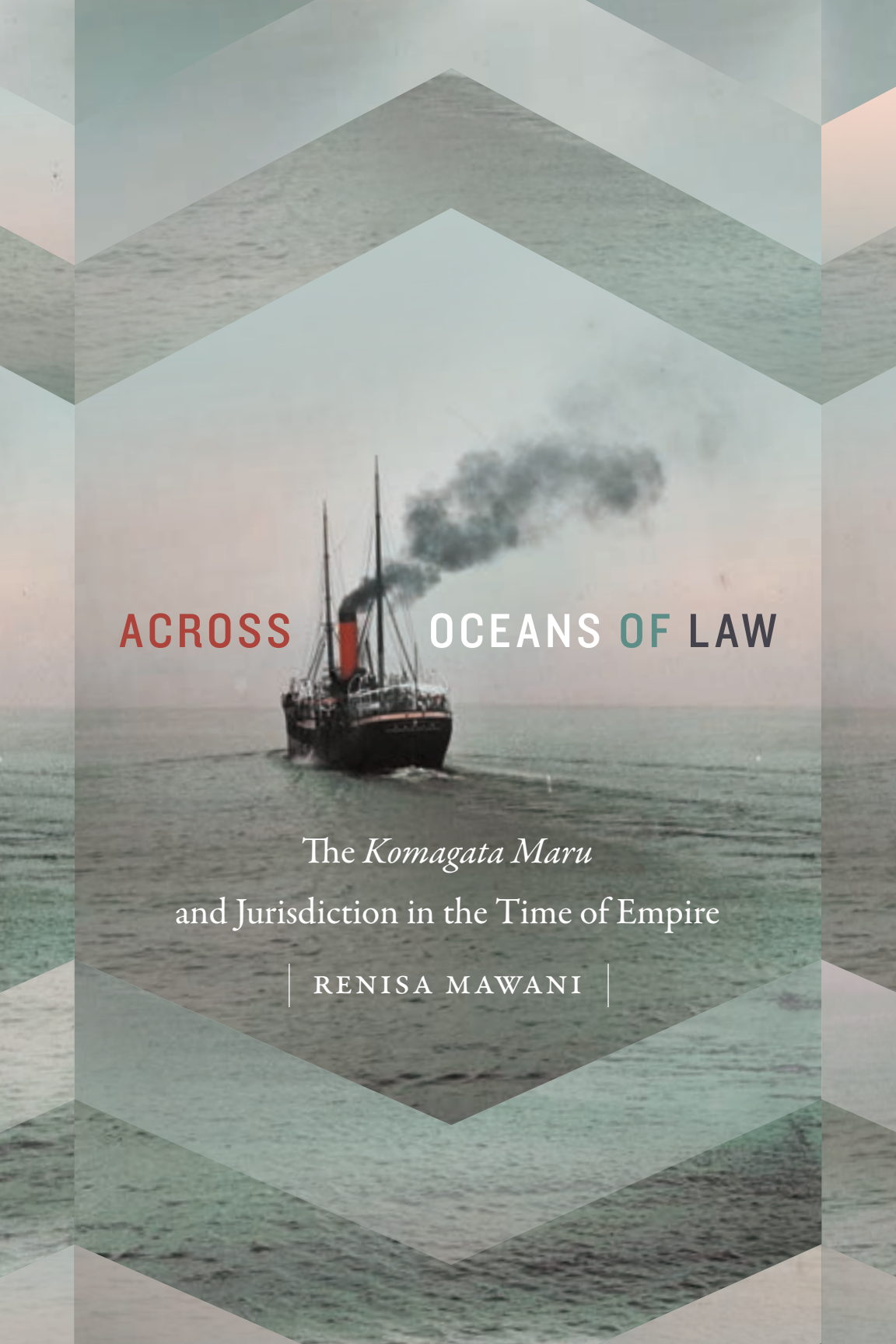
ACROSS OCEANS OF LAW
The *Komagata Maru*
and Jurisdiction in the Time of Empire
RENISA MAWANI

ACROSS OCEANS OF LAW

Global and Insurgent Legalities

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RENISA MAWANI

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For the future . . . Lialah Sayeed Safiya Zia

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INTRODUCTION

Currents and Countercurrents of Law and Radicalism

Steam has brought India into regular and rapid communication with Europe, has connected its chief ports with those of the whole south-eastern ocean, and has revindicated it from the isolated position which was the prime law of its stagnation. The day is not far distant when, by a combination of railways and steam vessels, the distance between England and India, measured by time, will be shortened to eight days, and when that once fabulous country will thus be actually annexed to the Western world.—KARL MARX, "The Future Results of British Rule in India," 1853

We, Indians, boast that we are enjoying our rights and religion. The Western tyrants, Eastern slaves, and some Indians say that every nation has a right to prevent natives of other countries from entering their dominions. We ask whether the earth is the property of anyone's father? God has created things for the enjoyment of mankind, it is open to anyone to derive benefit from it.—DALJIT SINGH (Secretary to Gurdit Singh), "Manuscript on the *S.S. Komagata Maru*," c. 1914

In February 1914, Baba Gurdit Singh, a fifty-five-year-old "native of the Amritsar district" in Punjab and a purported rubber planter in Malaya, issued a "Proclamation to Indians."[1] Directed primarily at his Sikh countrymen, this was not an announcement, as its title suggests, but an urgent appeal for private investors. "Awake Oh Indian brothers, the night has passed. Why are all you stars (sons) of Sat Guru (God) sound asleep. Negligence has ruined us: we should destroy negligence now and should jointly and wisely do the work."[2] The "work" to which he so passionately referred was maritime trade and commerce. Since moving to Malaya in the 1880s, and after working in various industries,

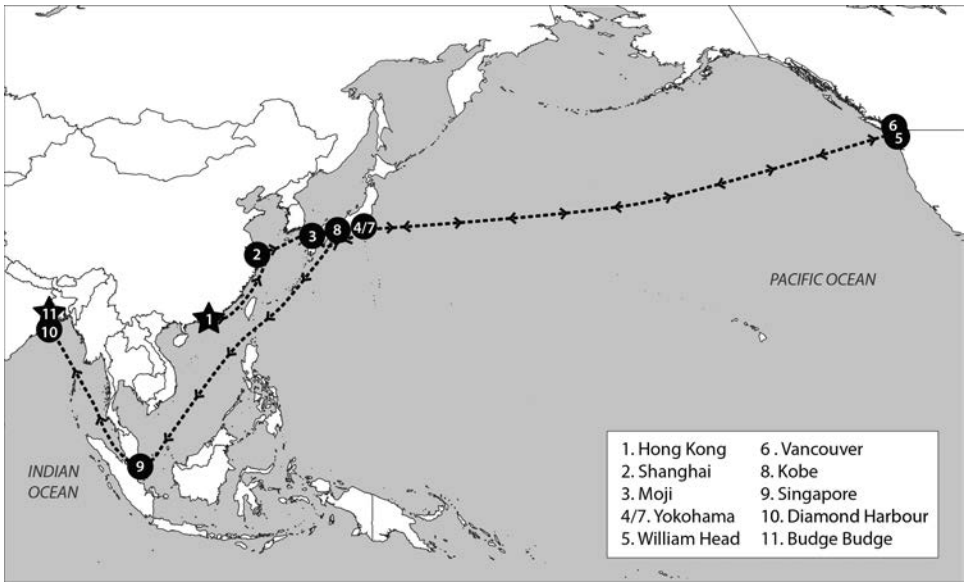
Singh established himself as a successful railway contractor. However, his current proposal took an entirely different tack. It turned from land to sea, seeking sponsors to fund a new commercial venture, the Sri Guru Nanak Steamship Company. At first glance, Singh's proposal seemed carefully and deliberately planned out. He would charter a steamship and cross the Pacific. If this initial voyage proved successful, he would purchase the vessel and then three more. His fleet of four ships would eventually travel the Indian, Atlantic, and Pacific Oceans, carrying Indian passengers and commodities from Bombay to Brazil and Calcutta to Canada, placing India at the center of maritime worlds. The Guru Nanak Steamship Company, Singh promised, would yield high financial rewards. It "will increase the money of share-holders with profits," he urged, while expanding India's role in global trade.[3] "Improve yourselves and your nation. Do not continue in sound sleep." Buy shares in the Guru Nanak Steamship Company "and sell to others also."[4] For Gurdit Singh, the illustrious history of Indian shipping was not the past but the future.[5] More than railways, it was steam vessels that opened a pathway to freedom from British imperial rule.

The Guru Nanak Steamship Company, as Singh envisioned it, would someday become a global commercial enterprise. But it also held political objectives that were equally significant. Given the growing legal restrictions imposed on Indian mobility by the white settler colonies of Natal, Australia, Canada, and the United States, and the role of steamship companies in extending maritime surveillance and expanding immigration controls, Singh's proposal was both timely and urgent. His firm would ensure the unobstructed journey of Indian migrants and travelers from the subcontinent outward. If the steamship company's "offices are everywhere, and its steamers travel (round the world)," Singh reasoned, "then the Gurmukh (Sikhs) can travel everywhere and no one can stop them."[6] Become traders and "merchants and derive benefit," he cajoled. Relinquish "all differences, for now is the time to work." Though Singh encouraged all his countrymen to unite in the interests of a common economic and political goal, it was the triumph of Sikhs that was foremost on his mind. "The flag of Guru Nanak shall fly (on our ship), and all the world shall see it, and we shall be reckoned among nations."[7] Notwithstanding his ambitions and assurances, Singh's plan was missing a key element. At the time of his proclamation, he did not yet have a vessel. It was not until one month later, and after several failed attempts, that he successfully chartered the SS *Komagata Maru*, a British-built and Japanese-owned steamship (see fig. I.1). In an unprecedented voyage that departed from Hong Kong in early April, and stopped briefly to recruit passengers in Shanghai, Moji, and Yokohama, Singh transported 376 Punjabi

FIGURE 1.1. Gurdit Singh is pictured here in a white suit, waving binoculars, on the upper deck of the *Komagata Maru.* The photo was taken sometime after the ship landed in Vancouver Harbour (c. May 1914). (Photo courtesy of Vancouver Public Library, Accession number 136, Canadian Photo Company)

migrants across the Pacific to Vancouver. Those aboard were mainly Sikhs and adult men. However, there were some Hindu and Muslim passengers, two women and three children, including Gurdit Singh's six-year-old son, Balwant.[8]

Despite the grand objectives he conveyed to potential investors, Singh's steamship company was no more than a pipedream. There were no ships, shareholders, or profits, only scandal and insurmountable debt. The *Komagata Maru* did not fly the Guru Nanak flag but a Japanese one. Its passage to Vancouver was the first and last under Gurdit Singh's command. Though his company was not "reckoned among nations," as Singh had hoped, his audacious plan to charter and launch a ship along the Pacific drew the attention of colonial authorities and anticolonials from various parts of the British Empire and beyond. The steamer's passage unleashed a series of repressive laws—in Canada, India, and elsewhere—that expanded and fortified legal restrictions on Indian mobility. Canada's newly revised immigration legislation, which barred most of



MAP I.1. The outbound and return voyages of the *Komagata Maru,* April–September 1914.

the *Komagata Maru* passengers from entering the Dominion, was not repealed until 1947, when India gained independence from Britain.[9]

In June 1914, four months after Gurdit Singh made his announcement, Bhag Singh and Husain Rahim issued their own call for financial support, this time from Vancouver. On 23 May 1914, after a long and arduous six weeks at sea, the *Komagata Maru* finally landed at Vancouver Harbour (see map I.1). But only twenty passengers were allowed to disembark.[10] The others, including Singh, were detained aboard the ship, where they would remain for two months in deplorable conditions and with limited supplies of food and water. In 1913, the British Columbia Court of Appeal had struck down the continuous journey provision, which effectively barred the entry of Indians to Canada. Almost immediately, the Dominion government began revising the regulation and passed a new order-in-council while the *Komagata Maru* was at sea.[11] The ship was in serious trouble, and those ashore knew it. If the "Proclamation to Indians" penned by Singh was directed at Sikhs, the second appeal was cast more widely. "Oh brave Indian people, you may have seen and heard that the Guru Nanak Company's steamer *Komagata Maru*, whose arrival has been expected and awaited for a long time, reached Vancouver," Bhag Singh and Husain Rahim wrote.[12] The ship was moored in the harbor, proximate to the shoreline and

within clear sight of onlookers. Though it was clearly located within Canadian waters, "Immigration authorities have not given any decision about her," the two men charged, "and no Indians (residing in America) can see the passengers." Local police were judiciously guarding the vessel "on every side" as it lay anchored "on the sea." Security was so tight, "not even the passengers' [legal] Counsel is allowed an interview."[13]

As a British subject, Gurdit Singh, like many of his contemporaries, insisted on a legal right to travel throughout the British Empire. By chartering a ship and commanding its transpacific passage, however, he asserted an unparalleled legal and political claim to the sea. From the early seventeenth century onward, European maritime empires—especially the Portuguese, Dutch, and later British—engaged in lively debate on the racial and legal status of the high seas. The publication of Hugo Grotius's *Mare Liberum* in 1609 afforded these deliberations a newfound significance.[14] Here, the Dutch jurist concluded that the high seas were the "free sea," a common space that was beyond national and imperial claims to sovereignty. In drawing this conclusion, Grotius imposed an elemental and juridical distinction between land and sea, a divide that has since featured prominently in European thought, most visibly evidenced in maps of world regions.[15] Importantly, this distinction remains foundational to international and maritime law today. Notwithstanding its designation as "free," the high seas, from Grotius onward, were highly regulated.[16] Britain's ascendency as a maritime empire was achieved through a *juridification of the sea*, advanced in legislation, treaties, agreements, and in legal restrictions imposed on ships, passengers, and cargos. By the early twentieth century, as the *Komagata Maru* crossed the Pacific, the freedom of the sea remained a freedom of trade and travel accessible only to European men.[17] Gurdit Singh's aspirations to begin a commercial steamship company, to revive India's vibrant history of maritime trade, and to circumvent immigration prohibitions imposed by the white Dominions thus imperiled Britain's global, imperial, and racial order in significant ways. Ultimately, what Grotius called the "free sea" demanded the subjection and unfreedom of countless non-Europeans: slaves, indentured laborers, and so-called free migrants.

