The First Precariat?

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The transformation of global capitalism, labor, and class relations in our own day is having a marked effect on how we study those subjects historically. Yet, as happens repeatedly in our historical discipline, insights gained from the juxtaposition and recognition of deep structural affinities between the present and the past also carry the risk of a distorted mirror effect. What questions we carry to the past and what lessons we, in turn, extract from it must be handled with care. As couriers between worlds of time as well as space, our work as historians inevitably reflects the ignorance as well as intelligence attending the message (as well as the messenger) of the given moment. With these caveats in mind, I want to explore the link between today's global crisis in worker welfare—perhaps most commonly summoned up by the twinned terms "neoliberalism" and the "precariat"—and a new historical preoccupation with coerced laborers of the past. With due deference to the aims of this collection, I will concentrate on the connection between the coolie question, as it developed in the nineteenth and early twentieth centuries, with the plight (and possible strategies) of low-wage global workers today.

Like nineteenth-century coolies, workers, in the current moment, appear more often as victims than agents of historical change. The weakness of organized labor both at the workplace and as a political force corresponds to broader trends toward greater social inequality, downward pressures on wages, weakening labor and workplace standards and lessening welfare protections. At one extreme, human trafficking has even reinvented physical enslavement as a form of labor control, even as more subtle forms of economic coercion appear to shape the lives of masses of the world's poor. The most recent and popular (if ultimately rather vague) term of analysis for the victims of such trends is the precariat, a term evolving (and initially applied in Europe) since the 1970s to growing numbers of people marked involuntarily by short-term, temporary, or part-time work at low wages and without benefits. Following various accounts in a similar direction, economist Guy Standing in 2011 posited the precariat as a new social class that grows out of a "globalization era" based on neoliberal principles of "competitiveness and individualism." Notably, Standing ties the growth of the worldwide precariat to "the emerging market economies," particularly the emergence of "Chindia," or the combined

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impact on labor markets of industrialization in China and India.[1] Notably, at the bottom of today's "99percenter" (to invoke a favored term from the 2011 Occupy Wall Street Movement) insecure labor force lies an utterly immiserated, desperate core often forced to emigrate in a condition of statelessness.

The macrotrends of the current era have undeniably reconcentrated attention on the historical experience of those who were once dismissed (if not entirely neglected) by labor historians as part of the "lower depths." As historian Marcel van der Linden notes, what economists call "standard employment" (i.e., a full-time position characterized by continuity and stability of employment, legal rights to protection and representation at work, and social insurance benefits)—a status exacted from employers for male industrial workers beginning in the late nineteenth century and reaching its apex during the post-World War Two boom—is becoming ever scarcer across advanced capitalist countries and indeed appears more and more as a "historical anomaly." To be sure, by the time of the downturn for standard employment in the West, precariousness in the Global South had already reached epic proportions. In the mid-1980s, unemployment in Latin America, Africa, and Asia, it is estimated, regularly effected thirty to forty percent of the potential labor force. Given the worldwide, contemporary shift away from collective bargaining and secure, unionized jobs, it is not surprising, then, that van der Linden should recently have summoned the spirit of "San Precario" as "a new inspiration for labor historians."[2]

Historians' curiosity, in short, is following today's headlines. Within the new "history of capitalism" literature (a field that has soared since the 2008 world financial meltdown), for example, two trends seem to stand out—that is, in addition to a new focus on financialization (especially banks and insurance companies) as a central agent of the economic system—labor increasingly is viewed as a mere commodity, a resource open to control (every bit as much as land and capital) by the ownership class. As Jeffrey Sklansky summarizes in a recent review essay, "if the face of capital in the new history is that of finance, the face of labor is that of slavery, and the two are as closely entwined as manufacturing and wage labor were in earlier scholarship."[3] Although Old South plantation slaves, as Sklansky notes, were closely connected to a global market economy of merchants, bankers, and investors, slaves possessed little agency as workers; indeed the most recent treatments of the subject tend to emphasize the sheer, physical brutality employed by planters in securing production from their chattel subjects.[4] Or, as historian Seth Rockman writes of slavery and wage labor in early-nineteenth-century Baltimore, "The absence of negotiation, the persistence of coercion, and the disparity in power between those buying labor and those performing it were not imperfections or temporary contradictions in capitalist development. They were the very foundation of capitalism in the early republic."[5] Moreover, the present-day image of the precariat hangs heavy even over those who dismiss its theoretical presumption. While denying Standing et al.'s claim that the so-called "precariat" represents a "new class force,"—preferring to return to Marx's own historical understanding

