink, tribals in Mandla, Seoni and Betul reeled under scarcity and famine between 1891–1901. Even in better times they hovered on the brink of starvation, but during scarcity and famine they suffered added privation . . . . There and in other districts they streamed from villages towards the nearest town or even distant Jabalpur or Nagpur. Many died on the way. Others disappeared into the jungles in a fruitless search for food. When the rains came, the diet of roots, damp leaves and toadstools engendered such diseases that many could not make the journey to a relief centre. (Baker 2004: 405)

Baker reports that as late as 1901 when the famine cycle was abating “Hindus were still ousting [tribal] Gonds and Korkus from their villages, and pushing tenants from cultivation to landless labour” (405). What is clear then is that if the pax Britannica of colonial rule in India extinguished warfare and rivalry among petit sovereigns of the dying Mughal Empire, it left unmediated many of the relations of power, rivalry, competition, hierarchy and advantage that had animated Indian society over the long durée.

Together, these three intersecting elements of colonial governmentality make famine not nearly so simple to pin down as an example of colonial state crime as might first be imagined. In large part, this is due to the indistinct character of the colonial state and its imbrication within complex indigenous social systems. At the same time, however, this circumstance leads us to ask what for criminologists are arguably more meaningful questions. We no longer need to be concerned with the ephemera of policy, of why railways appear to have mitigated famine in one region of India but not another, or why in the face of mounting mortality colonial administrators persisted with distant relief centres towards which enfeebled peasants were too weak to journey. Instead, a focus on rationalities of rule in the colonial period points us to questions about arrangements of power that are far more general in form and that today in postcolonial societies continue to have pervasive effects. The problem of drought-driven rural debt and land seizures, for example, did not end with the exit of Britain from the subcontinent in 1947. Vasavi (2014) reports that between 1997 and 2012 alone some 200,000 agriculturalists committed suicide.
in India due to unmanageable drought debts and threatened foreclosures. Now, the problem is laid not at the feet of colonialism but of another liberal governmental logic. In postcolonial India, familiar problems such as inadequate irrigation investment and predatory money lenders are sheeted home to the animating logics of neoliberalism (see Reedy and Mishra 2009; on Foucault, neoliberalism and governmental, Rehmann 2016). The colonial-era laissez-faire discipline of allowing the free economic subject “the power of ruining himself” (cited in Baker 2004: 420) today finds expression in neoliberal discussions of the moral hazard of writing off debts of beggared and potentially suicidal Indian farmers.

Alluding to these continuities, Dharma Kumar (1998) opened a chapter of her celebrated Colonialism, Property and the State with the observation that “[m]any problems of governance in developing countries have roots in the nineteenth century” (11). But the problem, she continued, was that much of the “analytical value” of the “vast literature on the colonial experience” that might aid our understanding is “circumscribed” by a “desire to pass sentence on imperialism” (311). The objective, she suggested, is not to determine who wronged whom but to understand what changed (such as the emergence in Indians’ lives and imaginations, at a certain point, of an object we now call the state), what those changes made possible and what they closed off. In this stance, she is not so very far from Foucault who in describing the technology of power he would eventually call liberal governmentality said that

[w]hat is involved is precisely not taking either the point of view of what is prevented or the point of view of what is obligatory, but standing back sufficiently so that one can grasp the point at which things are taking place, whether or not they are desirable. (Foucault 2007: 46)

The challenge for scholars of colonial state crime is to find this positioning, at once distant enough to view governance and political economy as phenomena in their own right, yet sufficiently engaged with the lived realities of colonialism that emergent models can explain and accommodate different specificities of both historical and contemporary rule.

**Conclusion**

This article opened with a question posed by Frederick Cooper (2005: 53) inviting us to contemplate what, precisely, we should do with knowledge of whatever evils we choose to attribute to colonialism. Having now examined how historians of colonialism have struggled to achieve a vision of the colonial state that lies somewhere between the politically satisfying, best reflected in Ranajit Guha’s (1989: 274) colonial state as “absolute externality”, and the manifold complexities of local
political and economic power that, as Bayly (1983: 163) observes, so often leaves us “enmeshed in paradox”, we might profit from listening once more to Cooper. Returning again to his question of how we might regard colonialism he observes that “[s]cholars who like their colonialism very colonial have trouble dealing with the fragmented, uneven, mediocre nature of colonial administrations” (Cooper 2014: 55). If this article has done anything, I hope it has brought to the fore the fragmented nature of British colonialism in South Asia and both the insights and difficulties this might present for scholars of state crime. Once again, it must be said that none of this is to diminish or sidestep what went on during periods of colonial occupation. Whether that be the considerable power imbalances implicit in imperialism or the circumstances reflecting quite transparent criminality in European’s conduct towards what were sometimes perceived as inferior races and cheap lives (e.g. the Jallianwalla Bagh massacre – Collett 2006; on value of life, see Fisch 1983). Nor indeed is it to suggest evaluative conclusions on the virtues or otherwise of colonialism itself (see, controversially, Gilly 2017), as should be apparent from discussions of Foucault and of Kumar, above. I have also attempted to maintain a focus here upon colonial governance in its civil form and so the argument should be read as limited to that and not about colonial wars and warfare.

