The Origins of Contemporary Slavery in Pakistan

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Abstract:

Slavery is widely believed to be a phenomenon of medieval times. It is rarely associated with modern capitalist economies. However, the reality is that slavery is widespread, particularly in developing countries that are ripe with poverty and corruption. One example of such a country is Pakistan, formed as a result of the partition of the subcontinent, and the end of British colonial rule. The modes of production that emerged in post-colonial Pakistan led to the continuation of traditional, as well as to the emergence of contemporary forms of slavery. How can this resilience be explained? This thesis approaches the issue of slavery in Pakistan by focusing on Partition. The displacements that accompanied Partition meant that high numbers of poverty-stricken people arrived in Pakistan and were willing to work under dire circumstances. Likewise, as large feudal properties were broken up and distributed to incoming migrants that would work their new property without hiring labour, local masses found themselves unemployed.

Lack of opportunities for labour and the absence of institutional sources of credit for the poor eventually led to landless peasant becoming indebted to landlords and employers. These employers set unrealistic terms, which lead to not only the employee becoming enslaved due to his or her inability to pay back the debt, but also his or her entire family, including future generations. Despite several international and local

covenants declaring it illegal, slavery has continued to thrive in Pakistan. The abolition of slavery in the country would require large-scale institutional reform, in addition to measures directed at eliminating the root causes: poverty, illiteracy, and lack of employment opportunities.

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Declaration:

This thesis contains no material which has been accepted for the award to the candidate of any other degree or diploma, except where due reference is made in the text.

To the best of my knowledge, this thesis contains no material previously published or written by another person except where due reference is made in the text.

Hira Bilal

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Preface

This thesis began as a project to investigate what I believe to be a very important social issue. Hailing from, and residing in, a Third World country, which was to eventually become the focus of this project, I underwent various experiences which motivated me to explore this issue. The local news focused on injustice. On a daily basis, there were complaints from people around me, highlighting their plight and causing them to appeal for assistance. The existence of the less privileged forced me to think about the reasons behind their condition. This lead me to investigate the circumstances that allowed slavery to continue in Pakistan beyond Partition, during a time when slavery was thought to be a relic of the past.

My interest in research started when I enrolled in an undergraduate program in a notable university in Pakistan. Although I ended up choosing to major in economics, partly due to peer pressure, I had the opportunity to study a wide variety of courses as electives. I took advantage of this opportunity and decided to delve into the social sciences. Economics provides insights into development problems; however, it sometimes lacks the critical analysis provided by the social sciences. I took courses in the fields of history, sociology, political science and psychology.

Each of these courses required working on a research project, or writing a research paper on some topic of significance. This allowed me to expand my knowledge in various fields, and to observe the different methodologies and analytical skills employed by scholars and researchers. In the history courses, I had to work on a research essay using both primary and

secondary documents. In sociology and political science, I relied mostly on secondary sources. The advantage that I gained from undertaking a major in economics is that several courses required field research.

In a country like Pakistan, reading secondary sources would not suffice to understanding social, political and cultural issues. In order to gain a deeper understanding, it becomes important to engage in some form of field research. My first major field research was when I had to work on a research report about India-Pakistan trade relations. While the literature was very helpful, conducting interviews with stakeholders revealed much more. There were cases of corruption by high officials, which were mentioned in the literature, but were easier to understand and analyze through interviews.

This project gave me important insights and highlighted some of the limitations associated with economics as a discipline. For instance, word of mouth often differed from published literature or available statistics. Moreover, the experiences of individuals belonging to the same level of the hierarchical structure were often different, which I understood to be a product of their respective relationships with their superiors, which, in turn, determined their motivation levels. It brought forth the realization that every method of research has its advantages as well as limitations. One must keep both in mind when engaging in a scholarly debate.

Another major exposure to field research during my undergraduate years was when I decided to do a thesis to fulfill the requirements of my degree. The topic I chose for my thesis was related to the examination system for entry into the civil services of Pakistan. Basically, my

work was aimed to present a critique of the examination system. Again, I chose to delve into field research to answer my research questions. I conducted interviews with officials involved in designing the exam itself, and with those conducting examinations. I wanted to find out what factors affected this system, right from the time the exam was prepared and to the very end, when candidates received their results and were sorted into different categories of civil service according to their performance.

The results of this research were eye-opening to say the least. The civil services examination system in Pakistan is supposed to be exclusively based on merit, with candidates assessed entirely on their abilities. However interviews revealed that this was not always the case; selection was often influenced by corrupt and powerful government officials, and bribes were common. My research was not limited to exploring how external factors affect selection. I also wanted to probe the structure of the exam and whether it was sufficient and fair in assessing a candidate's ability.

This research project taught me a major lesson in research. When investigating any event or phenomenon, it is essential to consider all possible factors that could influence it. However, one must not limit herself in attempting to find all external influences; at times issues are inherent in the way something is structured. In the case of my research project on the civil services examination system in Pakistan, I discovered that the problem did not just lie in the corrupt practices and lack of merit of these exams, but in the way the exam itself was structured. Essentially, the topics that candidates were tested on and the way the questions

were to be answered seemed unrelated to whether an individual is well-equipped to become a bureaucrat.

These research projects gave me crucial knowledge of analyzing secondary data. After finishing my undergraduate degree, I decided to embark on a journey that is not common amongst university graduates in my country of origin. Graduating in economics, I changed pathways in order to discover more about my areas of interest in the social sciences. Specifically, I wanted to engage in more research and in field work that targeted the social issues facing the country. I started working in an NGO dedicated to empowering women from low income communities through financial and business assistance. The reason behind this was that in addition to my interest in social issues, I had always been an advocate of gender equality and the economic empowerment of women. When presented with the opportunity to actively contribute to empowering women from the lower strata of society, I eagerly accepted and started working fervently towards the achievement of a gender-neutral society.

As part of this job, I was required to travel to low-income communities, gain a deeper understanding of the kind of obstacles that women faced, and help them obtaining a better and more secure life. I conducted detailed interviews and collected field level data to analyze the position of women with respect to financial as well as social and cultural factors. Due to the way these communities were organized, most women did not have the freedom to choose their occupation or to work independently. Social norms and cultural expectations in a society imbued with conservative values meant that there was a huge difference in the roles that men and women were expected to do.

In the low-income communities I worked with I discovered that conservative values were more deeply embedded than in big cities. It was frowned upon for women to step outside the boundaries of their homes to earn a living for their families. A significant majority of these women were not even allowed the opportunity to gain an education. This made the situation worse, for even women who were enthusiastic about being able to support themselves and their families financially often lacked the skills to do so. To counter this, the organization I worked for provided financial assistance and organized business skills training sessions.

The reason I mention my work experience with this organization in Pakistan is that this experience further prompted me to learn about the social and cultural restraints faced by the less privileged segment of society, particularly women. They had been trapped in a cycle of poverty for generations. There were, of course, external factors, such as lack of facilities provided by the government and local governing bodies. However, I observed that many of the problems faced by these people were a product of their social position.

I was also able to acquaint myself with the agricultural sector in Pakistan, for most of the communities I travelled to relied on income from agricultural work. Men belonging to these households were employed in the fields of landowners, and often their women would also assist at the time of harvesting. Some households owned small allotments where they would cultivate for personal and household consumption. If they were lucky enough to have a surplus after consumption, they would sell it in the local market. In some areas, there were farms of enormous sizes. They were owned by big companies. The companies employed local residents,

to till the fields and provide them with the output. Some land was rented out to locals, who would in turn hire labor for crop production and harvesting.

The small landowners often had difficulty in accessing financial resources. Output was vulnerable to seasonal fluctuations and this made their income unreliable. Some of them borrowed from local moneylenders to purchase inputs for crop production; their ability to repay depended entirely on the output from that specific crop. If, for various reasons, the crop did not result in a good output, they had to extend their loans. Again, the ability to repay the loan in the next cycle depended on the output from the next crop. This meant that they were often trapped in a debt cycle, not knowing if they would have sufficient income from land to cater to the needs of their households as well as repay their debts.

I worked closely with members of these communities for about 6 months after completing my undergraduate degree. It was obvious that they were not able to improve their condition. There are not many choices available to an illiterate individual residing in a community with poor infrastructure and minimal employment opportunities. Agriculture was the only viable option. Many families had been working in the field of agriculture for decades and had gained a good understanding of it. It did not help.

A crucial problem that I observed in low income communities was a great reliance on local moneylenders. Because agriculture is a profession with variable cash flows, people had no choice but to borrow. For instance, at the time of sowing, agricultural producers need more money to buy inputs and pay for labor. During growth season, different crops have different requirements. Some may not require much investment throughout the growth period. At

harvest time, abundant labor is required and once harvest is sold the producer earns a significant amount of income. This little summary depicts why agricultural producers rely on local moneylenders; they borrow at the time of sowing and try to pay off debts after selling the produce.

The small landholders that I had the opportunity to interview during my job at the NGO did not require large debts, but one should also keep in mind that they were not engaged in the kind of profit maximization strategies characteristic of capitalist production. Moreover, the variety of crops they produced was also limited. Hence, they were at greater risk of defaulting on their debts. From first-hand interviews, I found out that moneylenders did not rely on official contracts, and that the borrower was often unaware of the terms of debt or the interest rate they were paying. Crop failure meant acquiring even more debt at an exorbitant price. Observing such practices motivated me to further explore the kind of relationships moneylenders had with borrowers and their influence. Since Pakistan is and has been a predominantly agricultural economy, exploring such relationships was especially interesting. Working in the social work sector of Pakistan allowed me to build upon the knowledge I had acquired during my university degree.

This further motivated me to acquire greater expertise in research, by undertaking an MA at Swinburne University of Technology in Melbourne. I had the opportunity to work on a topic of personal interest as well as social concern. Scholarly resources and research facilities in Pakistan were limited. I wanted to conduct research on the financial difficulties faced by the low income segment of population in Pakistan. However, I had to find a specific focus, and a

specific pathway to study the topic. After some secondary level research, I decided to study the issue of contemporary slavery in Pakistan.

Why is slavery in Pakistan of such relevance today; how could it best be defined? What was its history? The most significant event in the history of Pakistan was its separation from India in 1947 and its recognition as an independent state, which was also marked by the end of British colonial rule. Did Partition have a role to play in the economic conditions of these communities? This question led me to explore the link between contemporary slavery and Partition. Partition was a beginning, but not the only one. Since the region that is now Pakistan was previously under colonial rule, the economic policies of the British could have influenced sectors that were to later employ the greatest number of slaves. Hence, I decided to dedicate a part of my thesis to examining conditions of servitude under colonialism. Building up on this analysis, my research focused on the status of slavery in Pakistan and how it changed from the time of Partition to what it is today. Colonialism, Partition and the surrounding migration and resettlement, together with post-Partition events all play a role in reproducing slavery in Pakistan and in my thesis.

Chapter 1:

Introduction: The Origins of Contemporary Slavery in Pakistan

The aim of this thesis is to investigate the contemporary forms of slavery that exist in Pakistan and to explore whether they are related to the way colonialism was brought to an end. Beginning with a general overview of contemporary slavery in a worldwide context, the thesis then narrows down to focus on contemporary Pakistan. The thesis also examines the economic conditions of many refugees and migrants at the time of displacement and resettlement during and after Partition. Through this analysis, the aim is to establish the connections between the economic plight of those affected by slavery and their status with regard to relocation during and following the foundation of the Pakistani state. Through an overview of international agreements and local conventions outlawing slavery, the thesis also probes the reasons behind the failure to implement antislavery legislation in the country. To do so, the thesis will explore the unofficial contract system that allowed slavery to subsist.

This thesis aims to answer the following questions: Is slavery in contemporary Pakistan at least in part a continuation of the exploitative practices of the colonial period? What factors led to the emergence of new forms of slavery in Pakistan after Partition? After the passage of anti-slavery legislation, internationally and locally, what political, economic, social and cultural factors contribute to implementation failures? What measures have been taken by the government and by non-governmental and civil society organizations to counter slavery, and how effective have these measures been in reducing this phenomenon? Which segments of the

contemporary society in Pakistan are most affected by slavery? Women are especially vulnerable. How did their slave status change as a result of the partition of the subcontinent?

Methodology and Structure

This thesis will rely on a textual analysis of existing literatures on contemporary forms of slavery, globally, and on Pakistan specifically.

Chapter 1 reviews scholarly work regarding contemporary slavery. This literature review highlights certain trends with regard to certain groups' vulnerability to modern slavery, the consequences associated with it, and the measures that have been taken or could possibly be undertaken in the future to curtail the incidence of slavery. This chapter also outlines slavery in a global setting, its definitions as used in international covenants, and international, institutional and legal frameworks aimed at addressing slavery, human trafficking and similar practices. The chapter offers an analysis of those forms of slavery that are currently more widespread. Specifically, it focuses on debt bondage, serfdom, forced prostitution, sexual slavery, human trafficking, immigrant workers, and forced and servile marriages. It also briefly touches upon literature on slavery in Pakistan, and on Partition, providing the starting point of a more detailed discussion.

Chapter 2 presents a history of slavery in Pakistan, starting from precolonial times and including the colonial time up to the partition of the subcontinent. The chapter will also shed light on all the covenants and agreements that weresigned or enacted during colonial rule.

Through this outline, this chapter aims to identify any changing trends in the law or social system of the country over time. This chapter also investigates the land reforms during colonial times that may have led to the slaves' dispossession, their detachment from land, and their subordination.

Chapter 3 focuses on the socio-economic and political conditions prevailing during and after Partition. It is assumed that these conditions forced particular groups of people to enter occupations which would eventually come to resemble slave-like conditions. It outlines the political, legal and economic basis of slavery in contemporary Pakistan. This chapter suggests that Partition and modern slavery are connected.

The conclusion summaries the research findings. It attempts to answer the research questions by revisiting the story of decolonization, migration and its impact on the emergence and continuation of modern slavery in the state of Pakistan.

Defining Slavery

Throughout history, slavery has remained a contentious topic. It has existed in numerous forms, depending on various economic, political and social circumstances. Despite attempts to outlaw it, slavery continues to thrive, albeit in new forms. The Universal Declaration of Human Rights, the international charter followed by all members of the United Nations clearly states that '[n]o one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms' (The United Nations, 1948). The earlier Slavery Convention (1926), developed by the League of Nations, lays out the following definition of slavery: 'Slavery is the status or

condition of a person over whom any or all of the powers attaching to the right of ownership are exercised' ("International Laws"). This convention undertakes: '(a) To prevent and suppress the slave trade; (b) To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms' ("International Laws").

The Forced Labour Convention (1930) developed by the International Labour Organization, defines slavery as: 'All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily' ("International Laws"). This was supplemented by the Abolition of Forced Labour Convention (1957), which took a step further from the earlier convention by banning forced labour as: 'a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system', and '[a]s a punishment for having participated in strikes' ("International Laws").

The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956) was designed to 'intensify national as well as international efforts towards the abolition of slavery', and to outlaw practices that resembled slavery. Specifically, the convention addressed debt bondage, serfdom and specific practices related to women and children. It defines debt bondage as:

> The status of condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length

and nature of those services are not respectively limited and defined ("International Laws").

It defines serfdom as:

> The condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status ("International Laws").

It also addressed specific practices related to women and children (including forced or servile marriage):

> - Where a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or
>
> - The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or
>
> - A woman on the death of her husband is liable to be inherited by another person;
>
> - A child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour ("International Laws").

The Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children defines trafficking as:

> The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation ("International Laws").

The Protocol defines exploitation as:

> At a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs ("International Laws").

These definitions reveal that women and children have been identified as the more vulnerable groups when it comes to modern slavery; hence, legislation specifically targeting slave-like practices amongst these groups has been enacted to instill a greater sense of urgency amongst the most vulnerable communities towards devising a resolution to this problem.

The International Institutional Framework

The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) brings together several international agencies in an effort to combat human trafficking. These agencies include the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM), and the Organization for Security and Cooperation in Europe (OSCE). The UN.GIFT primarily follows the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

The Human Rights Framework

The Universal Declaration of Human Rights explicitly addressed slavery. The UN's Human Rights Council appoints the Special Rapporteur on Contemporary forms of slavery, its causes and consequences. The Special Rapporteur investigates instances of slavery and practices that resemble slavery, and presents findings as well as making recommendations to the Human Rights Council. The investigation of the Special Rapporteur covers, but is not limited to: debt bondage, serfdom, forced labour, child slavery, sexual slavery, forced or early marriages and the sale of wives ("International Laws").

The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) aims to ensure protection of the basic human rights of migrant workers and their families. It defines a migrant worker as: 'A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national'

("International Laws"). The purpose of this Convention is to seek basic rights for migrant workers, such as access to justice, freedom from discrimination and the right to return to their country of origin.

International Labour Rights

The International Labour Organization has a wide range of conventions that deal with labour rights. With respect to slavery and forced labour, the following conventions are the most relevant:

- The Forced Labour Convention, 1930 (No. 29), which prohibits all forms of forced or compulsory labour, which is defined as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.

- The Abolition of Forced Labour Convention, 1957 (No. 105), which prohibits 'forced or compulsory labour as a means of political coercion or education, or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; as a method of mobilizing and using labour for purposes of economic development; as a means of labour discipline; as a punishment for having participated in strikes; and as a means of racial, social, national or religious discrimination'.

- The Worst Forms of Child Labour Convention, 1999 (No. 182), which focuses specifically on child forced labour.

- The Migration for Employment Convention (Revised), 1949 (No. 97), which requires ratifying states to facilitate international migration for employment by establishing and maintaining a 'free assistance and information service for migrant workers and taking measures against misleading propaganda relating to emigration and immigration'.

- The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), which provides for measures to combat clandestine and illegal migration while at the same time setting forth the general obligation to respect the basic human rights of all migrant workers.

- The Maritime Labour Convention (2006; not yet in force): which sets minimum requirements for seafarers to work on a ship and contains provisions on conditions of employment, hours of work and rest, accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection.

- The Home Work Convention, 1996 (No. 177), which promotes 'equality of treatment between homeworkers and other wage earners, in particular in relation to freedom of association, protection against discrimination, occupational safety and health, remuneration, social security, access to training, minimum age for admission to work, and maternity protection' ("International Laws").

The definitions and international conventions outlined above bring attention to the severity of the problem in the modern world. While it is true that chattel slavery, which entails complete ownership and control over an individual, is no longer in practice, slavery has taken new forms. Restrictions to freedom of movement and choice are crucial aspects of contemporary slavery. Unlike chattel slavery, where the slave-owner is the legal proprietor of the slave, contemporary forms of slavery do not involve contracts or legally enforceable provisions.

The absence of a legally binding relationship often makes the new forms of slavery far more exploitative than the old forms. Some prominent examples of 'new' slavery are debt bondage, serfdom, forced prostitution, and child labour.

Debt Bondage

Debt bondage arises when an individual, out of extreme need, borrows money from another person, and when the former is not able to pay off the debt in monetary form. Instead, they offer either their own services for employment to the creditor, or the services of an individual under their control (which, in most cases, is a member of their immediate family). Their employment is either used as security to acquire or sustain the debt, or it is used to pay off the debt (Bales & Robbins 2001). In the latter case, which is more commonly observed, the interest charged on the debt is designed to ensure permanent servitude. This status is then passed down through successive generations of the same family. In countries with a high occurrence of debt bondage, the debtors are typically illiterate and poverty-stricken, and are unable to calculate how much they owe. There is no formal legal agreement between the parties

regarding the terms of the debt. The result is that creditors take advantage of debtors' by convincing them that they need to continue working in order to pay off their debt. In several cases, the debtors end up taking on even more debt because they are not getting any wages. Especially in times of need, such as a medical emergency or weddings, more money is borrowed from the same employer. This form of slavery keeps the victim in servitude not only through debt, but also by depriving them of the knowledge they need in order to pay it off.

There is another way in which debt bondage can be classified as slavery. In instances where debt restricts freedom of movement, either through physical abuse or the threat of violence, the victim is unable to work elsewhere, where he can actually earn a wage and use it towards paying off the debt (Bales & Robbins 2001). Those who try to escape this type of bondage are severely ostracized, and often have to relocate in order to escape threats from their previous employer. Moreover, word travels fast in small communities and no other employer would hire someone who escaped from their previous 'job'. The victim is thus left with no choice but to relocate far distances. Relocation costs are high, which is another reason why escaping from debt bondage is extremely rare. High relocation costs, in addition to the mammoth burden of debt, deter bonded labourers from breaking free. Law enforcement agencies in countries where this type of bondage occurs are generally weak and the rule of law is fragile or compromised. Powerful creditors/employers bribe police officers to retain control over their bonded labourers.

Serfdom

Serfdom in the agricultural industry is not unique to Third-World countries. It is an institution that is or has been in place in most parts of the world. Serfdom is a source of cheap agricultural labour. One prominent historical example of serfdom is Russian serfdom, which was the dominant form of relation between peasants and the nobility before the emancipation decree issued by Tsar Alexander II in 1861 (Domar & Machina 1984). Serfdom was known not only in Eastern Europe, but also in parts of Western Europe, where it emerged later and was superseded sooner. However, increasing industrialization and especially the industrial revolution made serfdom obsolete. Agricultural labour had then the opportunity to earn higher wages in the burgeoning industries of the big cities. As agriculture became less significant for the economy and was gradually replaced by industry, instances of serfdom declined.

In countries that have not achieved a high level of industrialisation, and where the economy is still highly dependent on agriculture, it would not be surprising to discover that serfdom continues to be a common practice. In Pakistan it is common for landlords to rent out their land to tenants, whereby the tenants are bound to work specific allotments and give the landlord a fixed share of the output, either in produce or money from the sale of the crop. The exploitative nature of this relationship stems from the obligation that arises out of the agreement. Power relations come into play: the landlord is in a very powerful position because he owns land and the other means of production. The tenant peasant, on the other hand, does not own land, can be replaced and is at the whim of the landowner. Serfdom agreements end up resembling slavery if the tenant does not have the freedom to end them or if he/she does not have the freedom to seek alternative employment. Much like debt bondage, this freedom is restricted through violence or the threat of violence.

Serfdom can take the form of bonded labour if the peasant is working on a piece of land in order to repay a debt owed to the landlord. The peasants work in extremely poor conditions, and landlords have virtually complete control over their lives.

Forced Prostitution/Sexual Slavery

Forced prostitution does not appear in any of the treaties condemning slavery; however, there is an indirect reference to it in the 1910 Slavery Convention, which states that it is a crime for 'any person who, to gratify the passions of others, has by fraud or by the use of violence, threats, abuse of authority, or any other means of constraint, hired, abducted or enticed a woman […] for immoral purposes' (International Convention for the Suppression of the White Slave Traffic, 1910, Article 2).

Forced prostitution is typically used to refer to any act whereby an individual (usually a woman) is forced by violence or intimidation to engage in sexual acts in return for money or other payment (Bales & Robbins 2001). Coercion is not restricted to the more obvious forms of violence such as rape, beatings and torture, but also encompasses taking advantage of a person's vulnerable position, be it legal or economic, in order to obtain sexual services.

There are several ways in which control is exerted over prostitutes: through physical abuse, physical control of their children, including threats to keep them as hostages, murder threats, ensuring that the prostitute does not rise out of poverty, and restricting freedom of movement (Erbe 1984). In its extreme form, prostitution also entails selling the woman to other

parties, at times across international borders. This is where the similarity to chattel slavery can be observed: there is no legal ownership of the slave, but the right to sell the victim implies some form of ownership and control. Trafficking in prostitutes was explicitly declared a crime by the United Nations General Assembly through the Declaration on the Elimination of Violence Against Women in 1993, which stated that violence against women was to include trafficking and forced prostitution ("Declaration on the Elimination of Violence Against Women").

The concept of prostitution and its classification as slavery has raised concerns, for some might assert that prostitution is not necessarily 'forced'. However, reality is always complex. Prostitution is always stigmatized; embracing it as a profession will result in one losing the freedom to opt out of it at a later time. Women who 'choose' to become prostitutes do so out of financial adversity and extreme poverty. Dire economic need cannot be construed as 'choice'. Stigma is bound to endure and they will most likely never be accepted in society as ordinary citizens, while this employment does not typically equip individuals with skills that could be of use in finding other employment. Prostitution inevitably bears some resemblance to slavery, for the victims have extremely limited freedom, and their psychological condition echoes that of slaves.

Sexual slavery is a notion that has remained elusive in the historical conceptions of slavery. What categorizes it as slavery is the owner's complete control over the victim. It is treated differently from forced prostitution in that the former does not necessarily involve any direct financial gain (Bales & Robins 2001). This form of slavery was commonly observed during times of warfare, when, for xample, 'comfort stations' were established by the Japanese army

during the Second World War (Bales and Robbins 39, 2001). It has been established that there is a strong link between warfare and sexual exploitation of women and children, and this has prompted calls for human rights intervention in times of war. Although sexual slavery is not mentioned explicitly in any of the human rights treaties addressing slavery, the Geneva Conventions do make an indirect reference to it by prohibiting 'outrages upon personal dignity, in particular humiliating and degrading treatment' ("Geneva Convention", article 3).

Forced and Servile Marriage

Forced marriage refers to a situation whereby a bride does not have the option of refusing a marriage, either as a result of customary law or from the outright kidnapping of girls in order to sell them as brides (Miers 2000). Sometimes it results from the burden of paying dowry, which is mandatory in many cultures. At times men find it cheaper to pay for a kidnapped wife. Girls are deceived into such activities by the promise of good jobs, but once they leave their homes, they are sold as brides. This often does not take place within the same country; forced marriages take place across international borders too.