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of a working class borne of capitalist crisis, dispossession, and pauperization—Canadian historian Bryan D. Palmer emphasizes that "all proletarians suffer precariousness," even as his most recent (coauthored) work tracks the lives of late-nineteenth-century tramps and turn-of-the-century unemployed, including punitive service in the Toronto Workhouse, aptly encapsulated in the term "cracking the stone."[6]

In several respects, historical reconstruction of coolie labor systems—or recruitment networks which from the early to mid-nineteenth century through World War One employed migrant workers from India or China under classic "indenture" or other "contract" forms in a variety of agricultural, industrial, and maritime settings—suggests itself as a convincing precursor of the modern-day precariat. First, outside of plantation slavery, its general predecessor, the conditions of coolies rank with the most insecure and superexploited of all historical workgroups. Secondly, international capital, both as investment and as enterprise ownership, figures prominently in employment decisions in a global marketplace erected first in the late nineteenth century and rebuilt a century later. Finally, the centrality of China and India to both time periods and both constructs begs for further analytical connection and explanation. But, we must ask, are these more than ironic and/or superficial resemblances?

In answering with a somewhat ambivalent "yes" and "no," let me first deal with what seem the most striking differences in the situation facing these two historical subproletariats. Analysis of the contemporary precariat emphasizes the pain inflicted on the laboring class by marketplace *deregulation.* The uncoupling of work relations from collective bargaining and/or enforced workplace welfare, safety, and other regulations leaves the industrial worker more exposed than ever to a competitive free-for-all within both domestic and global labor markets, while the simultaneous rollback of social insurance provisions under international fiscal pressures deprives the swollen ranks of the unemployed without a safety net of government support.

At first impression, the classic nineteenth-century coolie worker seems to have faced an inverted mirror image of such present-day woes. Rather than deregulation, the coolie laborer—whether in Guianese sugar settlements, California railroad gangs, Assam tea plantations, or British sailing ships—was trapped in a jungle of *over*regulation, allowing precious little room for maneuver. Historian Ravi Ahuja thus refers to "scenarios of regulation" that long ensnared his sailor subjects.[7] Generally speaking, the constraints affecting coolies as indentured laborers tied to extended contracts that they could break only upon penal sanction constituted a legal heritage of rules and regulations that free, native Anglo-American (and other European) workers had largely escaped by the mid-nineteenth century but that had been extended by specific legislation to the largely migrant workforces of colonial territories.

The legal essence of coolie subjugation was the indenture contract. Simply put, the British master and servant tradition that stretched from the mid-sixteenth-century common law to the mid-nineteenth-century legislation effectively left "nothing to prevent the most blatant form of servitude after

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one gave voluntary consent to a contract of service."[8] "The central feature of this tradition, as Indian labor historian Prabhu Mohapatra explains, "was the 'Criminalization of Free Labour,' a process by which withdrawal from contract, especially by the labourer, entailed criminal prosecution." Under this legal regime, "a breach of contract was thus not a civil matter between private individuals but a crime against the state and the body politic." "At the heart of liberal ideology of private contract and laissez-faire," he concludes, "lay the invocation of state power."[9] Consolidating the wisdom of the common law, the British Master and Servant Act of 1823 tied workers to exploitative conditions while also suppressing their right to collective action: Breaking an employment contract, notes historian Maya John, "was a *criminal* offence if committed by an employee or workmen, but was only a *civil* offence if perpetrated by an employer." Other colonies of the realm passed their own versions of the master-and-servant doctrine (e.g., Australia in 1845 and New Zealand in 1856), leading to many thousands of prosecutions. As Maya John documents, among the first acts of penal governance as adjudicated by the New South Wales Act of 1823, "twenty per cent of prison inmates [were convicted] for offences including leaving place of work without permission and being found in hotels."[10]

Indenture regulations on white labor, male and female, first gave way to pressure from below in the opportunity-rich British North American colonies and especially the young United States republic: Already by 1800, as historian Robert Steinfeld has documented, indenture, by now limited to poor debtors and minors bound out in service until the age of twenty-one, had come to be viewed as "a category of labor apart, much less like normal [free] labor and more like slavery."[11] By 1830, no American court would compel a servant to serve out his time, and, with singular exceptions like merchant seamen, only economic incentives (i.e., the withholding of wages or fear of unemployment) stood in the way of the "right to quit."[12] Things moved in the same direction, if more slowly, across the British Empire. The criminal presumptions behind master-and-servant law were finally annulled by the Employers and Workmen Act of 1875. By then, however, a gathering workers' movement was itself pressing against the larger legal, political, and social confinement of the working class, as manifest in the 1825 Combination Laws Repeal Act (which gave trade unions limited autonomy) and the 1871 Criminal Law Amendment Act, which further immunized worker self-organization from criminal liability.[13]

