

MAHMOOD MAMDANI

DEFINE AND RULE

Native as Political Identity

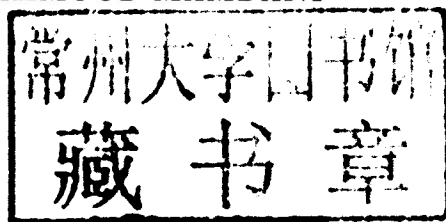


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Native as Political Identity

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DEFINE AND RULE

The W. E. B. Du Bois Lectures

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For Wawa

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DEFINE AND RULE

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Introduction

The inspiration for these lectures came from two sources: the first from a reading of W. E. B. Du Bois's *The World and Africa* in 2007.¹ I realized that rather than just write about Africa, Du Bois located Africa in the context of world history. This meant writing about the world from an African vantage point. The second came from a question I was asked by Professor Andreas Eshete, then the vice chancellor at the Addis Ababa University, following a lecture I gave on British indirect rule: how, he asked, is this different from previous empires? I gave a long and somewhat convoluted answer, and, maybe just because of that, I left with a distinct feeling that I needed to give serious and further thought to this question.

The focus of these lectures is the indirect rule state, which I have come to understand as a quintessentially modern form of rule in a colonial setting. Indirect rule differed from modes of rule in previous Western empires—including Roman and British “direct” rule before mid-nineteenth century, and French “assimilation” before the early twentieth century turn to “association”—in two important ways. First, previous empires focused on conquered elites rather than the mass of the

colonized. Second, they aimed to eradicate difference through a policy of cultural and sometimes political assimilation of colonized elites, whereas indirect rule claimed not just to acknowledge difference but also to shape it.

The management of difference is the holy cow of the modern study of society, just as it is central to modern statecraft. The shift from a homogenizing impulse to a preoccupation with defining and managing difference is most evident in the transition from direct to indirect rule. I argue that it is under indirect rule colonialism that the definition and management of difference was developed as the essence of governance. The difference between the modern democratic state and its colonial version is this: the modern state ensures equal citizenship in political society while acknowledging difference in civil society, but its colonial counterpart institutionalized difference in both the polity and society.

In the colonial indirect rule state, the tendency was to limit citizenship to the settler. I argue that, as a political identity, “native” was the creation of intellectuals of an empire-in-crisis. The key figure was Sir Henry Maine, who reflected on the post-1857 crisis of the British Empire in India. But there were also others, such as Christiaan Snouck Hurgronje, whose object of reflection was the Dutch imperial project in Aceh in the East Indies. Unlike what is commonly thought, native does not designate a condition that is original and authentic. Rather, as in Maine, the native is the creation of the colonial state: colonized, the native is pinned down, localized, thrown out of

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civilization as an outcast, confined to custom, and then defined as its product.

Under indirect rule, the governance of the native was the prerogative of the *native authority*. As a form of governance, *native administration* claimed to be faithful to tradition and custom, which it defined in the singular, more or less unchanged since time immemorial. No matter its local variations, a core set of rules defined the “customary” in indirect rule colonies. They functioned as the gold standard. The rules concerned land and governance. Land in a colony was defined exclusively as a composite of different homelands, each the home of a designated native tribe. Only those officially designated as natives could claim land rights in the tribal homeland. As a result, participation in public affairs was no longer the right of all those who lived on the land; instead, it became the exclusive preserve of natives said to belong to the homeland. Colonial privilege took two forms: racial and tribal. Both were based on legally sanctioned difference, and both were in turn taken as proof of that difference. If settler cosmopolitanism claimed to be a product of race difference, native particularism was said to reflect the authenticity of the tribe.

Anticolonial nationalism was the antidote to enforced difference; it underlined our common humanity. When it came to the nationalist project, however, there was no agreement. Some sought to turn the world of the settler and the native upside down; others were determined to change it so that both settler and native would cease to exist as political identities. When

does a settler become a native?² I asked this question in my inaugural lecture at the University of Cape Town in 1998 and answered: never. The only emancipation possible for settler and native is for both to cease to exist as political identities.