By many accounts, the *Komagata Maru*'s voyage was a dismal failure. The ship never completed its journey as planned. The Guru Nanak Steamship Company was halted even before it began. However, the vessel's outbound voyage from Hong Kong, its two-month confinement in Vancouver, and its arrival outside Calcutta inspired new forms and intensities of Indian radicalism. "The blood of Indians is raging at the injustice," Bhag Singh and Husain Rahim claimed, as the passengers remained detained aboard the ship. "There is great excitement among the Indians resident in Canada, and we will never accept defeat at the

hands of the Immigration authorities. We will never allow the 376 passengers to return to their country. We are ready to fight up to the walls of Vancouver, Ottawa and London," they pledged.[18] "The whole world is anxiously waiting to see how the fate of the *Komagata Maru* is decided; because the decision about her fate will make a mark in the history of the world."[19] Over the course of its protracted voyage, the vessel came to symbolize the disruptive and subversive force of Indian anticolonialism. For Gurdit Singh, the steamer's journey offered clear evidence of untapped maritime opportunities. To others, it signaled the potency and possibility of religious unity and solidarity, especially in struggles against British rule. It "was a wonderful sight when the ship sailed," Bhag Singh and Husain Rahim recounted from those in Hong Kong, "regimental bands, soldiers and several regimental companies were present" to send the vessel on its transpacific passage. The "different communities in India were always quarrelling with each other on religious points, and they hated each other," the men explained. But these divisions became less prominent as Indians departed the subcontinent in ever-greater numbers. "Cries of Sat Sri Akal and Ali Ali"—Sikh and Muslim appeals to the Almighty's omnipotence—"were raised when the ship set sail." This mutual respect and camaraderie flourished at sea with a "Sikh place of worship on one side of the *Komagata Maru* and a Muhammadan [*sic*] place of worship on the other."[20] The steamer's future, Bhag Singh and Husain Rahim vowed, "will not be the decision of the fate of 376 passengers only, but will be the decision of the fate of 33 crores of Indians."[21]

Across Oceans of Law asks what is at stake, historically and conceptually, when histories of Indian migration are situated within maritime worlds. Specifically, the book considers how immigration restrictions and Indian radicalism, which have now become familiar narratives, take on different contours when the ship and the sea are foregrounded and analyzed as key juridical forms. How might a shift from land to sea open additional vantage points from which to examine changing itineraries of British and colonial law and anticolonial contest? In what ways does a maritime view of Indian travel and migration invite a wider and more capacious geography to track racial, legal, and political struggles over mobility, movement, and imperial control? If the world of the ship inaugurated new global regimes of time, as I suggest in this book, how did these operate as critical registers of colonial and racial governance and as sites of opposition? Inspired by ocean and maritime studies, but expanding beyond their area studies focus, this book traces the currents and countercurrents of British and colonial law and Indian radicalism along multiple ocean arenas.[22] Redirecting the optics from land to sea, and placing the Pacific, Atlantic, and Indian Oceans into much-needed conversation, the book foregrounds the spatial and temporal

FIGURE 1.2. The SS *Komagata Maru* anchored in Vancouver Harbour. The detained passengers pictured here are looking from the ship to the shoreline. (Photo courtesy of City of Vancouver Archives)

coordinates that joined seemingly disparate histories and geographies of the British Empire: through circulating and shared legalities that connected the Dominions, colonies, and territories; in shifting intensities of racial, colonial, and legal violence that constrained the past, present, and future of mobility; and in transoceanic repertoires of anticolonial critique that challenged the empire's underlying racial, spatial, and temporal divides, including land/sea, east/west, and subject/citizen. By centering the world of the ship and bringing oceans into sharper view, the book places motion at the heart of colonial legal history.

To draw multiple oceans into a single analytic field and to underscore the geographical and historical connections integral to empire, *Across Oceans of Law*, as should now be clear, centers on the 1914 journey of the *Komagata Maru* (see fig. I.2). Though the ship crossed the Pacific and Indian Oceans and most of its passengers never disembarked, its voyage has been written largely as a history of landfall, territoriality, and national sovereignty. The existing historiography has typically centered on Canada, though scholars are increasingly interested in the ship's arrival in India.[23] Moving away from prevailing narratives of departure and entry, I follow the ship through time and space, retelling its passage as a global, maritime, and legal history. Repositioning the sea, and drawing historically

and conceptually on its expansive, continuous, and ceaseless mobility, the book invites a wider set of historiographical discussions on oceans and ships as legal forms, the overlapping and entangled currents of British and colonial law and anticolonial contest, and disputes over time and jurisdiction that these maritime mobilities engendered. Tracking the movements of a single ship allows me to consider these broader themes while retaining analytic precision through the specificities at hand, including the struggles waged by Gurdit Singh and his seafaring contemporaries against colonial and imperial legalities.

To trace the *Komagata Maru*'s literal passage along the Pacific and Indian Oceans as well as the memories it evoked of Atlantic worlds, the book draws on what I term "oceans as method."[24] I expand on this approach further on. But for now, let me say that oceans—as vast, dynamic, and ungovernable forces—reorient histories of Indian migration in several important ways. First, by drawing attention to the peripatetic movements of vessels, laws, and people, oceans offer novel techniques for writing colonial legal history. Second, as sites of ongoing and ceaseless change, the sea emphasizes motion as central to imperial and colonial politics. Indian travelers, migrants, and radicals, including Gurdit Singh, viewed the empire through moving global vistas, in which land and sea featured as interconnected spaces of anticolonial struggle. Finally, oceans point to alternative histories of race. Racial regimes of power were not static, mutable, or fixed in land and territory alone. Rather, they were the potent effects of maritime circulations and collisions that generated changing forms and intensities of (anti)colonial violence, opposition, and struggle.[25] When viewed oceanically, the *Komagata Maru*'s passage vividly demonstrates the jurisdictional workings of race as a foundational structure of colonial and imperial command, one that demarcated people, differentiated populations, and divided seas from continental regions.[26]

From the late nineteenth to early twentieth centuries, the period that forms the primary focus of this book, the British Empire was imagined as a vast and interconnected space, but one that was racially and politically unequal. Its far-flung jurisdictions, including the Dominions (Canada, New Zealand, Australia, and South Africa), colonies (Hong Kong and India), and territories (the Straits Settlements) were not discrete or separate polities but were integrated through a coordinated network of railways and steamships that joined land to sea, albeit unevenly. In his 1853 writings in the *New York Tribune*, Marx viewed the shrinking distance between England and India to be a sign of technological progress and imperial triumph, as the first epigraph above suggests.[27] In earlier historical moments, the moving ship featured as a key symbol of Britain's maritime prowess. Imperial power worked "at the level of the engine, the size and

shape of the ship" and was projected through navigational technologies that required new registers of global time.[28] By the turn of the century, the compressed spatial and temporal distance between England and the colonies, combined with greater interoceanic traffic between Asia and the so-called New World, opened new anticolonial networks and solidarities that were cast as global and racial exigencies. The *Komagata Maru*'s landing in Vancouver produced a set of urgent questions on the legal standing of the sea, the racial, territorial, and temporal bounds of imperial jurisdictions, and the rights of British subjects to move through aqueous and terrestrial regions. Its voyage brought the empire's distinctions between land and sea and its territorial ambiguities and temporal asymmetries directly into clear sight.

As a railway contractor and supposed rubber planter, Gurdit Singh was by no means an experienced mariner, but he was also no stranger to the sea. In 1885, at the age of twenty-five, he left India to accompany his father and elder brother to Malaya and Singapore. Over the next two and a half decades, he traveled between the subcontinent and the Straits Settlements, crossing the Eastern Indian Ocean at least twice.[29] By the turn of the century, Singh was part of an expanding and highly mobile network of Indian radicals, including anarchists and revolutionaries, whose travels took them along ocean regions and to port cities around the globe.[30] Just as steam opened new opportunities for England, as Marx noted, it invited additional possibilities for anticolonialism and radicalism. For Singh, the empire's greatest strength was also its ultimate weakness. The sea, as he viewed it, held enormous potential for commerce, trade, and political contest. Recall that the *Komagata Maru*'s voyage was to gauge the viability of the Guru Nanak Steamship Company while also challenging Canada's immigration restrictions. Though the ship's passage did not achieve the objectives that Singh intended, it dramatically reshaped the legal regimes imposed and enforced by colonial authorities in Canada, Hong Kong, and India, while shifting the pitch, tenor, and arena of anticolonial politics.

In January 1915, the *Register*, an Adelaide daily and the first newspaper in South Australia, remarked on the vessel's historical significance as follows. The "sensationalist voyage of the *Komagata Maru*, will some day be regarded as one of the landmarks in the history of the Empire," the paper declared.[31] To be sure, the ship's detention and deportation became a topic of vigorous debate among colonial authorities and a rallying point for Indian radicals. Its voyage conveyed the expansive, global, and seafaring visions of Indian travelers, whose struggles for freedom from British imperial rule were not tied to territoriality alone, but were waged on a planetary scale. Is the "*earth* the property of anyone's father?" Daljit Singh—Gurdit Singh's secretary—asked his readers, as the *Komagata*

Maru awaited its fate in Vancouver Harbour.[32] Today, more than one hundred years later, the ship's transoceanic voyage and its global significance continue to be overshadowed by historical accounts that privilege land/territory and region/nation, thereby diminishing the seaborne itineraries and oceanic imaginaries of Indian radicals. In the remainder of the introduction, I elaborate on the historiographical significance of narrating the *Komagata Maru*'s journey as a global and maritime legal history and the conceptual stakes of using oceans as method to do so. Although the ship's 1914 voyage is a central focus of the book, it might also be read as a critical porthole through which to explore larger questions on the so-called free sea and the circulations of law that its putative freedom demanded. The racial and legal status of oceans emerged as a site of contest in the seventeenth century, became a topic of renewed struggle in the early to mid-twentieth century, and remain very much with us today. In the contemporary moment, memories of the *Komagata Maru* are echoed in the precarious, failed, and tragic journeys of other migrants aboard open boats, and in the ongoing juridification of the "free sea," most evidenced in the Mediterranean.

Maritime Chartings

The *Komagata Maru*'s voyage was part of a much longer historical trajectory of maritime travel that accelerated in the late nineteenth century with the rise of steam, and carried sojourners and migrants from India to East and South Africa, Japan, Hong Kong, China, Canada, the United States, and often back to India.[33] Indian travelers did not follow a smooth or linear trajectory of departure, arrival, and domicile, as immigration histories often suggest. When viewed from the sea, the routes of traders, migrants, pilgrims, and radicals emerge as circuitous and multidirectional, punctuated by stops that were scheduled and fortuitous, and shaped by changing legal regimes that engendered opportunities to forge anticolonial networks along the way.[34] The maritime voyages of Indian travelers joined the eastern and western Indian Oceans to the Pacific, and in some cases, the Atlantic. Their itineraries connected the subcontinent to distant regions in and beyond the British Empire, while placing India within a dynamic, expanding, and racially charged imperial world. When read oceanically, the *Komagata Maru*'s voyage challenges the nationalist and territorial focus of Indian migration histories, while presenting new spatial-temporal accounts of colonial, imperial, and racial power that coalesce in the ship and its movements along the sea.

The transoceanic itineraries of Indian travelers are vividly materialized in the lives of the vessels that transported them across the globe. The steamer that

came to be known as the *Komagata Maru* had a long and illustrious history that included Atlantic, Pacific, and Indian Ocean crossings, voyages along the Mediterranean, and later the South China Sea. Built in 1890 for the German Hansa Line, the ship was initially named the *Stubbenhuk* and in 1894 renamed the *Sicilia*. For the first twenty-three years of its life, it carried European settlers and sojourners from ports of call in continental Europe and along the Mediterranean, across the North Atlantic to the eastern seaboard, and to the regions now known as Canada and the United States. Montreal and Ellis Island were two of its regular stops.[35] The famous Connell and Company, located in Glasgow on the Clyde River shipyards, constructed the steel screw schooner. Connell's ships—including the *Stubbenhuk/Sicilia*, which transported Europeans from the "Old World" to the "New"—were firmly embedded in circuits of global capital that joined settler colonialism to longer histories of colonial and racial violence. Connell was well known for its high-quality vessels, especially those constructed for the Indian indenture trade.[36] Long after the abolition of slavery, company-built ships transported women and men from the subcontinent to Britain's Caribbean sugar plantations.[37] In their transoceanic crossings, the firm's ships facilitated the large-scale dispossession of indigenous peoples and the exploitation of Indian indentured laborers, all under the shadow of transatlantic slavery.[38]

In 1913, the *Sicilia* was sold to a small Japanese firm and renamed the *Komakata Maru*.[39] Soon after, it began a regular route transporting coal to various ports along the South China Sea. The following year, accompanied by a Japanese captain, crew, and flag, and with Gurdit Singh in command, the ship crossed the Pacific Ocean. Two months later, it traveled in the opposite direction, along the Pacific and Indian Oceans to Calcutta, carrying those passengers who were refused permission to disembark in Vancouver. For Singh and many others who were domiciled outside the subcontinent—in some cases for decades—the ship's deportation to India was deracinating. For all, it was violent. On 29 September 1914, shortly after the ship landed at Budge Budge, approximately thirty kilometers south of Calcutta, a struggle ensued between passengers and Bengal police, leaving at least twenty-six people dead and many more injured.[40] Gurdit Singh successfully fled authorities and became a fugitive. For seven years, he traveled west, north, and circuitously across India, eventually surrendering himself to police in Punjab. The *Komagata Maru*'s 1914 voyage expanded the global circuits of colonial and racial dispossession that so clearly marked its previous lives. Though the vessel never entered the Atlantic in 1914, its voyage recalled longer maritime histories of transatlantic slavery and fugitivity.

