



Crime and Empire: The Colony in Nineteenth-Century Fictions of Crime

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CHAPTER

1 Introduction

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Abstract

This chapter begins with a brief discussion of the purpose of the book, which is to show how the language of policing, of law, of crime and punishment was central to the formation of authority and ‘rights’ of the British empire in its relationship with its most prized possession, India. It shows how the stories of order and disorder could interrogate empire even as they played a central role in its entrenchment.

Keywords: British empire, India, policing, crime, punishment, authority

Subject: Literary Theory and Cultural Studies, Literary Studies (19th Century)

Empire, Imperial, Policing

‘The problematic of empire’, write Hardt and Negri in their recent influential work *Empire*, ‘is determined in the first place by one simple fact that there is world order. This order is expressed as a juridical formation.’¹ Of course, for these authors, empire is distinctly different from ‘old’ European imperialism. It is a form of sovereignty that has emerged in the context of a unipolar world, the collapse of the old colonies and the Soviet bloc, and the dominance of a new order that was made spectacularly visible with the Gulf Crisis of 1990–1. The empire is not a nation: ‘The United States does indeed occupy a privileged position in Empire, but this privilege derives not from its similarities to the old European imperialist powers, but from its difference.’² This latest theory of ‘new’ imperialism is obviously not without its critics. But the authors’ insistence on the central importance of the juridical—that is, the entire spectrum of the issues relating to order, deviance, and above all policing—to the formation of empire is surely borne out daily by a range of global events from Iraq, to Palestine, the Balkans, Bali, and the twin towers of New York. The common rhetorical and representative strategies employed, at least in the West, to document the birth pangs of this new form of globalized power have been precisely those of order, deviance, and punishment. Over the last decade US sanctions and war on Iraq, its future plans for Iran and North Korea, the US-led UN war against Serbia and the subsequent trial of Milošovic, and the so-called ‘war on terror’ have all been performed through a language where the ethics for such actions is manufactured through concepts of crime and policing. Unrestricted global intervention, the cornerstone of this empire, is predicated on a right to police:

The formation of a new right is inscribed in the deployment of prevention, repression, and rhetorical force aimed at the reconstruction of social equilibrium: all this is proper to the activity of the police. We can thus recognize the initial and implicit source of imperial right in terms of police action and the capacity of the police to create and maintain order. The legitimacy of the imperial ordering supports the exercise of police power, while at the same time the activity of the global police force demonstrates the real effectiveness of the imperial ordering.³

The cultural importance of the narratives of crime may have received a new boost in these days of empire. But it is precisely this rhetoric and these practices of producing and managing criminality, the ideas of order and disorder, of the ethical duties of policing, that intimately connect Hardt and Negri's 'empire' to older forms of imperialism.

What we shall see in the following pages is the centrality of the language of policing, of law, of crime and punishment to the formation of authority and 'rights' of one of the most powerful of the 'old' European empires—the British empire—in its relationship with its most prized possession, India. One of the implicit aims, certainly, will be to remind ourselves that the language that we are hearing today, especially from Anglo-American political leaders— of intervening, ordering, punishing, bringing to account— has a venerable lineage in the West's imperial relationship with the world. But I hope in thus reminding ourselves, we will also do much more. At least two other claims will be made and hopefully substantiated. First, that this language of crime or the juridical grew out of an intimate and symbiotic relationship between the colonizing/metropolitan and the colonized societies. We cannot understand why crime and policing assumed a particular importance in a particular way within imperial rhetoric unless we link it to the evolution of this strategy of power within the domestic boundaries of empire. Second, this strategy was necessarily ambiguous, releasing possibilities of dissent in the very moment of its articulation of authority.

However, the critical and ideological pitfalls of automatically assigning ambiguity to imperialist discourses have been dealt with ably and eloquently by critics like Benita Parry.⁴ I do not want to suggest that the juridical was (and still is) an ambiguous tool of empire because of the instabilities of writing and techniques of representation. But I do not want to allocate to it, in my view, a false aura of the perfect imperial weapon either. Rather, we will trace the social and historical contexts of this culture of the juridical and see how these stories of order and disorder could interrogate empire even as they played a central role in its entrenchment. In many ways, the Anglo-Indian relationship formed the paradigm of this relationship between crime, narratives, and empire.