This practice treats the woman like a commodity that can be bought by paying a certain sum of money. The practice becomes especially akin to slavery if the woman wishes to terminate her marriage and must pay back the bride price in order to do so (Miers 2000). If she is financially incapable to do so, she may be stuck in the 'marriage'. Moreover, in several cultures widows are inherited by their husband's kinsmen and they have little or no choice unless they pay back the bride price.

Another form of forced marriage is child betrothals. In many cultures, betrothing a young girl to a man much older than her is commonly observed. This kind of betrothal is classified as 'forced', for it is sanctioned at an age when the girl does not possess the capacity to deicide. When she actually reaches the age of consent, she typically has no option but to accept it as her fate.

These examples highlight the bitter fact that in many countries across the world, women are in a subordinate position compared to men, particularly when it comes to marriage. The laws and customs governing marriage in these countries severely discriminate against women, placing them in a position of servitude, if not slavery. For instance, in some countries it is extremely difficult for a woman to obtain a divorce, whereas the man can get a divorce without going through lengthy legal procedures. This deters many women from seeking divorce even if they are in an abusive relationship, for they have to wait for long periods of time and the weak legal structure in such countries prevents them from seeking justice through the courts. Even in countries where the law provides for equal rights, money, culture, customs and religious beliefs are an impediment in exercising these laws.

Human Trafficking

The most common form of trafficking, as recognized by the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, is the trafficking of women and children for the purpose of prostitution. The Convention holds

punishable any act that involves the procurement, enticing or leading away, for the purposes of prostitution, another person, even with the consent of that person (Rassam 1999).

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children expanded the definition of trafficking to include situations of forced labor, not restricted to prostitution and other forms of sexual exploitation. The main reasons for this type of slavery are poverty and unemployment, which creates opportunities for traffickers to lure people into prostitution. People from the lower end of the social strata are attracted to the possibility of a lucrative job in a foreign country. The traffickers deceive them by promising employment, but in reality end up keeping them captives in brothels and forcing them into prostitution (Rassam 1999). The women have no choice, and cannot opt out of this predicament because their captors use physical abuse and threats to ensure their subservience. Moreover, the victims do not have the money to go back to their country. Seeking legal or governmental help can get them into grave trouble.

Immigrant Workers

Immigrant workers can be classified as slaves if they do not have legal work rights and are not protected by the legislation of the country they are employed in, leaving room for exploitation. This trend is commonly observed in the Middle East, for example, where workers from countries like Pakistan immigrate, often illegally, in search for work in the burgeoning domestic, construction and petroleum industries (Degorge 2006). These labourers are often forced to

work in poor conditions and paid extremely low wages. They do not possess a legal work permit, which would entitle them to seek the lawful work rights of citizens.

Before we delve into a more detailed discussion of how contemporary slavery came to exist in its current form in Pakistan, I will outline the ways in which slavery is defined and reported. I will begin with legislation pertaining to slavery in Pakistan, and then explore how the media presents these issues.

The Constitutions of Pakistan and the Question of Slavery

Since 1947 Pakistan has been ruled by three constitutions. The first constitution, which was approved in 1956, was abrogated just two years later after a military Coup d'état. Pakistan's second constitution was approved in 1962, suspended in 1969, and eventually abrogated in 1972, following the conflict that led to the secession of East Pakistan. The final constitution was drafted by elected representatives and approved in 1973.

Article 16 of the 1956 constitution states that: '(1) No person shall be held in slavery', and that '(2) All forms of forced labour are prohibited, but the State may require compulsory service for public purposes' ('The Constitution of the Islamic Republic of Pakistan' 1956). It is not a detailed treatment, and the state even considered that forced labour for public purposes be allowed in exceptional circumstances. Perhaps the drafters of the founding constitution assumed that slavery would not be a problem in the future.

The constitution of 1962 contains provisions regarding the prohibition of slavery that are very similar to those contained in the 1956 constitution ('The Constitution of the Republic of Pakistan' 1962). The institutions of the state had consolidated somewhat by 1962, but slavery remained a non-urgent issue.

The 1973 Constitution of Pakistan provides the general legal framework that applies today. It contains several articles that implicitly as well as explicitly condemn slavery. It regards it as an abomination of fundamental human rights. Article 3 states: 'The state shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability, to each according to his work' ('The Constitution of the Republic of Pakistan' 1973). Similarly, article 11 states:

> Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form. All forms of forced labour and traffic in human beings are prohibited. No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment ('The Constitution of the Republic of Pakistan' 1973: 1-3).

Article 17 states: 'Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality' ('The Constitution of the Republic of Pakistan' 1973: 1). Article 37 states: 'The state shall make provision for securing just and humane conditions of work [...]' ('The Constitution of the Republic of Pakistan' 1973: c).

Finally, Article 38 states:

> The state shall secure the well-being of the people, irrespective of sex, caste, creed and race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants; provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure; provide for all persons, employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means; provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment; reduce disparity in the income and earnings of individuals [...] ('The Constitution of the Islamic Republic of Pakistan' 1973: a-e).

The provisions in the 1973 constitution surrounding the prohibition of slavery are much more detailed than those of the earlier constitutions. The latter text even included a clause explicitly banning child labour in accordance with the International Labour Organization's rulings. The international framework is adopted and the problem recognized. And yet, slavery persists.

Despite the law of the country, as outlined in the constitution, explicitly recognizing slavery as an illegal practice, the media continues to report the contrary. An article published in a leading newspaper of the country, *DAWN,* identified Pakistan ranking third in a list of 167 countries where human slavery is most severe (2015). The article highlights that brick-making is

a sector where slavery is particularly prominent, and the sale and purchase of brick-kiln workers has become a protifable business for the owners. Despite the country achieving freedom from colonialism in 1947, brick-kiln laborers have not been able to get freedom from bonded labor until today (‘Pakistan Third in Human Slavery Ranking 2015).

The international news agency, AlJazeera, has also provided evidence that brick-kiln workers in Pakistan live like “slaves”. An article published in July 2014 by this news agency exposes the inhumane employment conditions of brick-kiln workers in the interior region of the Pakistani province of Sindh. One brick-kiln worker reported being subjected to “physical torture and sexual harassment” and the female members of the family being targeted if any of the male members try to make an escape from the kiln (Fallon 2014).

Furthermore, the brick-kiln industry employs an estimated two million children, who work up to 14 hours a day, six days a week, lacking basic rights and access to social security (Fallon 2014). A social worker reports that “brick kilns are dungeons for workers where heat strokes, hand burns, servitude and discrimination prevail” (cited in 2014). The workers are not allowed to register with social welfare and labour departments which entitle them to certain rights. There is evidence of sexual discrimination in brick-kiln slavery, whereby female workers have virtually no rights as most of them do not even possess a national identity card, which is a basic document to prove a person’s existence in government records. Without identity cards, they are easy targets for trafficking, exploitation and abuse (Fallon 2014).

Senator Osman Saifullah Khan of the ruling opposition party notes, “ in the absence of written contracts of employment, it is difficult to monitor whether or not the minimum wage is

being paid" (cited in Fallon 2014). The Senator also brings to attention an important fact: that unofficial contracts are not exclusive to the brick kiln industry in Pakistan. In fact, it is prevalent in all industries operating mostly outside the documented economy. According to him, the local industry is highly fragmented, with several thousand units throughout the country, making enforcement of rights very difficult. Minimum wage cannot be ascertained in the absence of written contracts of employment.

To make matters worse, cases that are taken against brick kiln owners are often met with resistance from the political elite in the district, and there is total apathy when it comes to the implementation of labour laws, especially in the brick kiln industry. This is supported by the politicians and the police, who are under huge influence of the brick kiln owners mafia. There are 16 government departments meant to implement laws aimed at protecting brick kiln workers, but there is no mechanism to ensure they work together (Fallon 2014).

The media and news agencies of Pakistan have repeatedly emphasized the role of government ignorance, corruption and lack of implementation as the main reasons behind the persistence of slavery in Pakistan. Moreover, bonded labor is the one form of slavery typically talked about in the media. As we will observe in the next chapter, slavery is and was not always defined as a static concept; on the contrary, slavery has a shifting meaning,and one form of slavery can lead or develop into another. While the legal framework and social sector of Pakistan attempt to address the plight of bonded laborers, they often disregard the role of history in influencing the way slavery manifests itself today and the way it is reported. This is where I believe I have attempted to make a contribution, by taking contemporary slavery back

to its historical roots, and in the case of Pakistan, a particular focus on a significant historical event that altered the history of the country: the partition of the subcontinent.

It is evident that some of the most common forms in which moderm slavery manifests itself in the contemporary world involve the victimization of women. Beyond definition, investigating the causes of contemporary slavery in any country requires to focus on the ways in which historical events and experiences impacted on women in particular. The following sections are dedicated to an appraisal of the secondary literatures on contemporary slavery and on the partition of the Indian subcontinent that accompanied the end of colonial rule.

Global Contemporary Slavery: Literature Review

Perhaps one of the most enlightening contributions to understanding contemporary slavery is offered by Kevin Bales (1999). In his work on contemporary slavery, titled *Disposable People: New Slavery in the Global Economy*, Bales asserts that slavery is usually found in developing countries that have experienced both rapid economic and population growth. Another factor crucial to the reproduction of slavery, Bales argues, is violence, both threatened and actual, which is very often supported by political, military and police power. Bales also notes that since the supply of potential slaves far exceeds their demand, 'short-term' slavery is common, whereby the slave master works his slaves to the point of uselessness and disposes of them. Bales goes on to describe the three common forms of contemporary slavery: chattel, debt bondage and contract slavery. Chattel slavery is described as the condition of being born into a family that has been enslaved for generations; debt bondage arises from unpaid debt and

the unreasonable conditions attached to it; while contract slavery is evident in human trafficking, whereby victims are lured into work-for-pay agreements but end up being forced to stay in them through threat of violence. Bales also suggests several options that can be undertaken by various groups to end modern slavery and human trafficking: legal approaches (international law, domestic law and law enforcement), preventive strategies (public education, consumer boycotts, international pressure), refugee policies (visa reform, asylum, refugee relocation and training), and social services (post-traumatic stress disorder care, social reintegration and job training).

Lorena D. Arocha (2005) points to a similar connection between the incidence or vulnerability to slavery and population dynamics, development and income. Arocha adds that countries with a higher rate of corruption and lower respect for the political rights of its citizens are more likely to have a greater proportion of the population working under exploitative conditions. The scope of trafficking also affects the probability of slavery being present, for the people being trafficked to a country, due to their legal position and vulnerability, may end up being enslaved. Arocha also finds that the more heavily indebted the country, the greater the chances of slavery being present.

Mark Lusk and Faith Lucas (2009) concentrate on identifying risk factors that make individuals prone to becoming victims of trafficking. They attribute trafficking to both economic and social factors, such as extreme poverty. The authors suggest that vulnerability to slavery increases during times of armed conflict or natural disasters, when infrastructure that provide food, safety and other basic necessities are adversely affected. Minimal resources are spent on

the maintenance of slaves, and they are easily replaced due to high supply, leading to the short-term slavery that Bales also discusses (1999). A key factor in keeping victims enslaved, these authors note, is their removal from sources of support. Factors that prevent the suppression of trafficking include corruption and patterns of oppression of specific groups embedded in certain cultures.

Globalization is seen as another factor increasing the vulnerability to slavery and exacerbating poverty. Christien van den Anker focuses on this link (2004) and provides a comprehensive overview of these trends. Van den Anker investigates in particular the impact of globalization on migration patterns, with human trafficking being one dire consequence. The author also focuses on a few case studies of contemporary slavery in different parts of the world, in Europe, South Asia, Honduras and Ghana. Discussing the 'links between the need for development ethics as a guiding framework for states, global institutions and individuals as global citizens and the struggle to combat contemporary forms of slavery' (van denAnker 9), the author concludes by arguing for the enactment of an International Charter for Reparations of Slavery, while outlining and how this framework can be used to deal in instances of modern slavery.

A legal response to contemporary slavery is supported by other scholars of contemporary slavery. Yasmin Rassam discusses in detail the evolution of the prohibition of slavery and the slave trade under customary international law (1999). Under such legislation, contemporary slavery, Rassam observes, can be defined as 'the deprivation of part or all of a juridical personality' (1990: 320). Slavery implies ownership of another individual in conjunction

with the commodification of labour through means of extreme physical or psychological coercion. Examples of countries where vestiges of traditional slavery have been observed are cited, and then Rassam details contemporary forms of slavery, such as trafficking for the purposes of forced prostitution, bonded labour, immigrant domestic workers and forced labour. Rassam concludes with the assertion that the contradiction between customary law and practice in treating slavery can only be overcome by developing legal categories that include non-discriminatory provisions that will result in the increased participation of those traditionally excluded from international legal discourse. This can especially be useful in tackling sex trafficking and forced prostitution, where the majority of victims are women.

In her later work Rassam examines contemporary forms of slavery in light of international law (2005). She begins by defining the rights of ownership in traditional and modern forms of slavery, and continues with an analysis of contemporary forms of slavery. Through this outline, she highlights the characteristics of modern slavery: when slave-owners possess all the benefits of ownership without legal sanction, have no incentive to provide healthcare and other necessities to slaves, use 'contracts' to justify exorbitant interest rates that keep labourers into debt bondage; and utilise middlemen who either traffic individuals or run labour camps/brothels, and insulate the beneficiaries of slavery from the enslaved. Modern day slavery, she notes, often relies on the exploitation of particularly weak subgroups, such as women, children, religious and ethnic minorities, indigenous peoples, or in the case of trafficking, people from less developed countries. Rassam ends with the suggestion that the definition of slavery must be expanded to include the denial of both civil and political rights, as well as social and economic rights. This, she argues, can only be done through an extensive

reconceptualization of slavery and forced labour in international conventions and humanitarian law.

In a later work Kevin Bales (2007) also focuses on legislation aimed at abolishing slavery at all levels to prevent profit-making from this institution, regardless of the physical location of the enslavement. He uses the example of traders engaged in legitimate commerce, but whose businesses might directly use enslaved workers such as agricultural labor contractors, operators of exotic dance clubs, escort services, etc. Legislation aimed at slavery trespassing national borders needs to address not only the transportation of slaves, but also the businesses that trade in goods produced by slaves. Without the ability to sell and profit from slave-made goods, the exploitation of slaves would become unprofitable and likely end. According to Bales, these supporting institutions are an inextricable and culpable component of the larger practice. He asserts that recognizing the essential role played in supporting slavery through trade in its products, and establishing laws to address this recognition, need not go as far as a general embargo. In fact, the state needs to determine which articles or substances are to be legally defined as prohibited articles or controlled substances.

In *The Legal Understanding of Slavery: From the Historical to the Contemporary*, Jean Allain (2012) explores the limits of the ways in which slavery is understood in law. The legal definitions of slavery have been interpreted in different ways by various international courts. Allain asks: what can be considered slavery? She describes how the definition of slavery in law and the contemporary understanding of slavery has continually evolved and continues to be contentious. She traces the evolution of concepts of slavery, from Roman law through the

Middle Ages, the 18th and 19th centuries, and up to the modern day manifestations, including manifestations of forced labour and trafficking in persons. Allain introduces a set of guidelines intended to clarify the law where slavery is concerned and justifies the use of the 1926 Convention in the context of multiple international conventions defining slavery. This is vital, for modern slavery appears in so many different ways that it may be difficult to comprehend what would and would not constitute slavery in accordance with the law.

Alison Brysk and Austin Choi-Fitzpatrick also argue for a reconceptualization of contemporary slavery. Their book, entitled *From Human Trafficking to Human Rights: Reframing Contemporary Slavery* (2012), claims that human trafficking needs to be recognized as a matter of human rights and social justice, rooted in larger structural issues relating to the global economy, human security, U.S. foreign policy, and labour and gender relations. This reframing necessitates overcoming certain conceptual barriers in human rights discourse: an understanding of women's rights as human rights, labour rights as a 'confluence of structure and agency', the interdependence of migration and discrimination, the ideological and political hegemony of the United States in setting the terms of debate, and a politics of global justice and governance. Brysk and Choi-Fitzpatrick argue that a human rights approach can improve analysis and response to contemporary slavery by recovering human rights principles that match protection with empowerment and recognise the interdependence of social rights and personal freedoms. The authors conclude that reframing trafficking requires a reorientation from sex to slavery, from prostitution to power relations, and from rescue to rights.

A similar reconceptualization has been suggested by Raia Prokhovnik (2014), who contrasts the concept of citizenship with practices of contemporary slavery. In bringing the concepts of citizenship, body and slavery into the same frame, Prokhovnik highlights an alternative way of conceptualizing slavery. The author connects citizenship with slavery by identifying citizenship as embodied political subjectivity and slavery as one of the conditions in which that possibility is denied. Taking embodied rationality into account, recognizing the necessarily social embodiment of concepts, and relinquishing an abstract, disembodied sphere of concepts, thus offers an alternative to the standard understanding of slavery as human rights violations.

Kelli Lyon Johnson (2013) offers a reading of narratives of contemporary slavery in order to effectively end slavery. According to Johnson, contemporary slave narratives reveal narrative advocacy by identifying and describing the interventions and strategies necessary to combat slavery at the same time that they demand the active collaboration of the readers and listeners with the narrators. Narrative advocacy explicitly encompasses agency in being deliberate, purposeful and strategic, and narrators thus assert their agency in telling their stories and providing the strategies that must be implemented to prevent enslavement, to facilitate emancipation, and to rehabilitate survivors. These narrators demonstrate the necessity of a survivor-centered approach that includes legal solutions, policy changes, education initiatives, and the delivery of services. The author believes that the potential of contemporary slave narratives in this human rights project - that is, the eradication of enslavement - revolves around reading, comprehending, and implementing the strategies offered by the narrators themselves.

Gender is a growing concern in the literature on slavery, as women remain particularly vulnerable. In an attempt to highlight the issue of gender in contemporary slavery, Beth Herzfeld (2002) cites examples of ways in which socially constructed expectations can increase women's and children's vulnerability to slavery-like practices. The author asserts that women have to face the brunt of bonded labour because they not only have to work long hours, but also must undertake domestic chores in their own household (as well as, often, their husband's employer's house). Additionally, women are particularly vulnerable to rape by landlords. Gender differences can also be observed in child labour practices, where the single largest form of employment for girls worldwide is domestic work in the homes of strangers. This, according to Herzfeld, may be a reflection of the general cultural view that girls are well-suited for employment in domestic work.

Similarly, Nana Derby (2003) highlights the types of contemporary slavery that have a profound impact on female children. The first is domestic servitude. It is easier to withdraw girls from school and to use them as an additional source of income. And it is easier to justify doing so, as domestic servitude limits them to household chores, which is considered as a means of protecting women and girls in some cultures. Girls are also commonly found as slaves in the agriculture and small-scale manufacturing sectors. They serve as bonded laborers, are subjected to sexual abuse and receive meagre or no wages. Derby draws attention to female slaves in particular, for they are often more easily targeted, and are impacted in both their private and public spheres. She concludes that there is a greater need to address the slavery of girls.

Since domestic servitude, human trafficking, forced prostitution and sexual slavery are all ways in which women have been enslaved historically, it is worthwhile to examine how these issues have come to the fore in contemporary enactments of slavery. A comprehensive look into the history of women as slaves has been offered by Gwyn Campbell, Suzanne Miers, and Joseph Calder in a two volumes book entitled *Women and Slavery* (2007). In these volumes the authors argue that enslaved females attached to households have represented the major form of slavery throughout most of world history. They consider histories of women as slaves through diverse geographical, chronological, and methodological approaches. Female slaves were often attached to households, but economies and societies developed beyond a household focus, and impersonal institutions eventually arose to arbitrate between slaves, household heads, merchants, and the state. These two volumes analyse the historical evolution of a gender imbalance and the greater vulnerability of women to contemporary slavery.

A research conducted on sex trafficking in Albania provides evidence of the intensity of this problem in modern day slavery (Bekteshi et al. 2012). This research is important for it highlights several factors that can give rise to sex trafficking. For instance, Bekteshi et al mention massive migration as one of the contributing factors. Traffickers exploited people's desire to leave the country and began smuggling thousands across interntional borders. Moreover, economic crisis and a lack of trust in the government and judiciary increased the incidence of sex trafficking. Political instability caused by war also provided more opportunities for traffickers to engage in sex trafficking. Poverty and mass migraton from rural to urban centers has also resulted in an increase in this problem, for lack of skill and a dearth of employment opportunities amongst migrants forces them to enter any occupation in order to

provide for their families. Lack of professional and economic development opportunities for women in rural areas, as well as marriages arranged in haste and entrapment in abusive relationships, make them more vulnerable to violence and sex trafficking. Traditional gender roles and a patriarchal social system that views women as property to be controlled by men and to be used for the latter's benefits are additional factors(these patricrachal structures are deeply imbedded in the South Asian societies, and could perhaps be one of the major reasons for the continued existence of sexual slavery there).

Patriarchal views on women enslavement are also highlighted by Andrea Parrot and Nina Cummings in *Sexual Enslavement of Girls and Women Worldwide* (2008). Parrot and Cummings express the belief that the sexual enslavement of women is a result of ongoing patriarchal systems that institutionalise women's diminished worth in the world, suggesting that the root cause of the abuse of women is to be found in profoundly inequitable gender relations. The sexual exploitation of women is further prompted by mistrust and hatred of women, who are viewed as less worthy than men. The authors argue that many women are forced to seek a better life or escape from a torturous one due to lack of economic resources, illiteracy, cultural expectations, family obligations, war, civil strife, and domestic abuse. All these elements make women more vulnerable to exploitation. The authors also highlight an additional problem: women who are freed from enslavement often face stigma and discrimination, which frequently devastates their families and communities.

Sexual Enslavement of Girls and Women Worldwide emphasises the challenges in obtaining accurate figures of those involved in sexual slavery due to the very secretive nature of

their enslavement. The authors outline how sexual slavery in its varying manifestations is driven by a remarkable variety of social, cultural, political and economic factors. Education, values, religion, status, family structure, traditional beliefs, myths, geography, economics, discrimination, employment, patriarchal policies, political unrest, crime and natural disasters have all had an impact on the sexual trafficking of girls and women (Parrot & Cummings 2008). The authors make a compelling argument that sexual slavery involving girls and women is growing and will continue to increase unless there is a universal paradigm shift that addresses the gender inequities that justify sexual slavery.

Contemporary slavery is indeed increasing. A 1999 report on international trafficking to the United States reveals that an estimated 45,000 to 50,000 women and children are trafficked annually to the United States, primarily by small crime rings and loosely connected criminal networks ("International Trafficking in Women…"). The trafficked victims are mostly from South East Asia and Latin America, though the report states that they are increasingly from the Central and Eastern Europe. The report states that trafficking can further weaken the economies of the countries where the victims hail from, further lowering the risk of persecution for traffickers and providing enormous profits.

Kelsey Mcgregor Perry and Lindsay McEwing (2013) have conducted research on the determinants of human trafficking in South East Asia and have found that women are increasingly at risk of being part of this form of enslavement. Social determinants such as cultural norms and female illiteracy facililate the sale and exploitation of women and children in the region. War and mass migration are never far behind when it comes to slavery. The latter

have far-reaching consequences for the enslaved population and especially for those that are already vulnerable. This is relevant for the topic of this dissertaion, as we shall see in the chapters below.

A form of slavery that has come to the fore in the literature pertaining to the South Asian region in particular, is ritual sexual slavery or forced religious marriage. The custom of marrying girls to a deity, thereby depriving them of the right to embrace an ordinary marriage and assigning them to sexual exploitation by the deity's priests or devotees, existed in many ancient cultures. In some cultures this type of ritual slavery or sexual servitude has continued until the present day. In the Southern states of India, a recent research found that this practice exposes families to the risk of trafficking their daughters into the sex trade, or to force them to become second wives (concubines) to already married men (Black 2007). The loss of freedom for these women, and the gross exploitation they are subjected to, bring these practices under the legal definitions of slavery.

But war is the most significant concern emerging from the literature on the status of enslaved women. Kathryn Farr (2009) finds a connection between assaultive violence against women during armed conflict and the commercial trade in women and children for sexual and other labour. In a world where armed conflicts have become rampant, women suffer a severe decline in their economic and security position, and are at increased risk of sexual assaults by combatants and other war-related groups (Farr 2009). The demand for sexual and other forms of labour by rebels and militia groups leads to both sexual enslavement, and the trade of enslaved women and children. War-traumatized women and girls fall prey to traffickers, and

trafficking across borders is carried out with relative impunity. The significance of war in affecting the status of enslaved women is relevant to the topic of this thesis. A focus on the historical circumstances of Partition inevitably brings war, social strife, refugee flows and refugee camps to the fore. Investigating how women suffered in these conditions is crucial towards answering the research questions posed by this thesis.

Another issue that has frequently appeared in the literature on contemporary slavery is that of identification, as discussed by Joel Quirk (2006). Quirk provides an interesting link between historical events surrounding the abolition of slavery and the widespread practices that fall under the rubric of 'contemporary forms of slavery'. He points to one of the main limitations of the emerging literature on slavery: a distinction between the 'old' and the 'new, he argues, often downplays current problems. He notes that it may be problematic to classify slaves in the contemporary world by thinking solely about the categorization of slavery as a historical relic. He uses 'the anti-slavery project' as an analytical framework, which allows him to tease out three distinctions: 'legal abolition versus effective emancipation, strict equivalence versus sufficient similarity, and analytical category versus evocative concept' (2006: 6). It is with the second of these distinctions that Quirk makes one of his most important contributions to two of the problems plaguing contemporary slavery studies: the definition of slavery and the limitations of adopting the experience of transatlantic slavery as a frame for studying contemporary forms of slavery. Quirk then proposes the concept of 'sufficient similarity', which offers a way out of complications by giving pride of place to analogous practices and institutions, rather than equivalent cases. Contemporary slavery has brought forth the problem of identification, which, as Quirk observes, was not evident in pre-abolition slavery. It has

become much more difficult to identify who the slaves are, and which practices can be called slavery. He believes that contemporary slavery can be addressed effectively through targeted efforts, as opposed to dramatic legislative action.