The "unfreedom" of coolies, in short, was not a new phenomenon: Rather, in a "modern" world of increasingly "free" labor and "free" global enterprise, it branded a racial and usually migrant "other" with the supraregulation previously exacted on all labor contracts across the British realm. In the case of employer controls, an imperial recrudescence of the worst aspects of the British tradition was instated with the Indian Penal Code which served from 1860 to 1926, in Mohapatra's words, as the "master contract governing employment relations in India (in the same era that such control was being slowly eroded in the mother country). An essential aspect of the code was the

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assumption of the Workmen's Breach of Contract Act of 1859, which empowered a master to seek legal redress with summary remedies for any laborer who refused to work.[14] Although not "primarily envisaged," according to Maya John, to mobilize coolie labor, it was "swiftly reinforced by Central and Provincial Acts relating specifically to the recruitment of plantation labour."[15] The pattern is well illustrated with respect to the recruitment of migrant workers and their subsequent treatment in Assam tea plantations. Historian Rana Behal thus vividly reconstructs the "appalling conditions of fraudulent recruitment and insanitary transport" accompanying the "tea mania" and widespread use of mass indenture beginning in the 1860s; Indeed, of 85,000 laborers imported into Assam from 1863 to 1866, "no fewer than 35,000 were reported to have died or deserted, "while "flogging, as a form of discipline, was a universal practice." In the carefully isolated "tea gardens," workers movements were carefully controlled by their overseers: Desertion (or "absconding") merited one month's imprisonment, and the degree of employer control extended to a polyandrous marriage arranged by a planter in 1884 "between five 'time-expired' coolies who had completed their contract period, and a single woman."[16]

Unlike the tea plantation workers, the tens of thousands of South Asian seamen who manned European ships across the late nineteenth and early twentieth centuries were very mobile geographically but almost totally confined socially. Known as "lascars" and representing one-sixth of the British maritime labor force by 1904, these coolies of the sea were governed by "lascar articles," a contract of extended duration (i.e., one or two years covering several voyages as opposed to the normal single-voyage agreements) and at one-third to one-fifth the pay of European or American seafarers.[17] Moreover, although they had been considered essential since the early seventeenth century to complete crews on ships returning to Britain, the lascar agreements (drawing on precedent dating to the Navigation Acts) carefully circumscribed both any extended residency or employment outside the Indian Ocean trade. Finally, in addition to formal regulation, a lascar's movements were hampered from the beginning by fealty and indebtedness to the subcontractor or gang boss, known as the *serang*, who hired him. Serving first as a labor recruiter with local or even kinship ties to the gathering crew, the serang ultimately took on the role of the all-purpose middleman: "[H]e was," summarizes Ravi Ahuja, "his employer's agent, and spokesman for the crew, a moneylender, and organizer of village clubs and [even] trade unions."[18] Although his authority was undoubtedly exaggerated by shipping companies as a way to deflect responsibility for substandard conditions onto "Indian tradition" or the "village system," the serang, precisely because of his close ties to a company or shipmaster, added to the obstacles of self-organization among Asian seafarers.[19]

In the end, the very statism, or thickness of legalistic regulation, enforcing coolie exploitation and subordination ultimately also opened a path toward transcendence and liberation from that oppression. As long as the tentacles of racial and class separation that defined cooliedom (vs. "normal" free labor conditions and ultimately the rights and power of the Standard Employment

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Contract) could be identified with specific disabling codes and legislation, those who would undo or soften them at least had a clear political target. In short, just as government could be identified as at least accomplice to employer oppression, so could politics and statecraft prove a source of relief. At the moderate end, for example, such relief could take the form of intervention to protect indentured laborers from mistreatment that broke the formal labor codes of employment, however tilted in favor of owners or employers. Chinese coolies on German Samoan rubber plantations thus appealed to Chinese inspectors (dispatched by the Chinese consulate) to protect contract terms that had specified work release on Chinese as well as German holidays.[20] Likewise, as historian Laura Tabili has documented, British employer and state attempts to maintain strict and discriminatory racial determinations of residency as well as subminimal wage rates among its maritime labor force (i.e., the basis of the lascar system) foundered in the interwar period on the very porousness of British citizenship. "By acquiring passports in Britain or the colonies, by 'making trouble' aboardship … and by establishing and defending their families and settlements in Britain," she observes, "[so-called] Black seamen continued to pursue the rights they claimed as British subjects."[21]

