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Review of 'Bonded Labor: Tackling the System of Slavery in South Asia' by Siddharth Kara

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Himachal Pradesh. It will be of interest to scholars of anthropology, material culture, history of religion and art history. It is also accessible to a non-specialist audience; diacritical marks are not used for words from Indian languages. Its value is greatly enhanced by excellent color photographs taken by the author.

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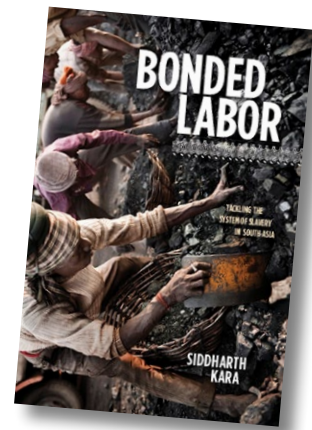
Bonded Labor: Tackling the System of Slavery in South Asia

Siddharth Kara. New York: Columbia University Press, 2012. Pp. 336. \$29.50 (cloth). ISBN 978-0231158480.

Reviewed by Indrani Chatterjee

The central conundrum that powers this book is the existence of millions of bonded laborers in all the nation-states of South Asia despite comprehensive legislation to abolish it. As Kara tells us, South Asia has 84-88 % of the 20.5 million total bonded laborers worldwide in 2011 (p. 3). India has the largest share of this, proportionate to its population. Yet, in 1920 began colonial legislation to regulate bonded labor. The Bihar Orissa Kamaiuti Agreement Act was hammered out that year. Madras followed in 1940. The regulatory agenda continued as the subcontinent was carved out into nation-states.

After 1947, governments of individual nation-states passed their own laws. India consolidated the disparate older regional acts and passed a consolidated Bonded Labor System (Abolition) Act in 1976. Pakistan passed its abolitionist act in 1992. Nepal passed the Kamaiya Labor Prohibition Act in 2002. Bangladesh passed its Labor Act in 2006. Yet the author's visits to a vast number of agrarian concerns (tea-plantations and rice-fields in India, shrimp cultures in Bangladesh) and semi-rural manufacturing units (carpet-making in Nepal, glassmaking, tobacco rolling, stone cutting and quarrying, brickmaking) – that make up the bulk of the Chapters Two through Seven – found only laborers in chains.



The author begins with the broadest definition of 'bondage' possible: "The condition of any person whose liberty is unlawfully restricted while the person is coerced through any means to render labor or services, regardless of compensation, including those who enter the condition because of the lack of a reasonable alternative" (p. 31). Chapters One and Eight list twenty forces conducive to creating conditions in which huge profits are generated for employers of bonded laborers with no risk to themselves. A substantial number of these pertain to the domain of law. The implication is that bad laws created bonded labor and good laws will erase it. Lawyers will lead the way.

The author's focus therefore falls squarely on the failure of South Asian laws, lawyers and legal machinery. Readers find out that liability laws are very limited in their scope. There are nearly no penalties in the criminal legal systems for 'the crime of bonded labor'. Furthermore, those who are supposed to enforce these labor laws ensure that there are virtually no prosecutions for mal-treating bonded laborers. In the author's words, "dizzying levels of apathy, corruption, bureaucratic callousness; key deficiencies in the law that include criminal law penalties ... and a general social acceptance that it is reasonable to exploit the labor of a certain outcast segment of society render all best laws, system, mandates and efforts to eradicate bonded labor highly ineffective" (p.186).

The book offers an indictment of Indian law and government wrapped in an ethnography of labor. It is a baffling indictment because it is so

little informed by history - either of British law in India or of the making of the Constitution in India. (It is also baffling from the perspective of a North American citizen of color, since the daily and racialized inequities of North American societies clearly belie the guarantees of equality that Civil Rights legislation of the 1960s, and deserved greater self-reflexivity than the author allows).

A historical study of law might have shown the common heritage of Indian and North American legal ideas in British colonial Liberal ideals, such as the Rule of Law. As Radhika Singha established in *A Despotism of Law* (OUP 1997), eighteenth-century Company governance successfully established a peculiar kind of court and judge-made law alone as 'legitimate' law. When substantial numbers of colonized Indians studied these laws, they found that the colonized Indian's individual liberty was not secured against brutal regimes. Nationalist movements were driven by such English-educated lawyers. Their demands for legal parity were met with a variety of sops, including a colonial Government of India Act of 1935. A substantial chunk of the postcolonial Constitution of India (and Pakistan) has clauses carried over from that Act. The Constitutions encoded some of the ideals of the colonized and educated Indian lawyers.

By all accounts, postcolonial Indian-Pakistani-Bangladeshi-Nepali lawyers hold dear the same ideals that the author upholds. So why does the author blame the lawyers?

The consequence of an ahistorical discussion of the failures of laws in India is a limited understanding of

the workings of colonialism in the subcontinent. The author does not realize just how well Liberal colonial ideals of free markets, embedded as much in "abolition acts" as in other segments of law, have worked to enable capital in the subcontinent. In Indian agriculture, "debt" has been functioning as a wage equivalent (sometimes paid in "advance" of the contract) and the "interest" calculated on that is effectively the "profit" of the employer-creditor who secures long-term labor for his enterprise. That is why bonded labor has been spectacularly long-lived in the subcontinent's climb into the ranks of modern capitalist powers. What is depressing is that all these developments have erased the older social security networks along which support for the flailing might once have been delivered. And worse, following in the footsteps of their colonial masters, none of the postcolonial states take any responsibility for their sick, their weak and their elderly.

A methodological aspect of the book deserves mention if only as a warning to future ethnographers. Readers learn about the author's supply of academic information to the US government: "data from my research is being used by U.S. government officials to investigate carpets produced with child labor in Nepal that are ultimately being sold by major U.S. retailers" (p. 173). Doubtless this - and his prestige as a Fellow at the Kennedy School of Government at Harvard University and of the Harvard School of Public Health - entitles the scholar to prompt and suitable responses from Indian governments that similarly benefit from such labor-contracts.

But those governments, many of whose members are gerontocratic in their calculations of authority, prestige and rewards, simply ignore him. For instance, having spent two weeks in July 2010 documenting the violations of labor laws as the city of New Delhi prepared for the Commonwealth Games, he contacted the Ministry of Labour and Employment to discuss his findings, but received no reply (p. 138). The Chief Minister of New Delhi would have ignored him even more successfully if colleagues at CNN International had not intervened to ask for her response to his findings. In terms of an ethnographic encounter, these moments should give readers pause. What would another ethnographer of labor do in the face of evasion by respondents? Would she question her strategy or her own authority in demanding an audience? Or would she return with the Marines the next time?

Indrani Chatterjee is the author of Slavery, Gender and the Law in Colonial India (OUP 1999) and, more recently, of Forgotten Friend: Monks, Marriages and Memories of Northeast India (2003). Her publications on the history of slavery in the subcontinent include articles in journals and edited volumes, including those she edited such as Unfamiliar Relations: Family and History in South Asia (2004) and co-edited, with Richard M. Eaton, Slavery and South Asian History (2006). She is currently Professor of History at University of Texas at Austin.