The need to identify carefully what constitutes contemporary slavery also underpins Siddharth Kara's *Bonded Labour: Tackling the System of Slavery in South Asia* (2012). Kara closely studies bonded labour, sometimes called debt bondage slavery or debt bondage. His careful analysis clearly demonstrates that bonded labor is a form of contemporary slavery (the Indian government has been known to call slaves 'attached workers' in order to counter accusations of slavery). Debt bondage produces another of the sufficient similarities mentioned above.

Kevin Bales (2012) has also addressed the issue of identification. According to Bales, since slavery is a construct of human behaviour that has diverse manifestations reflecting cultural themes, any definition of slavery must rely on two factors: the essential criteria or characteristics of slavery, regardless of the cultural and social surroundings, and the broader patterns of how these essential criteria appear across time and across cultures. For example, most forms of slavery have an economic aim, enriching the slaveholder, but exploitation has been played out in hundreds of different ways at different points in history and in different countries. This cannot be a sufficient prerequisite.

A key difficulty in applying a legal definition of slavery to any human activity that is suspected of being based on enslavement is the varying definitions within international legal instruments of slavery (Bales 2012). A committee of experts comprising of international legal

scholars, historians of slavery, and social scientists reviewed existing definitions within international law to determine which definition would allow for the greatest amount of clarity. The 1926 Slavery Convention of the League of Nations was decided to be the most useful in this regard, but further explanatory guidelines were added to clarify its application: the aim was to elucidate the 'powers attaching to the right of ownership' so that the attributes of any instance of suspected enslavement might be compared to criteria inherent within the 1926 Convention (Bales 2012). To accomplish this, according to the Committee, it is necessary to locate the legal definition within the lived reality of enslavement and to specify more clearly the attributes of ownership that apply with the law of property.

With respect to human trafficking and modern slavery, Ronald Weitzer (2015) discusses some definitional issues and critiques some popular claims regarding each problem. Weitzer also illustrates the tremendous variation and complexity guiding various arrangements and the lived experiences of individuals. According to Weitzer (2015), in the field of modern slavery studies, micro-level research has a few advantages over macro-level analyses; there are quantitative advantages (estimating the magnitude of the problem), qualitative advantages (documenting complexities), and other advantages that make it well suited to formulating contextually appropriate policy and responses.

The United Nations Educational, Scientific and Cultural Organization (UNESCO), in a report entitled 'Unfinished Business: A Comparative Survey of Historical and Contemporary Slavery', attempts to address the problem of identification by considering different responses to contemporary slavery within a broader historical and political perspective (2008). The report

starts off by examining both past and present definitions of slavery. It then goes on to identify key similarities and differences between historical and contemporary instances of slavery, mainly focusing on demand, acquisition and control, transit and transfer, the roles of slaves, and their resistance. The main limitations of the legal approach to the abolition of slavery are also explored, and the report does note that slavery continues to thrive despite its legal abolition. The report offers an alternative through the notion of 'effective emancipation', and ends with recommendations on combating contemporary slavery. They are identified as education, information and awareness, further legal reform, effective enforcement, and release, rehabilitation and restitution. These themes are considered to be at the core of contemporary anti-slavery activism.

David K. Androff dedicates his work to the same purpose. He reviews policy definitions as well as the main forms of contemporary slavery (chattel slavery, debt bondage, contract slavery, state slavery, domestic servitude, religious slavery; see Androff 2010). Androff identifies slavery as a human rights issue and brings to the fore various types of modern slavery that are often overlooked in scholarly and policy work. His article ends with a review of policy responses to modern slavery, as they are carried out by governments, NGOs, and civil society organizations. He also recommends 'innovative' ways of tackling the problem that are centered on prevention.

This review of the literature on contemporary slavery suggests that the key reasons behind the continuation of slavery after its official abolishment are poverty and corruption. Scholars

disagree in their specific conclusions and offer slightly differing viewpoints regarding the factors that impact on the incidence of slavery. But they agree on the magnitude of the problem and on the need to tackle it in ways that have not yet been tried. Most scholars also contend that the needs of the more vulnerable groups, such as women and children, need to be given particular attention. Despite these differences, the works cited provide critical facts and figures surrounding the prevalence of slavery and help to identify how various cultural and social factors can increase vulnerability to slavery. These issues are all relevant to contemporary Pakistan, as we shall observe in the following section, where the thesis delves into greater detail on the prevalence of slavery in the country.

Contemporary Slavery in Pakistan: Literature Review

The Islamic Republic of Pakistan, a state founded as a result of the departure of the British and the end of colonial rule in the subcontinent in 1947, houses a population of approximately 188 million in an area of 796, 095 square kilometres ('Monthly Bulletin of Statistics' 2015). The annual growth rate of the population is 1.95%, with a mean household size of 6.3 ('Monthly Bulletin of Statistics', 2015).

Pakistan ranks sixth highest on the second edition of the 2014 Global Slavery Index (GSI), an index compiled and published by Australia-based campaign Walk Free. Pakistan is also home to the third highest population of enslaved people in the world. According to the report, some 2 million Pakistanis are enslaved. The report also reveals that about 10 million child

workers exist in Pakistan, out of which 3.8 million are between the ages of 5 and 14 ('The Global Slavery Index' 2014: 79).

The Global Slavery Index uses state of the art methodologies to measure the incidence of slavery, government responses, and the factors that explain the vulnerability of a country's population to modern slavery. The index is measured by conducting random sample surveys in several countries, as well as through compiling data from reports published by other organizations ('The Global Slavery Index' 2014: 13). To measure government response, data is collected against the following factors:

1. Survivors are identified, supported to exit and remain out of modern slavery.

2. Criminal justice mechanisms address modern slavery.

3. Coordination and accountability mechanisms for the central government are in place.

4. Attitudes, social systems and institutions that enable modern slavery are addressed.

5. Businesses and governments through their public procurement stop sourcing goods and services that use modern slavery ('The Global Slavery Index' 2014: 13).

The relative vulnerability to contemporary slavery in individual countries is measured through an analysis of these factors:

1. National policies to combat modern slavery.

2. The availability of human rights protections in a country.

3.The level of economic and social development in a country.

4. The level of state stability in a country.

5. The extent of women's rights and levels of discrimination in a country ('The Global Slavery Index' 2014: 13).

The report defines contemporary slavery as 'one person possessing or controlling another person in such a way as to significantly deprive that person of their individual liberty, with the intention of exploiting that person through their use, management, profit, transfer or disposal' ('The Global Slavery Index 2014: 11).

Debt bondage is identified in the report as the most prevalent form of modern slavery in Pakistan, with Punjab and Sindh being the most over-represented areas. The brick-making, agriculture, and carpet-weaving industries are the most afflicted ('The Global Slavery Index' 2014: 79). The report states that the brick kiln industry in Pakistan employs around 4.5 million people, with the majority of those in Punjab being bonded labourers ('The Global Slavery Index' 2014: 79). Furthermore, the report is concerned that although brick kilns are now under the auspices of the provincial governments as a result of the 18th amendment of the Constitution, half of the estimated 10,500 brick kilns in Punjab remain unregistered ('The Global Slavery Index' 2014: 79).[1] Concern is also expressed with regards to cross-border human trafficking, which remains under the authority of the Federal Investigation Agency (FIA) of the Ministry of Interior and Narcotics Control, while there is no national level mechanism to address internal trafficking ('The Global Slavery Index' 2014: 79).

[1] The 18th amendment to the constitution of Pakistan transferred some of the powers of the President to the Parliament and Senate, thereby giving increased authority to members of both provincial and national assemblies. This implied greater decision-making power for the provinces.

The report identifies unofficial work contracts between farmers and landlords in Sindh as the prime cause of slavery ('The Global Slavery Index' 2014: 79). Under these contracts, farmers are required to give up their entire crop to the landlords and receive their pay only in the form of produce. In order to meet living costs beyond food and shelter, farmers are forced to borrow money from landlords, which leads to a vicious cycle of poverty, debt and forced labour.

The report attributes commercial sexual exploitation in Pakistan to extreme poverty and unemployment ('The Global Slavery Index' 2014: 79). Contributing to the proliferation of contemporary slavery in the country is also the trafficking of men and women for forced labour, sexual exploitation and forced marriages to suitors from the Gulf and Europe ('The Global Slavery Index' 2014: 79). Perhaps the most alarming revelation contained in the report is that around 69.5% of the total population remains vulnerable to contemporary slavery, owing to weak rule of law, rampant corruption, and extreme poverty ('The Global Slavery Index' 2014: 79).

One such case of sexual exploitation was observed in 2015 in Thatta. It is a symptomatic case:

> In 2008, a woman, a Hindu and belonging to Thatta, started talking to Muhammad Rahim on the phone. Rahim proposed to her, painting a rosy picture with a promise of getting married. 'He said we would go to court and get married', she said. But that never happened. According to her, Rahim took her to his village, Muhammad Siddiq Baloch, and locked her up. Twenty days later, Rahim sold her to a man named Javed

Khaskheli, and his brother, Khalid Hussain, who brought her to Nawabshah. Her days of prostitution and suffering began from there. She was also forced to change her religion and get married to Khaskheli. She said that there were three other girls in the house she lived in but she was not able to talk to them much. 'We were forced to work in the fields and do all the housework'. E described how she once tried to escape. Her plan foiled and the men poured kerosene oil on her and burnt her. She showed her arms with the burn marks, narrating how she sustained 60 per cent burns. According to her, she was later moved to Hyderabad as the men felt it wasn't safe for them to remain in Nawabshah. E recalled how she was once poisoned by her captors and had to be taken to the hospital. The second day of Eid this month changed E's life as she managed to escape. 'I returned home to my village in Thatta but was saddened to discover that my father, who was my only family, had died'. She came to Karachi to go to court and was referred to the Madadgaar National Helpline. Her ordeal doesn't end here as she is unable to get an FIR registered. When she went back to Thatta to press charges against the men, the Makli DSP asked her to strip. 'Please give me justice', she cried. Lawyer and Madadgaar National Helpline founder Zia Ahmed Awan called it an act of terrorism that cases of violence against women are not being registered and condemned the attitude of the police. 'We will go to court if her FIR is not registered'. Awan said that more than 50 per cent of the women living in the country were being subjected to violence. 'We also contacted Sharmila Farooqi but no action has been taken to provide justice to this woman' (Ali 2015).

Slave-like conditions in contemporary Pakistan are also a result of the conditions of the labour market. According to the Labour Force Survey, 2013-14, carried out by the Pakistan Bureau of Statistics, the labour participation rate is 32.3%, with males having a significantly higher participation (48%) than females (15.8%) ('Labour Force Survey' VI 2015). Agriculture, forestry, hunting and fishing employs the greatest proportion of labour force (43.5%), followed by wholesale and retail trade (14.6%), manufacturing (14.2%), community, social and personal services (13.1%), construction (7.3%), and transport, storage and communication (5.5%) ('Labour Force Survey' VI 2015). The informal sector accounts for 73.6% of non-agricultural employment, more so in rural (76.7%) than urban areas (70.6%) ('Labour Force Survey' VI 2015).

This is a major international problem. According to the U.S. State Department's 2009 'Trafficking in Persons' report:

> Pakistan is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labour and sexual exploitation. The country's largest human trafficking problem is that of bonded labour, which is concentrated in Sindh and Punjab provinces, particularly in brick kilns, carpet-making, agriculture, fishing, mining, leather tanning, and production of glass bangles; estimates of Pakistani victims of bonded labour, including men, women, and children, vary widely or forced marriages, and women are traded between tribal groups to settle disputes or as payment but are likely over one million. Parents sell their daughters into domestic servitude, prostitution, for debts. Pakistani women and men migrate voluntarily to Gulf

> States, Iran, and Greece for low-skilled work as domestic servants or in the construction industry. As a result of fraudulent job offers made and high fees charged during recruitment, however, some find themselves in conditions of involuntary servitude or debt bondage once abroad, including restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Moreover, NGOs contend that Pakistani girls are trafficked to the Middle East for sexual exploitation. Pakistan is also a destination for women and children from Afghanistan, Azerbaijan, Bangladesh, India, Iran, and Nepal trafficked primarily for forced labour. Women from Bangladesh and Nepal are trafficked through Pakistan to the Gulf States (231)

Christine Molfenter (2011) investigates the effectiveness of the police and other institutions in efforts to eradicate slavery in Pakistan, with a focus on bonded child labour. Her conclusions are consistent with the aforementioned report. Molfenter establishes that a majority of the victims of child labour in Pakistan belong to religious minorities or low-caste Muslims. She contends that the existence of contemporary slavery cannot be attributed solely to poverty, for this approach overlooks the role of the institutions in enforcing anti-slavery laws (2011: 268). She employs the concept of 'embedded democracy' to analyse the connection between democracy, human rights, and the right of bonded labourers to not be enslaved. Her examination of institutions such as the police, the judiciary, the electoral system, and data concerning participation in elections allows her to deduce that there is a high incidence of corruption and structural exclusion of minorities and that this especially affects bonded child labourers.

The following case of bonded labour, which is just one out of millions, was reported by the *Express Tribune* in an article confirming the continued existence of slavery:

> Iram, 10, was an orphan and one of five siblings. She was sent from a small village in Okara to work in a posh locality of Lahore. There, she was beaten for days with iron rods and gas pipes over a false allegation of theft. She succumbed to the torture and fainted after vomiting blood. When her oppressors brought her to the hospital, she was already dead. However, the family responsible for her murder was more concerned about the upcoming marriage in their house than the fact that they had brutally killed an innocent child (cited in Riaz 2014).

A policy of extensive institutional reform is vital for economic initiatives aimed at uplifting the conditions of bonded labourers to be effective.

It is not that the authorities are unaware. In its Annual 2014 Report, The Human Rights Commission of Pakistan (HRCP) also identifies the prevalence of child labour. In the Child Labour Index of 2014, Pakistan ranked 9 at the bottom out of 196 countries. The report asserts that child labour is most prevalent in households where adult members earn below minimum wages and where government schools do not exist or education is unaffordable ('State of Human Rights in 2014'). The highest incidence of child labour was found in agriculture. The report also mentioned the trafficking of women to Gulf States for sexual exploitation as a growing concern ('State of Human Rights in 2014').

The prevalence of child labour in Pakistan, and the country's blatant disregard for international norms and treaties strictly prohibiting this practice, is also the subject of Lora A.

Green's research (2001). Poverty is often used to justify child labour in developing countries, where economic hardship demands that every family member of a given family contributes to meeting basic survival needs. Many families cannot afford education for their children, and believe that learning a trade at a young age will prepare them for entering the workforce and contribute to the family income. However, Green claims that this argument is flawed in several respects, for while poverty forces children to work, the low wages that they earn rarely eases their impoverished state. Because children can be hired at a fraction of what adults are paid, employers hire children when given the opportunity, creating more unemployment for adults. From the perspective of employers, children are preferred due to several reasons: they are cheaper to employ, easier to control, and much less likely to form unions and strike.

A study of Pakistan's carpet factories estimated that about 50,000 children will die before they reach the age of 12 as a result of malnutrition, disease, and other health conditions directly related to their poor working environment (Green 2001). In addition to the physical harm done to children through exploitation, child labour results in a decline of educational standards and increased illiteracy. Child labour in Pakistan is particularly widespread due to an abundant supply caused by a birth rate that exceeds that of most countries, and an education system that can accommodate only a third of the country's children.

Despite numerous international conventions and covenants prohibiting child labour, Pakistan has not carried out its international commitments. The Pakistani government has passed laws such as the Employment of Children Act, 1991, which prohibited the use of child labour in conditions that were hazardous to the child, and the Bonded Labour Act, 1992, which

abolished indentured servitude. However, inaction has proven that while the government has made a verbal commitment to eliminate exploitative practices, it lacks an actual desire to do so, for it has failed to create the mechanisms necessary to implement and enforce these laws. The government of Pakistan has more often left matters of law enforcement in the hands of the police, who have, in turn, refused to punish those who violate the law.

Child labor is not the only form of slavery currently prominent in Pakistan. The enslavement of women, whether sexual or economic, has also come to the forefront as a major concern. Women are mostly employed in the informal sector in Pakistan. Cultural expectations force them to restrict their economic activities to the boundaries of their homes. In a study assessing the scope of existing labor laws to address the issues of home-based workers in Pakistan, Syeda Mahnaz Hassan (2014) highlights how home-based female workers make a significant contribution both to the workforce and to the national economy. Acccording to Hassan, they are more vulnerable to exploitation because of their exclusion from the existing legal frameworks. Hassan suggests harmonising the national labor laws of Pakistan with the international legal framework in order to provide more protection to home-based women workers.

Other than economic enslavement, women in Pakistan are subjected to varying degrees of oppression, and are often forced into agreements against their own will. Nasreen Akhtar and Daniel Metraux (2013) have discussed the mistreatment of women in Pakistan, including practices such as the marriage of young girls to the Quran (the holy book of Muslims) requiring them to spend their lives at home reading the Quran. The authors of this article show how

offenders falsely label these practices as being promoted by the Quran. On the contrary, these rituals have their roots in the pre-Islamic tribal customs, especially popular in rural areas. They are used as a means of controlling and protecting the power and property of men. Akhtar and Metraux represent enslavement in the worst sense, for the women, being illiterate and having little knowledge of religion, are forced to believe that they are sacrificing in the name of religion. Women become victims of slavery even if they are not directly involved in economic activities, because of their position as wives or daughters to individuals that are subjected to varying degrees of violence by powerful employers.

Kevin Bales is one of the most prominent scholars of contemporary slavery. His *Disposable People: New Slavery in the Global Economy* (1999), recounts observations from his visits to developing countries like Pakistan, where the number of enslaved people remains high. Bales places special emphasis on the brick kiln industry, where debt bondage is most common. He notes that the forced migrations after the partition of India and Pakistan led to property previously owned by Hindu and Sikh landlords to be divided and distributed amongst Muslim refugees. These new Muslim farmers were owner-cultivators who could not employ peasants belonging to the old feudal system. Massive rural unemployment resulted. The program of agricultural modernisation and land reforms initiated by the government in the 1960s exacerbated the problem of rural unemployment (Bales 1999). These factors led to many families selling themselves into debt bondage to owners of brick kilns. Bales goes on to describe the hierarchical system in place at the brick kilns, as well the conditions under which the labourers' families have to work. The owner controls most aspects of the labourers' lives, even marriage. Kiln owners often engage in transfer of labourers to other kilns, especially if the

family is not working hard enough. Bales describes the 'peshgi' system of payment to brick kiln workers, whereby a sum of money is paid in advance to settle the family and provide them with basic housing and food. The number of bricks the family makes is then settled against the debt. For a long period of time, the family does not get any pay at all; they then have to borrow more money from the owner. Bales argues that the peshgi system is not necessarily bondage, but it becomes so when owners manipulate the amount of the debt owed and restrict freedom of movement by placing conditions such as taking the wife or a child as collateral.

Justin Campbell (2008) notes that debt bondage in South Asia is implemented with varying degrees of subtlety and coercion. Campbell cites the example of the Sindh province of Pakistan, where agricultural workers and sharecroppers, most of whom are from indigenous minority communities, often work under constant watch from guards and are kept locked up at night. Human rights groups have also documented cases of murder, rape and assault of these workers. In other areas, Campbell (2008) finds that a complete lack of options is sufficient to keep agricultural workers bonded to their employers.

A publication by the Sindh Institute of Urology and Transplantation (Naqvi et al 2007) sheds light on an alarming consequence of slavery in Pakistan. The authors contend that most kidney vendors belong to the province of Punjab, the agricultural heartland of the country, where 34% of the population lives beneath the poverty line. This survey of kidney vendors concludes that 69% were bonded labourers and were selling their kidneys to escape enslavement. An overwhelming majority (93%) sold them for debt repayment, which again

raises the concern of inadequate credit facilities for those stricken by poverty (Naqvi et al 2007).

A series of studies carried out by the Pakistan Institute of Labour Education and Research (PILER), an outfit affiliated with the International Labour Organization (ILO), has looked into the relationship between labour, debt and bondage. 'Unfree Labour in Pakistan: Work, Debt and Bondage in Brick Kilns' used field surveys to ascertain the condition of those enslaved in this industry (2004). The report suggests that more than half a million men, women and children work in brick kilns in Pakistan, with the majority making unbaked bricks, followed by those performing the tasks of kiln stacking and unloading, and finally, baking. The survey reveals that women make a significant contribution in making unbaked bricks; however, they are rarely ever directly acknowledged as labour, except when they have to inherit liabilities for outstanding debts. The study also reaffirms that brick kilns across the country rely heavily on the labour of children (aged 10-14) to make unbaked bricks and of male adolescents (aged 14-17) in other tasks. Migrants and low-caste family labour characterise the brick kiln industry. Muslims as well as religious minorities and Afghan migrants in growing numbers are represented.

A global assessment program initiated by a group of researchers in Pakistan focused on bonded labour in the agriculture industry ('Bonded Labour in Agriculture' 2004), carpet industry ('A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan' 2004), the mining sector ('A Rapid Assessment of Bonded Labour in Pakistan's Mining Sector' 2004), domestic work ad begging ('A Rapid Assessment of Bonded Labour in Domestic Work and Begging in

Pakistan' 2004), and in hazardous industries like glass bangle-making, tanneries and construction ('A Rapid Assessment of Bonded Labour in Hazardous Industries in Pakistan: Glass Bangle-making, Tanneries and Construction' 2004). The findings emphasised for all these industries reveal extreme poverty, chronic indebtedness, and a preponderance of migrant labour.

Researchers at the University of Peshawar conducted a sociological impact assessment of Brick Kiln Workers in the Peshawar region of Pakistan in 2010 (Muhammad et al). The study focuses on the nature of the work, and on the socioeconomic causes and effects of bonded labour. The key finding of the study is that work in brick kilns is detrimental to human health. Major causes of debt bondage included illiteracy, past feuds and low economic standing. Debt bondage had wide-ranging impacts, including lack of social contact with relatives and friends, lack of social mobility, an absence of progressive forms of marriage such as exogamy, and no economic improvement. Moreover, poor access to health facilities meant greater vulnerability to diseases. Lack of education ensures that these circumstances are likely to continue in the future. The study recommends that the government take definitive measures to implement the Bonded Labour Abolition Act, 1992.

The introduction of a pro-poor development project in rural Pakistan and its feasibility was the focus of a study commissioned by the Asian Development Bank. It revealed that sharecropping continued to be the basis of the agrarian system and that many of the sharecroppers were kept in a bonded relationship. It also revealed that deprivation, indebtedness and bondedness are widespread and co-exist with a tendency among landlords to

turn part of their land into mechanised farming, thereby further marginalising and disempowering tenant families. A bottom-up approach, which would confront the sharecropping system head-on, was suggested as a way of addressing this inequality, for it would allow targeting the problem from its very foundation (cited in Lieten and Breman 2002).

Big corporations operating in developing countries like Pakistan have attempted to address slavery and related social issues. They have had little or no success. The primary deterrent is deeply embedded social norms that are difficult to challenge without upsetting the local population. Corporations have invested in various sectors of Pakistan. Along with providing employment to a local labour force, they also operate social awareness programs in order to uplift the community in both social and economic terms. One example of such a project and its limited effectiveness in countering social norms has been assessed by Samina Yasmeen (2015), who observed the social impact of mining on women in the Balochistan province of Pakistan. Despite being the largest and most well-endowed province in terms of natural resources, it is the least developed. Yasmeen refers to a major mining project initiated with the help of an internationally funded corporation to measure its impact on the social position of women. She finds that such projects have limited short term benefits to women, either directly through more awareness, or indirectly by providing employment to their male kin. In the long run, however, these benefits fail to endure once the projects reach completion.

In order for the positive impact on these economically impoverished women to thrive rather than fall prey to slave-like arrangements, it is essential for international organisations to provide training to increase business skills and knowledge (Yasmeen 2015). Such training can, in

the future, give more power to women to challenge the established social customs and break free from the chains of servitude that have bound them since generations.

There is comprehensive evidence documenting the widespread presence of slavery in contemporary Pakistan. There is an urgent need to address this issue. It would require a comprehensive restructuring of the way slavery and slave-like conditions are dealt with in the legal framework and at the level of enforcement. One of the ways in which it can be dealt with is a historical perspective, which has not been addressed adequately in the current literature on slavery in Pakistan. The brief outline of the literature pertaining to contemporary slavery in Pakistan makes evident that historical narratives have not been on the forefront of the discussion on slavery in the country. Incompetence and corruption of public authorities have repeatedly been cited in the discourse on slavery, but how incidences of slavery came to acquire the menial importance they hold today in Pakistan, has not been discussed from a historical viewpoint.

This thesis claims that the partition of the subcontinent played a crucial role in the continuation and reconfiguration of slavery in Pakistan. As the literature in the following section will demonstrate, the division of the subcontinent, and the formation of the nascent state of Pakistan, left the latter with limited resources to tackle the issues faced by a newly formed state. In the presence of extreme financial difficulty, security threats and massive population inflows, what pathway did the government of Pakistan choose to ensure survival? The policies that came into effect to safeguard the rights of the citizens of Pakistan would have had an impact on all segments of society and all sectors of the economy.

