

RESEARCH ARTICLE

Utilitarianism and the question of free labor in Russia and India, in the eighteenth and nineteenth centuries

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Abstract

Liberal utilitarianism is usually presented as a current of thought mostly inspired by Jeremy Bentham and other Western European thinkers, and eventually diffused in other parts of the world. This paper adopts a different approach and shows, on the one hand, how the Bentham brothers' experiences in Russia and serfdom in particular inspired their invention of the Panopticon. The latter was not related to deviance (Foucault's interpretation), but to labor organization and surveillance. On the other hand, the interplay between utilitarianism and colonial India led Bentham, then James and John Stuart Mill, and ultimately Henry Maine to revise utilitarianism, in particular the relationship between law, labor, and political economy. In both the Britain–Russia interplay and Britain–India interplay, the tension between universalism and particularism of philosophical, social and economic categories was at work.

Key words: Bentham; India; labor; Mill; slavery; utilitarianism

Introduction

The attempt to identify the forms of coercion and bondage that existed in eighteenth- and nineteenth-century Russia and India raises several intellectual and political questions, starting with the government policies that were adopted towards these countries. The English abolitionist movement began its rapid development in the 1780s. Up until 1820, the movement was mainly concerned with abolishing the slave *trade*; it did not focus on the abolition of slavery itself. The underlying question was whether the British values of freedom and the protection of human rights were universal.¹ The answer to this question was mostly affirmative across the Atlantic, much less so across the Eurasian border. Universality was thus a possible goal of liberalism and utilitarianism, but not its only one; it was constantly re-defined and challenged by the utilitarians themselves when confronted with concrete realities. Here I will focus on the simultaneous interaction that Jeremy Bentham and his followers had with India and Russia. In both cases, the question concerned the local forms of bondage, how they were classified and the eventual abolitionist process. The question was analytical and normative and this explains the multiple answers provided in the writings of Bentham and others and in the practical actions undertaken in Russia and India.

Of course, these were very different contexts. In the late eighteenth and early nineteenth centuries, most observers and colonial elites were convinced that the forms of dependence existing in India could not be classified as slavery: they were domestic relationships and in any case “traditional.” This approach fits well with the need to manage the Empire, India in particular, where British control was still precarious, as demonstrated by the wars against the Marathas, Mysore, the Sikhs, etc. Nevertheless, the debate over how to classify the forms of dependence and labor in India intersected

¹Drescher (2009); Scott et al., (2004).

with the debate over orientalism on the one hand, and forms of sovereignty (direct rule, indirect rule, protectorate) on the other.

The issues raised by Russia were at once similar and different. As the abolitionists had no direct control in Russia, unlike India, they could do little but attempt to influence British diplomatic attitudes toward this country.² Diplomatic relationships with Russia encouraged the circulation of thinkers and experts who joined wider discussions on the “modernization” and “specificity” of Russia (compared to Europe), in particular about the compatibility between serfdom and market development.

The political economists of the time, Bentham in particular, took part in these debates. Wage labor and bondage were compared and contrasted in terms of utility and efficiency as well as broader ethical principles. The problem, as Bentham saw it, lay precisely in choosing between two ways of thinking. One approach, the universalist, would mean adopting the same principles everywhere – in Britain, India and Russia – thereby providing the grounds on which labor and its institutions should be evaluated. The other, more particularist approach, was open to distinctions among these three cases. Bentham is usually associated with a universalist approach, yet this assertion needs to be nuanced. As we will see, Bentham himself changed his mind on this question, owing to his own experiences in Russia, and again later while reflecting on India. Other authors, often called “utilitarians” (by themselves and/or by external observers), also adopted different approaches to the question of universal vs locally embedded values, in particular when labor and sovereignty were concerned. This paper intends to show the mutual influence between the “core,” i.e. mainland Britain, and the so-called “peripheries,” as the cases of India (a formal colony of the EIC) and Russia demonstrate. In both cases, the theories and practices of labor and control did not just spread from the core to the periphery; the reverse influence was quite essential. Russian and Indian forms of labor and “liberalism” caused British utilitarians to reframe the distinction between “free” and “unfree” labor in Britain itself.

We will show that, according to Bentham, Russian serfdom offered an interesting solution to the problem of labor control. It was indeed in Russia that he invented his Panopticon and, on this ground, he advanced solutions for regulating labor in Britain as well. The Indian case, on the other hand, inspired Bentham first to consider an analogous universalist approach and then special attention devoted to Indian “specificities.” These two attitudes persisted during the entire nineteenth century among British officials and intellectuals like James and John Stuart Mill and Henry Maine who, at the end of the day, suggested reforming British labor rules based on his Indian experience.

After discussing the historiography, we will analyze the rule of law and labor in the expanding British and Russian Empires, then the entanglements of notions and practices of labor between Britain (masters and servants), Russia (serfdom), and India (slavery). Finally, we will look at the implementation of utilitarianism and the reforms adopted in the three connected contexts.

The historiography

Before and after Foucault,³ the Panopticon has been seen as a response to social deviance and has been viewed in relation to prisons and the emergence of a global surveillance system in modern societies.⁴ This article challenges that approach by arguing that the Panopticon project was actually a system for controlling wage labor that drew its inspiration from a particular image of Russian serfdom and from the Bentham brothers’ experiences in that country.⁵ The most common images of Russia in Europe involved two interrelated elements: despotism and serfdom.⁶ These topics were examined in

²Blakely (1993) and Moriakov (1981).

³Foucault (1985). The identification of Foucault’s understanding of the Panopticon solely in terms of surveillance has been challenged by Brunon-Ernst.

⁴Let me provide just a few references from the huge bibliography on Foucault and his interpretation of the Panopticon: McKinlay and Starkey (1998); Semple (1992); Warriar, Robert, and Lewis, *Surveillance: An Analysis of Jeremy Bentham and Michel Foucault and Their Present-day Relevance*, <http://www.mdx.ac.uk/WWW/STUDY/ybenfou.htm>.

⁵Werrett (1999). See also Christie (1970, 1993); Cross (1997); Montefiore (2001, 2003); Morriss (2015).

