

June 17, 2024

Floating in an Ocean of Laws

By: Tarangini Sriraman

Indians displaced across South and Southeast Asia between the 1940s and the 1960s used the law to make claims of the new states emerging from the end of colonialism.

Kalyani Ramnath's *Boats in a Storm* presents various entanglements of migration and decolonisation, outside of the well-known Partition between India and Pakistan. Her book follows the stor(ies) of Indians forced to move between the 1940s and the 1960s on account of the multiple disruptions – wartime occupation, post-war transfer of power, decolonisation, partitions – in South and Southeast Asia (Ceylon, Burma, the Straits Settlements of Penang, Malacca and Singapore).

Indian subjects experienced several such events through dispossession of legal statuses of citizenship, capital, and cultural acceptance. But rather than narrate a story simply about citizenship regimes, Ramnath walks us through the fraught financial encounters of these migrating subjects across the Indian Ocean with the law of nascent states gripped by surging ethnonationalist loyalties and forces. She follows Indian subjects in their legal odyssey as they grapple with displacement across multiple borders in South and Southeast Asia, in what she terms the 'travels of law'.

These stories of migration are not just stories of South Asian migration, but stories of longing for immigrant belonging, through unlikely channels – tax and credit regimes, currency disputes, and fiscal regimes. This intense story of affect through postcolonial legal regimes is something that always lurks beneath the surface in this work: Indians are presented in all their angst to be long-time Sri Lankan residents, Burmese, and Malaysian subjects.

If the work of Kalathmika Natarajan (2023) has suggested that caste was constitutive of passport regimes, and that of Radhika Mongia (2018) has previously suggested that migration was constitutive of empire, in Ramnath's work, migration was constitutive of two things: 'juridical borders' and 'legal bureaucracies'. But these juridical borders did not come into sharp relief so much when people moved or sought citizenship but when they moved money, received remittances, and submitted property deeds as proof. In all these instances, they faced dire prospects of displacement often, though not always, from South and Southeast Asian countries to India.

Ramnath's way out is not to tease out the refugee-ness of the displaced wartime migrants by dwelling on citizenship claims and counterclaims but rather to foreground 'the generative power of ordinary legal disputes' in illuminating the violence of displacement.

What emerges is an intricate foray into how ordinary people moving along borders contain within them multitudes of law and legal knowledge. This language of law is something that they painstakingly and through excruciating means, acquire, amass, distil, and present, quite often without avail.

As Ramnath moves between disputes at the Madras High Court, consular offices in Sri Lanka and Burma, Commission for the Registration of Indian and Pakistani Residents in Sri Lanka, and other judicial institutions in Burma, she conscientiously traces how ordinary subjects in these countries must encounter themselves as undesired immigrants, disloyal postcolonial state subjects, figures who fled tax regimes, political seditionists. through ever-shifting presences of law.

For instance, traders, moneylenders, and businessmen – prominent amongst them the Nattukottai Chettiars – are are faced with conundrums of proving to the Madras High Court that they repaid debts when these payments were made in Japanese currency in wartime Burma. This currency was treated as banana money, and was suspect in the days after the occupation, with the Burmese government reading these financial transactions and subjects as marked by political disloyalty.

Similarly, the citizenship and political belonging of subjects across these volatile post-occupation, post-war, post-Partition borders is fraught on several other occasions. It is the atypical sites of these political (dis)loyalties and citizenship claims that stand out. These include when individuals are suspected on all these occasions, of expressing communist sympathies for plantation workers in Singapore, sending remittances as 'temporary residents' of Ceylon, seeking familial and marital connections with Ceylonese women.

Ramnath throws herself into extremely complex and felicitous subsets of questions. What does a financialized refugee-citizen claim look like, as with the Nattukottai Chettiar merchants? How does an extremely regional and linguistic category coalesce with a quintessentially transregional category to form a citizenship claim as with the Ceylon Tamils? Where migration stories cannot escape a certain reductiveness, Ramnath steadfastly dodges that trap. Labouring Indians, lending and borrowing Indians, detained Indians are not described merely as refugees or noncitizens or feared as foreigners and aliens. They are feared as ‘speculators’, ‘debtors’ who may drain the nation’s wealth, war profiteers, financial frauds. The financialization of citizenship is gradually, layer upon layer, explored with Ramnath probing the category of ‘tax resident’ as against ‘evacuee’ and ‘displaced person’.