Partition: Literature Review

An analysis of the conditions surrounding the end of colonialism and the partition of the Indian subcontinent may help understanding the nature of contemporary slavery in Pakistan.

The formal colonization of the subcontinent was completed following the Great Mutiny of 1857. The subcontinent had been involved in unequal trade relations with European nations since a long time before the War; however, the British East India Company first, and then the British government later, only gradually extended their prerogatives and went on to gain complete political control over the region. The subcontinent was a region largely populated by Hindu communities, with Muslim communities constituting the majority of the population only in certain provinces. Ian Talbot and Gurharpal Singh (2009) in *The Partition of India* outline the reasons that led to the geopolitical division of the subcontinent. The division has most commonly been attributed to religious differences between Hindus and Muslims and to the 'divide and rule' policy pursued by the British, but Partition is also attributed to a complex interplay of several factors, such as rising communal tensions, the impact of the Second World War, the political choices made by British and Indian elites, and the widespread breakdown of law and order following the Great Calcutta Killings of 1946.

However, as Talbot and Singh also point out, there were other more general factors at play: increasing democratization, for example, which had begun in the 1920s and resulted in the general expectation that in states where Muslims were a minority they would not be represented in provincial assemblies (Talbot & Singh 2009). The Muslim communities feared

that a lack of political representation would deprive them of collective rights, especially due to the activity of Hindu extremist groups. Separate electorates would guarantee some degree of political representation for Muslims in provinces where they formed a minority of the population.

The colonial government was operating under rapidly changing circumstances; when the Second World War came to an end the policies of the British administration were designed to maximize economic gains, and investments in security or institution building could not be afforded. Communal riots had started in certain parts of the country. Following the passage of the historical Lahore Resolution in 1940, communal riots became more frequent and more violent. This Resolution had promised the formation of separate states out of the Muslim-majority provinces; it is interesting to note that the Resolution did not specify whether these states would be united to form a new nation or would remain part of the existing Indian polity with a degree of autonomous control.

Crispin Bates has also made an attempt to uncover some of the reasons behind the partition of the subcontinent in *The Hidden Stories of Partition and its Legacies* (2011). As other scholars would also contend, Bates sees partition as being the outcome of conflict between two national elites. This explanation, however, he believes, renders the mass violence that accompanied partition difficult to explain. One explanation he proposes for the chaos is Britain's hurried withdrawal after the realization that it could not afford its over-extended empire. Immediately after World War II, India was ravaged by economic depression, bringing mass unemployment. This created tremendous social tension, exacerbated during the war by

inflation and grain shortages. The resulting discontent was expressed in widespread violence accompanying the Congress Party's 'Quit India' campaign of 1942.

The last months of British rule were marked by a naval mutiny, strikes, and demonstrations in every major city (Bates 2011). With the cessation of hostilities, the battalions at the disposal of the Government of India were rapidly diminished. Most of the leadership of the Congress Party had been imprisoned, due to their opposition to the war, while the Muslim League rapidly increased its membership through cooperation with the British. When the League called for a 'Direct Action Day' in support of the demand for a separate Pakistan, the British interpreted it as evidence of the irreconcilable differences between Hindus and Muslims. In reality, the riots were evidence of lack of military and political control as well as communal discord.

Access to History: Britain and India 1845-1947, by Tim Leadbeater (2008), outlines the historical events leading to Partition. Starting from the Indian Mutiny of 1857, Leadbeater assesses the Amritsar Massacre, the Montague-Chelmsford Reforms, the non-cooperation movement promoted under Gandhi's leadership, the successive elections, the evolving relations between the Congress and Muslim League, and finally the Partition and its aftermath. This analysis confirms that the prospect of Partition was only at a later stage seriously considered. Partition was enacted without planning.

In a recent essay, William Dalrymple (2015) presents a similar analysis of the breakdown of cultural ties amongst the various communities of late colonial India. He cites the initial cultural mixing between the various religious communities and notes how the breakdown of

intercommunal ties resulted from political manipulation, and governmental neglect. Lack of resources after the Second World War was critical. Partition became inevitable as the colonial state became a failed one.

The partition of the subcontinent in 1947 was accompanied by approximately a million deaths, while 10-15 million people were displaced both ways. Generalized violence, abductions and 'disappearances' were widespread. Previously interwoven communities sharing territory became two geographically discrete nations in the making divided along religious lines. Violence became rampant as the two major political parties, Congress and the Muslim League, promoted ethnic cleansing designed to eliminate opposing ethnic groups. This experience had long term consequences. Yasmin Khan contends that nationalism preceded and followed Partition (2007). Khan notes how women and children suffered the most and how excessive defense spending and hostilities between the two nations continue to the present day.

Paul R. Brass (2003a) focuses on the great massacres that occurred in Punjab. As political partition proceded, the outgoing British authorities themselves struggled to understand what was going on. It was hard to identify if it was just a series of riots or massacres or a communal war of secession. According to Brass (2003a), the genocidal massacres in Punjab that accompanied Partition were special because they were not ordered by the state in being. They were also not spontaneous. There was a great deal of organization and planning behind them, which has been overlooked in most literature, according to the author. There were also local acts of violence carried out for a multiplicity of reasons and motives that were not genocidal in intent: loot, capture of property, abduction of women.

Violence was mutual. Allen D. Grimshaw (2008) has captured it well in the term 'retributive genocide', which is applicable to similar actions taking place elsewhere in the subcontinent at the time. In some respects, the Punjab massacres precede and anticipate contemporary forms of genocide and ethnic cleansing, retributive and otherwise.

Major-General Shahid Hamid, who was directly involved in the events has offered a first-hand account (1986). In *Disastrous Twilight: A Personal Record of the Partition of India*, the former Personal Secretary to Field Marshall Sir Claude Auchinleck, then Commander-in-Chief of India's military forces, recounts his encounters with the prominent political personalities that played a role in the making of India and Pakistan as two distinct nation-states. He starts off by presenting a background to the events that had led to political stalemate. The colonial government was unable to act. Hamid's account is important for it is based on the perspective of an individual who witnessed the personal and political motivations and maneuvering that shaped Partition.

But a focus on elites, of course, must be paralleled by a focus on collective perception. In *Witnessing Partition: Memory, History, Fiction,* Tarun K. Saint offers insights into how the extreme violence that accompanied Partition had traumatic and permanent effects on the collective psyche and imagination (2010). This book analyses critical accounts of the Partition and its aftermath and debates dealing with history, memory, witnessing and drama in an attempt to situate fictional representations of Partition as modes of testimony. Additionally, Saint highlights the difficulties of bearing witness in literary form to the catastrophic dislocations of Partition. He shows how stories and novels about partition draw on literary

precedents, and how individual and collective testimony can only be offered obliquely in situations where justice was only partially rendered. Testimonies bear witness to the prevalence of ambivalent states of being that may have been one of the consequences of the fast pace of events leading up to partition. Panic and a loss of moral restraint resulted in unprecedented communal violence.

Ayesha Jalal also focuses on literary representations. She draws on the life and works of established Urdu short story writer, screenwriter and resident of Bombay at the time of Partition, Saadat Hasan Manto. In *Pity of Partition* Manto's life and work serve to capture the human dimension of sectarian conflict during the final decades and immediate aftermath of the British Raj (Jalal 2013). Jalal uses Manto's writings to present an intimate history of Partition. She discovers a new way of connecting the histories of individuals, families and communities in the midst of cataclysmic change. This connection is significant in explaining the social structure of these communities before Partition, and how this social structure was torn apart by dislocation.

Asim Roy goes beyond the orthodox explanations of Partition, and lends credence to a revisionist perspective. In an article entitled 'The High Politics of India's Partition: A Revisionist Perspective', Roy discounts the traditional understanding of the political process leading to Partition, which is rooted in popular assumptions about the 'League for partition' and 'Congress for unity' paradigm (1990). As opposed to this linear interpretation that is highly indifferent to the intricacies of actual events preceding Partition, Roy's revisionist perspective offers a more nuanced interpretation of the conflict pitting the political outfit led by Jinnah and the Congress.

Both openly stood for what they did not want and said what they did not mean. For Roy, the perpetuation of the traditional myths surrounding Partition can be attributed to the 'conspiracy of silence' resorted to by both Jinnah and the Congress with respect to the real motives underlying their respective political strategies and tactics (Roy 1990).

Another alternative perspective on the history of partition is offered by Ted Svensson in *Production of Postcolonial India and Pakistan: Meanings of Partition* (2013). Relying on primary data and archival materials, Svensson conceptualizes independence through partition and decolonization in terms of 'novelty'. His analysis demonstrates the entwinement of 'contingency' and 'restoration' as overarching categories in the establishment of the postcolonial state. His work concludes with the contention that novelty should not only be considered as a component of a particular moment of transition; it should, in fact, be seen as contained in the promise towards a 'future community' (Svensson 2013). This book is unique because it assumes the constitutive moment as the focal point, offering a novel approach to the study of partition in British India, decolonisation and the institution of postcolonial states. The promise for a future community Svensson talks about holds relevance to the argument of this thesis, for many communities that were eventually to become stricken by poverty in their new locations (and vulnerable to contemporary forms of slavery) were driven by the promise of a better future and greater political, social and economic freedom.

Gurharpal Singh (2000) attempts to review the events surrounding Partition with respect to Ian Lustick's theory of 'state contraction'. Lustick's (cited in Singh 2000) work focused on what he called 'unsettled states' and their 'disputed lands'. Lustick's primary concern was to

examine the causes of state expansion and contraction in a context in which the status of state boundaries is a part of the political competition that constitutes them. This intertwining is best understood as a process of political institutionalization and deinstitutionalization which occurs as a result of changes in the territorial shape of the state. Any contraction or expansion in the state, according to Lustick:

> can be expected to trigger shifts in the distribution of power within a state by changing the resources available to different groups and, ultimately, by changing the prevailing norms and legal arrangements to correspond with the interests of newly dominant groups. Substantial change in the shape and size of the state thus has long-term implications for the relative power position of different groups within it (1993: 38-39).

According to Singh (2000), Lustick's theory is applicable to the division of the subcontinent and the end of colonial rule, a test case Lustick did not consider. Firstly, it can explain why the colonial state did not adequately institutionalize national political structures before Partition. Secondly, the movement back across the ideological and regime thresholds might be examined better at the provincial level, especially in Punjab and Bengal, where conditions were chaotic. Thirdly, from 1945 onwards, the debate between the Congress and the Muslim League about the future size, nature and boundaries of the Indian state can be seen as a shift from a 'war of position' to a 'war of manoeuvre' in which the objectives of political elites with reference to future career calculations in terms of territory, mobilizable resources, demographic strength and ideological formulas becomes explicit, ultimately climaxing in the decision to accept partition. Finally, the theory helps understanding how, following partition, India and Pakistan

structured ideological hegemonic beliefs regarding the size of the state against the backdrop of Partition and the international and domestic environment confronting them.

Sanjoy Banerjee (2002) uses a formalized methodology that enables the tracing of historical processes, to demonstrate the process that led to the partition of the British Indian empire into India and Pakistan. The method he uses is based on assumptions about historical objects and their relations; it identifies self-reproducing structures in sequences of actions. Banerjee's article shows that the repetition of interdependent practices cumulatively brings about fundamental but uneven social transformations. The social theory underlying this methodology is based on empirical referents. Banerjee examines the interaction of the Indian National Congress, the All India Muslim League (AIML), the British imperialists and other segments of society, and shows how an array of practices enabled each other to repeat and thereby generate the rise of Muslim nationalism, Hindu-Muslim antagonism, and the convergence of the British and the Muslim League on key questions. This method of analyzing the events that led to Partition provides a distinct way of examining the history of this political and social transformation.

What about the aftermath to Partition and the mass migrations that resulted from it? Tahir Naqvi deals with the historical subjectivity of the 'refugees' to Pakistan; they had come mainly from the Muslim-minority provinces of India (2012). Muslims residing in the Muslim-minority provinces were generally discouraged from migrating to Pakistan. There were, however, officially organized transfers of population from a few 'targeted' locations. Naqvi claims that the migrants from the targeted regions imagined their migration under the

theologically informed concept of 'sacrifice' (2012: 476). This sacrificial conception, according to Naqvi, helps mediate the gap between membership and inclusion within the Muslim nation created by Pakistan's sovereignty.

In a similar fashion, Haimanti Roy argues that the histories of partition and its aftermath are connected to skewed processes leading to the formation of new national entities: India and East Pakistan (2012). It is important to remember that the Muslim majority provinces that came to constitute Pakistan were geographically separate. East Pakistan (now Bangladesh) seceded from Pakistan after a bitter conflict in 1971. Roy argues that the identities of Indians and Pakistanis after partition, rather than being automatically formed, were constructed arbitrarily through the discretionary power of local officials and legislation. It is essential to examine the experience of Partition from both sides of the border, whereas most scholarship tends to overlook the experience of migration to and from East Pakistan.

Similarly, Gautam Ghosh (1998) bases his study on nationality, morality and history in the wake of the partition of India, on Bengali Hindu middle-class and their transborder experiences. The evacuation of their household lineage deities from East Pakistan to India as a consequence of Partition, had implications for nationality, morality and history. Prior to Partition, the daily religious practice of lineage-deity worship came to overlap with an Indian nationalist moral-historical consciousness. Domestic religious practice was an important aspect of this Bengali community becoming the nationalist elite of India: household religion articulated with their perception of themselves as the moral embodiment and stewards of the Indian nation. Later, in the wake of their migration, these East Bengali elites lost their centrality within

the moral narrative of Indian nationhood – even though some had migrated precisely to preserve their status. Thus, the relation between household religious practice and a nationalist moral-historical consciousness was transformed, or rather disrupted, in part due to the moral disapproval the displaced faced from their hosts in India. This example of a community losing its status as a result of Partition and migration depicts the kind of sacrifices they went through (the concept of sacrifice in the history of these migrations is elucidated further below).

A historical event like the partition of India has inevitably long-lasting consequences, as Ishtiaq Ahmed (2002) notes. He sheds light on the role of a particular historical event in conferring legitimacy to the politics of communal and national animosities and hostilities. According to him, the partition of India in 1947 was, on the one hand, a gruesome consummation of a long process of mutual demonising and dehumanising by Hindu and Muslim extremists. On the other hand, in the post-independence era, it became a model of violent conflict resolution invoked and emulated by ethnic and religious extremists and the aggressive establishments of India and Pakistan. Ahmed's article argues that Partition epitomises the politics of identity in its most negative form: when trust and understanding have been undermined and instead fear and insecurity reign supreme, generating anger at various levels of state and society. in this entire process, a pathological socio-political system comes into being. This system has implications for domestic affairs (including the reproduction of slavery) as well as the political interaction between India and Pakistan to date.

Ayesha Jalal (1998) highlights the role played by the state of Punjab in the politics of the Indian partition. She notes that the pre-eminent view of Indian nationalism has been that of an

inclusionary, accommodative, consensual and popular anti-colonial struggle. This has entailed disparaging the exclusive affinities of religion in an imagined hierarchy of collective identities crowned by the ideal of a 'nation', an ideal untarnished by narrow minded bigotry. By implying that religious affiliations are less worthy than national identification, Indian nationalists must deny the cultural roots of Indian nationalism, which Jalal claims, owed far more to religious ideals, reinterpreted and reconfigured in imaginative fashion, than has been acknowledged. Jalal notes that the continuous recourse to the colonial privileging of religious distinctions thwarted many well-meaning attempts at accommodating differences within a broad framework of Indian nationalism. As long as the dominant discourse amongst Indian elites was tainted by notions of religious majoritarianism and minoritarianism, there could be no hard and fast separation between nationalism and communalism. For this very reason, Jalal asserts that the inversion of All-India majority and minority equation in Punjab was at the center stage of the struggle between nationalism and imperialism.

This review of some of the most significant scholarly work on the partition of the subcontinent leads us to the following conclusion: the histories and interpretations of the era of decolonization, geographical division, and mass migration can be viewed in several different ways, but what is certain is that Partition was a catastrophic event characterised by massive displacements. Displacement is crucial to modern and ancient slavery alike and it is crucial to this thesis. While Partition resulted in a sovereign and independent country, and can sustain narratives focused on emancipation, contemporary slavery in Pakistan is linked to the

vulnerability that also resulted from Partition. Migration to Pakistan was diverse, some went as bearers of inherent rights, rights they had acquired through ‘sacrifice’, other went deprived of all rights.

Chapter 2:

The History of Slavery in the Indian subcontinent

Pakistan is part of the Indian subcontinent. An analysis of the history of slavery in the region is crucial to understand the ongoing prevalence of slavery. Slavery in South Asian culture is specific and is characterised by distinct sociological nuances. A specific analysis is especially needed because the standard features of chattel slavery may not apply in the Pakistani case (i.e., alienation, coercion, treating people as personal property). In the literature pertaining to the history of slavery in this region, slavery has often been defined as 'the condition of uprooted outsiders, impoverished insiders – or the descendants of either – serving persons or institutions on which they are wholly dependent' (Eaton 2006a). This definition of slavery emphasises the victims' state of dependency, regardless of how that dependency is manifested (Campbell 2004). However, the types of slavery commonly observed in South Asia are also characterised by reciprocal relations between slave and master, whereby the slave owes loyalty and obedience (as well as labor) and the master offers protection and support (Eaton 2006a). In this part of the world, a majority of the population is embedded in a complex network of hierarchically structured groups, classes or castes, and henceforth the antithesis of slavery in this context was not 'freedom' in the sense of the word that the European Enlightenment would support (Eaton 2006a).

Slavery in Precolonial South Asia

Scholarly work on the history of slavery in the eastern Mediterranean between the sixth and eleventh centuries focused largely on Roman legal concepts like *res* (object) and on the Marxist notion of a discrete proletariat class. This focus prevented a more wholesome understanding of the nature of slavery in the eastern Mediterranean during the post-Roman centuries. These were the centuries in which slavery is believed to have ended in the region (see Chatterjee 2006). Wars between Arab princes and Byzantine potentates gave rise to new doctrines regarding the treatment, status and ransoming of captives, which, in turn, led to a shift in conceptions of freedom and slavery (see Chatterjee 2006). Janet Ewald notes how the Christian military orders formed alliances to collect alms which were to be used to ransom Christian captives during the twelfth and thirteenth centuries (Ewald 2003). Later, during the fifteenth and sixteenth centuries, as the conflicts between Iberian and Arab sailors increased in frequency and intensity off the coast of north Africa, the ransoming of captives became even more organized and was supported by newly formed states (Hunwick and Powell 2002). As soon as the Iberians and other Europeans started to use African slaves on plantations in the islands of the Atlantic Ocean, the image of 'Muslim slavery' as particularly brutal emerged in the Western Mediterranean (Ewald 2003).

These images about slavery and freedom are crucial to my analysis because ideas regarding Muslim slavery were transferred into early modern South Asia by Portuguese sailors and elites (Chatterjee 2006). Discourses about captivity produced by Portuguese and Christian friars in the Indian Ocean were intimately bound by emerging colonial forms (Pinto & Lowery

1992). Discounting the significance of warfare in shaping the history of slavery in South Asia would perhaps be the biggest mistake.

David Pelteret's research reconstructs the emergence of the concept of slavery: 'wealh', originally meaning both 'foreigner' and 'slave', resulted in the notion of a 'Welsh' person in medieval poetry (2002). Peltret's research findings lend credibility to the global demographic profiles of foreigners/slaves prior to the emrgence of the oceanic trade inslaves, which changed the meaning of the notion of 'slave' (2002). Initially, there was a predominance of female slaves, as has been noted by historians of urbanized Mediterranean societies. Steven Epstein has observed that in 1458 Genoa, a large majority of the slaves were female, and most had been brought from the Black Sea area and were identified as 'Circassians, Tartars, Russians, Abkhazians', amongst others (1999). This brings to the fore the problem of 'identification' in relation to slavery, since most first-generation slaves were conceived as 'foreigners'.

Rethinking and re-conceptualizing the history of South Asian slavery beyond the limits of Eurocentric categories is therefore of paramount importance. Such boundaries were formed as a result of warfare and conquests, and even within the same region there inevitably are considerable differences in cultural approaches to slavery. The historiography of South Asia is now revealing connections between different parts of the world, as opposed to the nationalistic and atemporal assumptions of the older scholarship (Goswami 2004).

The issue of servitude in the South Asian region gained importance in the context of attempts to organise rural labor, particularly in the nineteenth century, when colonial officials tried to understand the nature of landholdings and the land tenure systems (Kumar 1965).

Historians of the Chola period (c. 950- 1250 CE) in South India concur that the lowest ranks of cultivators (i.e., the Paraiyars and Pallars) had become unfree by the tenth century (Ali 2006). However, there is not enough evidence to conclude that these cultivators were in fact 'owned' by their landlords, or whether this relationship constituted slavery or bondedness. Most references to slavery from this period emanate from sources recording the dedication, sale, or gift of slaves (known as 'tevaratiyar' or 'devadasis') to temples. These were more often the personal servants of the donors rather than laborers granted by landlords (Ali 2006). However, the tevaratiyars have been overlooked in the historiography of South Asia perhaps because they seemed to enjoy certain economic and social privileges by virtue of their association with religious institutions. This association has obscured the reality of their low rank and menial tasks (Orr 2000). A problem that emerges in assessing servile status in medieval India is related to terminology. Identifying slaves as 'atiyar' (a term derived from the word for foot), the inscriptional records are far from clear regarding status (Orr 2000). This could perhaps be attributable to the importance given to the language of servitude to represent the reciprocal bonds of affiliation linking superior and inferior orders in medieval south India.

Within the imperial household of the Chola period, palace women, like their temple counterparts, constituted a form of unfree labor, despite possessing certain privileges. The Chola kings had dancing girls attending to them at all times (Ali 2006). One of the main indicators of the majesty of kings during that time was the number of women attached to their households. Inscriptions from the time suggest that the practice of marrying women from different local lineages in order to secure political alliances was widespread (Spencer 1982). Apart from these women, there also were unfree functionaries of the royal court and the

emperor's personal bodyguards. Moreover, there also were special intimates, concubines and friends who enjoyed elevated status. They may have previously been domestic servants, and were referred to as 'work-sons' (pani makan; see Ali 2006). These servants were associated with specific 'velams' (a group of palace servants), and there seems to have been a hierarchy amongst them. This hierarchy was later transformed into a caste status system in post-Chola times (see Ali 2006).

Members of the lower hierarchies of the velams, and more specifically women, were referred to as 'pentattis', a term which, in medieval times was used to denote a woman of servile status who was connected to the royal palace in some capacity. There is some evidence to suggest that the women of the velam were captives of war (Ilavaracu 1967). The practice of abducting women during military campaigns was commonplace in the region at the time. Another source of velam women was through tribute given by subordinate kings. There was stratification amongst the women of the velam, and some women may have entered the ranks of the velam with an elevated status compared to others. Literature from the time also suggests that the pentattis were stratified by age (Ali 2006). Although there is no conclusive record that suggests the use of women as sexual objects, the dynamics of favor for palace women were closely tied to sexual relationships with members of the royal household.

It is hard to determine the kinship ties of these palace servants; they were nevertheless designated by certain names and titles (i.e., 'daughters of god' and 'work-sons'), which demonstrate the significance of being related (Ali 2006). The absence of male kin stands in stark

contrast to the contemporary forms of identification of women of the high-status castes and testifies to the disconnection from natal and conjugal kin experienced by pentattis (Ali 2006).

Investigating the history of Turkish slaves on the Indian frontier is indispensable to understanding the nature of slavery in the Islamic world. Turks from Central Asia were recruited by the ninth-century Abbasid caliphs as an elite guard corps, though it is unclear whether they could be classified as slaves (Jackson 2006). However, there were several instances of soldiers becoming slaves. Slave-soldiers eventually became widespread. After the fall of the Abbasid dynasty, provincial governors began recruiting their own Turkish slave-contingents. The Shansabanid dynasty during the early twelfth century also maintained Turkish slaves (Juzjani & Raverty 1881). Emperors of this and successive dynasties increasingly entrusted new conquests to slave-officers rather than to Turks of free status (Habib 1992). A glaring example of this was Qutb al-Din Aybak, who eventually laid the foundations of an independent Muslim state in India, and Aybak's own slave, Shams al-Din Iltutmish, who formed the Delhi Sultanate (Jackson 2006).

In addition to being the nucleus of the military, the Turkish slave-contingents also occupied ceremonial positions at court. The purchase of Turkish slaves (ghulams) in large number could partly be attributed to military exigency. The Ghaznawid slave-contingents included men from the Qarluq, Yaghma, Tukhsi and Chigil tribes (Jackson 2006). It must be noted that not all the slaves came from the same areas; in fact, many of the slaves came from the Kimek, Qayi and Qirghiz people. The Pontic and Caspian steppes gained greater prominence

as a source of Turkish *ghulams* in the first half of the thirteenth century, due to the upheavals caused by the Mongol campaigns in these regions in 1222-1223 and 1236-1239 (Jackson 2006).

Many Turkish slaves who reached India in the late twelfth and early thirteenth centuries, before the advent of the Mongols, were prisoners captured in war (Jackson 2006). Turkish slaves also reached the Ghurids and their successors through a flourishing commercial traffic. It was usual practice for tribal nomads to sell their own kin into slavery. Some of the Turkish slave-soldiers did not migrate directly from the steppe; they had spent several years elsewhere in the Muslim world before arriving in the subcontinent. During their time elsewhere in the Muslim world, they became familiar with the Quran and the Arabic language. In the Ghaznawid Empire, the death of the master did not automatically confer freedom onto the slave; they were passed on to the sultan (Jackson 2006).