Empire, Fiction

In her review of *The Moonstone* in 1868 Geraldine jewsbury pointed out the extraordinary amount of sympathy that Wilkie Collins elicited from his readers for the three Indian priests who commit murder in order to take a precious gem back to their temple in India.⁵ In a decade when the racist discourse of colonialism saturated large sections of British society with stereotypical representation of 'criminal' Indians, Africans, and Caribbeans, Collins's use of the Hindu priests to avenge the despoliation of their country seems remarkable.⁶ In the pages that follow, I will suggest a genesis of the problematic figures of these 'criminal Indians', not so much in Collins's own work, as in the variety of narratives about the British colonial contact with India that provided the context of his novel. We shall see that by the 1860s, there was already a long tradition of British writing that used 'criminal India' to interrogate, rather than empower, colonialist/imperialist ventures. We will also see that it was the novel, more than the legal, historical, political, and geographical narratives, that used the rhetoric of crime to air the possibilities of dissent. This novelistic dissent, as much as the British propaganda of the 'civilizing mission', was the context in which Collins's Hindu priests took shape.

Could the fictions of crime effect any meaningful interrogation of the ideology of British colonial authority? Or is this claim no more than a misplaced wish to force some radical, dissenting qualities on a narrative that has frequently been diagnosed to be essentially a conservative one? Certainly, the nexus between fiction and crime has been well documented. Jon Thompson has observed that this went right back to the originary moments of the English novel, and Christine Marlin has testified that there was scarcely a major nineteenth-century work that did not in some way concern itself with legality and deviance.⁷ D. A. Miller and John Bender have gone as far as to claim that not only was crime a thematic concern of nineteenth-century novels, but the genre itself was a covert tool of the 'new' policing techniques developed by the British state to enforce norms of law and order on society.⁸ In fact, I will argue that the novels engaging with criminality had a much more problematic relationship with authority and dominant ideologies than this label of a 'cultural police' suggests. At any rate, what is clear is that ideas, discussions, debates, practices of crime and punishment were important to English fiction in the nineteenth century. And it is this rhetoric of crime that we shall examine to show how, even as it came to play a central role in the construction of authority at home and abroad, it could also provide an opportunity to interrogate the very premiss of that authority.

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A look at a wide variety of English narratives from the late eighteenth to the nineteenth century reveals that at no time were the representations of the criminal, or for that matter policing and punishment, ever free of contests, disagreements, and debates. If legality and deviance became the crucial sites of empowerment of the British state, they also defined points of resistance where the power of that state was challenged. Divergent and conflicting opinions about crime, policing, and punishment could be seen even in official documents like parliamentary Select Committee reports and debates. As the dominant literary genre in an era of increasing mass literacy and publishing, the novel was compelled to engage with the discourse of criminality.⁹

This becomes clear as we examine a range of popular authors ranging from W. H. Ainsworth to Mary Braddon and genres like the 'Newgate' and 'sensation' fictions. We shall also see that the very historical conditions that shaped the rhetoric of crime ensured that the narratives employing it could never unproblematically present one particular viewpoint about rulership, justice, legality, morality, or deviance. Tony Bennett has pointed out that 'popular culture ... is neither the site of a people's deformation, nor of their own self-making, but a field shaped by those conflicting presences'.¹⁰ The nineteenth-century popular novelists used the rhetoric of crime to sustain this conflictual, rather than consensual, nature of culture.

If the rhetoric of crime was (as we will see) conditioned by its historical roots to contain within it seeds of both dissent and consensus, why should it find in fiction a more congenial host than any other kind of writing? There have, of course, been a number of important critical formulations of the special relationship between literature and ideology. Pierre Macherey has suggested that although ideology is formed independently of the literary author, they exist to make ideologies 'visible'.¹¹ Dennis Porter has glossed Macherey's work by pointing out how literature brings out the contradictions inherent in ideologies: 'the point is, finally, that ideologies are not embedded in literary works passively but they come to appear there objectified in all their fullness and contradictions.'¹² Here we may also take note of the work of Lennard Davies, for whom novels share an intricate relationship with ideology, when the latter is described as

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The vast signifying system that, in its interpenetration with the individual psyche, makes things 'mean' something to a culture and individuals in that culture. Ideology constitutes *the sum of that which a culture needs to believe about itself and its aspirations as opposed to what really is.* (my emphasis)¹³

The novel, according to Davies, is a crucial tool of the gigantic process of storytelling that 'makes sense' by offering a complete and evident explanation of the state of affairs of a society.¹⁴ At the vanguard of the cultural forms that rose to prominence under modern capitalism, novels are 'regularising and normalising'

agents that helped form a collective political consensus, a willingness to accept the status quo rather than to change it.¹⁵ Yet, if the novel is complicit in the operation of dominant ideology, it is by no means an unambiguous or unproblematic tool. Davies sees ambiguity embedded in the material history of the genre: 'It is Janus-faced in that sense, since it holds onto an earlier form related to craft and cottage industry for its creation, but it is reliant on technology and merchandising for its distribution and effect.'¹⁶ And this Janus-like quality of the novel is hardly limited to its own genesis as a commodity. It also flavours its contents. Davies concedes:

Like any complex social formation, novels are highly ambivalent in their message ... Novels can offer in their heroes and stories various kinds of opposition to stasis and power, but at the same time it would seem that the formal elements of the novel add up to a social formation that resists change.¹⁷

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This is a far more flexible conclusion than Miller's and one that registers the novel as a genre in permanent tension between its radical and ↪ authoritarian impulses. And once we see the novel in this light, we may consider how its increasing popularity throughout the nineteenth century could also be a testament to its ability to absorb and generate the impulses towards dissent. Fredric Jameson has noted that popular cultural forms situate themselves at a troubled distance from dominant ideologies:

if the ideological function of mass culture is understood as a process whereby otherwise dangerous and protopolitical impulses are 'managed' and defused, rechanneled and offered spurious objects, then some preliminary step must also be theorised in which these same impulses—the raw material upon which the process works—are initially awakened within the very text that seeks to still them.¹⁸

Novels, as the dominant popular nineteenth-century cultural form, can thus be seen to be responsible both for the entrenchment of 'Britishness' as well as the interrogation of the central features of this ideological construct.¹⁹

It may be that critical focus on the popular novel's complicity in the managing of the 'proto-political' impulses of the nineteenth-century has had the unfortunate (side?) effect of wrinkling out its ambiguous and 'mixed' nature. The genre proved to be adept at housing the ideas and representations of crime precisely because they were registers of the larger conflicts raging throughout nineteenth-century imperial Britain. We will attempt to recover the historical context of the contradictions registered by the novel's use of the rhetoric of crime, and then underline its problematic relationship with the dominant domestic and colonialist/imperialist ideologies of the period.

The purpose of our exercise will emphatically not be to slip into the delusional comfort zone where we can assume that imperial narrative's unease unproblematically reflected the historical reality of British imperialism. As Benita Parry reminds us:

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Because fiction by working on ideology can reinvent, defamiliarize or undermine authorized versions, the uncertainty which is discernible in colonial writings should be read as a troubled response to a condition but ↪ not as testimony to the events of a historical moment with which it can be discontinuous. When Conrad wrote his anguished books, Western regimes were pursuing aggressively expansionist ambitions and engaged in violent territorial acquisitions in Africa; when Kipling cryptically contemplated the insecurity of the Raj, British rule was intensifying its bureaucracy in India and flexing its military muscle to deal with growing opposition.²⁰

But on the other hand, we shall see that the pursuit of metropolitan advantage was not always silenced by the fiction of the Raj. Indeed, we shall see that one of the central components of that fiction, the rhetoric of

crime, frequently served to bring forth the brutal nature of the pursuit of metropolitan power in all its nakedness.

Empire, Post-Colonial Perspectives

The period 1829–70 spans both the introduction and establishment of Robert Peel’s reformed ‘new police’ in England and the political dominance of the British East India Company in India that eventually led to the passing of the colony under the direct rule of the crown. As the example of Wilkie Collins shows, it is far from accidental that two of the major concerns of British politics and culture—crime and empire—came together in the novels being written around this time. As in the context of ‘domestic’ Britain, criminality and law came to occupy a crucial position in Britain’s relationship with its most important colony. Domestic compliance with colonial expansionism in the subcontinent was secured at the material level with the lure of enormous profits and on the ideological level with the moral appeal of the ‘rule of law’. In this narrative of the triumph of free trade and progress, the degenerate Indians would wake up to the blessings of civilization with the introduction of British law and education. On the other hand, built around the same notions of criminality and justice, there grew up a competing and powerful criticism of colonialism that proposed to interrogate the crimes committed by the so-called lawgivers in the colony. This rhetoric of crime became widely prevalent in English narratives from the 1770s onwards. There are important differences between late eighteenth-century British attitudes towards crime and the colony, and those being formed by the liberal-evangelical currents of the early nineteenth century, and to my mind no one has charted these as convincingly and eloquently as Eric Stokes.²¹ But the lines of continuity between pre- and post-‘new policing’, and between pre- and post-colonial paramountcy, are too vivid to be ignored.

Accordingly, the chapters that follow will run a parallel enquiry into the debate about the ‘criminal’ in both the domestic and the colonial contexts and explore the symbiotic relationship between the two. Thus, as one chapter tells the story of police reform in England and its impact on British culture, another moves on to consider the colony. The aim throughout will be to read the cultural and ideological histories of the colony and the ‘centre’ not as separate, but as enmeshed entities. The discussions of the fiction of British ‘domestic’ crime will always invite a comparison to the fiction of Indian crime to show how the latter was able to question the premisses of colonial ideology by drawing on the debates found in the former. I will conclude by suggesting that by the late 1860s, during the germination of the English detective novel, the figure of the criminal Indian was already being used not only to interrogate colonial ideology, but also to outline a critique of British domestic society. At the level of what Althusser called ‘Ideological State Apparatus’, fiction, we shall see, often played a disruptive rather than a monolithically constitutive role.²² This reading will also hope to modify some of the more extreme textual practices of post-colonial theory by foregrounding the links between the material practices of statecraft and the cultural representations of it.