Where Ramnath’s book stands out against the recent crop of work on migration and empire (Amrith 2013, Ghosh 2023, Mongia 2018, Natarajan 2023, Singha 2013, Sur 2021) is her exposition of how the temporal jurisdiction of migration and citizenship is sought to be tested, upheld against the personal, financial, and familial claims of these ‘ordinary subjects’. The careful unfurling of conceptual categories, in equal parts, the byproduct of legal systems, archival filing systems, postcolonial national forms is stunning.

To be sure, Ramnath explains to us that legal categories obscure more than they reveal, especially where they are wilfully used to replace others that may be more cognisant of dispossession, displacement, and rights. For example, evacuees, repatriates, migrants are disempowering as categories compared to refugees, displaced persons as the latter confer statuses and recognise loss more easily. However, Ramnath’s way out is not to tease out the refugee-ness of the displaced wartime migrants by dwelling on citizenship claims and counterclaims – an oft undertaken strategy – but rather to foreground ‘the generative power of ordinary legal disputes’ in illuminating the violence of displacement.

Did these governments perversely learn from each other’s laws and legal regimes, for instance, in terms of how to bureaucratically designate family in gendered and financial terms?

Nor does she tell us how caste informed so many of these negotiations, struggles of subjects with fractured and resurgent postcolonial states. The only consistent engagement with caste occurs in her foray into the ‘caste-based trading diasporas’ of the Nattukottai Chettiars. Certain inquiries make themselves conspicuous by their absence. For example, how did financialisation of claims bear the imprints of caste privilege and ‘differentiated burdens’ in caste and marginalised terms? This is a term that Pooja Satyogi utilises in her work (2021) to explain how domestic workers faced differential burdens during the Covid-19 lockdowns, inflicted by caste-inflected norms of social distancing, hygiene, and fears of contamination. In Ramnath’s work, how did gendered familial claims on citizenship bear these caste burdens? How did marriage as a caste act manifest its archival presence, and how did authorities read applications differently when they encountered the caste of Ceylonese women?

While Ramnath’s work has been engaged with how territory is framed in the making of fiscal sovereignties, this does not give use a sense of how fiscal encounters pitted the Chettiars’ claims against those of the ordinary subjects, such as labourers, shopkeepers, and plantation owners. One can’t help but wonder if the ordinariness of the Chettiars is overstated in the work, all the more so since they enjoyed, what Ramnath deems to be a litigious capital which was in turn related to their caste-driven credit networks and their temple connections, things that Ramnath diligently traces in this work. But what of the caste capital of all those who must jostle with the Chettiars to claim ‘ordinariness’?

On a final note, I was curious to see how Ramnath characterised the disparate postcolonial approach to family. While noting that she was able to delineate the question of family by looking at multiracial families, ‘women who wait’ or perhaps did not as their husbands immigrated, and legal codification – I was left wondering, did these governments perversely learn from each other’s laws and legal regimes, for instance, in terms of how to bureaucratically designate family in gendered and financial terms?

Despite these silences of the book, *Boats in a Storm* remains a towering work of stunning breadth, conceptual clarity, and a searing ambition to render marginal diasporic voices historically audible and legible. It surges beyond reductive labels of legal history.

Tarangini Sriraman is Wellcome Research Fellow at Goldsmiths, University of London.

References:

Amrith, Sunil, *Crossing the Bay of Bengal: The Furies of Nature and the Fortunes of Migrants* (Cambridge, MA: Harvard University Press, 2013).

Ghosh, Sahana. *Mobility and Security across the Bangladesh-India Borderlands*, California: California University Press, 2023.

Mongia, Radhika, *Indian Migration and Empire* (Durham, NC: Duke University Press, 2018).

Natarajan, Kalathmika, 'The Privilege of the Indian Passport (1947–1967): Caste, Class, and the Afterlives of Indenture in Indian Diplomacy', *Modern Asian Studies*, 57, 2, 2023: 321-350.

Satyogi, Pooja, 'Perverse Economies of Intimate and Personal Labour: Resuming Domestic Work in Households', *Anthropology in Action*, 28, 1, (2021), 39-46.

Singha, Radhika, 'The Great War and a 'Proper' Passport for the Colony: Border: Crossing in British India, c.1882–1922', *Indian Economic and Social History Review* 50, 3 (2013): 289–315.

Sur, Malini, *Jungle Passports: Fences, Mobility, and Citizenship at the Northeast India-Bangladesh Border* (Philadelphia: University of Pennsylvania Press, 2021).