Slave servile status for Turks was in no way a barrier to promotion or favor; it was, in fact, a major pathway to advancement. The Turks were highly regarded in the Muslim world for their courage and military skill, as well as for their steadfastness in observing the tenets of Islam (Bosworth 1973). One of the main virtues of the Turkish Ghulam was his detachment from family or territorial interest and his loyalty to the master who had bought and trained him. The Turks who entered India, unlike their predecessors from the Inner Asian steppes, strongly resisted indigenous cultural influences (Hindu or Buddhist) and maintained their distinct identities centered on Persian culture and on the religion of Islam (Jackson 2006). Thirteenth century slave-sultans and amirs built mosques on territory conquered from the Hindus (Juzjani & Raverty 1881).

Turkish military slavery differed from conventional slavery in that it did not depend on a particular social status, but on the relationship to a ruler and on a particular career type. They also differed in terms of service from the free Turkish tribesmen amongst whose ranks they had originated from. Turkish slave-officers and their troops were not recruited for the purpose of replicating the military service of their free counterparts, but in other aspects the former Ghulam who attained high office shared some characteristics with them (Jackson 2006). They were known for bravery and military accomplishments, as well as for their greed. It is an undeniable fact that this Turkish slave-elite played a key role in the implantation of Muslim rule in the Indian subcontinent.

Slavery, described by Orlando Patterson as 'natal alienation and social death' (1982), never 'troubled' these Turks (Shah & Ross 1927). The exceptional slaves were the ones eventually entrusted with independent command in the military forces. They were called the 'bandagan-i-khaas' (Kumar 2006). Many scholars associate military slavery under the Delhi sultans almost exclusively with the Turkish bandagan. The historiography of the Delhi Sultanate between the years 1192 and 1290 often refers to the period as one in which the Turkish military slaves monopolised a great deal of power and created an authoritarian political system (Kumar 2006). There is also much evidence to suggest that structural changes in the Delhi Sultanate took place only after the end of the slave regime in 1290. They were replaced by free military commanders of humble origins (Habib 1978). The simultaneous existence of both free and unfree military personnel should be noted.

By the 1220s, most of the strategically significant military commands were handed over to senior slaves (the bandagan-i-khaas) by Sultan Iltutmish (Kumar 1994). The Turks did not entirely embrace the culture and traditions of their host society, and as suggested by Fakhr-I Mudabbir's account, they maintained their racial and cultural identity throughout the first few decades of the thirteenth century (Kumar 2006). This was in part due to an attempt by the early Delhi Sultans (themselves of Turkish origin) to impart their 'Turkishness' to the elite bandagan.

As Turkish slaves occupied high ranks in the military as well as the nobility, and since slavery is not generally associated with political status, high birth and cultural upbringing, some of its negative connotations had to be disregarded so that the Turkish bandagan could pass as nobles (Kumar 2006). The deracinated slaves first had to be integrated into society as a different group of people, and were then endowed with the qualities of command and leadership. The elite slaves eventually came to represent a distinctive ethnicity and were incorporated into the royal bloodline as well. However, these slaves were held in high regard only as long as their master was alive; after his death, the slaves were legally transformed into personal possessions and became part of their master's bequest to his heirs (Kumar 2006).

They were not always willing to let go of their power so easily, especially because they were in positions of great authority such as provincial governors or army commanders. There were incidents where the slaves revolted when their authority was being undermined. The most prominent example of this was Iltutmish, who seized the throne from his dead master's son and ended up marrying his daughter, both actions conflicting with his status as a slave (Kumar 2006).

In the years following Iltutmish's death, a profound political crisis ensued (Ziya-al-Din & Abdurrashid 1957). It was in this crisis that Balban seized the throne and brought the state back to order, despite being a slave himself. He created a social order in which people born into the lower classes could never aspire to gain political authority. During his reign, he had entrusted the governorship of some of the most strategic provinces to elite slaves; however, some governorships were also given to the free amirs and to the Sultan's children (Kumar 1994). After his death, his son Rukn al-Din launched campaigns against his father's slaves. He also patronized 'mahouts' (individuals of low social ranking, much like the military slaves). The mahouts derived their political status from the sultans and were utterly dependent on their masters due to social alienation. Later on, Sultan Balban's reign witnessed the deployment of a new body of military personnel, the Afghans (Kumar 2006).

It is important to note that the high positions bestowed on these 'low-born' people did not usually last for more than a generation. This could be attributed to the fact that they were basically 'aliens', which prevented the transmission of positions to their children. Some of these elite slaves did, nonetheless, manage to use the wealth they acquired to provide their children with the training, skills and ambitions to seek high office. The sons of freed slaves were not considered part of the bandagan cadre because they were no longer social outcasts or alienated by birth (Kumar 2006).

Dror Ze'evi (2000) suggests that military slavery in the early modern western Deccan was a self-terminating process, and not an enduring condition. Evidence for this comes from seventeenth century Ahmadnagar, where men who had begun their careers as natally alienated

slaves eventually became integrated into the host society and embraced the Deccani regional identity (Forand 1971). This lends credibility to the concept of slavery in South Asia as a continuously evolving, rather than a static condition, a characteristic that is crucial to this dissertation. The transition from alien slave to socially and culturally integrated freedman explains why the formal manumission of Habshi slaves in Nizam Shahi service was rare. In other words, the transition from a master-slave to patron-client relationship was so gradual that a formal act of manumission was unwarranted (Eaton 2006b). European and Irani chroniclers drew attention to the Habshi's African ethnicity as setting them apart, regardless of their slave or non-slave status. Immigrant chroniclers of Deccani history referred to non-slave commanders of African origin (even slaveholders) as Habshi amirs, not simply amirs (Eaton 2006b).

Similarly, contemporary Europeans continued to refer to Malik Ambar by the Ethiopian name he was given before enslavement (Chapu) and by the name given to him by Mir Qasim, the merchant who bought and trained him in Baghdad. William Finch referred to him as 'Amber-champon', and William Hawkins (another Englishman who was in India between 1608 and 1612) called him 'Amberry Chapu' (Foster 1968). To race-conscious outsiders, the essential part of Malik Ambar's African identity remained important even forty years after his arrival in the Deccan.

The appearance and disappearance of military slavery in the Deccan must be interpreted with regard to the specific circumstances prevailing in the region between the mid-fifteenth and mid-seventeenth centuries. This included the Ethiopian demand for Indian

textiles, the politics of factionalism in Western Deccan, the Mughals' termination of a specific kind of military recruitment, and the gradual assimilation of Ethiopians into Deccan society (Eaton 2006b). The association between Islam and slavery is thus uncorroborated. Instances of military slavery need to be placed in their particular historical context and circumstances in order to understand them. They cannot be merely attributed to ideologies or religious traditions.

The next instance of precolonial slavery that needs to be explored in the context of this outline is that of female slavery in Rajput courts and elite households between the sixteenth and early nineteenth centuries. From the fifteenth to the sixteenth centuries, certain Rajput lineages engaged in frequent warfare for territorial expansion in order to consolidate their authority in the region. These battles resulted in large numbers of war captives, many of whom were women. Enslavement under Rajput rule also occurred in times of famine and as a result of debt (Sreenivasan 2006). Such slaves fulfilled the labor needs of the elite Rajput households as they asserted their status in a competitive polity. There was massive proliferation of slave labor in the seventeenth century, which could partly be explained by the regulation of slaves' entitlements, both within and after the lifetimes of particular rulers (Sreenivasan 2006). The loss of material and political resources may have led female slave-performers and slave-concubines to immolate themselves on the master's pyre on his death (Sreenivasan 2006).

After the establishment of the Mughal overlordship, where the emperor acted as the arbiter of disputes amongst Rajput leaders, the latter were compelled to engage in competitive displays of status, which included slaves. Other forms of slavery also emerged during this period

(such as slave-progeny), as part of the dowry from bride-giving to bride-taking households (Sreenivasan 2006). Slave-performers were a proxy for the elite status of their holders; the transfer of such slaves was used to mark a hierarchical relationship between the donor and the receiver.

Following the downfall of the Mughal Empire in the eighteenth century, Rajput courts and households became even more factionalized, and succession struggles became more frequent. The political turmoil offered slaves the opportunity to exert some degree of influence as favored concubines, attendants and advisors (Sreenivasan 2006). The Rajputs had fewer opportunities to engage in military conquests for territorial expansion, and the chances of upward mobility were also severely limited. They responded by redefining the boundaries that determined access to entitlements within their courts and households. There was greater emphasis on upholding the purity of lineages during this period. Slave-progeny diminished in importance (Sreenivasan 2006). After the consolidation of British rule in 1819, the Rajput chiefdoms became subsidiary powers, while colonial envoys observed a similar preoccupation with lineage and descent amongst the Rajput polity, which had already de-legitimized slave progeny. The altered political and moral economy of the nineteenth century reduced the power and entitlements of slaves to a great extent.

During the eighteenth century in Western India, it is observed that transitions out of slavery occurred most often through marriage or self-redemption. Slaves were expected to show exemplary devotion, while manumission was rare. Thomas Coats refers to a household in Loni that had received some form of informal manumission and had ‘virtually though not

formally yet, got their freedom from their masters, in consequence of their good conduct, and occupy a separate house, and cultivate on their own account' (cited in Guha 2006, p. 182). Masters in this region were particularly wary of the status of the slave-born. For instance, second generation slaves were sometimes emancipated through marriage (Guha 2006). Otherwise, emancipation only came about if the slaves were old and unfit to work. Children sold by parents during famines were often released as acts of charity by slave-owners when grain became cheaper. Richard Jenkins observed that in Nagpur, in 1818-1819, peasants came to reclaim the children they had sold only 'when they were either gratuitously relinquished by the purchasers, or for a trifling compensation' (1827).

How did colonialism and British rule in the Indian subcontinent alter slave-master relations? Colonialism typically constrained social fluidity but this was not always the case. There were, of course, several changes in the condition and status of the Indian slaves who went to Britain during this period. Indians in different kinds of servitude were faced both with numerous opportunities as well as threats in Britain. There were demands to conform with British cultural sensibilities. Some obtained emancipation by converting to Christianity and accepting other forms of Anglicization (Fisher 2006).

In the seventeenth century, Indian slaves and servants in Britain had been few, and they were symbols of the exotic Orient present in the households of the aristocracy (Fisher 2006). They were regarded as having the same status as Africans. As the number of Indians in Britain increased, the British legal system and the East India Company offered some protection while simultaneously imposing restrictions on their movement. 'Permissions' and 'bonds' were used

as a means of imposing social control (Fisher 2006). By the early nineteenth century, the increasing presence of Indians in Britain posed moral and financial problems to the East India Company directors. By the mid-nineteenth century, racial distinctions increased in significance, and this reduced the scope for emancipation of the Indians in Britain.

Domestic slavery was a particularly prominent form of slavery in nineteenth-century Madras (Vatuk 2006). The issue of control over domestic slaves was central to the interplay between British colonial power and indigenous elites in India in the early part of the nineteenth century. The authority exercised by slave owners over their slaves was practically unlimited. Whereas the colonial authorities saw it as an institution with some positive social functions, the everyday lives of these slaves were far more troubled than the authorities believed. Some managed to make their way up and out of the system by using their sexual and reproductive capacity, while others tried other means such as physically removing themselves from the site of oppression (Vatuk 2006).

The nineteenth century was a time when anti-slavery sentiments were growing stronger in the metropole, the Atlantic slave trade was being brought to an end, and slavery was about to be abolished in other parts of the British Empire. However, the effects of these developments were scarcely felt in India, due to political and ideological constraints (Vatuk 2006). Domestic slaves could, to some extent, seek redress through the newly established civil and criminal courts and laws were passed that restricted human trafficking and punished those who maltreated or killed their slaves. However, the courts were not always willing to deal with

cases where the perpetrators of these crimes were of high social standing. This was due to the collusion between the British establishment and males of the elite Indian classes (Vatuk 2006).

The Portuguese enclaves in India continued to illegally import and exploit African slave-laborers, even after the Anglo-Portuguese treaty of 1842 (Walker 2006). Many Indo-Portuguese slaveholders were not willing to let go of their slaves after this treaty, and continued to underreport the actual ownership of their slaves. They were supported by some colonial officers, who did not agree with their government's anti-slavery policies. Misleading documentation was presented by regional administrators in order to conceal the true extent of slaveholdings in Portuguese India (Walker 2006). The top-rank officials found ways to circumvent the terms of the 1842 treaty. The most prominent example of this was the royal governor of Portuguese India who arranged for the illicit transportation of Africans into Goa to perform forced labor even if it was disguised as military service (Walker 2006).

There is not much evidence available from the time regarding the fate of a contingent of 'soldiers' from Mozambique in 1858-59. Assuming that these Africans arrived in Goa in late 1859 or 1860, they would probably not have served in the repression of the uprising in British India, for it had effectively come to an end before this time (Walker 2006). Their military service was no longer needed. One possibility is that these African conscripts arriving in Goa after 1860 were contracted out as civilian laborers in order for the government to reclaim the expenditure on their procurement and transport (Walker 2006). Regardless of their actual fate, these slaves were in a foreign land where they were forced to work and had no means of escape. Essentially, there was no difference between their legal conscription and the illegal toil of slaves elsewhere.

The conscription of labor for 'military purposes' by the Portuguese was ostensibly done in response to the 1857 revolt in British India, during a period of transition from a slaveholding culture to one that stigmatised slavery (Walker 2006). And yet, this concealment cannot hide the reality of racism in Portuguese colonial society. Evidence of exploitation of forced laborers in East and West Africa, even as late as the second half of the twentieth century, reinforces the view that slavery was present in this society (Miers 1975).

Slavery in British India after 1857

The question of slavery in the Indian subcontinent was brought to attention in 1833, when parliamentary approval of the charter for a new East India Company was coinciding with the Emancipation Bill freeing slaves in the Caribbean, Mauritius and elsewhere in the British Empire. On the one hand, the Emancipation Bill allowed for a transition period of 12 years before the final emancipation of slaves and provided compensation worth 20 million pounds to their owners; on the other, the new East India Charter was more radical in its approach to slavery, for it categorically stated that slavery would be completely abolished by 12th April, 1837. It provided no compensation (Temperley 1972, pp. 98-99).

As we have seen, slavery in India was different in nature from slavery in the New World, for it was an institution that the British had inherited rather than creating it themselves. What distinguished Indian slavery was its intimate relationship with the Indian caste system. The interests of the East India Company were at odds with the abolition of slavery for the very reason that the Company's authority depended on the support of India's slaveholding elite. Any

attempt to overthrow slavery would be considered a direct attack on the conservative values of Indian society and the caste system. It could cause domestic unrest and trouble for the British and the colony's stability. Due to these challenges, the Emancipation bill was gradually emasculated – first by the removal of the date specifying when slavery would be abolished, then by the insertion of provisions giving discretionary powers to colonial authorities, and finally through the addition of a clause delegating almost all responsibility to the Indian government. Royal assent was given to this amended bill on 28th August, 1833 (Temperley 1972). After the repression of the Mutiny, incentives to enforce change diminished even further.

Despite the presence of a formal procedure for the implementation of the bill, years of bureaucratic muddle ensued. This could mainly be attributed to the fact that the authorities were not interested in acting upon a question they regarded as being forced upon them by outsiders who were unfamiliar with Indian customs. Communication lagged – the only method of communication was by sea, exchange of letters between London and Delhi could take up to 10 months (Temperley 2000, pp. 172). Abolitionists, along with Law Commissioners, took up the task of compiling a report on the issue of slavery in India in December 1838. Presented to Parliament in 1841, this is one of the most detailed accounts of servitude in early nineteenth century India.

During the 1830s and especially after the shock of 1857, the British made a comprehensive attempt to learn more about the roots of slavery in India in order to counter it more effectively. Gradually, they discovered that while slavery in the New World was a

consequence of an abundance of resources and a lack of labor, the situation was quite the opposite in India: there was an abundance of labor and a lack of resources. Comparing Indian slavery to New World slavery, an Indian Law Commissioner described it as 'a system of mere violence and oppression – a system of which the vivifying principle is the dread of the cart whip' (cited in Temperley 2000, pp. 174).

How was slavery in British India distinct from New World Slavery? It lacked, for example, the capitalist features that characterized slavery in the West (Temperley 2000). Slave labor in India was rarely associated with accumulation of capital. Landowners who held slaves did so mainly to have labor to attend to their fields and to maintain their affluent social status. Their primary reason was their and their families' personal comfort. According to the Law Commissioners, most slavery in British India rested on the principle of social interdependence, which was one of many forms of social dependency imbibed in the Indian culture (Temperley 2000, pp. 174). Slaves believed themselves to be in an advantageous position compared to other landless laborers. The reciprocal relation between the master and slave implied complete protection and support in exchange for providing services to the master. The diversity of Indian slavery made it challenging for lawmakers to identify it for the purpose of legislation. There were traditions that may be regarded as slavery according to Western notions, but were considered integral parts of Indian 'culture' (one such example was when members of the 'hill tribes' were considered the legitimate property of anyone who could capture them; see Temperley 2000).

The number of slaves in the region was also difficult to establish, because of the problem of definition. The 1840 Anti-Slavery Convention claimed the number to be at 6 to 8 million (Temperley 2000, p. 177). Much slavery was of a domestic variety, and slaves were employed in domestic tasks such as cooking, sweeping and working in the stables. It was common for affluent families to have several slave servants. These slaves could be bought or sold at will, but this happened rarely. The type of service and the degree of freedom of slaves employed in agriculture also varied greatly: some were described as serfs of peons, being attached to the land they worked on by financial indebtedness or hereditary loyalties to landowning families; others were chattel slaves in the full sense of the term (Temperley 2000). Some worked under constant threat of punishment, while others had acquired some degree of freedom by virtue of enjoying well-established customary claims to the use of the land they cultivated. There is no evidence of large-scale plantations such as those in the western hemisphere. In fact, the daily labors of British India's slaves did not differ much from those of the peasantry who constituted the greater part of the agricultural workforce (Kumar 1965). What rendered slavery in British India so bewildering to the colonial rulers was the way it was intertwined with the Indian caste system. The caste system was, in turn, a product of religious affiliations; hence it was not just a matter of social status. Hindus subscribed to a holistic view of society, seeing it as a quasi-religious entity within which each individual, by virtue of belonging to a particular group, had his or her preordained place, the interaction of the parts contributing to the well-being of the whole (Dumont 1980, pp. 33-64).

The caste system, however, did not prevent enslavement. Once enslaved, the individual still retained his or her caste status. The Untouchables remained Untouchables; higher caste

slaves continued to occupy the same status as far as religious functions were concerned. Hence, it could be said that individuals in Indian society did not suffer the 'social death' which Patterson identified as a defining feature of enslavement (1982). Some slaves were in a more secure position than the landless laborers. Slaves belonging to the lower castes had no motivation to rebel against their servile status specifically.

The Law Commissioners' draft proposals for India's new penal code were submitted to the Company's Court of Directors in London for approval in 1838. One of their recommendations was that 'no act which would be an offence if done against a free person be exempted from punishment because it is done against a slave' (cited in Temperley 1972: 101). By this time, there was immense pressure from metropolitan abolitionists who had earlier proclaimed the end of slavery in India following the Emancipation Act. In April 1841 the Law Commissioners finally submitted their recommendations dealing explicitly with ways to end slavery and practices that were 'objectionable'. The British and foreign Anti-slavery societies, which had been growing increasingly impatient, responded by publishing a pamphlet called 'Slavery and the Slave Trade in British India', aimed at arousing public awareness (see Temperley 2000). Threats of unrest followed if the recommendations failed to be implemented. On the 11th of February, 1843 official consent was given to Act V, according to which:

> (i) public officers were forbidden to sell persons on account of non-payment of taxes or in execution of court decrees; (ii) courts were forbidden to recognize slavery; (iii) no one was to deprive persons of their rightfully acquired property on the grounds of their

being slaves; and (iv) acts that would be penal offences if done to free persons would be equally an offence if done to so-called slaves (cited in Temperley 2000: 183).

Act V was a reflection of British tolerance of specifically Indian forms of servitude. It was advantageous to their rule because it did not require active enforcement, no obligations to inform slaves of their new legal status, and hence relieved the British of the fear of offending local elites. Slaves had acquired the privilege to appeal to the judgment of the courts. However, due to their economic dependency, illiteracy, and low-caste status they were ill-equipped to do so. As a matter of fact, Indian slavery, unlike slavery in the western hemisphere, had never depended much on legal sanctions or judicial decrees, but was largely a product of customs associated with caste and land tenure systems. Despite the high moral tone adopted by the British authorities in public discourse, they had always been more interested in collecting taxes rather than promoting social reform or inquiring into the intricacies of Indian social customs.

What the British understood well in their fiscal capacity, was the importance of financial obligations. For instance, what was to be done in case of contract workers who were paid for labor that they failed to provide? If these agreements were freely entered into, landlords could claim compensation. In reality, economic destitution placed a large segment of the population at the mercy of landlords, thus making it relatively easy for them to represent pre-capitalist forms of servitude in capitalist terms by depicting traditional slaves as defaulting debtors. Debt bondage had existed in India long before British occupation; however, with increasing commercialization, this practice became more widespread. The British reinforced the employers' powers through new legislation, such as the Workman's Breach of Contract act of

1859, which allowed workers who had obtained advances and refused to work, to be brought to a magistrate. They would be given a choice between repaying the advance or labor for up to three months (Kumar & Desai 1983).

Traditional society was being transformed. Population growth in rural India increased pressure on land use and led to the gradual breakdown of traditional patterns of social interdependence. When Europe had experienced similar changes in the eighteenth century, workers had migrated to the cities to find alternative employment in factories and the services industry. This course did not take place in India, owing to the fact that displacement of workers from the land coincided with the import of cheap factory-produced goods, reducing job prospects in traditional urban handicraft industries. This resulted in an even greater number of vulnerable workers who were prepared to accept any terms of contract offered by employers (Patnaik and Dingwaney 1985).

Nevertheless, the gradual loosening of social constraints did offer some routes to escape bondage. Between 1846 and 1932, around 28 million Indians emigrated to Ceylon, Mauritius, eastern and southern Africa, Fiji and the West Indies (Temperley 2000, p. 184). Abolitionists often failed to realize that many of the emigrants were fleeing bondage, as they started calling their escape a new form of slave trade. Those who migrated had to face severe hardship, for they were not always aware of what employers expected of them. The British and Indian government made efforts to mitigate these migrants' conditions by regulating the vessels carrying them. Indentured laborers were guaranteed a passage home at the expiration

of their indentures. Many did not take advantage of this option and chose to acquire land and become independent farmers in the new country (Kumar & Desai 1983, p. 125; Tinker, 1974).

However, the migrations within India were much larger in scale. Despite slow economic growth, there were new employment opportunities in railway building, canal digging, and public works. The services of local laborers, who were paid less than the going market rate, were sometimes acquired for road construction in remote areas. Elsewhere, there were opportunities for the growth of a free labor force. One popular route of escape for bonded labourers was to become a sepoy (an Indian army recruit). Increasing labor mobility also made caste distinctions less rigid. The massive increase in the population of India, deteriorating circumstances in some areas, and opportunities elsewhere led to results that are both modern and archaic. In rural areas, landlords exploited their position to profit from forms of dependency that combined elements of both capitalistic and feudal systems (Patnaik and Dingwaney, pp.1-34).

Given the history of slavery in South Asia was dominated by female slaves, particularly in the royal courts and the households of the elite, how did their status change under British rule? Indrani Chatterjee (1999) has based her anthropological study of slavery in British India by focusing on regions from where data was more easily available to identify slave conditions. Chatterjee empasises that the Indian slavery under consideration encompassed predominantly women and children, unlike the mostly male Atlantic slave trade. She also illustrated how the virtue, order and dignity of the Mughal court combined with the strength of a slave's allegiance determined the slave's proximity to the Nizam. Chatterjee (1999) demonstrates how high

offices held by eunuchs illustrate how power and rank derived from the rank of the slave's master and the length of tenure of service. Likewise, the harem played such a distinct role in governance that the officials of the East India Company sought to undermine its political influence by devaluing the importance of motherhood and the associate ability of female slaves to achieve positions of privilege. The East India Company attempted to regularise the issue of lineage politics, as a result of which marriage, the legitimacy of children, and the interplay of slave ownership and kinship called for debate. The British were driven primarily by self-interest to construct definitions of relations and a social order that would prevent female slaves and their children from demanding positions of power.

A central element in the ideological justification of the British colonization of India was criticism of the 'degenerate' and 'barbaric' social customs of the Indian people, as sanctioned by their religious traditions. In addition to instituting orderly and lawful procedures of governance, the British also saw themselves as perfoming a 'civilizing mission'. In identifying many Indian traditions as 'degenerate', colonialist critics paid special attention to the atrocities perpetrated on Indian women, not so much by men or certain classes of men, but by an entire body of scriptures and ritual practices (Chatterjee 1989). By assuming a position of sympathy with the unfree and 'oppressed' women of India, the colonial mindset was able to assault the entire cultural tradition of the country (Chatterjee 1989). Given the motivations of the British authorities, their apparent enthusiasm to assist Indian women in gaining some degree of freedom from cultural and ritual slavery could very well be seen as just another way of legitimizing their rule.