Settlers and natives go together: there can be no settler without a native, and vice versa. Either the two are reproduced together, or the two are abolished together. What produces them as political identities is a form of the state that distinguishes settlers from natives in law, at one time valorizing the settler, at another the native. To reform this state and to rewrite the historiography that undergirded the colonial political project and, in the process to historicize “tradition” so as to reclaim it, was the political challenge after independence.

The opening chapter will discuss the mode of indirect rule at its inception, both as an intellectual reflection on the mid-nineteenth-century crisis of empire by one of its seminal thinkers, Sir Henry Maine, and as a set of colonial reforms designed to ameliorate this crisis in India, the British colony of Malaya and the Dutch East Indies. The focus of Chapter 2 is the elaboration of “indirect rule” in the African colonies. I elaborate on one case in particular: colonial Sudan in the aftermath of another major crisis of the empire, the Mahdiyya. The concluding chapters turn to the antithesis of this process: the movement for decolonization, in both its intellectual and political dimensions, first to discuss the equally seminal contribution of a Nigerian historian, Yusuf Bala Usman, who, I argue, provides the intellectual antidote to colonial historiographies,

and the statecraft of Mwalimu Julius Nyerere, whose pioneering reforms not only effectively decolonized the indirect rule state but, in so doing, provide us with a nonviolent alternative to a Leninist vision of “smashing” the state. At the same time, these reforms drive a wedge between the nation-building project and the project for democracy and social justice, a question best left for later reflection.

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Nativism: The Theory

Sir Henry Maine and the
Post-1857 Crisis of Empire

A new form of colonial governmentality was born in the aftermath of the mid-nineteenth-century crisis of colonialism. Of the theorists who articulated the response to the crisis, the most important was Sir Henry Maine. Maine sought to recognize the historicity and the agency of the colonized as part of an endeavor to rethink and reconstitute the colonial project on a more durable basis. Through a theory of history and a theory of law, he distinguished the West from the non-West and a universal civilization from local custom. In the process, he distinguished the settler from the native, providing elements of a theory of nativism: if the settler was modern, the native was not; if history defined the settler, geography defined the native; if legislation and sanction defined modern political society, habitual observance defined that of the native. If continuous progress was the mark of settler civilization, culture was best thought of as part of nature, fixed and unchanging. The native was the creation of theorists of an empire-in-crisis.

Sir Henry Maine became a legal member of the viceroy's cabinet in postmutiny India. His books became compulsory reading for those being groomed for the India Service and,

indeed, for the Colonial Service. From Alfred Lyall in India to Frank Swettenham in Malaya, Theophilus Shepstone in Natal, Lord Cromer in Egypt, Frederick Lugard in Nigeria and Uganda, Harold MacMichael in Sudan, and Donald Cameron in Tanganyika, colonial administrators throughout the empire translated the assumptions around which Maine had marshaled his arguments—particularly in his well-known text, *Ancient Law*—into policies. The result was a mode of rule undergirded by a set of institutions—a racialized and tribalized historiography, a bifurcation between civil and customary law, and an accompanying census that classified and enumerated the native population into so many “natural” groups. Transplanted to African colonies in the early twentieth century, the “customary” administrative authority classified the population in each unit (“tribal homeland”) into natives and migrants, except this time both were ethnicized rather than racialized, with customary law privileging the ethnic native while discriminating against the ethnic migrant. Excluded from the racialized domain of rights, a theory of history framed the agency of the native, set into motion by the colonial legal system, and targeted by its administrative practice. Cradled by colonial power and scholarship, this agency was said to be tribal. Tribalism is reified ethnicity. It is culture pinned to a homeland, culture in fixity, politicized, so that it does not move.