⁶Raëff (1983).

connection with broader discussions of freedom.⁷ The specific features of serfdom were open to discussion and were compared with those of colonial slavery.⁸ Along a similar, although distinct path, Stanziani discussed Bentham's experience in Russia and connected it to both Russian and British debates on labor control.⁹ Here we will add a further dimension to it: the connections that Bentham himself established between Britain, Russia, and India as regards labor, sovereignty and the rule of law. In fact, utilitarianism's relationship with India has received much more attention than its dissemination in Russia. The Indian case was extremely relevant in the nineteenth century and remains so in the historiography because it challenged any pre-defined and ahistorical definition of slavery and freedom.¹⁰ Conventional studies on British liberalism in India stressed the "despotism" of utilitarian thinkers seeking to forcibly impose on India what they were unable to make acceptable in Britain, namely regulation, utilitarianism and the abstract principles of political economy.¹¹ In a similar vein, some authors have underlined the connection between liberalism and colonialism.¹² Subaltern studies adopted and radicalized this approach.¹³ In contrast, several other authors have highlighted the complexity and flexibility of British liberalism and utilitarianism, especially when confronted with India, but also the presence of liberalism in India, partially different from the British variations of it.¹⁴ The universalist attitude, certainly present in some of Bentham's works, but not all, was also adopted by some of his followers, such as James Mill.¹⁵ At the same time, this attitude has also encountered opposition from another approach, which stresses the importance of local specificities. This form of "orientalism" also merits discussion, without equating it *a priori* with Edward Said's approach. Indeed, we argue that knowledge of the so-called "local customs" was used not only to "invent" an Indian reality and better control it. On the contrary, it openly questioned the wisdom of putting so much effort into transforming India, thus lending a sort of "legitimacy" to its local customs, including slavery.¹⁶ When the control of labor was at stake, "local agency" – as Sartori and others have stressed, referring to property and political rights – fell apart, and Indian and British masters competed for access to labor while seeking to control and subordinate it. We argue that the various attitudes that British and Indian liberals adopted in India were strongly connected and influenced not only by the evolution of labor and its institutions in Britain, but also by global dynamics of labor and authority, in which the Russian "case" was particularly relevant.

The context: Law and labor in expanding empires

The Bentham brothers' experience in Russia cannot be understood without considering the context of Russian imperial expansion. In 1772, Russia seized Krichev, the estate where the brothers had settled, from Poland in the first partition. It had belonged to Polish magnates who refused to swear fealty to Catherine II, who then granted the estate to Potemkin. Located in present-day Belarus, Krichev's inhabitants were Russians, Germans, Don Cossacks, and Polish Jews. Unlike Prussia and Austria, Russia did not take over ethnically Polish territory in the partitions. In the eastern lands of the Polish-Lithuanian Commonwealth, the nobility was generally Polish by language and culture, and Catholic by religion, while the peasantry was of Lithuanian, Belarusian, or Ukrainian ethnicity, and Catholic, Orthodox, or Uniate by religion. To this, one has to add the significant Jewish population, which enjoyed considerable autonomy under Polish rule, much less so under Russian.¹⁷

⁷Wolff (1994).

⁸Kolchin (1987).

⁹Stanziani (2008a, 2008b, 2009).

¹⁰Breman (2007); Chatterjee and Eaton (2006); Kumar (1993); Major (2012) and Prakash (1990).

¹¹Stokes (1959).

¹²Metcalfe (1994); Mehta (1999).

¹³Guha (1983).

¹⁴Sartori (2007).

¹⁵Stokes, *The English Utilitarians*; Mehta (1999); Moir, Peers, and Zastoupil (1999); Parekh (1994); Pitts (2005).

¹⁶Innes (2002).

¹⁷Klier (1986); Tolz (2001).

The Bentham's employment in Krichiv was also justified by the fact that the main estate in Krichiv, owned by Prince Potemkin, was supposed to build ships for the Russian fleet in the Black Sea. By the middle of the eighteenth century, after its success against the Ottoman Empire and the Crimean khanate, the Russian empire was in a strong position to claim access to the Black Sea. Conquests in the Crimean peninsula (1783) and the northern littoral of the Black Sea (1791), seized from the Ottoman Empire, placed a significant number of Jews, Cossacks, Ukrainians and Tatars under the authority of the tsar.¹⁸ Throughout the century, Russia sought to populate the steppe for farming and possibly replace Cossacks and Tatars with Russian peasants. Because of the difficulty of securing labor there, landlords could not easily enforce serfdom and their peasants had relatively lesser obligations than peasants in the center of Russia. The result was that between 1782 and 1785, the Black Sea Steppe accounted for over 56 percent of new settlers in the Empire, while over 200,000 Tatars left for the Ottoman empire.¹⁹ According to Kelly O'Neill,²⁰ this attitude was somewhat different from elsewhere in the Empire: unlike the territories beyond the Urals, the steppe was often considered as Russia proper, not as its colony.²¹ This "empty space" had to be secured with Russian colonists, military garrisons and eventually new annexations beyond the border in order to protect the new areas and settlements.²² Between 1796 and 1835, some 1.7 million new migrants moved to the region, more than tripling the total migration of the 1762–1795 period.²³ This was related to the increasing political relevance of the "land shortage" in mainland Russia as well as increasing attempts to "Russify" the steppe as the nineteenth century progressed. In an attempt to encourage migration and enhance local development, migrants were classified not only as state peasants,²⁴ but also as townspeople or simply as *raznochintsy*.²⁵ Yet, within this broader area, the Crimea played a special role. The Crimean khanate had been the most politically articulated and successful of the successor states of the Mongol Horde. Even though the khan had accepted vassalage to the Ottoman Empire, he still insisted on ruling the areas with a large elite of clans. For this reason, once the area had been conquered, Catherine decided to maintain a politics of difference. Yet, in a short time, the Russian administrative system was introduced in Crimea and Governor-General Potemkin sought to balance Tatar authority with immigration from Russian- and Ukrainian-speaking areas.

It was not only Peter the Great and Catherine II; Russian intellectuals also strongly supported imperial expansion. In 1739, Vasily Tatishchev, like Peter a proponent of Russian "Westernization," published a history of Russia dating back to ancient times (*Istoriia Rossiiskaia s samykh drevneishikh vremen*).²⁶ He conceived of Russian history as imperial and universal, and therefore devoted special attention to the empire's non-Russian populations and the specific origin of its slaves. Tatishchev's universal history contrasted with the interpretation of Mikhail Lomonosov, who sought to show that Russians and the populations of the North (Germanic and northern European) were not merely interconnected but in fact one and the same people. Based on these principles, Lomonosov produced a four-volume history of ancient Russia (*Drevniaia rossiskaia istoriia*).²⁷ In 1783–1784, Catherine II published her own *Remarques concernant l'histoire de la Russie* in an attempt to demonstrate the ancient origin of the Slavs and their language. This rewriting of the country's history, begun in the mid-eighteenth century, was used to justify Russian imperial expansion into Ukraine, Poland, and

¹⁸Burbank and Cooper (2010); Miller (2004); Morrison (2008).

¹⁹Kollmann (2017).

²⁰O'Neill (2017).

²¹Sunderland (2004), p. 110. See also: Martin (2001).

²²Tarasov (1984).

²³Bruk and Kabuzan (1984).

²⁴Unlike serfs (private peasants), state peasants had few limitations of mobility and few labor obligations.

²⁵Literally: "people of various ranks," which means all those who did not enter into the main categories of social estates. Their duties and rights were those of lower urban groups, without the burden of enserfed peasants.

²⁶Tatishchev (1962).

²⁷Lomonosov (1766).

Lithuania based on the specificity of Slavs and their presence outside Russia *strictu sensu* since antiquity.