The *Komagata Maru* was British-built and Japanese-owned and was chartered by a British subject originally from Punjab, who spent most of his adult life traveling between Malaya and Singapore. Despite the ship's transoceanic itineraries—both literal and figurative—its voyage continues to be recalled in terms of immigration controls, Dominion sovereignty, and white nationalism.[41] Even today, the ship's journey is written through a narrative of arrival that is presumed to mark an apogee in Canada's long history of racial exclusion.[42] As important as these histories are in foregrounding the repressive politics of racial governance in white settler colonies, they obscure and even foreclose the ship's wider colonial, imperial, and global significance. The *Komagata Maru*'s passage across the Pacific, its detention in Vancouver, its deportation to India, and the violence at Budge Budge unleashed a series of repressive laws while also galvanizing a transnational anticolonial politics that figured prominently in struggles for Indian independence. Given the vessel's actual route from Hong Kong to Vancouver, Singapore to Calcutta, and the ripples and waves it generated in other regions of the empire, its implications and effects cannot be sufficiently explained through the coordinates of metropole/colony, center/periphery, or national/transnational. Rather, the moving ship—as one of the empire's most vital agents and expressions of imperial power—demands a methodological orientation that foregrounds the sea as an expansive and contested racial and juridical space.[43]

The past two decades have witnessed a proliferation of scholarship that seeks to address the historical dynamics of migration and mobility on a global scale. These interventions have emerged from a number of related fields: global and imperial history, historical anthropology, and transnational, feminist, colonial, and postcolonial studies.[44] In particular, imperial and world historians have developed exciting innovations and approaches to address the transnational and global movements of peoples, ideas, and commodities that made up imperial worlds.[45] Tony Ballantyne's pathbreaking "webs of empire" invites a rethinking of colonial and imperial circulations beyond the well-trodden tracks of metropole and colony. The web metaphor, as he describes it, places emphasis on the "horizontal" connections between Britain's colonial territories. In so doing, it seeks to address the problems of linearity and unidirectionality in transnational and imperial history.[46] Webs signal imperial regimes as expansive, durable, delicate, and vulnerable, conveying "the double nature of the imperial system." Webs, like empires, were "fragile (prone to crises where important threads are broken or structural nodes destroyed), yet also dynamic, being constantly remade and reconfigured through concerted thought and effort." For Ballantyne, "empires were not just structures, but processes as well."[47] More recently,

Thomas Metcalf has adopted and elaborated Ballantyne's "webs" to emphasize India's political and legal significance in the Indian Ocean arena and the British Empire, more generally. India "was more than just one of the many colonial 'knots' that may be said to constitute that web," Metcalf contends.[48] It was "a nodal point from which people, ideas, goods, and institutions—everything that enables an empire to exist—radiated outward."[49]

To be sure, the transnational and global turn, as evidenced in the work of imperial and world historians, has made concerted efforts to unsettle the analytic dominance of the nation. Yet, transnationalism, as its appellation suggests, remains tied to borders and territories, even as it explores movements between and across them. As compelling as this literature is in pluralizing and expanding our understandings of global migrations, it inadvertently centers land and territoriality. Transnational approaches seldom problematize oceans as prominent sites of global mobilities in their own right.[50] When oceans are the primary subjects of analysis, they are often identified as distinct and/or exceptional sites of inquiry, under the banner of ocean and maritime studies, rather than transnational or global history. Even in these specialized fields, as geographer Philip Steinberg observes, territoriality persists and prevails. The sea is commonly "reduced to a surface, a space of connections that merely unifies the societies on its borders."[51] Ocean arenas are typically viewed as spaces *linked* by connections and "not the actual oceanic space *of* connections."[52] Though some historians have recently extended transnational and global frames to account for oceans, others continue to privilege surrounding littorals over aqueous regions. In Metcalf's "imperial connections," for example, the Indian Ocean is not an *actual* site of movement, mobility, or legality.[53]

Beginning with land and territory, what transnational approaches cannot fully grasp is the ubiquity of movement, especially the dynamics of motion against motion. Imperial circulations took place on surfaces that were fluid, mobile, and constantly in flux. The mobilities that constituted colonial and imperial worlds followed multiple directions—horizontal, vertical, and circuitous—unfolded on divergent scales and in many dimensions. Their effects were not always straightforward, intended, or predictable, even if they were far-reaching. Transnational histories, as some critics have noted, typically foreground certain movements over others. For Isabel Hofmeyr, the transnational turn has followed mobilities from north to south and back, implying that global migrations of peoples, ideas, and commodities began in Europe and expanded outward.[54] In their own ways, Ballantyne and Metcalf usefully problematize this unidirectionality of colonial migrations and the putative significance of Europe by emphasizing the horizontal itineraries of imperial mobility. But webs

continue to imply a center from which movements were generated and extended. Perhaps more importantly, the horizontal connections foregrounded by the web metaphor do not sufficiently account for the vertical relations and hierarchies imposed on imperial jurisdictions and their respective populations. India and the Dominions, to draw but one example, were ordered legally, geographically, and temporally along distinct registers of racial and civilizational superiority and inferiority. This positioning was key to imperial structures and arrangements and conjured very specific meanings within imperial imaginaries.

The emphasis on land, territory, and nation is especially pronounced in the fields of law and legal studies, including legal history.[55] Law, save for international law, is commonly understood to be an institution, a myriad of regulations, and a set of cultural practices hinged to the territorial and political boundaries of imperial, national, and sovereign polities.[56] The "modern legal political imagination," Paul Halliday writes, "is sustained by an illusion of neat boundaries containing internally coherent identities, each dealing with the others as theoretical equals in an international 'order.'" For Halliday, this artifice "is as much a product of our geographical visions" as it is our political and legal ones. "Our minds color in the whole of each space called a nation-state with a single crayon. We don't use pastels, overlap tints, or paint outside the lines."[57] More recently, world historians have sought to disrupt this territorial boundedness in a number of ways. Conceptualizing law as a global and flexible set of institutional and cultural processes, Lauren Benton uses a "multi-centric" approach to capture the intersecting legal orders in early imperial worlds.[58] Echoing Ballantyne, Metcalf, and others, Kerry Ward turns to "nodes and networks" to track the overlapping legalities that marked the "Indian Ocean grid."[59] Yet despite their innovations, familiar spatial representations of land and sea abound. "Our metaphors fail us," Halliday writes. "However much we blur the lines and overlap the patches, two dimensions won't do."[60] The circuitous movements and punctured itineraries of Indian migrants and travelers, including Gurdit Singh, and the currents and countercurrents of law and radicalism that seagoing vessels put into motion, demand a set of analytic tools that transcend the limits of the nation and of terra firma.

To reposition oceans as global sites of law and legality, transnational approaches require some recalibration. In conventional accounts of imperial history and colonial legality, oceans recur as empty voids that are unremarked or situated beyond law, order, and authority.[61] In Grotius's writings, for instance, territorial borders could be legibly inscribed on land, but never on the expansive and moving surfaces of the seas. Though the sea was not lawless in his

account, it was beyond imperial claims to property and sovereignty.[62] In *The Nomos of the Earth*, Carl Schmitt, a German jurist, Nazi sympathizer, and influential twentieth-century thinker, characterized the inauguration of modern law through a line in the soil. This line, he insisted, gave a material foundation to European juridical orders, one that continues to inform legal regimes today.[63] But the line that has featured so prominently in Schmitt's thinking, and in legal studies more generally, is firmly and unmistakably embedded in a terracentric order.[64] Moving from land to sea opens additional perspectives on British and colonial law as well as imperial power. A shift from fixed and bounded territories to expansive and undulating oceans exceeds the borders of national and imperial polities, providing an alternative view which foregrounds the interconnections of land and sea. As juridical spaces, oceans highlight the overlapping and intersecting histories of colonial, legal, and racial violence and point to new forms of globality, legality, and sovereignty that are not easily discerned from land alone. But to fully understand the "free sea" as an international legal order requires a maritime charting that traces the routes and itineraries of moving ships. After all, it was seagoing vessels that transformed oceans into legal spaces by inaugurating the freedom of the sea as the basis of an international order in the first place.[65] As juridical formations themselves, ships were deeply embedded in wider structures of European conquest, territorial expansion, and resource/labor extraction as my brief discussion of Connell and Company suggests, and as I elaborate throughout the book. Ships operated as key technologies of British imperial rule, initiating and sharpening structures of colonial, racial, and legal subjection that circulated between land and sea, while also engendering anticolonialism, radicalism, and other expressions of power that directly challenged British dominance.[66]

The *Komagata Maru*'s passage, as my opening pages make clear, engendered a large-scale international response that extended beyond its Pacific and Indian Ocean itineraries. The ship's movements, and its detention and deportation, were regularly reported in newspapers and periodicals published in Australia, Canada, the United States, Japan, India, Singapore, and South, East, and West Africa.[67] This transimperial coverage generated indignation, critique, and support from onlookers, and spirited comment from Indians on the subcontinent and across the diaspora. Years later, critics continued to remark on the ship's enduring political and legal effects. For some commentators, the *Komagata Maru*'s deportation and the violence at Budge Budge incited conditions for "revolution and mutiny in India."[68] By positioning East against West, the voyage also signaled a wider set of racial and geopolitical conflicts. "Remember, India is part of Asia," cautioned *Indian Opinion*, Mohandas K. Gandhi's weekly Natal

periodical. A "coalition of China and Japan against England would mean practically the whole of the East against the whole of the West—white versus black and yellow." This pan-Asian uprising, onlookers maintained, was already fomenting "within the cabins" of the Japanese steamer, and under Gurdit Singh's command.[69]

Given that the ship's voyage incited fears of radicalism and revolution, colonial and imperial administrators in Ottawa, Vancouver, London, Delhi, Tokyo, Hong Kong, and Singapore initiated a series of urgent deliberations on possible legal and political interventions. Telegrams and letters were dispatched and received on a daily basis. Reports were written and circulated. Laws were debated and enacted. As authorities contemplated the *Komagata Maru*'s return route, they initiated a shared repertoire of immigration controls and security measures that gained traction through concerns of unrestrained Indian mobility along a racially imperiled sea.[70] The Dominions, as is now well known, were the first to introduce coercive immigration regulations in the interests of protecting a "white Australia" and a "white Canada," respectively.[71] When viewed oceanically, however, these repressive and prohibitory legal regimes rematerialize in ways that were not specific to the white Dominions alone. In September 1914, following the outbreak of World War I, amid escalating fears of anticolonialism abroad, and in anticipation of the *Komagata Maru*'s arrival in Calcutta, the Indian colonial government passed the Foreigners Ordinance and the Ingress into India Ordinance. These regulations were to assist Indian authorities in restricting the maritime movements and reentry of foreigners and nationals alike.[72] When these juridical developments are repositioned and analyzed from the sea, legal statutes and vernaculars become increasingly untethered from national boundaries and sovereign polities. Instead, they emerge as circulating expressions of law, order, and authority that traveled via ship and connected the Dominions, colonies, and territories to the metropole and beyond. Viewed from contiguous oceans rather than divided continents, immigration exclusions appear as part of a broader set of juridical procedures aimed at maintaining racial, territorial, and temporal divisions across the British Empire while at the same time connecting land/sea and East/West, divisions that distinguished India and other parts of Asia from Europe and the "New World."

As a global and transoceanic event, the *Komagata Maru*'s journey joined seemingly distinct histories, regions, and legalities into a racially uneven whole. Approaching the ship as a juridical form and situating it within longer legal and political debates over the "free sea" brings additional constellations of colonial, racial, and imperial power to the fore. In the sections to follow, I outline the analytic and methodological import of using oceans, race, and time as conceptual

and navigational devices in rewriting the *Komagata Maru*'s journey as a global and maritime legal history.

Oceans as Method

In 1850, in a short comment published in the *Neue Rheinische Zeitung Revue*, Marx and Engels remarked on how colonial and capitalist expansion to North America was changing the economic and political significance of the world's ocean regions. "A coastline which stretches across thirty degrees of latitude, one of the most beautiful and fertile in the world and hitherto more or less unpopulated," they observed, "is now being visibly transformed into a rich, civilized land thickly populated by men of all races, from the Yankee to the Chinese, from the Negro to the Indian and Malay, from the Creole and Mestizo to the European." Gold from California "is pouring in torrents over America and the Asiatic coast of the Pacific and is drawing the reluctant barbarian peoples into world trade, into the civilized world," they wrote.[73] For Marx and Engels, gold was to dramatically alter the place of the Pacific, both in terms of global markets and world history. Nineteenth-century maritime travel, they predicted, would unleash a civilizing force on "the reluctant barbarian peoples," particularly Asiatics who crossed oceans in search of new riches and opportunities for trade. "The Pacific Ocean will then play the role the Atlantic Ocean is playing now, and the role that the Mediterranean played in the days of classical antiquity and in the middle ages," they anticipated. If the Pacific was to become "the great water highway of world communications," the Atlantic Ocean would eventually "sink to the level of a great lake such as the Mediterranean is to-day."[74] The observations made by Marx and Engels may have been prescient in some respects, but they were off the mark in others. By the early twentieth century, maritime travel along the Pacific became the locus of imperial surveillance and control, as evidenced by the *Komagata Maru*'s unsuccessful voyage and the demise of Gurdit Singh's steamship company.