Yet, it was perhaps not just the interstices of state regulation but the systematic and comprehensive reach of the indenture labor system itself that opened the door, according to historian Rachel Sturman, to higher, modern-day labor standards. Albeit initiated by sugar planters seeking to assure themselves of a cheap labor force, the system necessarily extended state oversight "into diverse aspects of laborers' lives, work, and health." Despite its long entanglement with discriminatory and coercive "racial theories of labor," imperial regulation gradually also accommodated reformer interest in worker welfare. By the early twentieth century, suggests Sturman, imperial, top-down reform merged with the efforts of bottom-up "metropolitan" trade union interests, culminating in the convention-setting process of the ILO: In the end, it seems that the process of state labor regulaton that erected and protected the coolie-indenture system also abolished it, as legally finalized in the ILO's rights-oriented Constitution of 1944. In the meantime, not waiting for new British or international standards of labor justice, Indian nationalists like Gandhi, seized on the need for self-constituted citizenship, in this case creation of a self-governing new national state, as the only sure escape of the Indian people from wholesale denigration by association with the "coolie" epithet.[22]

It is, therefore, the centrality of the state—at once as agent of coolie subjugation and later as source and mechanism of coolie abolition—that also fundamentally separates the "problem" of the coolie from that of today's precariat. Today's most exploited workers, by contrast, are arguably less "disciplined" by legally imposed social hierarchy than by the "law" of supply and demand. Similarly, workers today are not so much officially separated and distanced by coolie contracts and lascar articles from those with "free labor" status as thrown together, indiscriminately, in an all-out "race to the bottom." In short, neither the experience nor the responses of those who suffered indenture in

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what seems like the distant past quite anticipate the dilemmas faced in today's global workplace.

Differences notwithstanding, however, eerie parallels are all too easy to find. To take but a couple of examples, Punjabi brick kiln workers surveyed in 2004 are victimized by what social science researcher Assem Prakash calls a "vicious cycle of debt bondage": Working twelve to fourteen hour days, "usually the adult male member of the family enters into a contractual arrangement but in practice the labour of the entire family is pledged, irrespective of gender and age." Further, while no fewer than twelve "major laws" supposedly protect such workers and there is even a union presence in the industry, in practice, the laws, which assume a direct employer-employee relationship in the workplace, prove toothless in a situation (all too common) where the labor contractor (or subcontractor) effectively serves as boss. There is no law in this case that compels the indebted worker to return to the kilns, but, according to Prakash, there still exists *de facto* compulsion in that "low wages and more debt ensure her/his return." Prakash likens the brick kiln workers' "debt bondage" to a larger pattern of contemporary exploitation that agrarian political economist Tom Brass labels "deproletarianization"—replacing free workers with an unfree equivalent or by converting the former into the latter and thereby reducing the cost of labor.[23] A further example of such new-age compulsion is provided in the recent *New York Times* expose of New York City nail salons, employing Chinese and other Asian (as well as Hispanic) manicurists. Typically the new recruit, who initially pays the salon owner a hefty fee for the "privilege" of employment, "would work for no wages, subsisting on meager tips, until her boss decided she was skillful enough to merit a wage." One woman featured in the newspaper profile waited a full three months without pay in such a "deproletarianized" position.[24]

Moreover, beyond such dramatic cases, contemporary worker abuse follows a global pattern with at least echoes of indenture entrapment. The racial and ethnic segmentation of the labor market common to the original coolie era continues in an age of global manufacturing and commerce. As reflected in current headlines, vast numbers of undocumented, stateless, and/or impoverished refugees and economic migrants press against the borders of more settled and advanced countries. They are unlike coolies, of course, in that they have no contracts to work anywhere; Yet, their ultimate disposal as extended noncitizens in receiving countries undoubtedly renders them equally politically powerless and at the bottom of social totem pole.