Things were quite different in Bengal, where the East India Company (EIC) first entered the Indian subcontinent: both the military occupation and the re-writing of history occurred at different paces than in Russia. In 1756, the EIC had only 300 European soldiers and the EIC's penetration was mainly felt on the economic front: Deccan and to an even greater extent Bengal, initially backed by the Mughal authorities, had gained considerable momentum during the eighteenth century. This was of great interest to the EIC, especially as it had been favorably received by traders in Bengal (Bengalis, but also Armenians, Marwari and Gujarati), who were firmly integrated within the international networks. This mutual attraction initially weakened the Mughal's economic and political power in Bengal, and then gave rise to the English protectorate in the region (1757).

These elements nevertheless seem insufficient to explain the British penetration and its modalities. In fact, it was not Britain which conquered Bengal and then India, but the East India Company, and this constitutes a major difference with the Russian expansion managed by the central state.²⁸ In this latter case, the state was the main actor, and cultural and administrative pluralism were its forms of domination. In the former case, a private company acted in the name of the British state, and this led to fierce debates and tensions between the Company and Parliament between the early eighteenth century and 1857, when the Company was dissolved.²⁹ During this period, the transfer of British values and institutions to India became a core issue in political debates and administrative governance. Some argued that the military occupation was uncertain and that, for this reason, "local values" and practices must be accepted. Others, on the contrary, claimed that British expansion could be justified only in the name of universal values, not profits, as some Company leaders seemed to defend.

The result was a patchwork of institutional and practical solutions; they varied according to the domain (law, economy, culture, lower or higher education, criminal or commercial law, trade or labor) and the geographical area concerned (Southern India, Northern India, the Malabar Coast, etc.). Thus, while the East India Company inherited many Mughal and post-Mughal legal institutions such as the *Qazi* courts (appellate courts),³⁰ Parliamentary committees agreed that "no Conclusion can be drawn from the English law, that can be properly applied to the Manners or State of this Country (India), with the exception of plans for the eradication of banditry."³¹

These debates overlapped with those taking place in Britain where, during those same years, criminal law was the focal point of an intense intellectual and political debate. Reformers opposed conservatives and demanded a fundamental change in the criminal justice system, accused of being arbitrary and highly irrational.³² This same argument was evoked about India and the two discussions overlapped. Thus, Edmund Burke's *Reflections on the Revolution in France* (1790) and William Jones' enthusiasm for Hindu civilization, expressed in his project to compile a digest of Indian law, reasoned in terms of the uniqueness of a culture (Indian, English, or French) to argue against revolution and in favor of colonialism.³³ Burke also used this argument during the impeachment trial of Warren Hastings, the first governor-general of India. In particular, Burke accused the EIC of violating "the eternal laws of justice" through treaty violations, arbitrary and despotic government, and acts of corruption. According to Burke, the Company must be placed under the control of Parliament. This demand was made in opposition to Hastings' attempt to codify Hindu and Muslim law with a view to incorporating them into the Anglo-Indian legal administration.³⁴

²⁸Sen (2002); Stern (2011).

²⁹Stanziani (2012).

³⁰Banerjee (1963), p. 130; Fischer-Tiné and Mann (2004).

³¹House of Commons.

³²Halevy (1972); Hay (1975); Lieberman (1989).

³³Jones (1970).

³⁴O'Neill (2016).

Bentham took part in this debate; in his opinion, deciding the question of British influence and Indian “specificity” was secondary to establishing good laws everywhere. He encouraged a radical reform of India’s laws in accordance with Utilitarian principles.

In other words, unlike what is argued nowadays following some post-colonial interpretations, the “universalistic” approach – British values as universal – accompanied the fight against slavery in India and against the rule of a private company. On the other hand, those who stressed the importance of knowing local customs and languages and who wanted to avoid imposing British values on India also considered that local forms of bondage were not “real slavery” and that the British parliament should not interfere with Indian local customs and with the Company’s rule in India. “Universalists” argued for controlling the Company and not just “the Indian.”

Yet, Bentham changed his mind over the years. Over time, he moved away from his initial universalism to more nuanced positions: local forms and practices of justice must be preserved, except in cases of incompatible values such as slavery, which went against British and universal notions of freedom. His *Of the Influence of Time and Place in Matters of Legislation* argues that legislation cannot be transplanted between places that are very distant in terms of civilization such as Britain and Bengal. In this case, he thought the benefits of such transplanting may well be outweighed by its negative impact,³⁵ and that “a system might be devised, which, while it would be better for Bengal, would also be better even for England.”³⁶

However, this attitude was not necessarily the one that his followers adopted; as an officer of the EIC, James Mill supported Bentham’s universalistic approach.³⁷ He began drafting a systematic Utilitarian legal agenda for India. Mill thought Mughal feudal law had to be replaced by British law³⁸ and he was convinced that poverty and ignorance could be cured by framing the right laws. From this perspective, India was a *tabula rasa* that could be molded by utilitarianism.

However, contrary to Mill’s views, most British elites in India believed that efficiency was linked much less to abstract principles of utilitarianism than to law enforcement.³⁹ In practice, this meant that whenever there was a conflict between abstract justice and practical sovereignty, priority should be given to the latter. This also meant that local forms of bondage need not be forbidden insofar as they were not “real slavery,” and that Islamic law should be preserved – even if it went against certain British principles of justice. By the 1820s, the Indian courts had been reorganized several times and numerous digests of Indian law produced; no fewer than nine different systems of civil procedure were simultaneously in effect in Bengal before 1859.⁴⁰

The young John Stuart Mill took a position in this debate. John Stuart had been brought into the EIC’s India House by his father James at the age of seventeen, after having been instilled with his father’s Benthamite ideas. He believed that local customs and chiefs must submit to British rule.⁴¹ Like Bentham before him, the younger Mill concluded that what India needed was a penal code, rather than a hodge-podge of existing laws. During the 1830s, however, his thinking was gradually changed by two interrelated events: first, he was confronted by opposition from the EIC and British officials who refused to subjugate local customs; second, the military campaign in Mysore and the difficulties the British encountered in overcoming local resistance convinced Mill to adopt more pragmatic attitudes toward local elites.⁴²

Thomas Macaulay was appointed to India in 1834 and he sought to re-organize the Company’s rule of law according to Bentham’s principles. According to Macaulay, judge-made law was a scandal, in particular in India.⁴³ He saw the EIC as a new cast of Brahmins. Codification would solve the

³⁵Jeremy Bentham, *The Works of Jeremy Bentham*, John Bowring, ed. (Edinburgh: William Tait, 1838–1843).

³⁶*Ibid.* 185.

³⁷[British Parliamentary Papers 1831-2](#).

³⁸Mill (1858).

³⁹Grey and Ryan (1831).

⁴⁰den Otter (2012), in particular 179. See also: Kolsky (2010); Wiener (2009).

⁴¹Mill (1984).

⁴²Zastopul (1999); Moore (1999).