The maritime cartography of world regions as Marx and Engels narrated it, was premised on a double erasure. They say nothing of indigenous peoples or of the Indian Ocean arena. Just as Europeans never arrived on empty lands, they also did not sail on vacant seas. European mariners and empires inserted themselves into existing social, religious, and trade networks that were established through indigenous, Asian, and Muslim seafaring technologies, including knowledges of monsoon winds.[75] Their portrayal of the Pacific, Atlantic, and Mediterranean expresses a Eurocentric and developmentalist teleology that characterizes their work writ large.[76] Yet, the problems of maritime periodization

and division are not specific to them alone. Rather, Marx and Engels's observations are symptomatic of broader methodological shortcomings that prevail and persist in historical accounts of European expansion.[77] In 1872, the famous Scottish scientist James Croll criticized the imposition of maritime boundaries as follows. We often "speak of parts, or geographical divisions, of one great ocean, such as the Atlantic and Pacific as if they were separate oceans."[78] Little has changed. Borders remain as persistent today in ocean studies and in maritime history as they were in the nineteenth century when Marx, Engels, and Croll were writing.[79] Let me briefly explain.

In his magisterial study, *The Black Atlantic*, Paul Gilroy deploys the Atlantic Ocean as analytic ballast through which to overcome what he terms the "narrow nationalism" of English historiography.[80] For Gilroy, the Atlantic is not solely an empirical site or a geographical designation but an analytic concept that foregrounds "a system of cultural exchanges" that centers slavery as foundational to European modernity.[81] *The Black Atlantic* extends and elaborates the earlier work of historians Marcus Rediker and Peter Linebaugh. In their account, the Atlantic features as a continuous historical network of institutional confinement and conviviality, one that engendered flourishing ideas of freedom, liberty, and equality.[82] The Atlantic, in Gilroy's formulation, is "one single, complex unit of analysis" that triangulates West Africa, Europe, and the Americas through the capture, transport, and enslavement of Africans, producing "an explicitly transnational and intercultural perspective."[83] In his analysis, the Atlantic features as an exceptional site of racial subjection and black subjectivity. By privileging this aqueous region, Gilroy distinguishes it from other oceans and their attendant histories of imperial, colonial, and racial violence.[84] Though many have remarked critically on the limitations of Gilroy's analytic framework, few have pushed beyond his geographical frame. In *The Red Atlantic*, Jace Weaver extends Gilroy's arguments to account for the transoceanic mobilities of indigenous peoples. In his chronology of the modern world, the Atlantic was as red as it was black.[85] Even in Weaver's compelling account, the Atlantic remains a distinct maritime space, one that is divisible from the Indian and Pacific Ocean regions.

Though conspicuously absent in Marx and Engel's maritime cartography, the Indian Ocean has also been a site of considerable scholarship. As many scholars have demonstrated, the eastern and western arenas have long histories of trade, commerce, and interethnic encounters among Arabs, Africans, Indians, and Chinese, and between Muslim and non-Muslim worlds.[86] These are rich and densely connected regions that predate European contact by centuries. Prior to the age of steam, Indian Ocean travelers sailed on vessels that were highly

dependent on the weather. The directional currents of the seas, which were produced by changing seasons and monsoon winds, carried ships between and across continental divides. By the nineteenth century, the rise of steam accelerated the frequency and speed of travel, and inaugurated different human relationships with land and sea.[87] Curiously, these technological shifts and changes have drawn little attention in Indian Ocean studies. Much of the existing scholarship, as Sugata Bose explains, focuses on premodern and early modern crossings via sail. Yet, the movements of people, ideas, commodities, and legalities have continued throughout the nineteenth and twentieth centuries and well into the present day.[88] "The Indian Ocean was global long before the Atlantic," Sunil Amrith observes.[89] Though nestled between the Atlantic and Pacific, it is rarely connected to these oceans, either historically or analytically.

More recently, scholars have shifted their attention to the long-neglected Pacific. Influenced by Atlantic studies, while emphasizing the Pacific's own particularity, many have echoed the enthusiasm of Marx and Engels, describing this region as a newly prominent arena of global movement, circulation, and exchange.[90] Notwithstanding characterizations of its presumed newness, the Pacific has been the site of indigenous mobilities for millennia. Pacific peoples developed seafaring technologies to navigate, cross, and map the seas long before Europeans left their shores.[91] In his groundbreaking essay "Our Sea of Islands," Epeli Hau'ofa describes the Pacific of his ancestors as "a large world in which peoples and cultures moved and mingled, unhindered by boundaries of the kind erected much later by imperial powers."[92] The vast Pacific opened pathways of migration that connected Asia to the Americas and invited new itineraries and possibilities for self-determination. Given these layered narratives of indigenous and Asian mobilities, the Pacific is often described in terms of overlapping, intersecting, and plural histories. There are "multicoloured Pacifics—brown, black, white, and yellow," David Armitage and Alison Bashford argue.[93] The Pacific is thought to designate "a whole globe in a way that other oceans do not."[94]

Despite the vitality and vibrancy of ocean and maritime studies, the field's analytic potential is limited and even constrained by the geographical divides of the cartographer's map. Indigenous and nonindigenous scholars have long criticized the prevailing historical periodizations and spatial divisions imposed onto ocean arenas. The land/sea distinction that was brought into being through the movement of ships, and which became foundational to European maps and to international law, did not register in the same way, if at all, in indigenous and non-European cosmologies. These are part of a European modernism that continues to hold significant consequences for contemporary geopolitics.

"Nineteenth-century imperialism," Hau'ofa argues, "erected boundaries that led to the contraction of Oceania, transforming a once boundless world into the Pacific Island states and territories that we know today."[95] Damon Salesa insists, "all seas are connected, and there are no neat limits."[96] For Karen Wigen, a "colossal fragment like the Pacific Ocean is not big enough to contain most ocean themes." Rather, "the skeins of maritime connections—whether in the realm of idiom and ideas, diasporic dispersals, imperial projections, scientific linkages, or strategies of resistance," she contends, "quickly transcend the confines of a single ocean."[97] Colonial authorities and Indian travelers in the British imperial world did not see oceans as divided or detached either spatially or temporally. By the early twentieth century, Canadian, British, and Indian authorities expressed apprehensions about the increased transoceanic traffic that connected East and West via the Pacific and Indian Oceans.[98] Importantly, indigenous peoples and colonial subjects did not abide by the lines of imperial maps. Sojourners and migrants—including Gurdit Singh and Husain Rahim—looked out to the Pacific, Atlantic, and Indian Oceans as overlapping and intersecting in a number of ways: in the physical contiguities of riverine and oceanic waterways, through shared colonial histories, and as sites of racial and imperial control. Remember, it was Singh's own turn, from land and rail to sea and ships that inspired his anticolonial agenda and his struggles against British rule.

To trace the circulations of colonial law and Indian radicalism and to draw connections between the seemingly discrepant histories and geographies of the Pacific, Atlantic, and Indian Oceans, this book draws on oceans and currents as its guiding methodology.[99] "Ocean currents exercise a very important influence not only on climate but also on commerce," wrote one source in 1893. "The seas join the nations they divide."[100] Though movement is constantly occurring but not often visible on land, oceans bear the ocular, audible, and palpable marks of motion and change.[101] Currents, as oceanographers and others argue, are made up of vertical, horizontal, and circuitous movements that mark the surface of the sea and also its subterranean depths. Currents are not singular or unidirectional but heterogeneous and plural. They connect the ocean regions that have long been divided in European thought. Surface currents, crosscurrents, undercurrents, and rip currents move in multiple directions, with changing velocities and intensities depending on season, temperature, and climate.[102] Precisely because of their active and powerful force, "the sea never stops moving."[103] Historically, currents were as influential in determining the sea routes of sailing vessels, as they were in directing the passage of steamships. The "sailing-ship navigator's principal aim when remote from the land," one source explained, "is to proceed along that much desired track where a fair wind and favorable current will

probably be experienced."[104] Recast and reworked in analytic terms, currents foreground mobility and change as central features in colonial legal history. Currents do not have a readily identifiable beginning, a fixed or static center, or a clear end. Animated by multiple movements and countermovements, they join distant coordinates, in both space and time. Through their lively physical properties, currents speak compellingly to the limitations of other transnational and imperial frames, including webs. Currents exist in several registers at once. They follow multiple trajectories, exhibit changing dimensions, and thus offer alternative metaphors and additional ways to chart the discrepant mobilities of colonial and imperial worlds.

Across Oceans of Law draws on oceans as both metaphor and materiality to trace the legal overlaps between ocean arenas and the movements of colonial law and Indian radicalism that connected them.[105] For some readers, my turn to the "free sea" and to multiple oceans might appear too broad, potentially obscuring the rich and particular histories of world regions. That is a fair charge. To temper these risks, the book traces the figurative and literal passage of a single ship. If the Pacific and Indian Oceans formed the actual sites of the *Komagata Maru*'s crossing, the Atlantic appeared with a patterned regularity in its 1914 voyage, echoing other times and places, and profoundly shaping struggles over the ship, its passengers, and their futures. Much like currents, the movements of law and radicalism were not uniform, linear, or straightforward as the case of Gurdit Singh suggests. Legal prohibitions and anticolonial formations zigzagged, crisscrossed, and joined ocean regions along diverse routes, in multiple directions, and in shifting conceptions of past, present, and future. Tracing the itinerary of one ship, through the materiality and metaphoricity of oceans, helps to reposition the Pacific, Atlantic, and Indian Oceans as overlapping and indivisible, despite their geographical locations and their presumed shifts in historical prominence and global significance.

Ocean currents are intimately connected to ships through technology and legality.[106] The "breadth, depth, length and velocity" of currents have always been central to the design, construction, and direction of seagoing vessels, observed one source in the *Chambers's Journal of Popular Literature, Science and Arts.*[107] Depending on the time of year, currents carried ships more easily across some seas than others. By the sixteenth century, with advances in shipbuilding and navigation, seagoing vessels were no longer confined to single ocean regions.[108] Their movements and itineraries became transoceanic, joining continents, changing the earth's contours, and opening new possibilities for movement, expropriation, and resettlement. In 1850, just as steamships were making their debut on the world stage, transforming and eventually routinizing the

movements of people and commodities, Marx and Engels commented on the tightly braided histories of oceans, ships, and imperial expansion: "It may be said that the world has only become round since the necessity has arisen for this global steam shipping."[109] Irrespective of "how many companies go bankrupt, the steamships—which are doubling the Atlantic traffic, opening up the Pacific, connecting up Australia, New Zealand, Singapore and China with America and are reducing the journey around the world to four months—the steamships will remain."[110] If ships were vital to colonial, capitalist, and territorial expansion, we must remember that they were equally significant to expanding regimes of colonial law and global time.

For some European thinkers, as I have noted above, oceans were seen as empty voids that were situated beyond conviviality, legality, and authority.[111] As Carl Schmitt declared from his bird's-eye view of the *nomos* of the earth: "On the waves, there is nothing but waves."[112] Yet the shipbound lives of Indian lascars who traveled on European vessels from the eighteenth century onward suggest a very different account of the sea. The ships that crisscrossed the world's oceans engendered vibrant conditions for intimacy, solidarity, and racial and political contest. From the decks of the ship, maritime worlds appear as concentrated sites of sociality that were highly structured through law and time. As ships lost view of land, they became vulnerable to disorder, instability, and even mutiny. For that reason, captains kept order on their ships by means of rigid timetables that organized day and night and through the law of the sea, which they enforced with impunity. The "laws of the land have no hold on the water," declared Captain Chillingworth of the *Ibis* in Amitav Ghosh's novel, *Sea of Poppies*. "There is another law, and you should know that on this vessel, I am its sole maker."[113] To retain sovereign command over their ships, captains organized their crews through regional, religious, and caste distinctions that preceded and animated modern forms of racial governance.[114] Ships were colonial-legal laboratories where racial labor hierarchies, rules of order, and regimes of violence were projected, implemented, disputed, and eventually extended to land.[115] Viewed from the ship, oceans appear as socially vibrant though highly regulated spaces. These maritime activities disrupt Schmitt's characterization of vacant and empty seas.

In the domain of early maritime law, oceans and ships were often inseparable. Before European contact, the Maritime Code of Melaka was the most comprehensive maritime legal regime in the Eastern Indian Ocean arena. This was not a law of the sea, as commentators have noted, but a law that governed the sea through rules of navigation, the safety of vessels, and the transport of goods.[116] Oceans and ships as legal forms became further entangled through European

expansion. Though the seas were beyond the claims of imperial sovereigns, as Grotius made clear, moving ships were regarded as pieces "of quasi-territory" that enabled sovereigns to advance jurisdictional claims to sea lanes and ocean regions.[117] By displaying the flags and colors of their sponsors, vessels represented the authority of the powers that financed them.[118] Moreover, flags conveyed messages of law, order, and authority in the instability and uncertainty of aqueous worlds. But ships were never only representations of law. They were vital to the *actual* movements of law and legality across the seas and in ways that connected imperial territories. "The physical circulation of legal papers, case notes and correspondence via shipping and transportation," Kerry Ward explains, "was essential in the implementation of imperial law."[119] Ships were crucial to the transoceanic expansion of colonialism and capitalism as Marx and Engels noted, but featured just as prominently in Britannia's efforts to rule the waves.