The contradiction between promising modernization and avoiding an erosion of cultural values characterized the policies of the British. Although beyond the scope of this thesis, it is important to at least recognise that attempts by the British to address the enslavement of women would have been ineffective without targeting the social norms that allowed these practices to subsist. The next section investigates the ways in which the economic interest of the British empire conflicted with attempts to abolish slavery.

The Economic Basis of Slavery in British India

Understanding how British colonialism contributed to or affected slavery in India requires a brief outline of its economics. Trade is often cited as the force that drove the emergence of the British Empire in India (Johnson 2007). However, citing trade as the only factor would be misleading. Trade does not necessarily lead to empire, and trading nations do not always seek colonial possessions. Trade is a feature of mercantilism and capitalism, rather than a prerequisite for imperialism. Moreover, continental empires do not seem to be driven exclusively by a concern to establish or regulate trade.

Nevertheless, several European powers had been eager to control and regulate the spice trade in the fifteenth century (Johnson 2007). The same eagerness to control the sources of silver, gold and other resources can be observed in later periods. There were several benefits associated with the ability of controlling the sources of commercial goods, such as preventing rivals from cutting off trade supplies. Exploitation was easier if the areas where these goods emanated were under European control. Demand also played a huge role in the development

of colonialism: indigenous suppliers were often unwilling or unable to increase the volume of tradeable commodities despite high demand from Europe. This drove prices up.

This model can be used to explain the emergence of cash cropping and plantations. Colonial relations are built around a metropolitan core engaged in manufacturing and service sectors, and a periphery providing primary goods and raw materials. However, colonial relations often resulted in some modernisation in the colonial economies as well (Johnson 2007). This was especially the case where Europeans wished to control commodities that could only be produced in tropical climatic zones. In Ceylon and India, tea plantations were established after 1826 when Assam was annexed by the East India Company. By 1874, there were 113 estates with 18000 acres of tea planted in Northern India. The total productive area of the subcontinent that year was 75000 acres with a yield of 15 million lbs. In six years, this figure has grown three-fold (Moxham, 2003, p. 114). The speed of development meant that indentured laborers were rushed into the area without proper provision for housing, medical and other facilities. Many of them were recruited by intermediaries, who deliberately indebted their employees to secure their income. There was little regulation of this practice and unfree labour forms proliferated. In these cases, slave-like conditions were the result of capitalist development.

Colonial development was built in very exploitative relations, and yet, while immense pressure was cast on the labor force, for some, displacement to sites of new industries was a means of advancement. Thousands of workers were drawn into the newly established ports, factories and warehouses. Middle men were vital in organising labor. The construction and

other industries demanded labor, due to the establishment of railways, telegraph lines, improved roads, bridges and tunnels. The presence of imperial authorities altered labor relations, changed barter systems to cash economies, and even affected types of agriculture.

The economy was transformed by the colonial interruption. In India, the old Mughal system of intervention (providing free food if available, or remittance from land tax) was abolished by a colonial administration that disapproved of state intervention and adopted a *laissez faire* approach (Johnson 2007). The concept that the distribution of free food or money encouraged 'idleness' prevailed. In the early nineteenth century, the British were prepared to set up public works only where poor peasants could work on roads and water systems for a wage. Malnourishment further reinforced the British belief that the Indians had to be encouraged to become more industrious. However, disease was widespread among a malnourished population and being held in camps increased the rate of infection. Ignorance and indifference to local conditions, and reliance on ways of thinking imported from the metropole was widespread. This attitude created conditions that were ripe for the proliferation of unfree labour forms.

The British built a series of canals to compensate for the system of wells that had failed to protect adequately against famines. After two big famines hit the region in 1896 and 1899-1900, loans were made available to villagers to improve irrigation and local officials were even empowered to distribute free food (Johnson 2007). New wells were dug and pumps brought in, and a program of inoculation was started to reduce the spread of disease. The reluctance to actively intervene in the economic system should be related to the British faith in free trade.

The root of this belief, as proposed by Adam Smith, was that poverty was caused by hindrances to trade, and that if some areas were allowed to specialize and profit, wealth would be transmitted to other areas, and therefore to producers as well. A rebuttal of this argument was famously presented by Andre Gunder Frank with the development of dependency theory (1966). He argued that colonialism left colonial economies stagnant and under-developed. The free movement of goods and money was not matched by the free movement of labor, and the colonies had become merely client states (Frank 1966).

Clearly, the British had economic motives behind every development they undertook in the Indian subcontinent. This in turn affected the demand of labor as well as the kind of work expected of laborers, thus leading to a change in labor organisation. The new ways in which labor was organized in British India may have reduced certain forms of slavery, but paved the way for the continuation and reproduction of other ones. Moreover, as observed, affirmative action for the abolition of slavery was not undertaken by the British authorities, for it clashed with their need for stability. Unfree labour was one fundamental characteristic of colonial development. The postcolonial polities inherited a tradition where forms of slavery, traditional and modern had proliferated.

Agricultural Reforms in British India

In order to understand the nature of land distribution in post-Partition Pakistan, one must refer to the various agricultural reforms promoted by the British. It is important to note that the

successor states inherited a pattern of land distribution that favoured the reproduction of forms of unfree labour.

Agricultural 'development' represented a major justification for the British occupation of India, and the agrarian 'ideals' the colonisers upheld were based on theories of growth. The Utilitarians hoped to create thriving, progress-oriented peasant communities, and advocated establishing secure, individual, peasant-based land tenures across the Indian subcontinent (Klein 2008). British reformers believed that advancement would be attained through the promotion of technical skills, objective laws, and sufficient education to encourage strategic economic planning by village cultivators. In practice, the British government failed to enact substantial reforms, and instead gave priority to transport, expanding irrigation, nurturing the growth of valuable export crops and promoting the exchange of cheap raw materials for British manufactured goods. A minority of India's landholders may have become prosperous under colonial rule, primarily through the growth of commercial agriculture; on the whole, the measures taken by the British only achieved limited progress for the vast majority of cultivators. They became even more impoverished (Klein 2008).

In colonial India, commercial agriculture was affected by living standards, ownership, indebtedness, agrarian relations and overpopulation (Klein 2008). In evaluating the results of the British reforms, scholars disagree, with some concentrating on matters of tenure, tenancy and caste (Metcalf 1979), while others pay more attention to the impact of agricultural commercialisation (Hill 1997). One serious miscalculation of the British rulers was to implement unrestricted individual economic competition to the detriment of community development. In

the development of commercial agriculture, little attention was paid to human capital, which was abundant in colonial India. Anglo-Indian law invoked new commercial regulations, making it easier to buy, mortgage, and consequently also to lose land. Under British rule, a limited number of individuals embarked on commercial agriculture, but a larger mass succumbed and surrendered land. They became impoverished tenants.

Some authors have depicted a vibrant commercial agriculture in the colonial era. H. Fukuzawa (1983) notes that cultivators prospered as cotton acreage was doubled in the 1860s. In the turbulent 1870s, legislation was passed adjudicating land rights and providing certainty. On the contrary, Vasant Kaiwar believes that efficient agriculture declined because of British policies and uncontrolled population growth amongst other factors (Kaiwar 2005). The British colonial officials and historians who have investigated these reforms' impact on India's agricultural development have failed to consider social and cultural conditions and how these affected rural life. As opposed to their promise, the British failed to provide sufficient education and to recast agrarian relations. Commercial agriculture thrived the most in areas with a high adult literacy rate. In areas with lower literacy rates subsistence agriculture prevailed (Klein 2008).

The consequences of these policy failures were observed in numerous ways. There was an increase in indebtedness, with clients owing patrons a disproportionate share of the produce (Klein 2008). Creditors took advantage of the vulnerable position of cultivators, especially during crop failures, to win their loyalty to the extent that the producers sold to lenders even when prices were extremely low (Catanach 1970). Credit flowed to cultivators

more freely after they managed to win land titles and mortgage rights as a result of British reforms. However, fiscal demand was inflexible. A rigid British revenue collection approach during famines made the creditors' offer of cash advances more appealing than the mere starvation (Klein 2008). Cultivators even depended on lenders for financing obligations in other aspects of their life, such as marriages, religious festivals, etc. These outcomes resulted in the proliferation of unfree forms of labour.

With respect to land reforms and the redistribution of land, by the early 20th century only about 19 percent of the agricultural population owned any land, while more than 80 percent toiled to obtain a livelihood with none (Klein 2008). Figures show that a tenth of the farmers ploughed and harvested four-fifths of the total acreage. The British claim that the great mass of cultivators tilled the land they owned was always a myth. While a small minority reaped bountiful yields from the land, a majority of the cultivators in the late colonial era labored as tenants or as landless peasants with little opportunity for regaining land ownership.

Slow and fragmented industrialisation made agriculture the only life support system of over 250 million people by 1900 (Klein 2008). Serving its own interests in occasionally boosting manufacturing, the British aided the advent of the iron, steel, and war industries to balance India's budgets and to better fight off foreign challenges. But population growth generated a great demand for land amongst a population with no alternative source of employment. This caused agrarian crowding, which raised the rates of tenancy and increased further the number of landless laborers (Klein 2008). Most of the landless laborers belonged to the lower castes. The growth of tenancy and landless labor, and the control of most land by a relatively small

portion of the cultivating population, demonstrates how the British failed in their attempts to create a large and prosperous class of independent landowners (Klein 2005). Agricultural productivity was never raised.

These failures affected the land policies of the successor states. Pakistan would implement land reforms as part of the great Green Revolution in relation to individual property rights, tenure, the provision of infrastructure and the promotion of agricultural exports. The objectives of these latter initiatives also proved elusive. This left large numbers of landless peasants who accumulated debts and ended up in servitude. The colonial and the postcolonial policies were not that different with regards to approach or outcomes.

Chapter 3:

Partition and Slavery in Contemporary Pakistan

The previous chapter outlined how various forms of slavery existed in the Indian subcontinent since ancient times and how the colonial regime contributed to their transformation and reproduction. Partition should have changed everything. With the departure of a foreign ruler, and the neutralization of the prospect of Hindu rule, the newly formed state of Pakistan was now in the hands of a new 'people'.

The Violence of Partition

The partition of India has largely been seen by historians as both inevitable and cruelly imposed by the British in a desperate move to cut their imperial losses. Today, several other claims regarding Partition are being entertained. Talbot and Singh conclude that 'the division of the subcontinent was contingent on a range of political choices made by both the British and India's political elites' (2009: 58), and that it was 'in large measure willed into existence by Indian political leaders' (2009: 178).

Talbot and Singh are renowned historians of Partition. Their focus is on the human cost of this event. They contend that much of what has passed as Partition violence actually predated the moment of Partition. The state of Punjab bore the brunt of most atrocities that occurred in 1947 (the year of partition); however, savage acts bordering on genocidal atrocities

had already began in Bengal in 1946, following the great Calcutta killings. The violence of Partition also varied in intensity across different regions: British administered areas were more affected than the princely states.

The two authors have also warned against the temptation to generalize patterns of migration from the case of Punjab (Talbot & Singh 2009). The deadly violence that characterised the partition of Punjab has long furnished the iconic image of partition. The reality, they suggest, was far more complex. The process of migration in Bengal and Sindh was more drawn out than Punjab's (in these states, migration continued until as late as 1954), and was made worse in some regions by the two-way integration of non-elite groups in which 'all the social inequalities of the South Asian formation played a critical role' (Talbot & Singh, p. 125). The legacies of these processes are still deeply felt.

Talbot and Singh draw parallels between the trajectories of the subcontinent's two main successor states: India and Pakistan. While some similarities emerge in these states' preference for centralisation and their vulnerability to ethnic and religious nationalism, their trajectories are also significantly divergent in terms of identity and constructions of notions of 'legitimate' rule (see also Shaikh 2011).

Another view of Partition is that it was largely due to the triumph of 'communalism' over anti-colonial nationalism in Punjab. Neeti Nair (2011) attributes The Muslim League's breakthrough in Pakistan's cornerstone province to 'the propitious conditions provided by a wartime colonial state', rather than to deteriorating 'inter-communitarian relations within the province' (p. 258). What Nair emphasises is that conventional histories have overdetermined

the transforming impact of religious reform in Punjab. Nair argues that it was not religious difference but 'shockingly petty political differences' that caused Partition in the final instance (2011: 261). There were missed opportunities for compromise at both the provincial and All-India level of politics. A focus on constitutional developments, however, overlooks the underlying economic causes driving the tension that promoted communal politics. Contrary to the popular view of two monolithic Hindu and Muslim communities pitted against each other, we should appraise a struggle for power to maintain the status quo involving the dominant Hindu and Muslim castes. Bewilderment and collective confusion have often been cited as consequences of the uprooting and migrations that followed the partition of the subcontinent. Nair (2011) acknowledges the trauma. Migrants did not think that they would have to abandon their ancestral homes permanently.

Dilip Hiro's (2015) brisk and clear history of partition and its effects ('The Longest August') dwells on the long-lived cost of Partition. He labels it a 'communal holocaust' that resulted in the massacre of over half a million Muslims and Hindus. The killings seemed to begin spontaneously, as members of rival religious groups settled ostensibly old scores. Later on, these killings escalated into cycles of vengeance. Millions were displaced and the violence led to masses of refugees moving from various locales in disorganised fashion.

Paul Brass (2003b), in an attempt to explain violence in contemporary India, states that events labelled as 'Hindu-Muslim riots' have been recurring features in the history of India for more than three-quarters of a century. According to him, riots follow a recognisable pattern and sequence: preparation/rehearsal, activation/enactment, and explanation/interpretation.

Amidst a backdrop of endemic rioting, which is what occurred during the period leading to Partition, preparation and rehearsal are ongoing activities. Activation or enactment of a large-scale rioting takes place under particular circumstances, notably in a context of intense political mobilisation or electoral competition in which riots are precipitated as a device to consolidate the support of ethnic, religious or cultural groups by emphasizing the need for solidarity in the face of a rival communal challenge (Brass 2003b). The third phase follows after the violence is perpetrated in a struggle to control the interpretation of events. During this latter phase, many other elements of society become involved, including journalists, politicians, social scientists as well as the general public opinion. This dynamic was in place during Partition.

Brass explains how all of this takes place in India within a discourse of Hindu-Muslim hostility that denies the deliberate nature of violent acts by attributing them to the spontaneous reactions of ordinary Muslims and Hindus, locked in a web of mutual antagonisms (Brass 2003b). Moreover, in post-independence India, what are labelled as 'Hindu-Muslim riots' have more often than not been turned into massacres of Muslims. The author identifies 'institutionalized riot systems' in sites of endemic rioting, in which militant Hindu nationalist organizations are deeply implicated. In these sites, persons can be identified who play specific roles in the preparation, enactment and explanation of riots. Brass identifies 'fire tenders' and 'conversion specialists' who keep Hindu-Muslim tensions alive through various inciting acts, and also lead and address mobs or potential rioters. Matters are made worse by politicians and the vernacular media. They draw attention away from perpetrators of the violence by attributing it to the actions of an inflamed public. Once these riots are enacted, Brass (2003b) notes how the principal beneficiaries of the process are the government and its political leaders, under whose

watch such violence occurs. In the aftermath of the violence, social scientists also become involved when they draw attention to difficulties of governance in societies where interethnic and intercommunal animosities are allegedly rampant. Thus, they themselves become implicated in a political discourse that focuses on alleged 'difficulties' of governance rather than the suffering of the victims of mis-governance. Violence is therefore normalised. Brass's (2003b) analysis of intercommunal violence in the context of Hindu-Muslim relations is thorough and presents a novel way of looking at the process of rioting. Going through the same process in the backdrop of the partition of India, it is observed that various state authorities and religious organisations with extremist ideologies were involved, with the latter inciting violence and the former trying to attribute it to otherwise normally functioning sections of society. The state was born in extreme violence and crisis, the slavery formations that emerged in the context of mass uprooting did not have the reciprocity safeguards that had protected enslaved people subjected to traditional types of slavery.

Similarly, Steven Wilkinson (2004) has developed a theory of how electoral competition led to ethnic riots in India. According to his theory of ethnic (religious, racial, linguistic) violence, the motivation of politicians' to prevent riots is dependent upon their need for minority support. According to Wilkinson, politicians prevent violence when they need minority support. In certain cases, as the author concedes, they may even promote ethnic violence, such as when they need to incite ethnic polarisation in order to consolidate consensus and shore up the majority's party (Wilkinson 2004). In the context of the violence preceding Partition, he explains how the upper-caste Hindus could be involved in inciting Hindu-Muslim riots in order to attract lower-caste Hindus into their party. Acts to incite violence are often organised by political

parties, through the help of religious organisations that are already competing with the opposing religious or ethnic group, especially before elections.

Most of the literature pertaining to the violence of Partition focuses on external factors or influences that fuelled animosity between two otherwise peacefully coexisting communities. Yasmin Saikia (2015) attributes a sudden change in relations between the groups, and the subsequent violence, to the loss of a basic principle of humanity. Her analysis is based on the war between India and Pakistan that took place in 1971 and led to the separation of East Pakistan (now Bangladesh); however, the same analysis can be applied in attempting to explain the violence that emerged after the decision of partitioning India into two separate states. In light of her analysis, the constructed national identities of the South Asian peoples were at odds with an inherent desire for an inclusive common ground. The search for identity in a nationalistic sense, or in a promised future nation and homeland, superceded the desire for humanity and eroded memories of common anticolonial struggles. This led to the inhumane expression of hatred between the Hindus and Muslims at the time of Partition (slavery also thrives through dehumanization).

When discussing the breakout of violence at the time of Partition, it is important not to overlook how women suffered especially during this crucial time. Ritu Menon and Kamla Bhasin (1998) shed light on the sexual violence inflicted on women during the exchange of populations that took place alsongside Partition. Menon and Bhasin claim that the violence was premised on a masculinist ideology: female bodies were equated with notions of 'home', they in a sense embodied their respective religious communities, nations and national territories. These

geopoliticised women were positioned as either ‘ours’ or ‘theirs’ and accordingly treated as sites for masculinist protection or injury.

During riots, ‘othered’ women were subject to stripping, were paraded naked, mutilated, amputated, and raped (Menon & Bhasin 1998) . Women were violated across spatial categories: in public spaces, in sacred places, or in their own homes. Symbolically, these brutalities relied on the sexualisation of intermale relations of domination and subordination. Each act signaled the weakness of the male members of the opposing community, and their inability to ‘protect’ their women. As a result, many women were even killed by the men of their own families because death was deemed preferable to dishonor. Women committed suicides. However, the concept of free will ceases to exist where masculinist notions of honor and shame have been so deeply internalized. These sacrifices were performed to protect male honor, and hence were not much different from honor killing.

Whatever the cause of the violence that broke out following the announcement of the partition of the subcontinent, most scholars contend that the scale of the violence was significant and its occurrence widespread. Scholars also concur in seeing the atrocities committed against innocent women as especially brutal. Partition was achieved largely on religious grounds, but it took an especially gendered dimension.

Migration and the Refugee Crisis in Pakistan

Following the partition of the subcontinent in 1947, approximately 12 million people crossed the western and eastern borders separating the newly independent nation states of India and Pakistan. Most of these movements were incited by threats of communal rioting. In an attempt to resolve the refugee crisis, both the Indian and Pakistani state leaderships designated the respective segments of the partitioned province of Punjab as 'disturbed areas' (Naqvi 2012). Each area contained vulnerable Muslim and non-Muslim minority, ethnic 'pockets' that had already been attacked or faced imminent threats by hostile members of the surrounding communal majority. Most of the Muslim refugees entering West Pakistan from India were evacuated from eastern (Indian) Punjab under a hastily negotiated bilateral transfer of population agreement. A large pocket of New Delhi's Muslim population was included in this initial evacuation, although evidence suggests that most migrants from New Delhi and surrounding regions displaced without official assistance. The organised transfer of populations was an attempt to bring a disordered experience of communal violence under control. The transfer of population allowed to predict the end of communal violence (Naqvi 2007).

The independence of India and Pakistan was accompanied by one of the largest instances of ethnic cleansing in modern history; it complicated post-war conceptions in international law pertaining to 'stateless refugees', the notion of a 'religious homeland', and of the 'right of return'. Muslim and non-Muslim refugees who entered Pakistan and India faced fewer obstacles to citizenship than their counterparts in Europe and the postcolonial world. Theodore P. Wright (1974) observes how, in contrast to Europe, those who were

> involved in the mammoth Hindu-Moslem exchange of population […] though they have suffered greatly […] had from their very beginning […] the security of citizenship, protection and encouragement of their respective co-national state in which they had found a haven [… and] a new life, not on sufferance, but as of right (45).

Wright draws attention to the significance of the refugees of Partition. Their resettlement and rehabilitation was managed and financed without the assistance of international humanitarian organisations, through the bilateral efforts of two mutually hostile states.

Pakistan lacked the administrative infrastructure of a central government; hence the resolution of the refugee crisis became the prime developmental objective of the new postcolonial state. This crisis provided the material terrain for the organisation of the central state's project of legitimacy in relation to the country's provincial units. Thus, while the term 'refugee' is employed both in Indian and Pakistani official discourses, it is not employed to designate an alien or a stateless person, but as a member of a communal minority in need of a majoritarian sanctuary.

In order to fully comprehend the nature of the challenges arising from the post-partition refugee crisis, and the ways in which these conditions impacted on the reproduction of slavery in post-colonial Pakistan, it is important to realise that these refugees were not mere citizens. Two reasons have been identified for this. Limits were placed on cross-border movement between India and Pakistan after India imposed a permit system in 1948, followed by the introduction of a passport system in 1952. Secondly, Muslims residing in the Hindu-majority provinces of India were considered to be 'liminal subjects' of the Pakistani nation in the build-

up to Partition (Naqvi 2012). They were suspended between their participation in the movement for an independent nation and the eventual denial by the Pakistani government of their 'right of return'. These limitations had less to do with the religious and ethnic identity of Muslims residing in the Hindu-majority provinces, and more with the contradiction separating membership and inclusion in the emerging territorial sovereignty of the newly-formed state of Pakistan.

The development of narratives of nationalist 'sacrifice' among sections of the refugee population in India and Pakistan has remained an important theme in the historiography of Partition. Such narratives are invoked by refugees who moved from areas that were not covered under the transfer of population agreement. The moral basis for their inclusion became more prominent than their legal right to remain as citizens in their new homeland. Studies drawing upon the oral accounts and individual memory of Partition have challenged 'high politics' approaches that emphasise the role of political elites, colonial policies and the wages of the electoral political arena (Naqvi 2012). Focused on the causes of Partition, the high politics approach has arguably categorised it as an event that ends soon after independence. The histories from below of the same event, however, have given voice to intimate experiences of suffering and violence that are seen as ongoing (Pandey 2001). Partition is therefore an extended period rather than an event, a period that covers the rehabilitation and assimilation of refugees and their politicisation (Ansari 2005).

As we have seen, the concept of 'sacrifice' was invoked equally by the postcolonial state and refugee citizens-in-the-making. Sacrificial narratives embody memories of loss and

suffering that exceed the rationality of the high political arena, and amount to a collective political claim for belonging and recognition. The memory of sacrifice in the case of Muslim refugees from India conveys an ambiguous promise of participation and inclusion in the post-independence national order (Naqvi 2012). What is both culturally and historically distinctive about the Muslim rhetoric of refugee sacrifice is that it involves the constitution of the refugee from the Muslim-minority province as a transcendental subject of Pakistani nationalist authenticity. As Ian Talbot suggests, such claims locate the agency of sacrifice in ideological terms, in the decision to abandon one's homeland for the sake of a religious ideal:

> In the true meaning of the word, a muhajir [refugee] is not an involuntary refugee who is a victim of circumstance, but is rather an individual who has made a sacrifice for his faith. It is important to note that migrants to Pakistan from East Punjab quickly dropped the muhajir label, unlike Urdu-speaking migrants settled in Sindh who retained it as a new ethnicity marker (2006: xxv).

There is a long-lasting tradition of migration in Islam. Relating to the migration of the Prophet Mohammad from Mecca to Medina in 622 CE, the obligation to migrate is therefore a vital concept (Masud 1990). In Islamic tradition, migration is viewed as a form of religious and political action whose goal is to separate the believer in both moral and physical terms from sources of evil and ignorance. Grounded in religious conscience, the model of extra-territorial solidarity was held in self-consciously moral and political terms as an alternative to the racial and linguistic particularism of European territorial nationalism (Ahmad 1967). But while Pakistan's muhajirs (migrants or refugees) locate their national belonging in the sacrificial

decision to abandon India for Islam, the act of migration was viewed by the Pakistani state as a transgression of national policy.

Muhammad Ali Jinnah, the founder and leader of the independence movement of Pakistan, praised the Muslims residing in the Hindu-majority provinces of India for having made many crucial sacrifices for the cause of Pakistani independence. And yet, despite their role and support in the creation of the Muslim homeland, Jinnah advised them in the weeks following partition to 'stick to their respective homelands' (cited in Naqvi 2012). This changing view offers insight into the shifting and conflicting meanings that came to be assigned to Muslim nationhood and to the communal predicament of India's Muslim minority at the threshold of decolonisation.

In the early stages, the transfer of population in the Punjab was viewed by the Pakistani government as a temporary phenomenon; refugees would eventually return to their respective homelands after the violence had subsided. As Ahmed summarises, in 'the meantime, the governments of both Dominions were to take charge of the properties and look after them on behalf of their evacuee owners' (Ahmad 1967, p. 298). In contrast, the Muslim minority residing in provinces other than the Punjab were discouraged from migrating to Pakistan because those areas were deemed to be less vulnerable to communal disturbance. Those Muslims who eventually managed to enter Pakistan from India's 'non-agreed' areas consequently could not access evacuee (non-Muslim) property and other rehabilitation entitlements. According to Jalal, Jinnah's strategy of using the Muslim-majority provinces as a constitutional bargain for greater

provincial power at the federal level eventually collapsed, forcing him to accept Pakistan's complete sovereignty and the territorial division of the subcontinent (1985, 241-293).