One of the greatest achievements of discourse theorists who have drawn on the work of Michel Foucault has been precisely to highlight the coercive ideological strategies embedded in texts. Yet, paradoxically, this important insight has sometimes been achieved at the cost of isolating the texts from their socio-political context. Once the literary narrative is seen in isolation from the materiality of history of which it is a part, the contradictions embodied in it cease to relate properly to the conditions of the societies in which they are produced. Ideology comes to be seen as a product of discourses, and its contradictions as a result of semiotic instabilities or *textual* conflicts. For all its insistence on establishing a political engagement with culture, post-colonial criticism has often accepted this textual exclusiveness with little protest. For instance, an influential study of narratives of colonialism begins on the premiss that they are shot through with the ‘idiom of dubiety’ and the ‘instability of its own facts’.²³ As David Spurr points out in his discussion on what he calls the rhetoric of empire, these instabilities cannot be contained within a bounded *textual* field.²⁴ However, and quite often, no sooner does one look to these discussions for linkages made between

historical reality and these textual instabilities, than one is brought up short against 'culture', 'discourse', and 'semiotics'. To borrow from Said, here are the text and the critics indeed, but what of the world?

Even the important work of Homi Bhabha may be profitably modified by historical contextualization. Each of Bhabha's key concepts of the colonialist discourse revolves around ambiguity and other allied terms — 'slippages', 'irony', 'repetition':

The discourse of post-enlightenment English colonialism often speaks in a tongue that is forked ... the epic intention of the civilising mission ... often produces a text rich in traditions of *trompe l'œil*, irony, mimicry and repetition ... the discourse of mimicry is constructed around an ambivalence; in order to be effective, mimicry must continually produce its slippage, its excess, its difference. The authority of that mode of colonial discourse that I have called mimicry is therefore stricken by an indeterminacy.²⁵

p. 11 As students of literature, culture, and history, we are indebted to Bhabha for the important analysis of the condition of the colonial ↪ texts. But if we stop short of exploring the relationship between these textual/discursive slippages and the specific historical reality that conditioned them, we will fail to cultivate one of the most fundamental potentials of this analysis. In a seminar at the Jawaharlal Nehru University in Delhi, questions were raised about the ideological aims of such an analytical practice

Bhabha is sanguine in his faith that the ambivalence, the splitting of 'the subject of culture' originates in phenomena explained by the general law of semiotics What authorises [this subject], it seems to me, is not only its methodological and narrative paradigms ... but its genealogy, in which the congruent discourses of imperialism and humanism (to name only the big guns!) feature prominently. Their historical logic, in all its continuing institutional authority and transformative power, is at stake too, and that suggests to me that the play of self and other, or self as other, is not reducible, even as a heuristic, to the splitting of the subject at the moment of [its] enunciation.²⁶

As Ania Loomba points out, 'Even theories of reading should make it possible to attribute the inefficiency of the master-text to more than the internal instabilities of the text itself, otherwise it follows that the doubting recipient subject is reduced to the effect of the text itself.'²⁷ What we shall find in the chapters below is precisely an attempt to locate the relationship between instabilities of the master texts of colonialism/imperialism and the material practices of rulership that were formed in conjunction with it. As I have indicated before, I will not claim that there is an unproblematic relationship between these texts and their historical context. But perhaps our critical efforts can be profitably directed towards understanding the problematics of this relationship between texts and history.

Contradictions, Narratives

p. 12 Contradictions, slippages, paradoxes were of course far from being the exclusive property of British attitudes towards crime and ↪ punishment in the nineteenth century. These were the very stuff of the contemporary British social fabric. They were embedded in the material, economic base of a society caught in the throes of industrial revolution, as Marx understood clearly. Theorizing about the self-expanding nature of capital, he observed:

But from the fact that capital posits every such limit as a barrier and hence gets ideally beyond it, does not by any means follow that it has really overcome it, and since every such barrier contradicts its character, its production *moves in contradictions which are constantly overcome but just as constantly posited*, (my emphasis)²⁸

All crucial ideological concepts were marked by them. For example, that great entity the ‘individual’, which received such enhancement through the contemporary forms of social control—the ‘new’ police, ‘new’ prisons, and ‘new’ education—was also accompanied by the contradictory and concerted efforts towards limiting the potentials of the individual. Indeed, this, for Lucien Goldman, was the elemental essence of the novel:

In the liberal market societies, there was a set of values, which, though not trans-individual, nevertheless had a universal aim and ... a general validity. These were the values of liberal individualism that were bound up with the very existence of the competitive market ... On the basis of these values, there developed the category of individual biography that became the constitutive element of the novel. Here it assumed the form of the problematic individual on the basis of ... internal contradictions between individualism as a universal value produced by the bourgeois society and the important and painful limitations that the society itself brought to the possibilities of the development of the individual.²⁹

p. 13 So entrenched was this play of contradiction throughout every stratum of nineteenth-century British society, that, speaking of the ‘mind’ of its most influential section, Boyd Hilton has noted: ‘it is not an easy mind to characterise, for there was no consensus, but ↪ rather a “war of ideas” which left most thinking men ambivalent, or torn between “incompatible opposites”’,³⁰

Inevitably, these contradictions were echoed in the British governing strategies of the period. In his history of power in modern society, Michel Foucault placed the emergence of the ‘age of sobriety in punishment’ at the beginning of the nineteenth century.³¹ There is no need to go over his well-known thesis, but it must be noted that, unlike many of his followers, Foucault was well aware of the historical logic behind the rise of the carceral regime:

The moment where it became understood that it was more efficient and profitable in terms of the economy of power to place people under surveillance than to subject them to exemplary penalty. This moment in time corresponds to the formation, gradual in some respects and rapid in others, of a new mode of exercise of power in the eighteenth and early nineteenth centuries.³²

Efficient and profitable are the key terms here. What Foucault hints at is that the new regime of punishment (conducted through the reform of the police, ‘new prisons’, etc.) could only arise once the diffusion of the modern capitalist ethos of profit and economy had gained sufficient intensity. The importance of this to the dominance of the British middle classes cannot be overestimated. New policing and the production of criminality, part of what Foucault called the ‘synaptic regime of power’, were crucial to the rise of new groups and social classes towards the centre of political power at the expense of the older agrarian aristocracy.³³

p. 14 Working from a very different angle, Hilton reaches almost the same conclusions as Foucault about the centrality of the ideas of crime and punishment in such a society. If, as Hilton (and Stokes, in the context of India) has shown, evangelicalism became a crucial element in British society from the 1790s, then ideas of crime, guilt, and punishment grew in proportion as crucial ideological props: ‘the telos was not, however, happiness but justice, ↪ that is punishment—justice being regarded in an individualistic rather than a distributive light—and this priority in turn led to an emphasis on sin which may strike the modern mind as irrational’.³⁴ What emerges from Hilton’s analysis of the ‘age of atonement’ is the connection between ideas of guilt and punishment and the formation of what Foucault has called the ‘soul’ of the individual in a modern capitalist society:

thus, by analysis of penal leniency as a technique of power, one might understand both how man, the soul, the normal or abnormal have come to duplicate crime as objects of penal intervention;

and in what way a specific mode of subjection was able to give birth to man as an object of knowledge for a discourse with a 'scientific' status.³⁵

If we connect Foucault's 'soul' to Hilton's account of the 'conscience' and Goldman's reading of the 'individual', we will begin to grasp the importance of the idea of crime to the British sense of the 'self' in this period.

The centrality of the rhetoric of crime in such a society as nineteenth-century England then cannot be doubted. But equally, as we have seen, the pervasive nature of the contradictions and conflicts within the ideas and practices of crime cannot be ignored either. We will examine journals, parliamentary reports, and newspapers to show just how contested and controversial these categories were. A range of conflicting interests, from local neighbourhood allegiances to broader class alignments, meant that production and containment of crime in Britain was never free from debates, oppositions, resistances, and contradictions. As Ruth Paley has argued, 'the Metropolitan Police Act did not come about as a simple kneejerk response to public demand; rather, it is highly likely that it was an example of the way in which a reform ... imposed from above ... can yet bring about permanent and decisive changes in public attitudes and expectations.'³⁶ David Taylor has accused the 'Whiggish view of police history' of failing to take account of the diversity and strength of opinions that existed among both the proponents and opponents of police reform, and has called for a closer examination of local studies to account for 'the persistence ↴ of varied and often violent responses to the new police'³⁷ Taylor demonstrates that it is misleading to see police reform as an unproblematic diffusion of a metropolitan model 1829–56, and how the phenomena of crime and punishment were made complex by the simultaneous existence of various alternative policing practices and models.³⁸

As we shall see, a lot of the resistance to 'new' policing was rural in origin. However, this is not to imply that the only opposition to the reformed policing came from the aristocracy and the agricultural poor. As the century advanced and the industrial urban society fostered a sense of identity among urban workers, the new police came under increasingly radical opposition from papers like the *Northern Star* and events like the 'battle' of Coinè in 1840. We shall review the cultural impact of such resistances, but what matters to us is the realization that, shaped by these social practices, the rhetoric of crime in nineteenth-century Britain could not be used in the construction of a homogeneous ideology. It embodied all the contradictions and fractures of the social reality that provided its context. In turn, when used as the mortar to hold together the ideological façade of British aggression in India, this rhetoric of crime would ensure that colonialist discourse would be marked by ambiguities and a constant failure of its ambition to achieve coherence.