Another revival of coolie-era exploitation is manifest in the "sweatshop" phenomenon, whereby elaborate subcontracting arrangements at once shield megaretailers like Wal-Mart from trade union or consumer pressure, while placing immense downward pressure on wages and working conditions. Subcontracting, notes Andrew Ross, has become "a standard principle of all post-Fordist production."[25] For Pakistani, Bangladeshi, or Vietnamese garment and textile workers caught between jobbers, contractors, and manufacturers, factory work thus entails a subcategory of employment as far removed

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from the standard employment of the developed countries as indentured contracts were from those of free laborers. In advanced countries like the United States, the subcontracting menace to workers often takes the more devious form of the "franchise" operation: By subcontracting the selling of their products to "independent" owner-operators or franchisees, corporations like McDonald's have long escaped legal responsibility for labor code violations as well as mass organizing campaigns.[26] Moreover, though we have above noted the *withdrawal* of state protection as a governing principle of today's neoliberal universe, we should overlook the positively insidious role that the state (and especially the courts) plays in the present-day workplace. Despite the success of deregulatory programs like the 1978 Airline Deregulation Act, state and federal courts still play an active role in upholding the illusion of consenting parties to equitable contracts. Moreover, these deregulation-era contracts include new invidious regulations, such as arbitration clauses, which function to deny workers the ability to form class-action lawsuits and bring individual suits in courts.

In addition to categorically insulated employment conditions, the "return" of debt service also bears down on today's working classes. If not exactly (and fortunately so) in the form of penal sanctions for breaking individual contracts, still, for large groups of people, extended debt creates a specter of dependency and narrowed life choices. In the United States, for example, the obligations of ballooning college loans with little prospect of repayment have produced what historian Elizabeth Tandy Shermer calls "indentured students."[27] And, at an only slightly more abstract level, what are we to make of entire countries (e.g., most recently, Greece), whose national investment decisions, including basic social welfare provisioning, on account of debt and deficits are circumscribed for years to come by international or multilateral lending agencies: Should we perhaps talk of "indentured nations"? If so, then I am afraid that rather than having consigned the sorry indentured past to a distant way station on an irrevocable path from slavery to more enlightened, free-labor conditions, we may instead soon have to admit that "we are all coolies now." To be sure, we run the risk of conflating categories here (i.e., all debt, exploitation, and lack of freedom are not the same phenomena)—exactly what I cautioned against at the beginning of this talk—but perhaps that is because today we are less sure of what is implied, let alone guaranteed, in the term "free labor."

Elaboration on possible modes of redress for the newer forms of constricted employment contract and debt service must await another forum, but the transcendence of the classic status of cooliedom surely provides a lesson in one important sense. Popular mobilization, whether gathered in public demonstrations, workplace action, and/or legislative initiative must aim to "abolish" or break down the social and legal walls that separate the indentured from free-standing and fully enfranchised fellow working people. In the case of the undocumented and refugees, their separate caste status can only be undone by immigration law reform and/or new global rights of passage. Overlapping with the first category, low-wage service workers caught in the subcontracting

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vise of the service economy within the developed countries must demand livable, legislated minimum wages, as is currently occurring in selected U.S. cities in the so-called "Fight for Fifteen" [dollars an hour]. For international workers knit by global industries, moreover, the example of Asian seafarers, heirs to the lascar tradition, beckons as one of the more hopeful signs within the global economy. There, a global union federation drawing on the accumulated resources of a century of Euro-American-Australasian organizing, has established a protective (if still fragile and imperfect) floor under the wages and working conditions of a now largely Filipino-plus-other-mainly-Asian workforce.[28] Finally, the afflictions of debt massively effecting entire social groups and even whole nation-states surely call for imaginative new strategies directed at world banking and financial capitalist interests. Just as what we call Standard Employment arose only out of determined struggle and movement-building against multiple restrictions on working lives, so will a new era of 'free labor' have first to reckon with the gap between present constraints and the world we have lost.

NOTES

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10. Maya John, "Development of Indian Labour Law (1923–1948): Repercussions on the Trade Union Movement and Workers' Responses" (Ph.D. diss., University of Delhi, 2014), 80, 82.

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12. Ibid., 150–51; Steinfeld, *Coercion, Contract, and Free Labor in the Nineteenth Century* (New York, 2001), 1.
13. Mark Curthoys, *Governments, Labour, and the Law in Mid-Victorian Britain: The Trade Union Legislation of the 1870s* (Oxford, 2004), 16–17, 142–47.
14. Rana Behal, "Labour in Colonial Assam Tea Plantations," in Behal and Van der Linden, 167.
15. John, 34.
16. Behal, "Labour in Colonial Assam Tea Plantations," 156–57, 159, 162.
17. G. Balachandran, *Globalizing Labour? Indian Seafarers and World Shipping, c. 1870–1945* New Delhi, 2012), 28–29; Laura Tabili, "We Ask for British Justice," *Workers and Racial Difference in Late Imperial Britain* (Ithaca, NY, 1994), 42.
18. Ahuja, 133.
19. Balachandran, 70–71.
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