⁴³Hansard’s 3rd series, *Parliamentary Debates*, vol. XIX, pp. 531–333.

problem.⁴⁴ Although codification failed to make progress in Britain, its supporters saw India as a colonial laboratory where their ideas would be proved correct and then put into effect in England herself.⁴⁵ Macaulay reiterated Bentham's argument: codification will help Indians to escape from Despotism.⁴⁶ Codification and justice were intended to apply equal treatment to non-official Britons and the local population, while the EIC and Crown representatives would remain under special rules. This provoked reactions from both non-official Europeans and Indian elites.⁴⁷ However, Macaulay's bill passed in 1836 and its author focused on his other obsession: an Indian Criminal Code. The Draft of the Indian Penal Code of 1837 therefore acknowledged that the "technical terms and nice distinctions borrowed from Mohammedan Law are still retained." It also kept the indigenous names for various facets of the Company's judicial system.

Planters, colonial elites and also EIC officials fiercely resisted this project: petitions multiplied⁴⁸ and successive Law Commissions repeatedly tried but failed to extend British criminal jurisdictions to the mofussil courts.⁴⁹ Thus, despite its initial principles, the jurisdiction bill preserved existing inequalities in the law between British-born subjects and Indians and even added new privileges such as allowing British-born subjects to choose to be tried by a judge alone or aided by three assessors. In some areas, like Bengal, some local elites also supported the claims of their friends, the indigo planters.⁵⁰

Both Andrew Sartori and Christopher Bayly, among several others, have stressed the importance of "Indian liberalism" that was somehow independent and different from most liberals and utilitarians in Britain. Sartori demonstrated this point as regards property in particular, while Bayly sought to discuss many topics, including property, civil rights, sovereignty and the economy.⁵¹ In both cases, a more or less explicit criticism of subaltern studies is advanced: Indian elites and planters were not always subordinated to the British, they expressed different though at times convergent attitudes with them, in particular when land ownership and labor were concerned. Rammohan Roy, Dwarkanath Tagore, and, later R.C. Dutt, K.T. Telang and many others provided a political and intellectual framework or this orientation. Rammohan appealed to ancient custom and natural law, a position which was anathema to Bentham.⁵² It nevertheless must be recognized that he established a dialogue between British utilitarians and classical vernacular texts such as the Parashurama. He favored a middle path between centralization on Benthamite principles and the decentralization urged by followers of Montesquieu.⁵³ Bentham corresponded with Roy and in one of his letters, he disapproved of James Mill's attitudes to India and defended instead his own vision of differentiated rules and reforms in India, Greece, Latin America and Spain.⁵⁴ The first books on "economics" – that is broader philosophical and social considerations on economic matters – were published in Marathi in those years.⁵⁵ Ramkrishna Vishwanath argued that the low cost of Indian labor would help India to boost exports and he strongly criticized the British for their politics, while Lokhitwadi Gopal Hari Deshmukh, on the other hand, emphasized the positive aspects of colonialism, helping India to overcome despotism and "traditional" social relationships, an argument that

⁴⁴Macaulay (1867).

⁴⁵Field (1873).

⁴⁶Hansard's 3rd series, Parliamentary Debates XIX, p. 351.

⁴⁷BL (British Library) IOR (Indian Office Records) P/206/81. Please complete: British Library (hereafter BL), Indian Office Record (hereafter IOR) P/206/81.

⁴⁸BL IOR, *Report from the Select Committee on Colonization and Settlement (India) with the Minutes of Evidence Taken Before Them*, 1858.

⁴⁹BL IOR V/26/150/1.

⁵⁰BL IOR W 805 (Second Report from the Select Committee on Colonization and Settlement India) with the Minutes of Evidence Taken Before Them).

⁵¹Sartori, this issue and *Liberalism in Empire*; Bayly (2011).

⁵²Crimmins (1997).

⁵³Bayly (2011), *Recovering Liberties*, p. 56.

⁵⁴Bentham (Jeremy Bentham ed): vol. 10, pp. 590–1.

⁵⁵Hatekar (2003); Visana (2016).

Marx himself would develop ten years after him.⁵⁶ Even more explicitly, Hari Keshvaji declared that his work followed Mill's *Principles of Economics*.⁵⁷

In other words, the question here is not so much, as argued by Bayly and Sartori, whether an Indian liberalism that was somewhat independent of British utilitarianism had emerged; it had. Nor is it a matter of determining, following subaltern studies, if the British had imposed their values and criteria, as their attitudes were extremely heterogeneous and quite distinct from the implementation of these orientations. The real issue we have pointed out is that the overlap between “control of India” and “control of the EIC,” which was so strong at the time, vanishes from all these interpretations and hence also erases the link between sovereignty, imperial construction, identification, and labor practices. Bengal was seized and ruled for several decades by a company-state, whereas Crimea was under the rule of a strongly centralized state. The tensions between the EIC and Parliament were reflected in the way they viewed institutions, law and traditions, and in this context, slavery. Although India did not suffer from the extreme labor shortages that provided a rationale for the colonization of the steppe, it would be a mistake to think the country enjoyed an abundance of labor. In many activities, the labor supply was a crucial concern. Both the British and local powers made use of slaves and forced labor and competed with each other for manpower.⁵⁸ We will now turn to this link between sovereignty, authority, and labor.

Eurasian encounters: British servants, Russian serfs, Indian slaves

At that time, the notion of “free” (uncoerced) labor was not the one we are accustomed to now. In eighteenth and nineteenth-century Britain, wage earners were referred to as domestics and were primarily supposed to provide a service.⁵⁹ The labor of servants was usually conceived of as the master's property, and this property consisted in the service rather than in the body or person of the captive. According to Bentham, “The master alone is considered as possessing a property, of which the servant, in virtue of the service he is bound to render, is the object; but the servant, not less than the master, is spoken of possessing or being invested with a condition.”⁶⁰ In fact, insubordination or failure to comply with workshop production rules was viewed as a breach of contract, and as such was subject to sanctions under criminal law. Criminal-law control over labor was aimed at reducing both turnover and supervision costs, and limiting turnover was also one of the main aims of the Poor Laws.

This link is crucial in the long history of labor and labor institutions in Britain, as well as in the particular history we are dealing with here: the origin of the Panopticon. In both cases, labor surveillance took center stage. In 1782, a bill known as Gilbert's Act was adopted that allowed neighboring parishes to group together for Poor Law purposes and set up poorhouses under a board of guardians. The passage of this bill explains why critiques of poor laws and the Panopticon project emerged concurrently in public debates of the mid-1780s. Only the indigent and disabled were supposed to receive relief, Jeremy Bentham argued, while the “ordinary poor” had to settle down and find employment.⁶¹

These concerns are also found in the major issues concerning the organization of labor in Russia. From the end of the seventeenth century, several estates published instructions or edicts (*nakazy, instruktsiia*), which (along with a collection of national laws) sought to establish the rules for a given estate. The state gave these regulations the force of law. Until about 1750, these *instruksii* primarily concerned taxation and estate administration;⁶² however, significant changes took place in the 1760s, when the *instruksii* began to focus more on work organization and the role of bailiffs. The

⁵⁶Gopal and Deshmukh (1849); Vishwanath (1843). Both reprinted in Bedekar (1969).

⁵⁷Keshvaji and Mandlik (1854).