Here, I wish to emphasize that in no way do I wish to imply that the contradictions of colonialist discourse only originated from the social and material tensions inherent within the colonizing, metropolitan society. That would scandalously ignore the whole history of the colony's resistance to domination as well as the contradictions in social and material reality there. I am not particularly keen to be a part of that 'radical criticism coming out of the West ... [that] is the result of an interested desire to conserve the subject of the West, or the West as subject ... This much-publicised critique of the sovereign subject thus actually inaugurates the Subject.'³⁹ Much admirable and incisive critical labour has been spent on recovering the history of colonial and other subaltern struggles ↴ against British rulership and their decisive cultural impact. My aim here is a more modest one. It is to show that even as it came into contact with Indian society and its ideologies, the British discourse and practice of crime that played a central role in the establishment of colonial dominance had already inherited all the contradictions of the its domestic realities. Transported to the singularly different colonial society, with its own well-entrenched codes of 'normalcy' and power, the contradictions within this strategy of rulership widened into fissures that destabilized the ideology of colonial rulership. Bhabha's 'slippages' and 'ambivalences' were determined not so much by semiotic or textual differences, but by the historically specific conditions that marked the violent moment of the

incursion of colonial capital in India. As students of English literature(s), our critical attentions are perhaps disproportionately focused on the master texts and master voices. Nevertheless, by showing how the fractures within these texts expose the basic contradictions of colonial and metropolitan societies, we could see how cultural criticism, if not recovering the voice of the subaltern, may at least alert us to the consequences of these narratives.⁴⁰

Paradoxes, The Colony

The route of the arrival of the 'new policing' (masquerading as civilizing mission) in India is well documented. As I have indicated before, I think Eric Stokes's work remains unsurpassed in this respect. There is no need or indeed space to discuss the entire scope of his discussion of utilitarian and evangelical ideologies in the context of empire here. For us, two of his arguments are of importance. First, that from the Regulating Act of 1773 onwards, a central tone of the British empire in India was a juridical one. The questions of law, order, justice, and crime came to reside at the heart of British relationship with India. Again and again viceroys like Hastings, Cornwallis, and Wellesley, administrators like ↵ Charles Grant, Munro, and Metcalfe, and philosopher-historians like James Mill and Jeremy Bentham linked issues of crime and order to the very essence of British existence in India. The difference between the British regime and the entire Indian civilization was represented as the formers commitment to the rule of law. And this, in turn, provided ethical and moral justification of the colonization of the country.⁴¹ Second, the British struggle to determine the precise course of the empire was frequently conducted through the language and practices of crime, justice, and policing. So, on the reformer's side (liberal, radical, utilitarian, or evangelical) Cornwallis insisted that the new order of things 'Should have for its foundation, the security of individual property, and the administration of justice, criminal and civil, by rules which were to disregard all conditions of persons ... free of influence or control from the government itself'.⁴²

Mill and the utilitarians would allow an 'immense and infinite influence to law and government' and later John Crawford would argue for law to be used 'in a revolutionary way, consciously employing it as a weapon to transform Indian society by breaking up the customary, communal tenures'.⁴³ Against them were ranged the 'paternalists', men like Munro and Malcolm, who argued to preserve aspects of Indian social and legal infrastructure in the colonial state. Followers of the Burkean notions of tradition and organic communities, they denied that British legal and social mores could be applied unmodified to India. Such a disruptive move would replace what they saw as negotiating, 'paternal' British rule by an impersonal and mechanical, ultimately repressive governing machine.⁴⁴ Law and order were not only central, but a contested terrain on which the British relationship with its most important colony was built. This would also have profound repercussions in the realm of contemporary culture.