The concept of counterbalance gained significance after the Muslim League introduced the demand for a separate Muslim state in 1940 (Naqvi 2012). It entailed a system of reciprocal minority safeguards between India's Muslim majority states and the Muslim majority states that eventually formed Pakistan. In essence, what this implied was that Muslims in the Muslim majority states would show tolerance towards the non-Muslim minority because any act of aggression on their part could affect the security of the Muslim minority in India. Significant numbers of non-Muslims would need to remain in Pakistan for the principle of reciprocal safeguards to be effective. However, the crisis after Partition resulted in the exodus of non-Muslims from Pakistan. The ability of federal and provincial governments to retain the non-Muslim population was viewed by many as a necessary confirmation of the secular character of the Pakistani state (Zamindar 2007). Another assumption of counterbalance was that Pakistan would enjoy sovereignty within the larger Indian union. In the view of the All-India Muslim League, counterbalance would empower the Muslim majority provinces to advocate for the rights and security of their minority co-religionists within the larger Indian union.

There was an expectation before Partition that counterbalance could persist in the context of two sovereign nation-states. The eventual breakdown of the counterbalance model by 1948 illustrates the League's complex attempt to reconcile national membership and inclusion amidst violence and displacement. Signs of political fissure began to surface soon after independence. The intensity and scale of communal violence on both sides of the divided

provinces of Punjab and Bengal exceeded the enforcement capacity of the two states. Patel proposed including Delhi and parts of the western United Provinces in the evacuation agreement (Zakaria 1996, p. 76). There was a similar proposal by the Sikh Akali Dal leader Master Tara Singh, who called on the Congress government to evacuate Muslims from the United Provinces in order to accommodate incoming Sikh refugees from West Punjab (or West Pakistan). At this point, only areas affected by communal violence were designated for evacuation.

In response to Patel, Liaquat Ali Khan articulated the Pakistani government's stance towards Muslim immigration from areas that were not designated under the transfer of population agreement. It was about the secular character of the Indian state:

> While Pakistan would not refuse shelter to any Muslim settler, it must refuse in any way attempts to facilitate abandonment by Muslims of their homes and properties in India outside East Punjab. I emphasized that it was for the Government of India to implement their reiterated promises to give full protection to all their Muslim nationals and that if they did so honestly and truly the question of evacuation of Muslims from Delhi and [United Provinces] would not arise. The division of India into Pakistan and India Dominions was based on the principle that minorities will stay where they were and the two States will afford all protection to them to live as citizens of the respective states (cied in Khan & Afzal 1967: 126).

The intensification of anti-Hindu violence in both sections of Pakistan incited a much larger proportion of its minority population to flee to India. Patel asked that the Pakistani government

make an official announcement that they would refuse to accommodate them. In response, Liaquat Ali Khan stated that the Pakistani government would agree to make such an announcement if the Indian government first declared that it could not guarantee the security of Muslims residing in the United Provinces (see Naqvi 2012).

The model of counterbalance, set out in order to maintain a nationalist commitment to the minority province Muslims in the absence of a clear understanding of how the sovereignty of the Muslim provinces would be organised, soon blurred the distinction between state and civil violence. This, in turn, led to confusion for the minority subjects; they could not distinguish between threat and guarantee. Counterbalance amounted to a theory of 'mutual hostage' (see Ambedkar 1946). One of the most problematic outcomes of this situation was the temporary transformation of the Muslim inhabitants of the United Provinces into a kind of stateless population. There was genuine uncertainty for this community about whether they enjoyed the protection of a political community or not. For many Indian Muslims, the crisis of communal insecurity extended beyond more than just being a potential evacuee; it led many to doubt their political and economic future in India. Between the potential extension of official evacuation into the United Provinces, and the prospect of enduring marginality, a small proportion of Muslims residing in the provinces of northern India who had the resources at their disposal, migrated to Pakistan in the months and years following Partition (Naqvi 2012).

These people went against the Pakistani government's narrative and decided to migrate of their own accord. They were not refugees who had to escape the immediate threat of violence. The official designation of sanctioned and unsanctioned areas for evacuation did not

take ethnic and sectarian affiliation into account (beyond the main distinction of Muslims and non-Muslims). The Pakistani government's lack of border enforcement prompted sections of local public opinion to assert that the federal leadership (composed primarily of stalwarts of the All-India Muslim League from the minority Muslim provinces) was secretly encouraging the informal influx as a means to secure a loyal constituency in Pakistan (Naqvi 2012).

Refugees arriving in West Pakistan from Northern and Central India effectively ignored official incentives to resettle in the rural interior of the southern province of Sindh. They concentrated instead in the urban centers of Karachi, Hyderabad, Sukkur, Shikarpur and Larkana (Naqvi 2012). These cities had recently lost their non-Muslim majorities, often as a consequence of violent campaigns led by incoming Muslim refugees. Muhajirs concentrated in the port city of Karachi because it offered proximity to recently arrived government servants from India who had opted for guaranteed employment and citizenship in Pakistan. For the vast majority of migrants, however, the process of resettlement was characterised by job and housing scarcity. This, in turn, led the refugee organisations to press claims at the municipal level for better access to housing, water and other rehabilitation services (Ansari 2005).

The concept of 'refugee sacrifice' became an important feature of public debate in the context of the massive and unorganised flow of refugees into Western Pakistan through the Khokrapur border between 1948 and 1955 (Naqvi 2012). Khokrapur migrants carved an unregulated and continuous path into Pakistan. Those migrating by this route bypassed the 'permit' system put in place by India in 1948 to curtail Muslim repatriation as well as the passport system that was initiated at Pakistan's insistence in 1952. In 1950, the Liaquat-Nehru

accord was signed, under which both India and Pakistan were required to include substantive provisions for the equal rights and protection of religious minorities in their constitutions (Naqvi 2012). The government of Pakistan viewed the 1950 accord and the induction of the passport system as mechanisms that would reduce Muslim immigration from India. This would allow it to avoid the ideologically troubling scenario of turning co-religionists away at the border. These policies managed to strike a temporary balance between the Pakistani state's diminishing capacity to secure the rights of India's remaining Muslims and its growing political concerns about the country' ability to absorb immigrants (see Zamindar 2007).

In the wake of the recently concluded transfer of population, the influx of non-evacuated refugees in Sindh incited a debate about their motivations for coming to Pakistan. A report in the local newspaper chastised politicians who had claimed that the Khokrapur migrants were 'caught up in India' and that they were 'only in Pakistan to earn money'. One politician went on to claim that 'these people do not live in Sindh; they came thinking Pakistan was only Karachi' (cited in Naqvi 2012). This criticism was based to some extent on the well-founded observation that in contrast to those arriving through the official transfer of population, refugees who entered through Khokrapur were in a better position to sell their movable property in India before leaving, and could send out parties in advance to seek out housing and employment (at least until 1952). Moreover, criticisms targeting sections of the migrant populations point to the discursive blurriness of the distinction between provincial and Pakistani belonging. All of this was happening at a time when tensions between the center and provinces over the distribution of sovereignty were raising. The 'refugee problem' was also a constitutional one (Ansari 2005; Naqvi 2007).

Accusations regarding the seemingly voluntary nature of the Khokrapur migrations, which were allegedly motivated by self-interest, prompted a backlash amongst pro-muhajir sections of the Pakistani media (Zamindar 2007, pp. 172-173). The editorial pages of the major national newspapers echoed Jinnah's assertion before Partition that minority-province Muslims had rendered unparalleled sacrifices in the making of Pakistan. By the late 1940s, those who had 'sacrificed' themselves emerged as those whose participation in the creation of Pakistan entitled them to remain in Pakistan without question (Zamindar 2007: 172-173).

Those seen as choosing or deciding to migrate to Pakistan found themselves positioned at the moral margins of the nation-state. Such subjects may have been loyal partisans of the Pakistan Movement yet lost ground upon their arrival in Pakistan. Naqvi (2012) notes that this could in part be due to the moral immediacy and legitimacy that came to be ascribed to the suffering of involuntary Muslim refugees who had arrived when the violence of Partition was at its peak, and during the major transfer of population. Much like the native of Pakistan, the inclusion of those who had suffered at the hands of the Hindus and Sikhs could be legitimized as involuntary, hence unquestionable. The mass migration surrounding Partition, and the delegitimation that was ascribed to some immigrants, has had long-term consequences for the state of Pakistan, as Sarah Ansari (1994) observes.

The process of integration and assimilation of mass migrants contributes to high levels of instability. In both India and Pakistan migration has led to substantial levels of ethnic conflict, particularly in Sindh, between Muslim migrants and the local Sindhi population (Ansari 1994). The Muslim migrants to Pakistan were more educated, allowed a greater participation of

women in public life, and embraced a style of Islam that emphasized the scriptures instead of Sindh's Sufistic religious tradition. Urdu became the dominant language of the migrant-dominated cities. The migrants returned to their former occupations as cultivators, but most who were educated settled in the cities. The migrants in Sindh were more heterogeneous than other migrants in Pakistan. Over the years, Sindhis became resentful of immigrants. Migrants held the attitude that they should receive preferential treatment, largely due to their narrative of sacrifice. The government helped establish and maintain suspicion between the groups. The psychological and physical distances between rural and urban were reinforced. A shared religion did not unify the two groups, and political agendas were quite different. There was never the notion of immigrants adopting the values of their hosts and assimilating. Development benefitted urban areas. In the end, both Sindhis and migrants were dissatisfied with the outcome of Partition.

Immigration associated with Partition continues to be a source of ethnic and communal dissension between different groups in Pakistan. This has had a negative impact, and a succession of identity crises throughout the decades did not ease tensions. Created primarily to serve as a separate homeland for the Muslims in the subcontinent, there has been a constant debate between the orthodox and the progressive elements in society regarding the founding ideology of Pakistan and its implications for law-making. A prominent example of this identity crisis can be seen today, with the country engaged in a war against terrorists who make use of Islamic symbols to justify their war against what they claim to be the enemies of Islam. The

discourse used by the Pakistani government also involves Islamic symbols (Yasmeen 2013). In this context, as debate and policy focuses on other pressing issues and the reciprocity of traditional arrangements between different groups no longer holds, communities remain especially vulnerable to conditions that make contemporary slavery possible.

Patterns of Migration

The displacements that followed the partition of India in 1947 is one of the largest and most rapid migrations of all times. It is important that regional variations in population movement be analysed. It is crucial to outline these variations in order to discover how the demographics and socioeconomic conditions of the various regions changed as a result of the inflow and outflow of population. Observing changes in the socioeconomic conditions resulting from Partition is crucial for the purpose of this thesis: it will allow an exploration of the ways in which the living conditions and social status of some in the communities affected by displacement eventually came to resemble slavery.

However, one must keep in mind the limitations associated with making inferences from any demographic data from the time preceding and leading up to Partition. Kingsley Davis (1949) has highlighted the scanty nature of demographic data and reliable statistics from this time period. The census data from 1931 and 1941, which we will see was used by many scholars to analyse the demographic changes resulting from the migratory flows, is limited in usefulness as sources of information concerning the two countries considered separately.

Davis attributes this shortcoming to four circumstances: (1) the publication of the 1941 census was curtailed drastically because of the war, and the volumes published represent only a small fraction of the data collected; (2) the boundary that was officially determined to separate Pakistan from the Indian Union cut through certain districts, and since the census statistics are not generally cross-tabulated for areas smaller than districts, the numbers and separate groups living on each side of the boundary in the divided districts have to be estimated; (3) some princely states were in dispute for a long time, and Kashmir still continues to be in dispute; (4) 1941 census data is undermined by the mass migration that occurred after partition.

Despite this limitations, the census data from 1931, 1941 and 1951 can still be used to predict the kind of demographic changes that took place as a result of Partition. The addition of the 1931 census allows a little more accuracy; however the ten years leading to 1941 were a crucial time for the politics of Partition and the unfolding of events. The following analysis demonstrates how this data has been used to estimate migratory inflows and outflows, and how these estimates can help ascertain changes in the demographic composition of the resultant populations. Partitioning ethnically diverse regions into homogenous homelands has often been used as a solution to civil war and ethnic conflict. However, the partition of India, in which an estimated 3.4 million people went missing, comes forth as a cautionary example. Ethnic cleansing cannot result in harmonious circumstances.

Saumitra Jha and Steven Wilkinson (2012) have attempted to overcome data scarcity by assessing the determinants of minority outflows from Indian districts between 1931 and 1951.

The data shows that districts that raised army units that experienced longer combat in the Second World War also experienced greater rates of ethnic cleansing, which resulted in greater religious homogenisation both through outflows of the minority population and inflows of the co-religionist refugees. The effect of combat experience increases in areas that were initially more mixed. Jha and Wilkinson interpret these results as reflecting the role of war-time military experiences in providing human capital with the skills to plan and perpetrate violence in a systematic fashion. Polarised communities in transition allowed these skills to be used.

Another study uses the 1931 and 1951 population census data to find that within four years of Partition, 14.5 million people had migrated into India and Pakistan (Bharadwaj et al, 2008b). Total outflows during the same period were estimated at 17.9 million people. This data shows that approximately 3.4 million people were missing or unaccounted for. These numbers underscore how large and sudden these involuntary population flows were; however, they fail to measure local variation. Both the western (between India and Pakistan) and eastern (between India and what is now Bangladesh) border regions had large populations flows, but migratory flows along the western border were almost three times as large. The flows on the western border were also substantial relative to the population: 20.92% of the population of Pakistani Punjab left, and by 1951, 25.51% of its population was from across the border (Bharadwaj et al, 2008b). In Indian Punjab, 29.78% of the population left and 16.02 percent was immigrant. These figures show that while Partition was ostensibly along religious lines, people residing along the western border had a greater likelihood of moving, presumably due to greater perceived threats.

Several factors can explain this variability in migratory flows. District level data allows us to estimate to some degree the volume of involuntary migrations. Distance to the border plays a significant role, with migrants more likely to move shorter distances. Moreover, larger cities were more likely to be destinations for migrants. It comes as no surprise that the dominating factor determining outmigration, particularly along the western border, was religious affiliation. Pakistani districts with greater numbers of Hindus and Sikhs experienced greater outflows (Bharadwaj et al, 2008b).

There seems to be a 'relative replacement' pattern in determining where migrants went, and immigrants moved to the same districts that experienced greater outflows (Bharadwaj et al, 2008b). This replacement effect even overrides the distance factor, and it is observed that the districts with greater outflows are precisely the ones with greater inflows. Whether these immigrants were allotted the property of the emigrants is, however, a much harder question to answer with population flow data.

The migratory inflows and outflows in the aftermath of Partition were largely centered around Punjab, West Bengal and what is now Bangladesh (Bharadwaj et al, 2008b). What demographic impacts did the inflows and outflows have on sending and receiving communities, particularly with respect to occupation, education and gender? While the migrations were primarily along religious lines, migrants differed from local residents along demographic lines: migrants were more likely to be men, to be educated, and to choose non-agricultural professions (Bharadwaj et al, 2008a). This suggests that districts experiencing inflows and outflows are likely to be affected in similar ways.

Partition-related flows altered the composition of literacy rates in both countries. Since inflows into a country were composed of the majority religious group of the receiving country, and outflows from a country were composed of the minority religious group of the sending country, these inflows and outflows brought about a significant impact apart from just the aggregate effect (Bharadwaj et al, 2008a). In the case of Pakistan, the aggregate impact is small, since the out-migrating Hindus and Sikhs were far more literate than the resident Muslims. However, in Pakistan, partition related flows had large compositional effects within religious groups. This occurred due to the immigrating Muslims being vastly more literate than resident Muslims (Bharadwaj et al, 2008a).

Migratory flows also had a large impact on agricultural employment (Bharadwaj et al, 2008a). Migrants were less likely to engage in agricultural professions; as a result of which, the impact of inflows and outflows was quite the opposite, with inflows into a district lowering the rate of agricultural occupations and outflows from a district raising it. The impact on India was not only in terms of migrants being less likely to initially belong to agricultural professions, but also that immigrants were less likely to engage in agriculture once they entered India. This is supported by the fact that those leaving Indian Punjab vacated less land as compared to those who left Pakistani Punjab (Schechtman, 1951).

There seems to be a change in gender ratios in regions that experienced significant inflows and outflows of population. Indian districts saw relative decline in male ratios suggesting that outflows from these regions had affected relatively more men (Bharadwaj et al, 2008a). In Pakistan, as well, Partition resulted in decreased male ratios. These results are

consistent with the fact that in 1931 Muslims in India had a smaller male ratio compared to Muslims in Pakistan. Moreover, Muslims in India had a higher male ratio than Hindus and Sikhs in India, hence the departure of Muslims reduced male ratios in India (Bharadwaj et al, 2008a).

The above observations show that large-scale migrations such as those induced by the partition of India can have immediate and significant demographic effects, and that these effects can differ substantially across different regions. In the context of South Asia, understanding these effects can shed some light on how India and Pakistan evolved after Partition. Particularly, while Pakistan received co-religionists, the overall impact may not have been greater homogenization since the immigrants were much more educated. Immigrants to Pakistan were not only more educated in terms of basic literacy, but a large proportion of them had college and graduate degrees. Hence, within the Muslim community, migrants occupied the top rung of the educational ladder. The idea that within the Muslim community inequality increased is seen clearly in the fact that among people with higher degrees, migrants were approximately 47% of the total (Bharadwaj et al, 2008a). A non-homogeneous society undergoing rapid urbanisation and transformation can develop conditions conducive to the reproduction of modern slavery.

In addition to within-group differences, geographic inequalities arose, as educated migrants tended to concentrate in big cities. One example of such a city was Karachi, which by 1931 only contributed 8.9% of the total literate population of Pakistan, but after the influx of largely educated migrants, suddenly contributed 20% (Bharadwaj et al, 2008a). Geographic concentration combined with educational attainment differences led to the emergence of

Karachi as the center of the migrant elite. Hence, what on the surface looks like small aggregate changes in population characteristics actually hides important compositional and geographic aspects. While it may be hard to draw out long-term implications simply on the basis of these patterns, it is noteworthy that rising differences in urban areas may have contributed to differences in how the two countries evolved. Pakistan experienced larger within-group differences both because migrants were substantially more educated and also because these differences were significantly more observable in urban centers. Urban areas gained eventually greater influence. In contrast, while there were substantial within-group differences in education created from migratory flows, they were likely to be less significant in India: large parts of India experienced little migratory flows (a greater fraction of the initial minority group remained), and migrant-resident differences were much less significant in the major Indian cities (Bharadwaj et al, 2008a).

The evidence in decades following Partition suggest that while religion remained a salient source of divisions in India, in Pakistan the more significant differences tended to arise within Muslims, with the immigrant/indigenous divide often playing an important role (Bharadwaj et al, 2008a). The fact that migrants were vastly more literate and geographically concentrated in Pakistan clearly shaped its political landscape. Tai Yong Tan and Gyanesh Kudaisya conclude:

> It is worth noting that the top leaders in the initial years of Pakistan had all been Muhajirs [... with] their higher levels of education and skills, their representation in the

bureaucratic and political systems, and their assertions of cultural superiority, the Muhajirs could not assimilate themselves with the original inhabitants of Karachi (2000).

Exploring the migratory patterns during Partition and their demographic consequences is crucial to understanding the current status of different communities. The following section outlines how the political trajectory undertaken by the nascent state of Pakistan would create conditions conducive to slavery. The instability created by the scattered pattern of migrations and the role played by successive governments in attempting to consolidate the state would eventually determine its policies with respect to employment opportunities and overall economic stance. The following section outlines how the socio-economic dislocations associated with Partition may have led to instances of slavery in contemporary Pakistan.

The Political and Legal Context of Slavery in Pakistan

As the previous sections have demonstrated, slavery was not a new concept: it was an inherited feature of the Pakistani state. It had been there in ancient times and continued to operate, albeit in different forms, throughout the period of British colonization. The violence that took place during partition and the mutual hostilities between the two states of India and Pakistan left Pakistan with scarce resources to build a new nation-state from. With the massive influx of immigrants and problem of providing housing and employment for them, coupled with disagreements with India over the division of economic resources, Pakistan was faced with a mammoth task.

In the face of such challenges, how did the political landscape of Pakistan evolve and what economic and political measures were taken by those in power throughout the history of Pakistan? For the purpose of this thesis, studying these measures is crucial for it will help determine which of the conditions created at the time of partition were allowed to endure directly or indirectly through local policies.

As we have seen, the most common form of slavery that thrives in Pakistan is debt bondage, which is characteristic of the brick kiln, agriculture, carpet-weaving, mining and handicraft production industries (Karim 1995). But the denial of basic human rights to bonded labourers in Pakistan has a long history. The country has gone through a series of military regimes, which undermined civil society and democratic institutions. The judiciary and parliament are also weak (Karim 1995). The legacies of authoritarian rule are visible even during the tenure of democratically elected governments, and workers and peasants are limited in their freedom of association. Overall, the judiciary has failed to protect the rights of citizens as guaranteed in the constitution. The incompatibility between procedural democracy and human rights violations is rooted in institutional arrangements that are a legacy of British India. The colonial system, which sought to control subjects rather than govern citizens, was the model for the architects of Pakistan's state structure (The Government of India Act 1935 provided the basis for Pakistan's first constitution of 1956; see Karim 1995). The denial of fundamental human rights in order to retain political control has been a fundamental characteristic of all successive post-colonial governments in Pakistan.

The chaos that followed Partition and the emergency regulations that accompanied the foundation of the state resulted in a state with limited institutional capabilities. A lack of well-organised political parties, limited financial resources, the violence of Partition, provincial antipathy towards the central state, and the emergence of India as a military foe further compromised or restricted the operation of strategic institutions (Karim 1995). Immediately after Partition Pakistan entered into a dispute with India over the princely state of Kashmir. This led to several military confrontations between the neighbouring countries, thus diverting most of the newly established state's limited resources into strengthening its military. There were no democratic elections between 1947 and 1970, and in the absence of elected bodies, the civil bureaucracy and the military became prime instruments of governance (Karim 1995). Seeking accountability for the actions of the ruling bodies became close to impossible for the ordinary citizen of Pakistan.

During this early period, workers' rights were neglected. The Essential Services Maintenance Act, 1952 was the first major labour legislation passed by the government after partition (Karim 1995). According to this act, freedom of association was denied to workers in industries and services considered 'essential' by the government, including the right to bargain collectively (this Act's provisions covered the generation, production, manufacture and supply of electricity, gas, oil or water to the public, sanitation, hospital and ambulance services, firefighting services, postal, telegraph and telephone services, railways and airways, ports, and security services). Organising strikes and terminating employment without the employer's consent in these industries were made imprisonable offences (see Karim 1995). Two years after the first constitution of Pakistan was ratified in 1956, the country sustained a military coup

under the leadership of General Ayub Khan. The press was controlled, political opposition purged and trade unions severely undermined during his rule. In 1962, as the General abandoned military rule in favour of the 'Basic Democracy' system of governance, industrial and agricultural policies that favoured powerful industrialists and large landowners were pursued. These policies further undermined the bargaining power of labourers and peasants.

In 1969, after massive oppositions and riots, Ayub Khan was forced to resign and was succeeded by General Yahya Khan, who re-established martial law. A labour code was passed during this period: the Industrial Relations Ordinance, 1969 (IRO). It recognised certain trade unions, encouraged consultations between employers and workers, identified unfair labour practices, established labour courts, and regulated collective bargaining (see Candland 1994). However, the IRO also restricted worker activity in several ways. Most importantly, it did not guarantee basic labour rights for workers in agriculture, education and other areas defined 'essential'. Moreover, it also restricted the ability of workers to organise on an industry-wide or national level (Candland 1994). There were several restrictions imposed on trade unions, including provisions on membership, and a limitation of strikes. The government could ban any strike in the 'national interest' (Candland 1994).

Pakistan's first parliamentary elections were held in 1970. The Awami League, based in East Pakistan, won a majority of seats in the National Assembly, with the Pakistan People's Party (PPP) occupying second position. However, the PPP was not willing to relinquish control to a party based in East Pakistan. A bloody civil war ensued, which led to the separation of East Pakistan into a separate country (see Karim 1995). The war was evidence of the Pakistani

government's inability to effectively govern both wings and to reduce the economic differences between them. The people of East Pakistan were disregarded by the central administration because of their perceived similarities with India. The war of 1971 resulted in blatant violations of human rights. There were massacres and the intervention by the Indian forces worsened the situation. Women were especially subjected to extraordinary violence. Their stories were later to be silenced by the governments on each side (Saikia 2011).

After Zulfiqar Ali Bhutto of the PPP came into power in West Pakistan, a new constitution was ratified in 1973. It guaranteed universal basic social, economic and political rights. Bhutto amended the IRO to include provisions that strengthened workers' rights (Karim 1995). Along with a more progressive labour policy, there was a determination to enact comprehensive land reforms and nationalise major industries. The latter policies produced mixed results.

After the fall of Bhutto's government, the country faced yet another military coup under the leadership of General Zia-ul-Haq (Karim 1995). During his time in power, the judiciary was further undermined, and student groups and trade unions were banned. Women, religious minorities, organised labour and the peasantry endured severe persecution (Karim 1995). After this period of military rule, Pakistan held democratic elections, whereby Benazir Bhutto, daughter of Zulfiqar Ali Bhutto and leader of the Pakistan People's Party, became Prime Minister. The 1973 constitution was re-enacted, but human rights abuses could not be curtailed. Bhutto pledged to restore trade unions, increase the minimum wage and introduce

measures that would bring the country in compliance with ILO legislation (Karim 1995). These measures were, however, not implemented.