⁵⁸Stanziani (2018).

⁵⁹Stanziani (2014).

⁶⁰Bentham, *Principles of Morals and Legislation*, ch. 43, sec. 1, par. 1433, *Works of Jeremy Bentham* (Bowring edition) v. 1.

⁶¹“Essay II. Fundamental Positions in Regard to the Making Provision for Indigent Poor,” in *Essays on the Subject of the Poor Law* (1796), reproduced in *The Collected Works of Jeremy Bentham Writings on the Poor Law*, ed. Michael Quinn (Oxford: Clarendon Press, 2001): 39.

⁶²Confino (1963), p. 40, Confino (1969).

latter were accused of overexploiting the peasantry while keeping some of the profits for themselves. In order to combat this behavior, the *instruksia* multiplied and sought to regulate the labor of both the peasants and the bailiffs.⁶³

Catherine herself encouraged the publication of these instructions, as it was in keeping with the logic of a “well-ordered state,” typical of autocracy and the Prussian regime of the same period that she admired.⁶⁴ She encouraged noble estate owners to run their estates themselves and to introduce innovations and “more rational” techniques.⁶⁵

This means that, differing from most historians’ interpretations, such instructions sought not so much to enserf the peasantry as to control the bailiff.

This was the situation in Russia when Samuel Bentham, the younger brother of Jeremy, arrived in the late eighteenth century. Estates were characterized by their multiple activities – farming, manufacturing and proto-industry – and by the actions of bailiffs, all of which shaped the ideas and practices found on estates and within the cultural and political elites.

Samuel Bentham travelled to Russia in 1779 to work as a mechanical engineer and naval architect, initially employed at an English manufactory in St. Petersburg. He later travelled through the Ural Mountains in 1781–1782, before finding employment with Prince Potemkin, in 1784. At that time, the prince was Catherine’s lover and close advisor, and he owned several country estates and numerous factories. He was also actively engaged in promoting the imperial expansion of Russia, eastward to Poland and south to Crimea. The government had heavily invested in developing a short stretch of the Black Sea coast that it had acquired from the Ottoman Empire in 1774. These Russian expansion efforts caused friction and clashes with the Ottoman Empire. Part of the Russian strategy was to seek an alliance with Britain. It was therefore no accident that Potemkin asked Samuel Bentham to manage one of his estates, located in Krichev.

The Krichev people were known for their skills in carpentry, and local landowners, including Potemkin, began to bring in other skilled craftsmen, causing the male population to grow from fourteen to twenty-one thousand between 1776 and 1785.⁶⁶ In fact, the estate was the principal supplier to naval stores down to the Black Sea.

Thereafter, Bentham faced a double problem: the classification of labor and discipline. The first problem arose because, in Bentham’s view, the estate’s serfs did not possess the skills required for ship-building. On the other hand, he was satisfied with their discipline. To solve the problem, he brought in manpower from England. In 1785 around twenty skilled workers arrived at the estate. That is precisely when the problems of discipline arose. The English workers scarcely heeded orders or working hours, and their supervisors, who complained about this lack of discipline, also did not hesitate to diverge from Bentham’s instructions.⁶⁷

It was in this context that Jeremy Bentham, who had joined his brother a few months earlier, wrote numerous letters in which he raised the need to improve systems of surveillance at work, especially concerning the activities of the supervisors themselves.⁶⁸ This is the well-known problem of how to supervise the supervisors.⁶⁹ These letters became famous because they contain the Panopticon project or prison model (later they would be gathered together as the *Panopticon letters*, first edition published in 1791).⁷⁰

⁶³Aleksandrov (1976).

⁶⁴Raef.

⁶⁵Golitsyn (1839).

⁶⁶Zakalinskaia (1958).

⁶⁷Bentham, *The Correspondence of Jeremy Bentham*, 12 vols. Timothy L. S. Sprigge, ed. (London: Athlone Press, 1968–2006), v. 2:504; *The Works of Jeremy Bentham*, 11 vols., John Bowring, ed. (Edinburgh: William Tait, 1838–1843), v. 10:161.

⁶⁸Bentham *Correspondence*, III: 503, 509–512.

⁶⁹Bentham, *Works* (Bowring edition), 4: 41.

⁷⁰Jeremy Bentham, “*Panopticon*”: or, *the Inspection-House; containing the idea of a new principle of construction applicable to any sort of establishment, in which persons of any description are to be kept under inspection; and in Particular to Penitentiary-houses, Prisons, Houses of industry, Workhouses, Poor Houses, Manufacturies, Madhouses, Lazarettos, Hospitals, and Schools; with a plan of management adopted to the principle; in a series of letters, written in the year 1787, from Crechhoff in White Russia, to a friend in England*, 2 vols. (London: T. Payne, 1791).

The success of the Bentham brothers' project in Russia and in Britain confirms this argument. In Russia, Samuel and Jeremy Bentham's project to build a Panopticon in Kritchev was well received by Potemkin, who was also enthusiastic about ideas to optimize work through the division of labor and effective supervision. Moreover, it was this type of "western" utopia, the product of a blend of coercion, science and control that would form the basis of Catherine's reform projects and those of her close collaborators, including Potemkin himself. It must be pointed out however that while the original goal of Bentham and his brother was to keep an eye on the English supervisors, for Potemkin and other Russian reformers the project became a way of controlling the serfs.

It is here that the gap between Britain and Russia narrows. When Samuel and then Jeremy went to Russia, the question of labor surveillance was being discussed in relation to rural estates, but also (as in Britain during the same years) to poor relief. Before the reign of Catherine the Great, the aged and infirm were supported in parish almshouses, and able-bodied vagrants were frequently conscripted to factories, mines, or the military. In 1775 an edict created the Offices of Public Welfare (*Prikazy obshchestvennogo prizreniia*) and proposed establishing workhouses under the authority of local police to punish the lazy and enable the needy to support themselves. The first workhouse (*Rabotnyi dom*) was built in Moscow in 1782, the same year that Samuel Bentham moved to Siberia and Gilbert's Act was adopted in Britain.⁷¹

This movement received a boost from Jeremy Bentham's Panopticon theory. In 1806, Samuel Bentham returned to Russia and convinced Alexander I to build a "Panopticon School of Arts" in Saint Petersburg.⁷² During the years that followed, the tsar ordered the construction of a number of such buildings devoted to administration and education.⁷³ Many of Bentham's books were translated into Russian, at the urging of the tsar himself.⁷⁴

However, the end of the Napoleonic wars marked, in Russia as in Europe, a downturn in such reform efforts. Several Russian authors denounced the conditions of European workers and showed that it was in the nobles' interest to treat their serfs well and nourish them like horses. These authors denounced Bentham and utilitarianism, which they compared unfavorably to Russian empathy and community principles.