Despite being powerful symbols of law and sources of legality, moving ships proved to be difficult targets of imperial and legal control. In the late nineteenth and early twentieth centuries, as I discuss briefly in the opening pages above, imperial authorities expressed heightened concerns regarding Indian travelers, traders, and migrants who many alleged were voyaging in greater numbers across the Pacific.[120] Contra Marx, the shortened geographical and temporal distances facilitated by steam only augmented and intensified these fears. As Indian radicalism and anticolonialism were reputed to be flourishing within port cities, officials were increasingly troubled by the lengthy periods that passengers spent at sea. The middle passage, as scholars of the Black Atlantic have argued, unfolded *between* territories and temporalities and was therefore not only a site of extreme violence but also a dangerous space-time of mutiny and revolt.[121] Concerns of Indian men traveling by ship echoed these fears and produced others. By the time the *Komagata Maru* commenced its 1914 voyage, imperial authorities alleged that seditious materials including pamphlets and periodicals were circulating on steamers that journeyed from India to Hong Kong, China, Japan, and eventually North America. Radical ideas and anti-British sentiments were believed to be in ferment aboard the *Komagata Maru* as it journeyed to Vancouver Harbour and especially on the ship's voyage to India. Gurdit Singh and his associates allegedly gave talks and lectures to incite passengers to revolt against British rule. Thus, for colonial and imperial authorities, the transoceanic passage was a perilous transition zone where Indian passengers were transformed from "migrants" to "revolutionaries" that escaped law's reach. Escalating fears of maritime radicalism only bolstered ongoing initiatives to prohibit Indian migration from India to Canada.

Oceans invite novel insights and perspectives through which to rethink the global movements and effects of British and colonial law. In European thought, the free sea was an international space that was situated beyond national, territorial, and sovereign control. Yet it was governed by multiple, competing, and overlapping sources of legal authority, though not always successfully. To highlight the plurality and "patchwork" of legalities on land, some scholars have shifted their attention from sovereignty to jurisdiction.[122] In its broadest sense, jurisdiction refers to the inauguration and enunciation of law, "that there is law," and that law speaks on its own behalf, authorizing itself through competing and overlapping legal forms.[123] Unlike sovereignty, which assumes a coherent and homogeneous unity of legal and political authority, jurisdiction points to the multiplicity and heterogeneity of law. The British common law, as some have noted, was polyvocal from the very start. It was composed of multiple and overlapping legalities, most notably ecclesiastic, criminal, and admiralty law.[124] It was in the colonies, as Shaunnagh Dorsett and Shaun McVeigh argue, that fragmented legal jurisdictions were especially pronounced. "It is through jurisdiction that the authority of the common and imperial laws have been asserted," they explain, and "through questions of jurisdiction that the settlement of the colonies has been effected."[125]

The "free sea" assists in foregrounding the plurality and polycentricity of European juridical orders. Between the fifteenth and sixteenth centuries, "mapping, navigation, and astronomy," which were vital to imperial expansion, transoceanic navigation, and the world of the ship produced overlapping jurisdictions and divided authorities.[126] Contests over where laws intersected, which ones were most applicable, and which were to prevail featured prominently in maritime disputes and disagreements. Grotius's *Mare Liberum*, for instance, was a formal response to a maritime contest between the Dutch and the Portuguese in the Straits of Singapore.[127] Though oceans could not be legally occupied, Grotius readily agreed that sovereign and imperial polities did make overlapping and opposing claims to strategic waterways, thereby extending their territorial control from land to sea and vice versa.[128] As these few examples suggest, and as I elaborate throughout the book, oceans were by no means empty spaces. Rather, they were key sites of racial, colonial, and legal struggle to which the movements of ships proved crucial.

To be sure, jurisdiction is much more than a territorial concept. In the British Empire, questions of jurisdiction often centered on the racial and legal status of people, populations, and territories, dividing Dominion/colony, native/foreigner, citizen/subject, and slave/free.[129] Regimes of racial superiority and inferiority were not only terrestrial, as the maritime orders of transatlantic slavery

remind us. It was aboard ships—on deck and in the hold—that distinctions between human/inhuman and slave/free were produced, debated, and violently enacted.[130] Rethinking jurisdiction through maritime worlds emphasizes the spatial and temporal force of racial power. If race has a geography that is inscribed "into continental divides, national localities, and geographic regions," oceans point to its expansive and alternative histories by emphasizing the polyvocality, mobility, and mutability of racial orders.[131] Modern conceptions of race emerged in part from maritime worlds, through regional, religious, and racial hierarchies that were mobilized by captains to govern crews and (human) cargos, and expanded through the circuitous routes of moving ships. Race operated jurisdictionally as a structuring element of the British Empire, one that demarcated the status and hierarchy of oceans, territories, and colonial populations. But racial power, however potent in force, was always open to fierce struggle, including opposition and appropriation. As colonial authorities and Indian migrants traveled across the seas, they borrowed, deployed, and disputed conceptions of racial superiority and inferiority in innovative ways. Regimes of race acquired their legibility and potency through seaborne hierarchies of slavery, forced labor, and caste that circulated and collided with other racial orders.[132] The *Komagata Maru*'s passengers and supporters drew from alternative geographies and histories to mobilize racial and temporal grammars of globality, indigeneity, and "imperial citizenship" through which to demand inclusion within the wider imperial polity.[133] The contiguity of oceans that I propose in this book draws these multiple geographies, histories, and temporalities of race into a broader and more capacious analytic frame, while currents reveal their changing intensity, velocity, and mutability.

When situated in the Pacific, Atlantic, and Indian Oceans, and read through the force of currents and countercurrents, the *Komagata Maru*'s journey brings into sharper focus the imperial circulations through which the British Empire aspired to rule land, sea, and littoral, and how these mobile legalities were disputed by the counter-movements and anticolonial imaginaries of Indian travelers. Ocean currents, as I envision them, offer a productive method through which to explore the plurality, globality, and connectivity of colonial, legal, and racial histories that continue to be written as differentiated and divided.[134] But prioritizing maritime worlds offers even more. Repositioning the sea in colonial legal history directs necessary attention from land and territoriality to time and temporality. Britain's status as a maritime empire, as I explain in the following section, was achieved not only through a projected mastery over space but also in the inauguration of a global and universal time. Greenwich Mean Time introduced the formation of new registers of imperial power and

additional repertoires of anticolonial contest that arose from the sea and from shipping.

Nautical Time

One of the most enduring consequences of European imperial expansion was the reconfiguration of space and time.[135] European empires, scholars have noted, held a distinctly spatial imaginary. They projected their sovereign claims and extended their legal and political control geographically and territorially.[136] But Europe's growing dominance over land and sea was achieved also through the production and imposition of global time. Maritime navigation, which led to latitude and longitude and their enactment as a universal grid, proved especially crucial.[137] From the fifteenth century onward, with advances in marine technology and the so-called discovery of the Americas, ships, people, and laws traveled with growing frequency and regularity across the seas and farther inland through ports of call. These transoceanic movements—which facilitated the transport of European settlers, slaves, indentured laborers, and migrants, and the circulations of law and order they made possible—were instrumental in founding a new global, spatial, and temporal order. Latitude and longitude repositioned the earth as four interrelated quadrants: north/south and east/west. By the 1880s, when Greenwich became the world's prime meridian, these spatial and temporal grids that long ordered the cartographer's map, placed Britain at the center of earth. Global time newly became a clear expression of the empire's "universalizing will."[138]

Across Oceans of Law tracks the circulations of British and colonial law and Indian radicalism through imperial registers of time as well as the more conventional coordinates of space. Struggles over global time have generated considerable scholarly attention of late.[139] In studies of globalization and empire, histories of a standardized and universal time have typically focused on the railway and the telegraph. Train timetables and telegraph cables, so the argument goes, expanded and extended European demands for temporal uniformity and consistency.[140] "In the opalescent history of time coordination," writes Peter Galison, "clocks trapped nerve transmissions and reaction times, structured work places and guided astronomy. *But the two scale-changing domains of material time centered on the railroad and the map.*"[141] By the mid-nineteenth century, as railway travel became more widely accessible in Europe and North America, travelers were required to "calculate their way through a thicket of times kept on different [train] lines."[142] Though railway companies in England began standardizing time, they did not yet coordinate train schedules. As long as traffic

between cities remained intermittent, the "patchwork of varying local times" posed little problem. But as railway travel increased in frequency, so too did the need for temporal synchronicity.[143]

Focused on the mid-nineteenth to early twentieth centuries, these accounts of global time, as fascinating as they are, come far too late. Perhaps more importantly, the railway, with its emphasis on continental travel, obscures the role of the sea, thereby directing attention away from key maritime developments. The rise of a universal time commenced with the transoceanic movements of ships and was only later extended to land.[144] As vessels traveled from coastal regions to the high seas with growing regularity, they demanded navigational practices that could more accurately measure space *through* time. Timekeeping was central to maritime navigation for a number of reasons: to determine the horizontal distances between different points in space and to assess the vertical span from the surface to the depths of the sea. To ensure the efficiency of their voyages and the safety of their cargos and crews, captains depended on temporal measures including winds, tides, and currents, as well as the changing position of the moon and stars.[145] Early ship logs reveal that shipmasters and crews were acutely aware of clock time long before industrialization.[146] Over the course of several centuries, the world of the ship produced a complex system of time reckoning: "the watch" and hourglass, time balls, nautical almanacs, and eventually the chronometer.[147]

Longitude was not merely a set of lines inscribed vertically across continents and oceans. Rather, it was *a measure of time* that was used to determine a ship's position at sea.[148] The quest for longitude, which began in the sixteenth century, was not formalized until the eighteenth century. But once it was, longitude helped to establish a new European global order. Though Britain arrived late to contests over maritime imperial expansion, the empire featured prominently in the rise of nautical time. King Charles II founded the Royal Observatory, Greenwich, in 1675. By the 1760s, it became the reference point for European shipping as naval almanacs were increasingly synchronized to Greenwich.[149] At the close of the eighteenth-century, as maritime navigation advanced, marine chronometers were also calibrated to Greenwich Mean Time (GMT).[150] The quest for longitude, and the standardized measurement of time that it demanded, became one modality through which Britain aspired to consolidate its distant Dominions, colonies, and territories and to rule the "free seas" that connected them. European conceptions of time—as nautical, legal, and global—were not natural or objective measures but were potent expressions of imperial power.

Ocean currents offer a rich set of analytic tools through which to consider the global and imperial significance of global time. "For most of us," recalled

one correspondent, writing for *Harper's Monthly Magazine*, "the sea has only two dimensions. It is the restless, glittering surface we see from the shore or from a ship."[151] But oceans exist in four dimensions, this source continued. These are measured through depth, width, length, and time. "We have become accustomed . . . to regard the currents of the ocean as separate, and independent of one another," James Croll explained. "The true way of viewing the matter . . . is to regard the various currents merely as members of one grand system of circulation" that connected multiple oceans and seas.[152] In 1884 at the Prime Meridian Conference, Britain advanced a single, homogeneous, and linear time that was eventually to encompass the entire globe. Greenwich Mean Time, which had long been vital to the world of the ship, became "time zero" on land.[153] Thus, it was through the ship, and not the train, that a uniform time was inaugurated and extended from sea to continental regions. By the late nineteenth century, the earth was newly united through currents of time that engendered "one grand system of circulation," and with Britain at its center.[154]

Like space, time also operated territorially as a register of colonial, racial, and imperial control. As a system of measurement, time was considered by missionaries, settlers, and authorities to be a marker of order, efficiency, and much more. In imperial jurisdictions, missionaries viewed time as clear evidence of racial civility and progress. Through the introduction of bells, timetables, and later clocks, many sought to impose European time onto indigenous and colonial populations.[155] For British colonists who were sent to settle distant colonial outposts, a shared sense of time allowed them to remain in touch with a wider European community. Time created a mutual "sense of connectedness," joining familiar and unfamiliar geographies across vast distances.[156] When taken together, what longitude, clocks, and timetables make clear is that European conceptions of time were neither objective nor inevitable. Time was one of the many ways by which Britain projected its presumed racial, cultural, and civilizational superiority over its Dominions, colonies, and territories.[157] The empire's efforts to impose a homogeneous time—through ships, trains, and telegraphs—were justified through reason, rationality, and efficiency. Writing of colonial India, Dipesh Chakrabarty points to the stakes of this spatial, temporal, and global reordering. Britain's presumed superiority, projected via global time, was further expanded through universal history. Imperial temporalities of past, present, and future overwrote the plurality of Indian theologies, laws, and customs, and in so doing, eroded—albeit not entirely—the histories and chronologies of many diverse and heterogeneous communities.[158]

Despite the quest for a global and unified time, multiple temporalities continued to thrive across the British Empire and beyond. Much like the patchwork of local railway times, this heterogeneity created problems for the quotidian practices of colonial administration. In Britain's Dominions, colonies and territories, time was routinely displayed through public clocks and central towers.[159] Clock time held a material and symbolic power that organized colonial bureaucracies, whether offices were open or closed, and when they operated at full speed. However, these official registers of time did not often influence the lives of colonial subjects. Writing against the idea of an "empty homogenous time," Partha Chatterjee argues that these formulations of time, which have been dominant in postcolonial studies, reflect abstractions and not lived realities. The empty homogeneous time that has been repeatedly evoked by critics of empire, he contends, is not an inhabited or lived time but one that is thought and projected.[160] Beginning with ships and maps, and expanding through clocks and trains, Britain aimed to extend a global and chronological time over its colonial subjects and territories. But imperial authorities, as Chatterjee reminds us, were routinely confronted by the heterogeneity of lived times that were inspired by religious, spiritual, and alternative cosmologies. Despite Britain's efforts to mechanize, quantify, and expand time through longitude and in the circuits of British and colonial laws, the lived time of colonial subjects, like Gurdit Singh and Husain Rahim, regularly defied imperial control.[161] Notwithstanding the best efforts of colonial bureaucrats and missionaries, time and space remained uneven, disjointed, and fiercely disputed across imperial divides.