Turning back to our case study of famine death, I cannot pass over the 1998 Nobel Laureate Amartya Sen’s (1999: 16) famous claim that “no famine has ever taken place in the history of the world in a functioning democracy”. While the veracity of that has subsequently been debated, the broad point stands that colonialism either created, or failed to eliminate, the conditions under which famine in India became possible (see Kumar 1998 on famines under Mughal rule in India). Part of what this article has attempted to do is wrestle with the question of how those conditions of possibility may be understood, whether or not the colonial state is a useful analytic category and whether mass famine death might stand as an example of colonial state crime. In considering how to finish here, I feel somewhat akin to the social historian E. P. Thompson (1975: 266) who, at the end of more than 200 pages recounting the bloody injustice of eighteenth-century England’s Black Act, ventured “to crawl out onto my own precarious ledge” above received wisdoms to deliver his conclusions. The brief governmentality analysis of famine death I have made here gives nothing like the support Thompson rested on when concluding that eighteenth-century English law represented not an abomination but a “unqualified human good” (266) and indeed “a cultural achievement of universal significance” (265). But neither I hope will my conclusions be so controversial. Like him, though, “I am not starry eyed” (266) about the suffering experienced and my work on the oppressive machinery of the criminal tribes policy under both colonial (Brown 2014) and post-colonial (Brown 2017) conditions in India leaves me in no doubt as to the character of illiberal governance, whether that emerges under despotic or democratic rule.
My conclusion, then, with respect to state crime as a distinctive type of crime is that in the kinds of colonial contexts discussed here searching for colonial state crime is an exercise with limited potential (cf. e.g. Balint 2016; Buser 2017). Of course, the colonial state did materially exist. One needs only to walk around Lutyen’s New Delhi with its temples to imperial power now fought over by post-colonial elites to know there was a colonial state. But the analytic category of “the colonial state” makes much more sense when one is up close to it, working for example on colonial policing practices or the postcolonial forces that are so continuous with them (e.g. Jauregui 2016). What is more, the concept of a state crime implies, indeed demands, that culpability be ascribed in some meaningful way. And here, I conclude, it cannot. I have suggested that Michel Foucault’s (2007) theory of governmentality in fact travels very well to the colonies, despite its author’s studious Eurocentrism. Indeed, I hope to have shown that governmentality is a much more useful analytic lens than “the colonial state” for understanding the rationalities of rule that made events like mass famine death possible. But governmentality is an explanatory analytic approach. It is not designed for assigning culpability or blame. It is thus unsuited to efforts to ascribe guilt to nebulous historical formations of power such as those that produced famine mortality. If there is a normative discourse associated with liberal governmentality, it is economic, not moral. Its normative horizon is neither that of law nor the disciplinary sciences. Instead, its horizon is political economy and its object, the governed, are understood to be guided by self-interest and enmeshed within matrices of social order that governance seeks both to shape and corral. Governmentality thus serves very well to explicate why those who governed India chose to intervene in some areas and not others, and it shifts our attention quite explicitly to these accounts of why things were done as they were. It offers much more than contemporary state crime theory’s disembodied and agentless vision of the state. Governmentality’s virtue, it might be said, is this insight into the “why” and “how”. But it may also test state crime scholars’ patience if they demand that it adjudicate. For as Foucault (2007) described, this form of analysis does not operate upon a moral register: it does not ask, was this good or bad? Lacking a moral normative frame and its attendant “ought” injunctions, it does not pretend to the kind of cascading reductionism that would say, for example, that colonial officials ought not to have subscribed to *laissez-faire* and ought, indeed, to have restricted the alienation of land to predatory money lenders during periods of drought (on these debates, see Darling 1925 and Barrier 1966), and therein lies a crime

This leaves us on the horns of a dilemma. The simplest, most black and white and most politically satisfying approach – exampled here in Guha’s (1989: 274, original emphasis) vision of the colonial state as “an absolute externality” – fails when set against the data of historical record. Yet, the alternative that would provide a better fit
to data seems manifestly unsatisfying in political terms because it fractures and disperses culpability right when we want to find someone or something – colonialism – to blame. Yet, this is not all disaster. To begin with, it reminds us that an analytic category such as colonialism should never be confused with a causal process. Agents cause things and they do so for reasons. A focus on governance draws attention to such reasons, to rationalities and to logics of rule and provides a vision that takes in both past and present. This latter point is the second thing we might profitably remember. As criminologists, our field of vision is wider than that of the disciplinary historian. Even if we work deep in the historical archive criminologists will typically look to history to find clues to problems of crime in the present. The capacity to make such observations, linking past and present, emerges from colonial data that speak to the problems of today. The question for state crime scholars is not whether new fields of culpability and blame can be unearthed in colonial contexts but whether they can find insights for the present in these worlds and archives of the past.

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Notes

1. This characterization draws from Cooper (2005) whose criticism was directed at historians and postcolonial scholars inclined to ignore that “the state” has no essence itself, but is merely the combined work of actual, once-living agents.
2. Despite the title of this work including the word “empire”, the empire of capital to which it refers could equally be described simply as global capital and the book does not engage meaningfully with either colonialism or empire in a way relevant to the current discussion.
3. For the history of interest, debt and land alienation in pre-colonial times, see Darling (1925). He observes that through to the end of the nineteenth century, much rural life was pre-capitalist and outside the money economy. Agricultural interest was levied in seed itself and prior to British times the rate of interest on seed was up to 60 per cent. Later in the British period, it reduced to around 25 per cent, but compounding interest would still double that debt in 2 years.

References


Cockerell, F.R. (1867) “Report on the Famine in the Behar Districts”. House of Commons Parliamentary Papers 1867, Papers and Correspondence relative to Famine in Bengal and Orissa, including Report of Famine Committee and Minutes of Lieutenant Governor of Bengal and Governor General of India.


United Nations General Assembly (2014b) *Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands*. Resolution adopted by the General Assembly on 5 December 2014. A/RES/69/105 A-B.