It was precisely during these same years, when the poor laws in Britain and labor in Russia were under discussion in the 1770s and the 1780s, that anti-slavery activity intensified in Britain. British abolitionist campaigns were waged on a combination of moral, political, religious and economic grounds.⁷⁵ In India, debt bondage and other forms of servitude were extremely widespread. When disaster struck, people often entered debt bondage or slavery as a survival strategy in return for subsistence, either voluntarily, as was the case of many *dvija* caste members in India, or driven out by their kin group. Those subject to debt bondage sometimes outnumbered slaves. Hindu as well as Muslim families made use of domestic slaves for both household and agricultural labor. They were locally acquired, through kidnapping, debt bondage or marriage to slaves. Slaves were also highly valued gifts and were circulated as dowries or tributes and in strategic alliances between households.⁷⁶

In Hindu areas, caste origin played a role. To be sure, caste was not the ideal system described in British reports, which tended to identify slavery with low castes and translate various forms of dependency into European terms (slaves, serfs). In reality, slaves kept their caste identity and masters deliberately identified and publicized their slaves' caste.⁷⁷ In fact, not only was there a continuum of conditions between the free and the unfree, but rituals and caste also influenced the process of enslavement and emancipation.⁷⁸

⁷¹Bradley (1982); Shvittau (1915).

⁷²Bentham, "Description of the Panopticon at Okhta," *Mechanic Magazine* (31 Mar. 1849), cited in Werrett, "Potemkin and the Panopticon," 11.

⁷³Bentham, *Correspondence*, 8:224.

⁷⁴RGIA.

⁷⁵Fogel (1994).

⁷⁶Stanziani (2017).

⁷⁷Vad (1902–11).

⁷⁸Kooiman (1991).

The system evolved over time and new castes emerged while others declined. Caste was correlated with occupation, though not exclusively, and the same was true for the relationship between caste and servile status. These forms of slavery and bondage did not disappear under colonial rule, but they did evolve in connection with it. Indeed, both the British and local powers made use of slaves and forced labor and competed with each other for manpower. European colonial regimes facilitated the growth of indebtedness by imposing monetary taxes, promoting commercialization and enforcing credit contracts. However, the abundance of low caste laborers without land rights did not prevent periodic labor scarcities. British reports noted the trafficking of Nepalese laborers as well as children from Assam to Bengal.⁷⁹ Famine and child slavery were also reported in Bengal.⁸⁰

The EIC continued slave raiding until the end of the eighteenth century, when fear of depopulation and hence a shortage of taxpayers prompted the Company to limit these practices. In the 1770s, the Provincial Council of Patna issued a declaration limiting the right of masters over their slaves to no more than one generation.⁸¹ The 1774 Bengal Regulation Act prohibited the purchase or sale of persons not already in a state of slavery. The act was also issued in response to increasing conflicts between the Crown and the EIC as well as between Britain and other European powers, such as the French and the Portuguese, who also took part in enslaving people in India.⁸² The EIC officially confirmed the right to possess slaves in the territories under its rule but sought to limit its further dissemination. The rationale for this ambivalent attitude was, on the one hand, that the Company wanted to preserve its authority and fiscal power by allowing local slavery to continue; on the other hand, it did not want peasant-taxpayers to be turned into slaves. It therefore sought to prevent slave raiding and an expansion of enslavement. Faced with problems enforcing the 1774 regulations, the EIC proclaimed new rules limiting the slave trade and further enslavement in Bengal (1789), Madras (1790) and Bombay (1805). These rules also proved difficult to enforce.⁸³

The British anti-slavery movement claimed it was necessary to expand the abolitionist campaign to India. Supporters of local customs and pragmatic colonial elites replied that what existed in India was not real slavery, but merely forms of family dependence and domesticity. They won the backing of the English planters in India, who claimed their enterprises were not comparable to the plantations in the West Indies. Even within the abolitionist movement, many held that bondage in India was different from slavery, either because they genuinely believed it or for tactical reasons, i.e. to put a stop to the transatlantic slave trade first.

Jeremy Bentham played a crucial role in this debate.⁸⁴ According to him, it was not the condition, but rather the duration of the obligation that constituted the real difference between free and unfree labor. It was from this standpoint that he condemned Indian forms of slavery.⁸⁵

However, for the EIC, the chief concern was not the abolition of slavery but political stability and cross-border trade. In 1811, when the government of Bengal passed Regulation X prohibiting the sale of slaves and their entry into British territories, the question arose as to how this regulation could be enforced with regard to the neighboring Mughal State and to the other Indian states. While James Mill supported a clear universalistic approach and, therefore, the abolition of slavery in India, most EIC leaders were still reticent to adopt this attitude. A serious debate on slavery in the Indian states did not take place until the early 1830s. The shift came about as a result of increasing evangelical influence in the higher echelons of the EIC and growing pressure from the abolitionist movement in Britain.⁸⁶

⁷⁹BL IOR F/4/369 several files, among which 9221; also F/4/1034, n. 28499.

⁸⁰BL IOR P/50/60.

⁸¹IOL (India Office Library and records, London): British Library, Indian Office Records, BRC (Bengal Revenue Consultations) 16 August, 1774, n. 442, letter from the Provincial Council at Patna to Warren Hastings, 4 August 1774.

⁸²Allen (2009).

⁸³*British Parliamentary Papers*.

⁸⁴Stokes, *English Utilitarians*; Moir, Peers, and Zastoupil (1999).

⁸⁵Campos Boralevi (1984); Rosen (1992).

⁸⁶Major, *Abolition of Slavery*.

Unlike Bentham, John Stuart Mill separated the debate on the universality of law and justice and that on slavery, adopting an intermediate position. Although he accepted the local system of justice (like the “localists”), he still refused to consider that Indian local forms of bondage were not slavery (like the universalists). He complained to the government of Calcutta that the abolition of slavery in India “seems still to be very defective.”⁸⁷ In 1842 he denounced the fact that the Sultan of Sharja and the Imam of Muscat had violated the treaty of 1839, which abolished the slave trade with the African Somali tribe.⁸⁸ A year later, he expressed his disapproval that the practice of kidnapping children had been allowed to linger on within the EIC’s possessions.⁸⁹

In 1837, a commission was formed to study the labor standards to be applied after the abolition of slavery. The commission was divided, however: some members thought the colonial Masters and Servants Acts should be enforced in a version specifically adapted to India; other members, including Thomas Macaulay, wanted the new labor relationships to be regulated by civil law provisions. Thomas Macaulay insisted that it was necessary to pursue abolitionism in the Caribbean and Africa, whereas Indian slavery was “mild.”⁹⁰ The majority of commission members opted for the former plan and the draft code therefore mentioned criminal penalties for breach of contract. Workers were classified as servants and assimilated to beggars. The British Masters and Servants Acts served as a model for regulating free labor in India, especially immigration in Assam.