Its architects claimed this mode of rule was no more than a pragmatic response to a dearth of resources, making for a weak state with a superficial impact, and thus called it “indirect

rule.” My assessment is the opposite. True, the language of rule was benign: it evolved from a language of “noninterference” in post-1857 India to one of “protection” by the end of the nineteenth century, not only in India, but also in the Malay states and Dutch Indonesia. By the time it was transported to twentieth-century Africa, this mode of rule claimed to preserve custom and tradition through indirect rule. But the indirect rule state was not a weak state. Unlike the preceding era of direct rule, its ambitions were vast: to shape the subjectivities of the colonized population and not simply of their elites.

THE TRANSITION FROM
DIRECT TO INDIRECT RULE

The second half of the nineteenth century witnessed a crisis of empire at both its ends, India and Jamaica, starting with the 1857 uprising in India, known as the Sepoy Mutiny, and closing with Morant Bay in Jamaica in 1865. Together, these developments made for a crisis of mission and a crisis of justification. In the reflection that followed the crisis, the colonial mission was redefined—from civilization to conservation and from progress to order.

Between 1757 and 1857, two-thirds of the landmass of South Asia had been brought under Company rule, either directly as subjects or, indirectly, as princes under protective custody. The main outlines of the Utilitarian and evangelical agenda were clear by 1850: to abolish the Moghul court and to

impose British laws and technology—along with Christianity—on India. Then in 1857, all but 7,796 of the 139,000 *sepoys* of the Bengal Army turned against their British masters.¹ The civilizing mission, spearheaded by liberal Utilitarians and Christian evangelists, had faltered. Why? It was, in Maine's words, the result of a failure of analysis; a failure to understand the nature of "native Indian religious and social belief." Maine argued that this "vast" subject had been "so superficially examined" that "I insist on the necessity of having some accurate ideas about it, and on the fact that a mistake about [it] caused the Sepoy Mutiny."²

What was this "defect of knowledge?" It was twofold. The first was an over-reliance on Sanskrit texts while underplaying the importance of everyday practice: "nothing can give a falser impression of the actual Brahminical religion than the sacred Brahminical literature. It represents itself as an organized religious system, whereas its true peculiarity, and (I may add) its chief interest, arises from its having no organization whatever."³ Maine called for a shift of focus, away from the Orientalist preoccupation with texts, to observing daily life. The logic of native institutions, Maine argued, was to be found in local customs and traditions. The problem was that even when Orientalists tried to understand daily life, they made the mistake of focusing on the more urbanized and cosmopolitan coast as opposed to the more rural and traditional hinterland, simply because the former was more accessible and the latter more isolated. He cited as examples the highly influential *Histoire*

Philosophique des deux Indes by Abbe Raynal and Diderot, the eighteenth-century French philosophical account of India, as well as less influential English writings, such as Mr. Buckle's *History of Civilisation*. They had failed to understand "the extreme isolation of the country until it was opened up by maritime adventure," the reason why "all things Aryan, the chief part of the heritage of the greatest of races, are older in India than elsewhere."⁴

For India's historic isolation, Maine gave two reasons. The first was geography: "Approached not by sea but by land, there is no portion of the earth into which it is harder to penetrate." The second "powerful preservative has been the influence of Religion and Caste." Whereas geographical isolation accounted for the paucity of external influence, Maine argued that caste and religion accounted for the lack of change internally: "Brahminism is in fact essentially a religion of compromise. . . . Thus Brahminism does not destroy but preserves old beliefs and cults, and with them the institutions which many of them consecrate and hold together. It cannot be doubted that Central India thus reproduces the old heathen world which Christianity destroyed. . . . Thus, ancient practices and customs, little protected by law, have always been protected by religion."⁵ Indeed, argued Maine, "the primitive Aryan groups, the primitive Aryan institutions, the primitive Aryan ideas have really been arrested in India at an early stage of development," so much so that, "a large part of ancient Europe survives in India."⁶