After the dismissal of the Benazir government, the next Prime Minister of Pakistan, Nawaz Sharif, made the same promises of his predecessor. However, in an effort to attract foreign investment, worker rights were further eroded. International companies that were willing to invest in Pakistan were promised that no labour unions could operate, and that labour legislation would not apply, in the projects they invested in (Karim 1995). When workers protested, arrests and torture followed (Karim 1995).

Both Benazir Bhutto and Nawaz Sharif's governments were similar in that they did not explicitly repress human rights, like President Zia-ul-Haq had done, and promised to bring about significant improvements in workers' conditions. Both, however, failed to keep their promises and sacrificed labour rights in favour of greater aggregate economic growth (Karim 1995).

Pakistan has ratified most conventions and international covenants that declare slavery illegal. The constitution of Pakistan itself condemns slavery as internationally defined. And yet, the practice continues. According to the Human Rights Commission of Pakistan,

> [d]espite the Bonder Labour (Abolition) Act of 1992, forced labour continued to be practiced on a wide scale, mostly in agriculture, brick kilns, fisheries, construction, carpet industry and over domestic servants. The size of it was estimated in the region of 20 million (Human Rights Commission of Pakistan 1994).

The Bonded Labour Abolition Act, 1992, abolished bonded labour, provided that past debts be forgiven, and prescribed harsh penalties for those profiting from the bonded labour system. The Act also called upon the state to establish vigilance committees at the district level. They were to include elected representatives from the area, the district administration, the bar associations, the press, recognised social services, and labour departments of federal and provincial governments. These committees were to be responsible for advising the district administration on matters related to the effective implementation of the law. They were also to take responsibility for rehabilitating freed bonded labourers, ensuring the proper applicability of laws, and assisting bonded labourers in other ways. This was a bold legislative initiative, but the committees have not yet been convened.

In 1995, the government announced a National Policy and Plan of Action for the Abolition of Bonded Labour and the Rehabilitation of Freed Bonded Labourers. It included relief packages for freed bonded labourers, the creation of an information database, awareness-raising campaigns, advocacy, and the provision of vocational training programmes (see Upadhyaya 2008). Funds were allocated for these programs but little has changed on the ground.

The successive dismissals of democratically elected governments and the continuous undermining of various institutions in the country is a primary reason for the lack of implementation of these regulations. This is largely due to the power exercised by the armed forces of Pakistan, who have steered the democratisation process since the country achieved

independence in 1947 (Yasmeen 1993). The hostility between the neighboring states of India and Pakistan has been used by the latter to justify spending on the military, leaving behind limited resources for development projects. In the absence of development initiatiaves, it is not surprising that social ills such as slavery continue to plague the nation.

The Economic Basis for Slavery in Pakistan: Land Reforms and Agriculture

Inequality in land ownership has often been blamed for poverty, social and technological backwardness and political disempowerment. It is widely believed in the scholarship that land reforms in Pakistan were slow to begin, and did not achieve a great deal due to the political power wielded by the landowing classes (Gazdar 2009). The first significant attempt at redistributive land reforms was undertaken by the military regime of Ayub Khan in 1959, followed by land reforms in 1972 and 1977. These were promoted respectively by the populist government of Zulfiqar Ali Bhutto's Pakistan People's Party (PPP).

However, the history of land reforms in Pakistan is incomplete without an acknowledgment of the scale of dispossession associated with the partition of British India and the displacement of the population. Partition-related displacement contributed to the alienation of unprecedented areas of land from its original owners for re-allotment to incoming dislocated people from the other side of the border. It was estimated that displaced Hindus and Sikhs left around 6 to 8 million acres of agricultural land (Schechtman 1951), and partition related displacement affected the change in ownership of about 7 million acres. This is

equivalent to 18 percent of total cropped area at that time, and nearly twice as much as all land subsequently acquired by the state under ceiling laws (Lieftinck et al. 1968).

Partition related displacement and subsequent resettlement was arguably a more important influence on the politics of land in Pakistan than the land reforms that were to follow. An unintended consequence of this was the openings in the land market across the country. Research has revealed that refugee claimants sold their land to local landowners and the landless alike, especially in the areas where they not numerically dominant (Gazdar 2009).

The first set of land reforms introduced in 1959 were centered on tenancy regulation, abolition of "superior" claims (the gifting of land, which is exempt from paying revenue to the state, to powerful loyalists), and the redistribution of land above a prescribed celing (Gazdar 2009). The 1972 land reforms lowered the effective ceiling on landholdings. The next set of land reforms introduced by the same leadership attempted to close some of the loopholes of the earlier reforms; but they were soon aborted after a military coup. The principle of surplus land acquisition by the state was questioned in the Islamic Court on the grounds that it was contrary to Islamic injunctions. The Supreme court ruled in favor, effectively ending land refoms of this type.

What is interesting to note is that the real reform in institutional arrangements governing the country had already taken place at the time of colonial settlement. The post-colonial reforms were merely aimed at strengthening the arrangements that had been in place since the 19th century, which were centered on the utopia of a self-cultivating peasant society.

The post-colonial land reforms did not include any discussion on the fundamental architecture of land administration.

The land reform debate in Pakistan was so limited that it did not even raise the issue of the laboring classes. The social hierarchies that had been formalized under colonial rule were not questioned. In fact, the Punjab land reform regulations insisted that allotments could be made only to “tenants” who do not own their own land or to “cultivators” who own very little land. This effectively ruled out all those who had been classified under the British as “non-cultivators” from government land allotment (Gazdar 2009). Similarly, in the province of Sindh, land management was crucially dependent on effective management of the irrigation system. Serious attempts at land reform would require credible forms of irrigation management; in the absence of these, the land reform debate seemed superfluous (Gazdar 2009).

Eventually, the land reforms of Pakistan ended up doing little for the landless laborers. The dispossessed remained unacknowledged and uncompensated. The institutions of property rights in land remained largely unchanged, and so did the village-based revenue system and its rigid formalization of caste hierarchies (Gazdar 2009). The political tussle of that time could be described as an argument between two segments of the elite: the reform-minded military-bureaucratic oligarchy and a politically influential landed gentry. There was not much difference between the two: essentially, they both endorsed the basic architecture of property rights in land upheld by colonial institutions (Gazdar 2009).

Conclusively, it can be claimed that the land reforms of Pakistan were not successful in overthrowing the colonial mindset of land administration. They ended up with a greater

accumulation of wealth in the hands of the powerful landlords, and further land alienation for the dispossessed. It would not come as a surprise that these land reforms had the same consequences for the powerless laborers: it kept them tied to the chains of bonded labor that existed since the time of British colonization.

We have mentioned the ways in which Partition resulted in the displacement of landless refugees, widespread unemployment in the agricultural sector, and growing contradictions between newcomers and indigenous groups. We have also seen how the emergency of Partition produced a weak state, and the preponderance of a security rationale. It was a state unable to enforce its provisions or uninterested in doing so. The concluding chapter of this thesis will substantiate the claim that the reproduction of modern slavery in Pakistan is, to some extent, a product of the events surrounding the partition of the subcontinent.

Chapter 4:

Conclusion: Decolonization, Migration and the Reproduction of Slavery in Pakistan

This project briefly considered the status of slavery throughout the history of the Indian subcontinent and in Pakistan. The thesis began with the purpose of exploring contemporary forms of slavery in Pakistan and the reasons behind their prevalence and persistence despite legislation ostensibly banning them. Pakistan may be exemplary of other developing countries marred by corruption and institutional mismanagement, where contemporary forms of slavery are also known to exist on a wide scale.

Contemporary forms of slavery develop when one social group is in a more powerful position, either economically, politically or both, and when the opportunity for abusing power arises. Lack of institutional support and the impossibility of recourse for the weaker group exacerbate their vulnerability. Labour relations resembling slavery can therefore occur and consolidate. These new forms of slavery are in many ways worse than traditional forms of slavery due to a total lack of reciprocity, and the utter and complete exploitation and control of the weak party by the more influential group.

In a country like Pakistan, where the power of the judiciary is often undermined by political forces or other establishments, there is a chronic problem of implementation and enforcement. Legislation was passed over the years with respect to slavery, but it was either

emasculated, so as to remain favorable to the economic interests of the elite groups and the ruling political parties, or faced serious implementation challenges.

How can this situation be ameliorated? We have data. Several international reports, as well as locally produced ones are available, all citing evidence and documenting how slavery continues to affect Pakistan. These sources identify which regions of the country and which industries are particularly affected. Landless laborers in rural areas, and those employed in the expanding informal sector, bear the brunt of contemporary slavery. Moreover, these reports also recognise the vulnerability of the supposedly weaker segments of society. Women and children are especially at risk.

There is evidence to show that not only women and children, but the religious minorities of Pakistan are especially vulnerable to slavery. A report published by Anti-Slavery International states that a majority of those under debt bondage in Pakistan, especially in the province of Sindh, appear to be from the "untouchable" Hindu caste (United States 2001). In this province, the majority of agriculutural laborers and share-croppers are originally from India- from particular communities that migrated before Partition. Most of these laborers and tenants are in some form of debt relationship with their landlord, and are grossly exploited. In the worst cases, these members of the lowest caste of Hindus work under guards in the fields, and are kept locked up at night time. Conversion to other religions has often been seen as a way of escaping the discrimination and exploitation. The majority of bond labourers in the brick kilns of Pakistan are converts to Christianity from the sweeper (Dalit) caste of the Hindus (United States 2001).

Zulfiqar Shah, in a report titled “Long Behind Schedule: A Study on the Plight of Scheduled Caste Hindus in Pakistan”, notes that the Pakistani state has repeatedly failed to recognize the very existence of caste and caste-based discrimination, which makes it impossible to compel it (2007). Most Pakistani Muslims, he assesses, are acutely conscious of caste differences and hierarchies amongst them. However, the Pakistani government denies these caste-based differences on the grounds that caste is un-Islamic, and does not exist in Pakistan, a society based on Islamic values. Hence, the state has made no legal provisions to empower the oppressed “low” castes, whether Muslim or Hindu.

The reluctance to address Dalit (or lower caste Hindu) concerns also stems from the fact that most of them work as landless labourers for powerful landlords (who are comprised of mostly Muslims, but also upper caste Hindus) (Shah 2007). The Dalits have to face oppression by their Masters, and the political leadership is reluctant to take affirmative action against them since they derive political support from these landlords. The issue of forceful conversion of Dalits to Islam is also avoided by the state, for fear of a violent backlash from the religious leadership of the country.

The suppression of religious minorities in Pakistan is an issue of mammoth importance and would be worth an entire research project. For the purpose of this thesis, I have briefly touched upon the topic for it illuminates a perspective of Partition with respect to slavery. The concept of sacrifice and the idea that Pakistan was to be a new homeland for Muslims (with some promised protection of minority rights) has been talked about earlier. The dispute regarding protection of the rights of minorities has also been mentioned. Since Pakistan was a

state established under the banner of Islam, it is possible to make a claim regarding the position of religious minorities that migrated to Pakistan, or decided to stay there post-Partition: their migration might not have been viewed in the same terms as the migration of Muslims (theological Jihad), and their inferior status could have eventually led to them falling prey to occupations where they were treated like slaves. To what extent this holds true requires further research, and is beyond the scope of the thesis.

What are the reasons behind slavery's persistence in Pakistan? A report on bonded labour in Pakistan was published by Human Rights Watch in 1995 ('Contemporary Forms of Slavery in Pakistan'). It was based on detailed interviews of 150 bonded labourers, and attempted to uncover some of the key factors behind these practices. It noted how bonded labourers are concentrated in the informal or the agricultural sector (Karim 1995: 13). Labourers in the informal economy are denied access to institutional forms of credit due to lack of collateral and to the risk associated with providing credit to a low-income group (Karim 1995: 13). In the agricultural sector, where credit is essential to survival until harvest time, peasants rely on landlords for non-institutional sources of credit and seasonal loans. This makes them extremely vulnerable to becoming or remaining bonded labourers, especially in case of a failed harvest, which is common in Pakistan (Karim 1995: 15). If such economic conditions continue, and peasants are unable to repay their debts to the landlord, they become permanently bonded. The report also identifies that bonded labourers outside the agricultural sector tend to be employed under a system whereby workers are remunerated in accordance with their output, such as number of bricks produced or the length of carpet woven (Karim 1995: 15). Many of the labourers interviewed in this report had 'inherited' debts from their parents or had been sold

into bondage by family members (Karim 1995: 16). Fraudulent practices are common: 'expenses' are added to loans, workers are often fined for disobeying policies, wages are debited as loans, and exorbitant interest rates are charged (Karim 1995: 17).

Beyond inherited bondage, the report asserts that bonded labour is intertwined with contemporary economic and political structures. The Pakistani economy, marred by lack of social services, underemployment and low wages, makes access to credit fundamental for survival (Karim 1995: 17). In an economic system where viable alternatives are not available, workers fall into bonded labour after acquiring debt from their employers. In addition to advancing loans, employers also resort to violence as a means of controlling the bonded labourers' activities, with female bonded labourers often falling victim to sexual assault (Karim 1995: 17). There is no way out: if the male bonded labourer escapes, the wife or daughter is held in custody until the former returns. If he does not return, the latter are sold into marriage or prostitution (Karim 1995: 19).

The report details the conditions of bonded labour in the agriculture, brick-kiln and carpet weaving industries, citing examples where victims face restrictions on their freedom of movement or severe persecution. The report also details the composition of bonded labourers in terms of age, sex and religious affiliations. For instance, it notes that a significant number of bonded labourers in the brick-kiln industry are Christians and Hindus (Karim 1995: 41).

Lack of access to land is a major cause of chronic poverty for many bonded labourers, and a significant factor in leading to bonded labour, according to a report released by Anti-Slavery International (see Upadhyaya 2008). Several land reform schemes were devised

throughout the country's history, but none came close to addressing the problem. The land reforms of the 1950s and 1970s only managed to benefit three percent of agricultural households and redistributed a meagre four percent of total agricultural land (Upadhyaya 2008: 22).

The agricultural sectors still play a crucial role in the economy of the country; however, the role of agriculture has gradually declined in recent decades as a result of the growth of cities and rural to urban migration. Slavery, however, persisted. When compared to industrialisation and proletarianisation processes that took place in the West, recent transformations in Pakistan resulted in the disproportionate growth of the informal sector. The modalities of this transformation meant that instead of reducing the incidence of bonded slavery, unfree forms of labour were reconstituted in the informal or small-scale cottage industries which became extremely important in catering to local expansionary demands. Slavery travelled to the large cities.

Along with economic transformation, Pakistan went through severe political turmoil following its separation from India and decades of instability and Cold War constraints. Faced with the difficulties of a nascent state and successive military regimes, an authoritarian type of rule became characteristic of Pakistani politics. Labour rights were always subordinated to the need for stability. The economic policies of the government are intricately linked to processes of political legitimation. Since Pakistan has been a victim of political instability almost continuously since its inception, these factors should be taken into account. The aim of this

thesis was not to state the incontrovertible fact about the existence of slavery in the country; the aim was to explain the historical origins of its persistence and reconfiguration.

Partition is usually seen in Pakistani nationalist historiographies as a necessary evil in a process of emancipation. But contemporary slavery, the very opposite of emancipation, also finds its roots in Partition. There are two sides to this story. The history of postcolonial Pakistan was briefly outlined, and the ways in which different constitutional regimes treated slavery and human rights violations was summarised (as well as major legislation enacted during their respective rule). Military regimes (and martial law) severely undermined workers' rights, while security demands redirected resources to strengthening the military forces and stabilising the state. Attempts by victims of human rights violations to seek redress were immediately repressed. On the other hand, an examination of the brief periods of democratic rule, showed that the authorities during these periods paid attention to labor rights and that laws were enacted giving labor the right to organise. However, this is where the problem of implementation came in: those designated with the task of implementing these laws were vulnerable to threats and bribes by landlords and a complicit bureaucracy. In many cases, it was not in the interests of the ruling party for these laws to be implemented. The landlords wield significant political force, and the government still relies on them locally for support.

The crucial issue is limited access to land, which has led many into chronic poverty, and as a result, slavery. Despite several reforms aimed at redistribution, land continues to be concentrated in the hands of powerful landlords, many of whom occupy significant positions in the administration of the country and are able to influence legislation if not implementation.

Only a comprehensive land reform program would restrict the powers of the landlord class and effectively restrict contemporary slavery in Pakistan. This reform was not implemented during Partition. Indeed, whatever reform was implemented at that time, it exacerbated the problem because as we have seen, it created a mass of indigenous landless labourers.

Why were there no visible improvements in the conditions of slaves after massive land reforms? On the one hand, there was a legacy of slavery. As we have seen, slavery had characterised both the precolonial and the colonial periods. On the other hand, there was the issue of underemployed rural masses and the severe dislocations that followed Partition. History is key to understanding contemporary slavery in the country.

Under colonialism traditional forms of slavery had been reconfigured into bonded slavery. The Partition of the subcontinent and the end of colonisation seemed to be a pivot, or a turning point, but while the importance of Partition as a turning point is undisputed, its effects on the reproduction of slavery were minimal. Culturally, the terrain was ripe for the reproduction of contemporary slavery. Under emergency regulations, and the country was born in an emergency, slavery could take a new hold. Traditionally, the effects of slavery had been mitigated by religious and cultural institutions. Traditionally, slaves, though the term in itself may imply complete surrender of one's own will to serve the master, were protected and looked after by their masters. Not after Partition.

Slavery in precolonial South Asia, as outlined in the relevant chapter of this thesis, was never a static condition. Rather, there were opportunities to climb the social ladder, and many managed to do so. Slaves had occupied important positions in the Emperors' courts as well as in

the military, an idea that is definitely at odds with the ossification and ruthlessness that characterises contemporary forms of slavery.

Then arrived the era of colonialism, whereby the European powers first established trade relations with the subcontinent, and later exerted political influence, eventually lording over the whole region. The slave trade actually gained momentum in the Indian subcontinent, as the European powers used cheap Indian labor for all sorts of productive and reproductive tasks (even abroad). While slavery was reconfigured during the era of colonialism, traditional forms of slavery survived. The British oscillated between international pressure for abolishing the slave trade, and appeasing the native landlords and local elites. This restraint was lost in the postcolonial era, and slavery continued and became even more entrenched, while slaves lost customary protections.

Following the formal establishment of the rule of the East India Company, however, anti-slavery legislation was put in place. But as it would happen in the postcolonial period too, it was either emasculated or remained unimplemented. The British rulers had difficulty understanding Indian slavery, for it vastly differed from what was categorised as slavery in the New World; the Indian caste system allowed it and the British realised, especially after 1857, that they did not have the resources for, and could not embark on, a comprehensive process of sudden social reorganisation.

Eventually, the kind of legislation the British authorities opted for was one which favored the continuation of indigenous forms of servitude. They were connected to the religious and caste system of India. Hence, the British exercised caution in implementing anti-

slavery legislation. What appeared to be attempts by the colonial power to mitigate the hardships faced by landless and unemployed laborers in rural areas, by providing them with employment opportunities in the construction of public works and infrastructure, did not bring about significant improvement in their economic status. Wages were low, conditions dire; capitalist forms of exploitation were overlaid on traditional ones.

The extent of violence that accompanied the partition of the subcontinent was explored in Chapter 3. This focus on violence was necessary because violence and the threat of violence displaced many who became vulnerable to slavery, because the sudden influx of more educated immigrants displaced many indigenous groups, who also became vulnerable to slavery, and because it justified the need for emergency regulations, which prevented victims from accessing redress. Partition should be understood as a process and an extended period, not an event. Large scale migrations took place thereafter as well, including a rapid process of urbanisation that, as we have seen, did not provide opportunities for escaping bonded labour conditions. It was the outbreak of communal violence following the decision to partition the subcontinent that led people to migrate in both directions. Muslim and Hindu communities had been living in reasonable harmony with each other, even in areas where one community was a small minority. Many abandoned their homes and found abode in the state that was formed by their religious co-believers. This thesis outlined the dynamic that underpins communal rioting in India during the period of Partition, and the various factors that shaped it. The result of communal violence was displacement, while only some of the immigrants could access rights in their new country. The other ones, especially those who did not migrate with capital or were uneducated, became vulnerable to slavery.

The breakdown of land ownership and the transformation in land redistribitution to migrants post-partition, left many dispossessed. They eventually became vulnerable to contemporary slavery. Those who lost their jobs in the agricultural sector or were unable to find employment in the area were forced to enter occupations where they became victims of conditions resembling slavery. In the economic crisis following Partition, many had to agree to work under extraordinarily unfair terms in order to make ends meet. The subsequent 'Green Revolution' emancipated some as it resulted in contemporary slavery for others. The Green Revolution was aimed at boosting the productivity of the agricultural sector in Pakistan and to reduce rural poverty. However, evidence over the decades shows that it has failed to achieve its objectives (see Alavi 1976).

At the time of Partition, the Muslim League was caught between the irreconcilable interests of the landlord class and the landless rural masses. Any land reforms meant seizing powers from the landlord class, but this class had crucially supported the independence movement and dominated the country's first Constituent Assembly in 1946 (see Alavi 1983). However, abandoning its promise of land for the landless ran the risk of prompting mass protest, a movement that could have defeated the very prospect of national independence. This was the background to the development of Green Revolution in Pakistan. Economic growth without disturbing the status quo reproduced intractable social and economic inequalities (Alavi 1983).

The Green Revolution seemed to be a success, increasing production levels and helping to bridge the food gap in Pakistan. However, it was not without its negative impacts. There was

a decline in tenurial security, shown by a decline in tenant-operated holdings and an increase in owner-operated farms (Niazi 2004). One of the reasons behind this development is due to the greater profitability of direct cultivation for the better off elements in the rural class structure. Many landlords found agricultural production for the markets a lucrative business. They dismissed their tenants and took over the land, which was then cultivated using hired workers. Smallholders were unable to keep pace with the high costs of intensive farming. They leased their land out to capitalist producers with the economic resources to do so (Niazi 2004).

The socio-economic outcome and mal-distributional aspects of the Green Revolution had been foreseen by the early critics of the program (Cleaver 1972). More recent studies estimate the number of the landless population in Pakistan now to be between 30 and 49 million (Rashid 1995). Of these, about 1.7 million are agricultural workers and sharecroppers in the province of Sindh alone; most of them are bonded laborers (Human Rights Committee of Pakistan, 2002). Successive governments in Pakistan did attempt to address the unequal structure of land ownership and land distribution.Only a little more than one percent of the land was officially deemed subject to potential expropriation (Qureshi 2001). It seems obvious that these land reforms were designed not to fulfil a redistributive egalitarian objective, but to buttress the political legitimacy of unpopular military regimes (Hussain 1984). Although successive governments did indeed distribute some expropriated land amongst the landless rural population, in some cases the landlord quickly repossessed it.

Parallel with and linked to the process of landownership concentration was a decline in rural employment. From 1963-1964 onwards, the labor absorption capacity of the agrarian

economy had registered a 16% decline, falling from 60% of the entire labor force to only 44% in 1994-1995 (Government of Pakistan 1997). The result of this decline in rural employment is the reproduction of a cycle of poverty that currently affects one in every three Pakistanis. In the early 1990s it was calculated that one third of these people lived below subsistence level (World Bank 1992). The situation has certainly not improved since then. The clearest indicator of rural poverty is the monthly average income level of a poor household, a measure which suggests that the economic plight of the rural poor has become worse. This intensification of poverty has the greatest toll on those who are already the most vulnerable segment of the population – peasants and agricultural workers. The average poverty level of rural households is higher than both national and urban averages. A significant contributory factor in this transformation is the process of dispossession or 'depeasantization' (Niazi 2004, p. 254). Half the rural population no longer has access to any land.

These trends in land ownership, wealth distribution and consequent poverty did not begin with Partition but were exacerbated by it. The population movements associated with Partition had long-term consequences. Whether Partition led to an increase in overall poverty is a subject of debate and would require a new project. Partition meant different things to different peoples: it could be celebrated as leading to the birth of the nation, but it also led to the reconfiguration of contemporary slavery in Pakistan. The mass migration of millions and abandonment of land was aggravated by the policies of successive postcolonial governments. The landless and poor, trapped in a cycle of poverty, eventually became bonded laborers. The legacies of Partition and the formation of a new state is felt to date by those who began their

lives in their new homeland as economically impoverished refugees or as powerless indigenous peoples.

Is there sufficient evidence that individuals or groups that are victims of slavery or bonded labor today were directly affected by the events and processes that occurred at the time of Partition? Since we have viewed Partition not as an event, but as a product of interlinked processes, it is important to also view slavery or slave conditions as dynamic phenomena. While there is empirical evidence of the refugees' dispossession, which clearly suggests the plight of migrants at the time of Partition, linking that empirical evidence to the state of slavery in Pakistan today was a task mainly performed in this dissertation through inferences.

In this thesis, I have attempted to present evidence that may demonstrate how the conditions prevailing at the time of Partition, in terms of vulnerability to slavery, were exacerbated by the policies of the new state, and could possibly have prevented emancipation from modern-day slavery. Currently, there is no empirical data available that directly links Partition-affected individuals to their enslaved descendants today in Pakistan. While this analysis is based entirely on secondary sources, and is offered here as the beginning of a research agenda, gathering empirical data would be crucial in demonstrating historical connection.

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