There is little doubt that in the argument about the strategy of British power in the colony, the reformist voices would be the louder. The case of the evangelicals, for example, is an instructive one. The 'age of atonement' coincides exactly with the establishment of the political dominance of the East India Company in India. Serving precisely the social groups who were driven by, as ↵ Stokes shows, the ethos of free trade, evangelicalism, and philosophical radicalism, it is not surprising that British dominance in India should be fuelled by the same myths about criminality and order that had become the centrepiece of domestic reform. Hilton calculates that between 1784 and 1832, about 112 Members of the English Parliament were formally classified as 'evangelical, and by 1850 about a third of Anglican clergymen could also be designated as such'.⁴⁵ The evangelical ideology, it can be safely assumed, influenced many more and played an important role in political and economic policies.⁴⁶

But the arrival of new policing and the evangelical ethos along with its cultural dimensions in India hardly translated into an unproblematic 'disciplining' of the country. As David Arnold has observed, it would not be

difficult to 'contrast Foucault's paradigmatic view of prison discipline and institutional surveillance with a different perspective drawn from colonial India'.⁴⁷ Prison, that centrepiece in the 'new' strategies of surveillance, seems to have been of a fundamentally different nature in the colony: 'Far from being a captive domain in which discipline might reign supreme, the prison often became ... a focus or symbol of wider defiance against the British.'⁴⁸ Supposedly an instrument of British imposition of 'new order' in the colony, so permeable was the colonial prison that by the mid-nineteenth century 'the colonial authorities felt obliged to recognise a continuum between the prison and the wider community and so abandoned any pretence at individualising or reforming prisoners'.⁴⁹ Such deep 'slippage' in the practice of colonial discipline cannot be attributed exclusively to either domestic or colonial realities, but must be seen as a product of the intimate and symbiotic nature of the contact between the societies.

p. 19 Certain Marxist critics have tried to explain the paradoxes in ↪ colonialist discourse by highlighting the resistance offered by the native 'pre-capitalist' social organization to the assault of colonial capitalism.⁵⁰ In this reading, if the resistance to new strategies of surveillance in England itself testified to the durability of an agrarian/feudal social organization, in the India of maharajas and peasants this resistance was amplified many times. But to essentialize India as 'pre-capital' is in a sense to replicate the central assertions of a colonialist historiography that saw the country as primitive, lagging behind in the inexorable march towards progress and modernity. Historians like Raj Chandravarkar have stressed the fact that a dogmatic application of Marxism distorts the reality of both pre-colonial India and the process of industrialization itself. But the same historians are also the first to point out the material complexity of the colonial society. Chandravarkar himself hints at this:

The history of industrialisation in the West is taken primarily to mean the evolution of factory from craft industry, generally presupposing the prior development of a market economy, the social differentiation of the peasantry and the changing legal and social structure, *In India, all these forces were working together at the same time.* (my emphasis)⁵¹

p. 20 This complex process of an industrial capitalism that aimed not to develop the country, but to secure profits for a foreign power, has been well documented by 'Dependency' theorists like Frank and Wallerstein.⁵² What is relevant to us is that it was in this unique context of industrial capital in the colony that the roots of the 'paradoxes, slippages, and contradictions' of the colonialist discourse took hold. At the material base of colonialism lay the ↪ paradox of the manipulation of raw materials and (enforced) use of cheap labour, not for the relentless transformation and development of a 'modern' society, but to improvise and use the 'old' semi-feudal system for the maximum profit of a foreign regime. Thus, although industrial capitalism brought with it the whole gamut of ideological apparatuses like the rhetoric of crime (themselves marked by contradictions) that had been used in new techniques of rulership in Britain, they were hopelessly at odds with the material reality of the colony. The narratives of colonialism were geared towards the production of 'discipline', 'consent', and 'persuasion', when in fact, in the colony, there was little need of such techniques. All 'master-texts', fictions and non-fictions, were ultimately rooted in this contradiction of legitimizing colonial expansionism in the name of capitalist progress, when the state was, as Radhika Singha has put it, a 'despotism of law'.

p. 21 Despite the criticism levelled at the 'Subaltern Studies' group by a number of historians, Ranajit Guha's basic reading of the paradox of colonial power relations, it seems to me, remains valid.⁵³ If the material conditions of the metropolis were crucially different from those of the colony, then so were the strategies of dominance and the construction of authority. Briefly, while in Britain social power was secured through a strategy where the 'moment of persuasion' outweighed that of coercion, in the colonial non-hegemonic (or at least, very partially hegemonic) society, the reverse was true.⁵⁴ Thus, policing practices in colonial India were much less concerned with producing consent and discipline than with confirming the arbitrary autocratic nature of the state. While the ↪ cultural representation of these practices could talk about

reforming criminals, the colonial police often ended up promoting the kind of coercion that the ‘reformers’ claimed they were eradicating in India.⁵⁵ For instance, by using the so-called tools of ‘discipline’ to preserve and promote forced and non-paid labour, the colonial state in fact preserved and innovated on feudal practices that were at odds with the ‘reformist’ rhetoric of colonialism. For Guha, this is clearly linked to the peculiar role of capital in the colony:

In colonial India, where the role of capital was still marginal in the mode of production and the authority of the State structured as an autocracy that did not recognise any citizenship or rule of law, power simply stood for a series of inequalities between the rulers and the ruled as well as between classes, strata and individuals.⁵⁶

That is why it is impossible to apply the Foucauldian model of ‘discipline’ without extensive qualifications in the context of the colonial state.