In 1839 the British India Society was founded and it immediately set about attacking slavery as a cause of human suffering along with famines. The Society adopted a global approach: its leaders argued that the abolition of slavery in India would improve local conditions, eradicate famine and help to promote abolitionism in the Americas.⁹¹ In June 1840, the first World Anti-Slavery Convention in London adopted a series of resolutions condemning slavery in India. Universal evangelical values added to increasing criticism of the EIC’s power. Even though slavery was officially outlawed in India in 1843, local governors and elites espoused quite different attitudes depending on their own definition of slavery. For example, debt bondage was systematically excluded from it and therefore tolerated.⁹² The government of Madras and other provincial British governments captured fugitive slaves and laborers and sent them back to their masters. Finally, as in other British dominions, the official abolition of slavery in India was followed by extremely coercive rules regarding vagrants, enacted in the name of public order and economic growth as an antidote to poverty.

Utilitarian views in practice: from forced labor to coerced reforms

In Britain, the issues of the Masters and Servants Acts, apprenticeship and slavery remained connected until, under pressure from widespread hostility toward both coerced labor and public relief, the apprenticeship system of slavery was introduced in the colonies in 1833–1834 and a new Poor Law was passed in 1834.⁹³ Following the suggestions of Bentham and others since the 1780s, reformers made a sharp distinction between the “natural poor” and the indigent (unable to work), and only the latter were permitted to benefit from poor relief. In intellectual and public debates of the time, poor relief, the general condition of labor, and the question of slavery and serfdom were tightly linked. More than just “efficiency” was at stake (Adam Smith’s and others’ assertions that wage labor was more productive and efficient than forced labor); public order, vagrancy, and social welfare were equally important.

It would be a mistake to think that Bentham’s suggestions were exceptional at the time. For example, his friend Admiral Jonas Hanway, founder of the Magdalene Asylum (in which, like

⁸⁷British Library, Oriental and Indian Office Collection, political dispatch to India, 13 February 1838, E/4/753: 909-12.

⁸⁸British Library, Oriental and Indian Office Collection, political dispatch to Bombay, 21 September 1842, E/4/1071: 335-45.

⁸⁹British Library, Oriental and Indian Office Collection, political dispatch to Bombay, 18 October 1843, E/4/1074: 54-6.

⁹⁰Bowen (2006); Temperley (2000).

⁹¹British India Society (1839).

⁹²Gwyn, and Stanziani (2013).

⁹³Blackburn (1988); Davis (1999).

many other similar institutions at the time, women of ill-repute were secluded, in accordance with the ideals of the time), put these principles into practice: transforming the prison into a high-productivity forced labor facility and then exporting the model to the entire labor market. The link with the militarization of work was evident at the time when, for example, Bentham's ideas on the organization of the army or Hanway's ideas on criteria for recruiting children into the navy were taken into account. In other words, the ambition to introduce a kind of discipline for wage labor similar to forced labor was quite widespread in Britain in the nineteenth century and, in this context, the Panopticon was just one solution among many. This link is particularly clear in the circulation of ideas and institutions even between the Indian subcontinent and Great Britain.

In India, new labor-contract regulations were adopted in the 1860s, and criminal sanctions were reintroduced twenty years after they had been abolished. The Bengal Council responded by adopting the Inland Emigration Act of 1859 in 1863 and then expanding it in 1865 to confer extensive powers to make private arrests. In 1859, in the wake of the Great Mutiny (1857–1858), a Workman's Breach of Contract Act was adopted. The act was intended to give employers tighter control over workmen and laborers who absconded or refused to work after receiving advances. It was introduced at the insistence of the Calcutta Trade Association, and initially applied to the presidencies of Calcutta, Madras, and Bombay.

By 1865, it was extended to all of British India. The procedure and the notion of evidence were adapted to the Indian context. As Indians "did not know the civilized customs" and the complexity of British law and as, even worse, they had the tendency to lie, the burden of proof needed to be particularly compelling when they had complaints against British-born subjects.⁹⁴ Racialized law was confirmed to be the very foundation of the Empire.

It was in this context that Henry Maine published his famous work on ancient law in 1861, based on a series of lectures at the University of Cambridge and influenced by the Great Mutiny in India, which was widely debated in Britain.⁹⁵ His main argument was a late expression of utilitarianism: legal principles are universal but must be adapted to local contexts through procedure. But, unlike Bentham, who believed in the superiority of the Enlightenment, Maine was concerned with the disintegration of "traditional societies" and the need to provide justice and order beyond the chaos of jurisprudence. He concluded that abstract utilitarianism and its legal and economic prescriptions had failed because they were not applicable to primitive or ancient societies of which India was a prime example. Yet this did not mean that Maine was prone to cultural relativism. Legislation was supposed to express universal principles and above all the autonomy of individual free will over that of the state.⁹⁶

Maine was appointed to the Governor General's Council in India. During his service between 1862 and 1869, he promulgated more than two hundred laws. With regard to labor matters, while he was in favor of indirect rule, he immediately declared his opposition to the law of 1859 that allowed the use of criminal penalties to enforce labor contracts, stating his preference for civil law solutions. He thought British masters had a better chance of ensuring that a specific amount of labor was performed than of obtaining monetary compensation for advances made to workers. By focusing on specific labor performance requirements rather than on sanctions, he sought to leave contracts to private enforcement, without state intervention.

Indigo planters strongly supported this position, but a majority of the colonial government was opposed for two reasons: first, indigo planters were coming under increasing criticism for their brutality, which created a problem for the Raj; second, the state had to oversee labor and social order, and thus labor had to be governed by criminal, not civil laws. Resistance to Maine grew among officials in India, who objected to his excessive legislation.

Maine's failure to impose his position did not prevent him from making a similar argument in Britain itself, where he joined those advocating the repeal of the Masters and Servants Act in 1875.

⁹⁴BL IOR, Fifth Report of Her Majesty's Commissioners Appointed to Prepare a Body of Substantive Law for India (1868).

⁹⁵Mantena (2010).

⁹⁶Maine (2013).

This marked a turning point in the history of labor relationships, with the end of criminal penalties and the rise of the labor contract as we know it today. We find here a crucial mutual influence between Britain and its Empire: there were indeed attempts to “export” British institutions to India; however, as we have shown, this attitude was far from universal and actors such as Hastings, Burke, Bentham, James Mill, John Stuart Mill and Maine adopted completely different approaches.

Meanwhile, in Russia, while Jeremy Bentham’s utilitarian ideas were met with a mixed reception,⁹⁷ his theories on prisons and labor discipline found enthusiastic adherents among some “reformers,” including Nikolai Mordvinov, a friend of Samuel Bentham and president of the Free Imperial Economic Society between 1823 and 1840. Mordvinov was one of the noble landowners who – starting in the 1780s – had issued more and more written *instruksii* designed to improve the nobles’ control over their estates and especially over the labor of their serfs. He had known the Bentham brothers since the 1780s, and his aims and opinions were influential on Jeremy Bentham’s thought. After the Napoleonic Wars, in 1818–1819, it was Mordvinov’s turn to go to England and present Jeremy with his draft project for a representative assembly in Russia.⁹⁸ At this time, Mordvinov insisted, like Bentham, that more surveillance and control over the serfs was necessary to boost productivity.⁹⁹ Finally, Mordvinov intervened in the reforms of the exile system, which were implemented in 1822.