If ships inaugurated a global and universal time, British and colonial laws helped to expand and consolidate it. Legal documents, court sittings, and the use of time as punishment reinforced the authority and legitimacy of clock and calendar time.[162] British authorities sought to unite its distant and disparate territories through the expansion of global time and in the extension of British and colonial law. However, the Dominions, protectorates, and colonies continued to produce their own legalities and temporalities.[163] The Dominions, including Canada, cast themselves as "young" and self-governing colonies. India, by contrast, was seen to be an ancient place, but one that had no history of its own making. These jurisdictions, with their competing racial, territorial, and temporal markers, demanded distinct forms of order, authority, and legality. But even the British common law did not represent a universal, cohesive, or coherent unity. Rather, it was composed of a "patchwork" of legalities and temporalities that made up a larger colonial and imperial system.[164] Thus, British and colonial laws were marked by rules and procedures that produced discrep-

ant temporalities that did not always correspond to Greenwich Mean Time. Drawing its power from "time immemorial" and from a plurality of legal sources of authority, the common law did not follow a direct temporal line.[165] Rather, it oscillated between the weight of the past as archived in precedent and the uncertainty and openness of a future that it tried to anticipate.[166] The common law drew its power from a composite of sources—ecclesiastic, criminal, and admiralty law—each with its own corresponding temporal rhythms. Despite Britain's efforts to consolidate and synchronize time, the British common law was temporally disjointed, potentially disrupting the linear chronology that the empire sought to impose upon its distant territories. The Dominions, colonies, and territories eventually became part of a global empire, but they were situated in vertical hierarchies and uneven topographies that remained racially, temporally, and geographically disparate.

In many ways, the *Komagata Maru*'s journey ruptured Britain's claims to temporal and spatial uniformity by bringing the multiplicity of time, the heterogeneity of law, and the racial asymmetries of empire vividly to the fore. Struggles over the ship were routinely framed as problems of space and time: where were Indians allowed to settle? Could they travel and trade on the "free sea"? Were they ready to join the imperial polity? As an aspiring seafarer, Gurdit Singh was well attuned to the importance of a global and standardized time, especially its significance for maritime navigation. However, his anticolonial imaginaries were inspired by and deeply grounded in other cosmologies, including Sikhism and Sikh nationalism, which did not easily follow the prescriptions and demands of British legality, temporality, and authority.[167] Importantly, for Singh, the fractured and dynamic times inherent within the British common law opened further opportunities for anticolonial struggle. If the ungovernability of the sea invited renewed plans for maritime commerce and additional aspirations for freedom, it was law's splitting between past and future that presented novel legal and political occasions to challenge British imperial rule. As I discuss further on, time became a site of struggle that was disputed, appropriated, and reinvented by Indian migrants and travelers aboard the *Komagata Maru* and beyond.

Oceans, more so than land, draw our attention to regimes of global time, circulations of law, and to the growing threats of Indian radicalism that flourished in maritime worlds. When the contiguity of oceans—which was divided by Marx and Engels and sutured by Croll—is considered both historically and conceptually through moving ships that produced the "free sea," it presents new and innovative ways of rethinking race, time, and law beyond national, regional, and transnational registers. Keeping these themes at hand, the following section

returns to the voyage of the *Komagata Maru* and outlines the specific chapters that constitute this book.

Navigations

Across Oceans of Law is deliberately wide-ranging, drawing from historical debates on the freedom of the seas, scholarly engagements with law/jurisdiction, race/empire, time/temporality, and historical developments surrounding maritime law and navigation. The five chapters that form the core of this book are organized along a loose chronology of the *Komagata Maru*'s passage. Each foregrounds a different segment of the ship's journey and is narrated through a specific legal artifact, concept, or figure: the sea, the ship, the manifest, the indigenous, and the fugitive. Each draws on historical records and documents collected from seven years of research in multiple archives and libraries in Canada (Ottawa and Vancouver), India (Delhi), and Britain (London and Glasgow). The discussion that follows is engaged as much with conceptual and historiographical debates as it is with the facticity of the ship's voyage. It is through close readings and historical detail, I contend, that the analytic potential of oceans as method is most fully realized.

Oceans, as I argue throughout, have not featured prominently in law and legal studies.[168] To begin sketching a colonial and legal history of the sea, I turn to two prominent European thinkers and their respective works, already introduced above: Hugo Grotius, whose *Mare Liberum* was published in 1609, and Carl Schmitt, whose *Land and Sea* and *The* Nomos *of the Earth* were published more than three centuries later.[169] Whereas Grotius precedes the *Komagata Maru*'s 1914 voyage, Schmitt follows it. Read together, they draw attention to the Dutch, British, and American Empires and may therefore seem a curious historical and conceptual starting point for my analysis. What makes Grotius and Schmitt especially useful is that they were writing at key moments of European imperial and maritime expansion: in the seventeenth century, with the rise of "free trade" in the East Indies, and in the mid-twentieth century, during and after World War II. Their arguments remain significant today, perhaps even more so than when their respective works were first published. To provide an oceanic frame through which to retell the *Komagata Maru*'s voyage, chapter 1 places these texts into conversation. More specifically, I read them alongside each other and also against the maritime aspirations and legal struggles of Gurdit Singh and Husain Rahim. Grotius and Schmitt wrote compellingly, albeit differently, on the free sea. Each highlighted the elemental distinctions of land and sea as vital to the juridical status of oceans at particular moments in European

imperial history. Unlike other commentators on their work, I approach their writings not as theoretical accounts of the so-called free sea or the emergence of an international legal order, but as competing histories of maritime legalities that still need to be provincialized.[170] The *Komagata Maru*'s voyage, as I suggest throughout, directly challenged the freedom of the sea and, for this reason, became a global, legal, and racial exigency. Through their oceanic travels, Gurdit Singh and Husain Rahim produced their own anticolonial cartographies that were inspired by the past and future of Indian seafaring and which disrupted the land/sea divide inaugurated and imposed by European thinkers.

The moving ship, as Grotius and others noted, featured prominently in the juridification of the sea. Following these arguments, chapter 2 situates the *Komagata Maru*'s passage within another set of maritime histories. Focused on the vessel as a juridical form, I build on and elaborate my arguments regarding the racial and legal status of the sea. Here, I extend Gilroy's suggestive remarks on the role of the ship.[171] Whereas Gilroy emphasizes the *representation* of slave ships in Atlantic worlds, I focus on the *materiality* of one specific vessel that journeyed literally and figuratively through multiple ocean regions. Despite the voluminous literature on the *Komagata Maru*'s journey, there has been remarkably little discussion of the ship itself. This chapter situates the vessel in time and space and follows its routes across the Mediterranean Sea and the Atlantic, Pacific, and Indian Oceans. Its hundreds of voyages—under new names, different owners, and across multiple ocean regions—produced the sea as a legal space while implicating the ship in wider circuits of colonial, imperial, and racial terror, including transatlantic slavery, Indian indenture, and indigenous dispossession. These histories of ocean crossings and racial violence, I contend, were conjoined in the vessel's corporeality and in the status of the ship as legal person.

Chapter 3 moves from a broader discussion of the sea and the ship as juridical entities and tracks the *Komagata Maru*'s arrival and detention in Vancouver Harbour. In this chapter, I present a detailed reading of the Immigration Board hearing and the legal case—*Re Munshi Singh*—that was initiated by Husain Rahim and other members of the shore committee and heard by the British Columbia Court of Appeal. Drawing on discussions of race, territoriality, and temporality, the court unanimously rejected the passenger's claims to enter the Dominion. Though the legal proceedings were centered on questions of racial subjecthood and admissibility, they were animated by the ship's manifest and by competing jurisdictional claims over land, sea, and coastal regions. Ultimately, the court fortified Canada's legal and political sovereignty in three ways. First, by emphasizing the Dominion's right to control its territorial waters. Second,

by insisting that "Hindoos" were "Asiatics" and thus barred entry. Finally, by evoking indigenous peoples as the original inhabitants of Canada, and therefore the Dominion's primary responsibility. Effacing questions of indigenous dispossession and settler colonialism altogether, the Court of Appeal recast Canada's relations with its indigenous inhabitants from the past to the future. In so doing, the court deployed indigeneity as a way to reinscribe Dominion sovereignty against the presumed threat of Asiatic migration.

To develop my claim that the free sea was a racial and legal space marked by overlapping histories of colonial and racial dispossession, chapters 4 and 5 turn to indigeneity and transatlantic slavery, respectively. Focused on English-language newspapers and periodicals published in South Africa, Canada, and India, chapter 4 charts the transoceanic responses to the *Komagata Maru*'s failed journey. The ship's detention in Vancouver and its eventual deportation to Calcutta galvanized a global anticolonial vernacular in which indigeneity featured prominently. To date, studies of Indian radicalism have focused primarily on the Ghadrs.[172] In chapter 4, I present an alternative genealogy of Indian radicalism, one that engages with maritime mobilities and British and colonial law through wider racial and subaltern claims to inclusion, equality, and justice. To challenge the sovereignty of the white Dominions, some Indian dissidents and radicals emphasized the territorial dispossession of indigenous peoples in Canada, South Africa, Australia, and elsewhere. Contests over the *Komagata Maru*, I argue, were waged through transoceanic vernaculars that reorganized, and in some cases fortified, racial taxonomies and hierarchies that differentiated "indigenous" from "migrant." The ship's supporters evoked indigeneity and "imperial citizenship" as challenges to global time and universal history, but often with unintended and objectionable effects.

Chapter 5 returns to the maritime movements and aspirations of Gurdit Singh and follows him farther inland. Notwithstanding his vital role in planning, executing, and commanding the *Komagata Maru*'s journey from Hong Kong to Vancouver, Singh remains an enigmatic figure. Very little attention has been given to his peripatetic movements between India and the Straits Settlements and to his struggles against British imperial rule.[173] Attentive to his travels across the Indian and Pacific Oceans and following his fugitive sojourns in India, chapter 5 emphasizes the analytic and historical import of viewing oceanic regions as overlapping and interconnected, both geographically and temporally. Drawing on the concept of fugitivity, this chapter focuses on Gurdit Singh's English-language memoirs: *Voyage of the Komagatamaru: Or India's Slavery Abroad.* By fashioning himself as a legal subject, Singh drew a set of intersecting lines that marked the historical, territorial, and juridical overlaps between

the Pacific, Indian, and Atlantic Oceans. Through an expansive maritime and global imaginary, he initiated a remarkable and convincing critique of transatlantic slavery, Indian indentured labor, and immigration prohibitions.[174] Singh's repudiation of British imperial authority and the violence that underpinned it, I argue, was made possible through his own maritime itinerancy and his sojourns across the subcontinent. Rejecting a linear, teleological, and global time, Singh's writings echo the rhythm of the sea and present a disjointed temporality of law, justice, and freedom. The splitting of time that was inherent within British legality allowed him to condemn its past while remaining open to a future in which justice might someday be possible. Ultimately, Gurdit Singh's anticolonial imaginaries were animated by his claims to the free sea. Maritime commerce, trade, and travel were vital to India's future, he urged, a point he made lucidly in his "Proclamation to Indians," with which I begin this book.

The epilogue returns to the conceptual and methodological stakes and revisits the analytic and historical significance of oceans as method. Struggles over the free sea, as I argue in chapter 1, had a long and protracted history in European thought. As the *Komagata Maru*'s passage illustrates, the free sea was also a site of anticolonial and racial contest over the legality of oceans and maritime spaces. The ship's 1914 voyage affords one snapshot of these struggles. But there are many others. The epilogue moves from histories of Indian migration along the Pacific and Indian Oceans to the Mediterranean, Europe's primeval sea, a region that was crossed regularly by the *Sicilia.* Debates over the free sea are as critical today as they were historically. The West's current "crisis of migration," as evidenced in Mediterranean crossings from North Africa and the Middle East to Europe, remains a racial contest over life/death and past/present/future. As juridical forms, oceans and ships continue to be vital to these racial and legal struggles and in ways that echo the *Komagata Maru*'s voyage and its purportedly despotic Sikh commander. Today, Europe has recast the free sea as an expanding and contracting juridical space that sits beyond the jurisdiction of individual nation-states. Its elasticity has inaugurated a new international legal and political order in which migrant lives remain expendable and where racial violence is enacted with impunity against black and brown bodies. When positioned in these contemporary exigencies, the *Komagata Maru*'s voyage and the itineraries and imaginaries of Gurdit Singh and Husain Rahim remind us that the sea has long been a site of legal, political, and racial contest and a space well worth fighting for.

Notes

INTRODUCTION

1. *Report of the Komagata Maru Committee of Inquiry*, 1:2 (hereafter *Report of the Komagata Maru*).

2. British Library, India Office Records (hereafter BL/IOR), L/PJ/6/1338, file 5028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), exhibit 134: Proclamation to Indians by Sardar Singh, no date [c. spring 1914], 315. "Sardar Sing" signed the document. Gurdit Singh was the director of the Guru Nanak Steamship Company and was regularly referred to as "Sardar Gurdit Singh."