At the same time, tsarist elites encouraged changes in the legal status of the peasantry through reforms that, although partial, initiated a general process of peasant emancipation. Unlike Bengal and India, the Russian courts accorded increasing power to peasants – even before the official abolition of serfdom.

Still, one must not conclude, on the basis of the tolerance accorded by the tsarist regime until a certain time (the 1830s) and the violence inflicted by nobles on their peasants, that the latter had no legal defense. Indeed, they could contest the legitimacy of the landowner as such: illegal enserfment was punishable under the penal code. Until the 1830s such an outcome was sought almost exclusively in litigation between members of the landowning family or close relatives (spouse’s family). In the event of an inheritance or a sale being contested, the right of property itself may be called into question and, with that, the rights over the serfs. However, from the late 1830s onward, serfs, who had hitherto been called to testify in such proceedings, began to bring suit themselves and for the same reasons.¹⁰⁰ In certain cases, peasants managed to gain their emancipation by demonstrating that the estate had been transferred via a non-noble (a prohibited procedure) or even via an emancipated serf. These legal proceedings brought by peasants became so numerous that between 1837 and 1840 the Senate decided to reject these cases when the peasants were still living with their master. All together, between 1833 and 1858, the Senate recorded 15,153 cases of illegal enserfment, while provincial courts dealt with 22,000 such cases.¹⁰¹ Naturally, these favorable rulings would not erase the difficulties that the peasants encountered when they attempted to bring suit against a noble or presumed noble. Local courts quite often issued very different rulings, many judges considered peasants’ petitions to be inadmissible and even refused to grant them an appeal. Numerous cases of judges bribed by noble landowners have also been recorded. Finally, these proceedings were rather slow and often took ten years to complete. Measures to modify this state of affairs would not be adopted until the end of the 1840s; a new law facilitated the legal proceedings of all those who considered their enserfment to be illegal. Most of them were emancipated through administrative proceedings, but around 80 000 were emancipated by their master or as the outcome of a lawsuit.

Finally, half of the “private” peasants (i.e. working on privately owned estates) moved into other categories, to the point where in 1858, only 40% were still classified as private peasants (serfs). Moreover, only half of the latter were still required to perform labor obligations (*corvée*).¹⁰² The

⁹⁷Stanziani (2008a, 2008b).

⁹⁸Bentham, *Correspondence*, 10, p. 542.

⁹⁹Mordvinov (1815).

¹⁰⁰TsGIAM. Several other cases can be found in Deistviia Nizhegorodskoi gubernskoi uchenoi arkhivnoi komissii, several booklets, 1890s.

¹⁰¹PSZ.

¹⁰²Hoch and Augustine (1979).

abolition of serfdom in 1861 thus constituted the culmination of a long process rather than a sudden rupture of the established order.

Conclusion

The conventional opposition between land and maritime empires¹⁰³ requires a serious reassessment as the examples of the expansion of Russia (mostly a land Empire) in Crimea and of Britain (maritime empire) in Bengal attest. Conventional interpretations tend to associate Russia with coercion and Britain with capital.¹⁰⁴ Even approaches in global history consider Russia the paradigm of unfree labor and lack of markets and, as such, it is either contrasted to the Lower Yangtze and Britain (Pomeranz), or, in Osterhammel's or Darwin's books¹⁰⁵ considered an "exception" in Europe in terms of ending famines and introducing private property and democratic rules. Instead, it was large-scale coercion, far more than capital or the fiscal state, that the Russian and British cases shared and at the same time differentiated them. The circulation and transmutation of utilitarianism and its notions and politics of labor are useful lenses to understand this point.

Initially some enlightenment thinkers and later on certain utilitarian and liberal thinkers were all faced with a fundamental dilemma compelling them to choose between freedom, morality, and ethics, on the one hand, and labor and sovereignty on the other. The dilemma involved the status of wage labor and the role of law in relation to the economy. In this environment, it was not unreasonable for Bentham to take an interest in Russian serfdom in order to reform the Poor Law in Britain. This did not mean he considered the British workers serfs, but simply that Western and Eastern Europe were confronted with similar problems of labor and surveillance, public order and the economy. It was therefore no accident that the British Parliament debated the abolition of slavery in the colonies and the reform of the Poor Law and the apprenticeship system at the same time.

In fact, the "frontier" of the British Empire (not only in Asia, but also in the Americas) was long synonymous with more coercion when compared with the mainland. The "Turner frontier" was a late invention of the last quarter of the nineteenth century, not at all relevant during the period under investigation here. The opposite was true in Crimea and the Russian "frontier" more generally, where settlers enjoyed more rights (or were subjected to less coercion) than peasants enserved in central Russia. This helps to explain why Bentham could draw his inspiration from Russia (Crimea in particular) to reform labor and the Poor Law in Britain, which were not so distant in his eyes.

The relationship between labor and authority was crucial in this context. The whole debate, in Britain, India, and Russia, and many other places at that time, centered on the question of how to increase productivity – through tighter controls or enhanced worker incentives. These were seen as the only available options, but it was impossible to link either one entirely to forced labor or wage labor.

Yet, this "global wave" of interest in labor and surveillance, at the very origin of the equally global circulation of utilitarian ideas, took different forms depending on the context. In India, slavery was accepted at first in the name of local customs and overall efficiency; then it was formally forbidden. Real entitlements for the poor, laboring people and most of the colonized were few and highly unequal compared with those of white Europeans and possibly even local Indian elites.

The EIC intentionally differentiated "free" sugar production in India from slave-based production in the Atlantic, while some members of the abolitionist movement itself believed there was a fundamental difference between Eastern India with its customs and "mild" dependency, and the violence and slavery of the Atlantic. This led to decades of ambivalent tolerance of local slavery practices, followed by extreme legal coercion after abolition. The law took notions inspired by the Masters and Servants Acts in Britain, then extended, racialized and radicalized them in the colonial context.

The difference between slavery, apprenticeship, and indentured servitude was clear in the legal statutes, but much less obvious in the implementation of rules and social practices. The law was used to

¹⁰³Bairoch (1997); Mokyr (1990). Darwin, *After Tamerlane*; Hodgson (1993); Jones (1981).

¹⁰⁴Tilly (1990).

¹⁰⁵Bayly (2004); Darwin (2007); Pomeranz (2000); Osterhammel (2014).

increase not only legal but also political, social and economic inequalities, not just between “the British” and “subaltern Indians,” but also between multiple hierarchies on each side.

In Russia, quite differently, peasants made use of the law much more extensively than Indian peasants were allowed. Liberal utilitarians like Mordvinov were keener to make use of coercion to “modernize” peasants than some tsarist elites, who favored a slow transformation of landed aristocracy and agriculture.

Unlike previous generations, “coercion in the name of progress” was where a new generation of “utilitarians” in Russia, Britain and India ultimately converged in the mid-nineteenth century when the Great Mutiny led to the end of the EIC and the Crimean war to the abolition of serfdom. During the second half of the nineteenth century, the Indian Raj was administrated by “indirect rule,” as Henry Maine called it, while wage labor under constraints was diffused in post-serfdom Russia.

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