3. BL/IOR, L/PJ/6/1338, file 5028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), exhibit 85: Translation of a letter in Gurmukhi from Sardar Singh, Honorary Agent of "Bridh Sewak" [lit., old servant] Bhai Gurdit Singh, Contractor, to the Editor, Panth Sewak, 1914, 184.

4. BL/IOR, L/PJ/6/1338, file 5028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), exhibit 85: Translation of a letter in Gurmukhi from Sardar Singh, Honorary Agent of "Bridh Sewak" [lit., old servant] Bhai Gurdit Singh, Contractor, to the Editor, Panth Sewak, 1914, 184.

5. For an account of the history of shipping published two years before Singh issued his proclamation, see Mookerji, *Indian Shipping*.

6. BL/IOR, L/PJ/6/1338, file 5028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), exhibit 134: Proclamation to Indians by Sardar Singh [c. spring 1914], 315. Though the letter has no date, the *Report of the Komagata Maru* said that Gurdit Singh published an advertisement in February 1914. See *Report of the Komagata Maru*, 2.

7. BL/IOR, L/PJ/6/1338, file 5028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), Exhibit 134: Proclamation to Indians by Sardar Singh [c. spring 1914], 315.

8. There were two women on the ship, Dr. Raghunath's wife and Kishen Kaur. See Johnston, *The Voyage of the Komagata Maru*, 66, 136.

9. The year 1947 marked a year of greater independence for both Canada and India. It is the origin of Canada's Citizenship Act, which replaced "British subject" with "Canadian citizen." See Macklin, "Historicizing Narratives of Arrival," 41.

10. The passengers allowed to disembark were ones who could prove they had previously resided in Vancouver. In the historiography of the ship, the number varies between twenty and twenty-two. On the latter, see Macklin, "Historicizing Narratives of Arrival," 59.

11. For an overview of the legal framework of Indian exclusion as it relates to the *Komagata Maru*, see Macklin, "Historicizing Narratives of Arrival." In chapter 3, I offer a more detailed analysis of the laws passed by the Dominion and a close reading of the case heard by the Board of Immigration and the British Columbia Court of Appeal. For a compelling discussion of how the movements of "free" Indians, including those aboard the *Komagata Maru*, were governed through the legal framework of indenture, see Mongia, "The *Komagata Maru* as Event."

12. BL/IOR, L/PJ/6/1338, file 5028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), exhibit 45: Translation of an appeal for money printed in Gurmukhi, issued from Vancouver [c. June 1914], 93.

13. BL/IOR, L/PJ/6/1338, file 5028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), Exhibit 45: Translation of an appeal for money printed in Gurmukhi, issued from Vancouver [c. June 1914], 93.

14. Hugo Grotius's *Mare Liberum* is the subject of the following chapter. See Armitage, introduction to *The Free Sea*.

15. For an interesting discussion of the sea as European that focuses on Hegel's *Lectures on the Philosophy of World History*, see Wick, *The Red Sea*, esp. chap. 2.

16. On the policing of the free sea, see Steinberg, "Free Sea," 271.

17. There is a small but growing body of feminist scholarship that challenges the prevailing view of the sea as an exclusively male domain. See Creighton and Norling, *Iron Men, Wooden Women*; Smith, "Costume Changes."

18. BL/IOR, L/PJ/6/1338, file 5028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), exhibit 45: Translation of an appeal for money printed in Gurmukhi, issued from Vancouver [c. June 1914], 93.

19. BL/IOR, L/PJ/6/1338, file 5028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), exhibit 45: Translation of an appeal for money printed in Gurmukhi, issued from Vancouver [c. June 1914], 93.

20. BL/IOR, L/PJ/6/1338, file 5028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), exhibit 45: Translation of an appeal for money printed in Gurmukhi, issued from Vancouver [c. June 1914], 93.

21. BL/IOR, L/PJ/6/1338, file 5028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), exhibit 45: Translation of an appeal for money printed in Gurmukhi, issued from Vancouver [c. June 1914], 93.

22. On ocean and maritime studies, see Amrith, *Crossing the Bay of Bengal*; Bose, *A Hundred Horizons*; Gilroy, *The Black Atlantic*; Ho, *The Graves of Tarim*; Linebaugh and Rediker, *The Many-Headed Hydra*. For notable exceptions that explore multiple ocean arenas, see Christopher, Pybus, and Rediker, *Many Middle Passages*, Hofmeyr, "The Black Atlantic Meets the Indian Ocean." For a critique of the regionalization of ocean studies, see Steinberg, "Of Other Seas," 158. On the historicization of ocean divides, see Lewis, "Dividing the Ocean Sea." On oceans and law, see Bishara, "Paper Routes"; Benton, *A Search for Sovereignty*; Ford, "Law"; Mawani and Hussin, "The Travels of Law"; Metcalf, *Imperial Connections*, Ward, *Networks of Empire*.

23. On the *Komagata Maru* in Canada, see Johnston, *The Voyage of the Komagata Maru*; Jensen, *Passage from India*; Kazimi, *Continuous Journey*; Kazimi, *Undesirables*; Macklin, "Historicizing Narratives"; Ward, *White Canada Forever*. In the U.S. context, see Sohi, *Echoes*

of Mutiny. For transnational and global accounts, see Balachandran, "Indefinite Transits"; Mongia, "Race, Nationality, Mobility"; Mawani, "Specters of Indigeneity." In India, see the recent special issue, "The Journey of the Komagata Maru: National, Transnational, Diasporic," *South Asian Diaspora* 8, no. 2 (2016), which was also published as a book, Roy and Sahoo, *Diasporas and Transnationalisms*.

24. Several historians have viewed the Indian Ocean as a useful method of writing history. See Burton, "Sea Tracks and Trails" and Hofmeyr, "The Complicating Sea." I build on and expand their approaches by using microhistory to think through and connect multiple ocean regions.

25. I begin developing this argument on race as a regime of power elsewhere. See Mawani, *Colonial Proximities*, Mawani, "Specters of Indigeneity"; Mawani, "Racial Violence and the Cosmopolitan City."

26. For a discussion of race and jurisdiction, see Ford, "Law's Territory (A History of Jurisdiction)."

27. Marx, "The Future Results of British Rule in India," 660.

28. Barak, *On Time*, 24.

29. To date, the most comprehensive English-language biography of Singh is by Tatla and Tatla, *Sardar Gurdit Singh*. On this point, see p. 2. See also Tatla, "Incorporating Regional Events into the Nationalist Narrative."

30. Key works on Indian radicalism of the time include Grewal, Puri, and Banga, *The Ghadr Movement*, Puri, *Ghadr Movement*. For two recent books that document these anticolonial circuits, see Ramnath, *Haj to Utopia*; Sohi, *Echoes of Mutiny*.

31. "Indians in the Empire," *Register*, 18 January 1915, 4.

32. BL/IOR, L/PJ/6/1338, file 50285028, *'Komagata Maru' Committee of Enquiry: Volume III* (23 October–4 December 1914), exhibit 54: Manuscript giving a history of the voyage of the "S.S. Komagata Maru" written in Gurmukhi, apparently in the handwriting of Daljit Singh, 1914, 112 (my emphasis).

33. See Amrith, *Crossing the Bay of Bengal*; Blythe, *The Empire of the Raj*; Bose, *A Hundred Horizons*; Metcalf, *Imperial Connections*; Aiyar, "Anticolonial Homelands across the Indian Ocean."

34. On the fits and starts of migration and settlement, see Dusinberre and Wenzlhuemer, "Editorial: Being in Transit."

35. I have documented the ship's voyages by consulting the *Lloyd's Weekly Shipping Index* at the Guildhall Library, London, and the Caird Library, National Maritime Museum, Greenwich.

36. Lubbock, *Coolie Ships and Oil Sailors*, 73, 103.

37. Several scholars have made these connections between slavery and indenture. However, the significance of the ship is often forgotten. On Indian indenture and slavery, see Bahadur, *Coolie Woman*; Carter, *Servants, Sirdars, and Settlers*; Kale, *Fragments of Empire*; Mongia, "Impartial Regimes of Truth"; Tinker, *A New System of Slavery*. On Chinese indenture and transatlantic slavery in the U.S. South, see Jung, *Coolies and Cane*; Lowe, *The Intimacies of Four Continents*.

38. On ships and indigenous dispossession, see Russell, "'The Singular Transcultural Space,'" 97. On ships and primitive accumulation, see Sekula, *Fish Story*, 43.

39. It was through a translation error that the ship became the *Komagata Maru*, a point I discuss more fully in chapter 2.

40. These events are detailed in the *Report of the Komagata Maru*. See also Johnston, *Voyage of the Komagata Maru*, esp. chap. 10.

41. Johnston, *The Voyage of the Komagata Maru*; Jensen, *Passage from India*; Kazimi, *Undesirables*; Macklin, "Historicizing Narratives"; Ward, *White Canada Forever*.

42. On 18 May 2016, Prime Minister Justin Trudeau apologized for Canada's exclusion of the ship. Though the apology was the outcome of many community-based struggles, it reinscribed the ship's significance as a Canadian "incident" rather than a global event.

43. In *The Black Atlantic*, Gilroy makes a compelling case for a new method of writing that focuses on the ship. While his interest is in tracing countercultures, mine is in tracking legal contests and counter-histories.

44. This is a vast literature. For recent works, see Ballantyne, *Between Colonialism and Diaspora*; Bashford, *Medicine at the Border*; McKeown, *Melancholy Order*; Ngai, *Impossible Subjects*; Shah, *Stranger Intimacy*.

45. Ballantyne, *Between Colonialism and Diaspora*; Burton, *At the Heart of Empire*; Burton, *Burdens of History*; Ballantyne and Burton, *Empires and the Reach of the Global*; Hall, *Civilizing Subjects*.

46. Ballantyne, "Race and the Webs of Empire." This argument is updated and elaborated in Ballantyne, *Webs of Empire*.

47. Ballantyne, "Race and the Webs of Empire," 39.

48. Metcalf, *Imperial Connections*, 8.

49. Metcalf, *Imperial Connections*, 1.

50. For notable exceptions, see Burton, "Sea Tracks and Ocean Trails"; Dusinberre and Wenzlhuemer, "Editorial: Being in Transit"; Hofmeyr, "The Complicating Sea."

51. Steinberg, "Of Other Seas," 157.

52. Steinberg, "Of Other Seas," 158 (emphasis in original).

53. This is true of many oceanic histories. See Bose, *A Hundred Horizons*; Desai, *Commerce with the Universe*; Gilroy, *The Black Atlantic*.

54. See Hofmeyr, "The Black Atlantic Meets the Indian Ocean," 3. This directionality has started to change with the work of historians tracing South-South relations. See, for example, Burton, *Brown over Black*.

55. Where transnational history and world history have been especially important and influential is in the field of legal pluralism. See Benton, *Law and Colonial Cultures*; Benton and Ross, *Legal Pluralism and Empires*.

56. This is beginning to shift with works that focus on legal travels. See Benton, *A Search for Sovereignty*; Bishara, "Paper Routes"; Mawani and Hussin, "The Travels of Law"; Ward, *Networks of Empire*.

57. Halliday, "Law's Histories," 269.

58. Benton, *Law and Colonial Cultures*, 45.

59. Ward, *Networks of Empire*, 10.

60. Halliday, "Law's Histories," 269. Benton pluralizes imperial geographies in *A Search for Sovereignty*. One could argue, however, that by privileging space at the expense of time, she focuses on two dimensions rather than three.

61. For clear exceptions, see Benton, *A Search for Sovereignty*, chap. 3; Benton and Ford, *Rage for Order*, chap. 5.

62. Armitage, introduction to *The Free Sea*. Though Grotius viewed the sea as a juridical space, as I discuss in the next chapter, he reinforced the land/ sea divide that has since held significant implications for how we think of law, legality, and territoriality.

63. Schmitt, *The* Nomos *of the Earth*, 42. Vismann also emphasizes the role of the plough, agriculture, and land. See Vismann, *Files*, 15.

64. For a critique of terracentricity, see Rediker, "Toward a Peoples' History of the Sea," 198.

65. On the ship as a cultural technique that produces space, see Siegert, *Cultural Techniques*, 70.

66. See Mawani, "Law, Settler Colonialism, and 'the Forgotten Space' of Maritime Worlds," and Russell, "'The Singular Transcultural Space.'"

67. Mawani, "Law and Migration across the Pacific."

68. "The British Columbia Question," *Indian Opinion*, 26 August 1914, 2.

69. "The British Columbia Question," *Indian Opinion*, 26 August 1914, 2.

70. Borrowing immigration laws from white settler colonies was not uncommon. In 1947, Burma modeled its immigration legislation on policies in the United States and in other white settler colonies. See Amrith, *Crossing the Bay of Bengal*, 216.

71. On Canada, see Ward, *White Canada Forever*. On Australia, see Bashford, "Is White Australia Possible?" For works that draw connections between the white Dominions, see Huttenback, "The British Empire as a 'White Man's Country,'" and Lake and Reynolds, *Drawing the Global Colour Line*.

72. See Bashford, "Immigration Restriction." Bashford's focus is on postcolonial nations. What interests me is how colonial India imposed border restrictions similar to those in Canada and Australia.

73. Marx and Engels, "Review: January–February 1850."

74. Marx and Engels, cited in Mehring, *Karl Marx*, 194.

75. For an account that emphasizes the role of China and the Muslim world in European seafaring, see Chappell, "Ahab's Boat," 76.

76. For a critique of Marx's teleology, see Chakrabarty, *Provincializing Europe*, esp. part 1.

77. See Lewis, "Dividing the Ocean Sea."

78. James Croll, "Letters to the Editor: Ocean Currents," *Nature*, 11 January 1872, 201.

79. A good example of the divided oceans framework that I am critiquing is evidenced in Gabbacia and Hoerder, *Connecting Seas and Connected Ocean Rims*.

80. Gilroy, *The Black Atlantic*, 12.

81. Gilroy, *The Black Atlantic*, 14–15.

82. Linebaugh and Rediker's writings have focused mainly on the Atlantic. See *The Many-Headed Hydra* and also their single-author works: Linebaugh, "All the Atlantic Mountains Shook"; Rediker, *Between the Devil and the Deep Blue Sea*; and Rediker's most recent book, *Outlaws of the Atlantic*.

83. Gilroy, *The Black Atlantic*, 14–15.

84. Isabel Hofmeyr's project has been to connect the Black Atlantic with the Indian Ocean and Africa. See Hofmeyr, "The Black Atlantic Meets the Indian Ocean."

85. Weaver, *The Red Atlantic*.

86. Bishara, *A Sea of Debt*; Bose, *A Hundred Horizons*; Ho, *Graves of Tarim*; Machado, *Ocean of Trade*; Pearson, *The Indian Ocean*. For an interesting account of aboriginal and South Asian seafarers, see Goodhall, Gosh, and Todd, "Jumping Ship—Skirting Empire."

87. Amrith, *Crossing the Bay of Bengal*, 21.

88. Bose, *A Hundred Horizons*, 272.

89. Amrith, *Crossing the Bay of Bengal*, 26.

90. Yu, "The Rhythms of the Transpacific."

91. Diaz, "Voyaging for Anti-colonial Recovery"; Igler, *The Great Ocean*; Hau'ofa, *We Are the Ocean*; Hau'ofa, "Our Sea of Islands"; Mar, *Decolonization and the Pacific*. See also "Pacific Currents," a special issue of *American Quarterly* edited by Paul Lyons and Ty P. Kawika Tengan.

92. Hau'ofa, "Our Sea of Islands," 8.

93. Armitage and Bashford, "Introduction," 9.

94. Armitage and Bashford, "Introduction," 6.

95. Hau'ofa, "Our Sea of Islands," 10.

96. Salesa, "The Pacific in Indigenous Time," 32.

97. Wigen, "Introduction," 2.

98. On the surveillance of ships carrying Indian migrants, see Balachandran, "Indefinite Transits," and Chattopadhyay, "Closely Observed Ships." Both discuss the *Komagata Maru*.

99. The trope of currents has gained momentum in ocean studies. See the recent issue of American Quarterly titled "Pacific Currents," edited by Lyons and Tengan.

100. Croll, "Ocean Currents," *Chambers's Journal of Popular Literature, Science, and the Arts*, 8 July 1893, 422.

101. See Phillips, *The Atlantic Sound*.

102. For a history of the study of ocean currents, see Mills, *The Fluid Envelope of our Planet*.

103. Steinberg, *The Social Construction of the Ocean*, 210.

104. Croll, "Ocean Currents," 422.

105. Hester Blum argues that the sea is not a metaphor. While I agree that the sea has a materiality, I suggest that it cannot be so easily separated from metaphoricity. See Blum, "The Prospect of Ocean Studies." For a response see Steinberg, "Of Other Seas."

106. Some have argued that oceans and ships have different histories that must not be conflated. See Foxhall, *Health, Medicine, and the Sea*, 7. However, as juridical forms, the two are inseparable.

107. Croll, "Ocean Currents," 422. See also Siegert, *Cultural Techniques*, chap. 4.

108. For Braudel, the sixteenth century is a crucial moment in maritime expansion. European ships no longer traveled along coastal lines but increasingly moved to the high seas. See Braudel, *The Mediterranean*, chapter 3.

109. Marx and Engels, "Review: May–October 1850."

110. Marx and Engels, "Review: May–October 1850."

111. For a critique of empty oceans, see Steinberg, *The Social Construction of the Ocean*, 14. A notable exception in the American context is Melville's *Billy Budd, Sailor*.

112. Schmitt, *The* Nomos *of the Earth*, 42.

113. Ghosh, *Sea of Poppies*, 371.

114. Ghosh, *Sea of Poppies*, 282. Ghosh does a wonderful job of describing these oceanic labor hierarchies through the character of Jodhu, a Muslim boat-hand. In subsequent chapters, I contend that these divisions were absorbed into modern conceptions of race.

115. Several historians of the Black Atlantic have argued that the ship and the plantation were contiguous. See Bolster, *Black Jacks*; Rediker, *The Slave Ship*, 188; Rediker, *Outlaws of the Atlantic*, 139. On ships as colonial legal laboratories, see Heller and Pezzani, "Liquid Traces," 680; Mawani, "Law, Settler Colonialism, and the 'Forgotten Space,'" 123.

116. Yatim, "The Development of the Law of the Sea in Relation to Malaysia," 87–88. Steinberg, *The Social Construction of the Ocean*, 50.

117. Alexandrowicz, *An Introduction to the History of the Law of Nations*, 64. Also cited in Steinberg, *The Social Construction of the Ocean*, 50–51.

118. Benton, *A Search for Sovereignty*, 106. On the importance of national flags at sea, see Van Tilburg, "Vessels of Exchange," 48.

119. Ward is writing of the Dutch, but her analysis is equally applicable to the British Empire. See Ward, *Networks of Empire*, 24.

120. See Chattopadhyay, "Closely Observed Ships."

121. The classic account of the middle passage as a site of revolt is in Gilroy, *The Black Atlantic*. See also McKittrick, *Demonic Grounds*, esp. chap. 1; Rediker, *The Slave Ship*.

122. The term "patchwork" comes from Benton, *Law and Colonial Cultures*, 44–45, 158. For recent scholarship on jurisdiction, see Dorsett and McVeigh, *Jurisdiction*; Ford, "Law's Territory"; McVeigh, *Jurisprudence of Jurisdiction*; Pasternak, "Jurisdiction and Settler Colonialism"; Valverde, "Jurisdiction and Scale"; Valverde, *Chronotopes of Law*.

123. Dorsett and McVeigh, "Questions of Jurisdiction," 3.

124. Dorsett and McVeigh, *Jurisdiction*, 38. On the plurality of the common law, see Halliday, "Law's Histories."

125. Dorsett and McVeigh, "Questions of Jurisdiction," 4–5.

126. Dorsett, "Mapping Territories," 146.

127. The *Santa Catarina* and Grotius's response has been well documented. See Armitage, introduction to *The Free Sea*; Benton, *A Search for Sovereignty*, esp. chap. 3; Borschberg, "Hugo Grotius"; Borschberg, *Hugo Grotius*; Keene, *Beyond the Anarchical Society*; van Ittersum, *Profit and Principle*.

128. Benton, *Law and Colonial Cultures*, 158.

129. On jurisdiction as race and status, see Ford, "Law's Territory," 845.

130. I elaborate this idea of race as jurisdiction in chapters 1 and 3. On slavery, race, and the ship, see Sharpe, *In the Wake*; Smallwood, *Saltwater Slavery*.

131. On the geography of race, see Goldberg, *Racist Culture*, 185. On geographies of blackness, see McKittrick, *Demonic Grounds*.

132. These distinctions of region, religion, and caste are clearly evident in the organization of ship labor. See Ghosh, *Sea of Poppies*.

133. On imperial citizenship, see Banerjee, *Becoming Imperial Citizens*; Mawani, "Specters of Indigeneity."

134. For critiques of the divisions imposed on colonial and racial histories, see Lake and Reynolds, *Drawing the Global Color Line*; Lowe, *The Intimacies of Four Continents*; Mawani, *Colonial Proximities*; Mawani, "Specters of Indigeneity."

135. On this transformation, see Ballantyne and Burton, "Global Empires," 379. Curiously, analyses of imperial mobility and legality commonly engage with questions of space but often at the expense of time. For an account that views migration through time, see Guha, "The Migrant's Time."

136. Benton, *A Search for Sovereignty*, xii.

137. On the quest for longitude and time, see Howse, *Greenwich Time*; Sobel, *Longitude*.

138. On time as the "universalizing will" of imperial rule, see Nanni, *The Colonisation of Time*, 2.

139. See Barak, *On Time*; Barrows, *The Cosmic Time of Empire*; Galison, *Einstein's Clocks*; Nanni, *The Colonisation of Time*; Ogle, *The Global Transformation of Time*.

140. See Barrows, *The Cosmic Time of Empire*; Galison, *Einstein's Clocks*; Ogle, *The Global Transformation of Time*.

141. Galison, *Einstein's Clocks*, 323 (my emphasis).

142. Ogle, *The Global Transformation of Time*, 25.

143. Schivelbusch, *The Railway Journey*, 43.

144. This argument is developed in Howse, *Greenwich Time*, and Sobel, *Longitude*.

145. See Howse, *Greenwich Time*, and Sobel, *Longitude*.

146. The classic account of timekeeping and industrialization is E. P. Thompson, "Time, Work-Discipline and Industrial Capitalism." For elaborations of Thompson that center on naval navigation, see Glennie and Thrift, *Shaping the Day*, esp. chap. 8.

147. These changing forms of timekeeping are set out in Howse, *Greenwich Time*, esp. chap. 3.

148. Sobel, *Longitude*, 168

149. Howse, *Greenwich Time*, 21.

150. Howse, *Greenwich Time*.

151. Harald U. Sverdrup, "The Mystery of Ocean Currents," *Harper's Monthly Magazine*, 1 July 1929, 238.

152. Croll, "Letters to the Editor: Ocean Currents."

153. Galison, *Einstein's Clocks*, 99.

154. Croll, "Letters to the Editor: Ocean Currents."

155. See Nanni, *The Colonisation of Time*.

156. Nanni, *The Colonisation of Time*, 26.

157. On clock time and Britain's claims to cultural supremacy, see Metcalf, "Architecture and the Representation of Empire"; Chakrabarty, *Provincializing Europe*, 74.

158. Chakrabarty, *Provincializing Europe*, 15.

159. See Metcalf, "Architecture and the Representation of Empire."

160. Chatterjee, "Anderson's Utopia," 131.

161. I am thinking through the tension between imposed and lived time in light of the work of Henry Bergson. Bergson describes life in terms of currents. See Bergson, *Creative Evolution*, 26. For an interesting discussion of time and Indian radicalism, see Elam, "Echoes of Ghadr." On time and settler colonialism, see Mawani, "Law as Temporality."

162. The most famous example of time as punishment is the timetable. See Foucault, *Discipline and Punish*. For a discussion of how European chronological time changed public routines and public life in colonial India, see Kalpagam, "Temporalities, Histories, and Routines."

163. The codification debate in India is a good case in point. See Kolsky, "Codification and the Rule of Colonial Difference."

164. On the patchwork of time, see Schivelbusch, *Railway Journey*, 43. On the patchwork of law, see Benton, *Law and Colonial Cultures*, 158.

165. On the temporal disjointedness of the common law, see Parker, *Common Law*, esp. chap. 2.

166. This argument is more fully developed in Mawani, "The Times of Law," which is a comment on Parker's *Common Law*.

167. On Sikh theology, see Mandair, *Religion and the Specter of the West*.

168. The literatures on international law, maritime and admiralty law discuss the juridification of the seas in different ways, and are notable exceptions. However, I would argue that even in these literatures, the sea is not always problematized or discussed as a material space or a site of continual movement. An important exception in world history is Benton, *A Search for Sovereignty*, chap. 3.

169. Armitage, introduction to *The Free Sea*; Schmitt, *The* Nomos *of the Earth*; Schmitt, *Land and Sea*.

170. I am borrowing this term from Chakrabarty's *Provincializing Europe*.

171. Gilroy, *The Black Atlantic*, 4.

172. For a classic account, see Puri, *Ghadr Movement*. For more recent discussions, see Ramnath, *Haj to Utopia*, and Sohi, *Echoes of Mutiny*.

173. For exceptions, see Tatla and Tatla, *Sardar Gurdit Singh*, and Tatla, "Incorporating Regional Events into the Nationalist Narrative."

174. Singh, *Voyage of the Komagatamaru*.

CHAPTER 1. The Free Sea

1. Balachandran, *Globalizing Labour;* Fisher, "Working across the Seas"; Tabili, "'A Maritime Race'"; Visram, *Ayahs, Lascars, and Princes.* For a longer historical account of India's maritime activities, see Mookerji, *Indian Shipping.*

2. Balachandran, *Globalizing Labour,* 4.

3. On the ship as productive of space, see Siegert, *Cultural Techniques,* esp. chaps. 4 and 8.

4. Most of those who left the subcontinent during this period were men. There were only two women aboard the *Komagata Maru.*

5. John Cowen, "Race Prejudice," *Indian Opinion,* 23 July 1910, 4. This article was published in the *Westminster Review* and reprinted in *Indian Opinion.* Cowen was a strong supporter of Indian migration to South Africa and condemned anti-immigration arguments, such as the ones he recalled here. For a useful discussion of the perils of imperial mobility, see Ballantyne, "Mobility, Empire, Colonization," 10.

6. For instance, in 1912, authorities alleged that three to four hundred Indian migrants were arriving in British Columbia via the SS *Orterio.* This proved to be unfounded. See Wallace, "Komagata Maru Revisited," 37. The *Panama Maru* arrived in 1913 and was the basis of the *Thirty-Nine Hindus* case. See Johnston, *Voyage of the Komagata Maru,* 44–46.

7. P. K. Ramswamy, a merchant in Seattle, was alleged to be starting a steamship company to bring Indians to Vancouver. See National Archives of India, W. C. Hopkinson to