As I have indicated, Guha’s thesis has not been without its critics. Still, his insights on the deep-seated contradictions of the colonial state remain valid. However, I would qualify his conclusions about the colonial ruling classes by focusing on the very contradictions that he theorizes about:

there were the metropolitan bourgeoisie who professed and practised democracy at home, but *were quite happy* to conduct the government of their Indian empire as an autocracy ... Their antagonism to feudal values and institutions in their own society made little difference ... to their *vast tolerance* of pre-capitalist values and institutions in Indian society, (emphasis added)⁵⁷

I would venture to state, in fact, that happiness and contentment were not the most prominent feature of either the British ruling classes in the colony, or those at home. The contradictory nature of the colonialist ideology, where the ‘fiction’ of order and progress was constantly exposed by the actual brutal and autocratic practice of the colonial state, also constantly made the real nature of colonialism visible. For people operating within the matrices of such an ideology, such increased visibility of the ruthless interests of the state could only lead to a constant agitation and awareness of the *emptiness* of the moral norms they attempted to live by. From the earliest humble private letters of men in trading outposts to the later sophistication of the works of Conrad and Kipling, the effect of this awareness of ideological contradiction, the awareness of the ‘manufactured’ nature of the so-called civilized norms, is only too discernible.

I do not mean to suggest that the members of a ruthless foreign regime that aimed (and mostly achieved) at a maximum exploitation of India lived in a constant state of mental agony about their moral hypocrisy. Most of them shrilly emphasized the validity of their superiority. But I will suggest that the heightened *awareness* of the contradictions of their ideology prepared a ground where incessant and sometimes radical questioning of the authority of the state could take root. And this critique of the authority of the colonial rulership could seldom be kept separate from the critique of the larger entity—the state of Britain itself. I will try to show that it was fiction that took the fullest advantage of the fractured nature of the rhetoric of crime to facilitate this critique of the ideological claims of nineteenth-century Britain.⁵⁸

Notes

- 1 Michael Hardt and Antonio Negri, *Empire* (Cambridge, Mass.: Harvard University Press, 2000), 3.
- 2 Ibid. p. xiv.
- 3 Michael Hardt and Antonio Negri, *Empire*, 17.
- 4 See Benita Parry, *Delusions and Discoveries* (London: Verso, 1998).
- 5 ‘Few will read of the final destiny of *The Moonstone* without feeling the tears rise in their eyes as they catch the last glimpse of the three men, who have sacrificed their cast in the service of their God ... as they embrace each other and

- separate to begin their lonely and never-ending pilgrimage of expiation. The deepest emotion is certainly reserved to the last.' In Norman Page (ed.), *Wilkie Collins: The Critical Heritage* (London: Routledge, 1974), 170–1.
- 6 Robert Young has shown how the Mutiny of 1857, the debates about slavery in the American Civil War, and Governor Eyre's massacres during the Jamaican insurrection all formed the widespread British claims of racial superiority and, consequently, the perceptions about rights to rule and punish 'inferior and criminal' races in the 1860s. See Robert Young, *Colonial Desire* (London: Routledge, 1995), 92.
- 7 See Jon Thompson, *Fiction, Crime and Empire* (Urbana: University of Illinois Press, 1993) and Christine Marlin, 'The Depiction of the Criminal in Victorian Fiction' (M. Phil, thesis, Oxford, 1994).
- 8 See D. A. Miller, *The Novel and the Police* (Berkeley and Los Angeles: University of California Press, 1988) and John Bender, *Imagining the Penitentiary* (Chicago: University of Chicago Press, 1987). These valuable works, to my mind, are still open to modifications. While the novel could certainly be a cultural tool to manufacture consensus, its relationship with the dominant ideology was almost always problematic and ambiguous. Even Foucauldian analysis of literature must bear Foucault's own observation in mind—'there are no relations of power without resistances; the latter are all the more real and effective because they are formed right at the point where relations of power are exercised ... nor is it inexorably frustrated through being the compatriot of power. It exists all the more by being in the same place as power.' Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972–1977*, ed. Colin Gordon (Brighton: Harvester Press, 1980), 142. Novels certainly did register this interfacing of power and resistance.
- 9 For an account of mass publishing, rising literacy, and popularity of the novel, see Ken Worpole, *Reading by Numbers* (London: Comedia, 1984).
- 10 Quoted in Thompson, *Fiction, Crime and Empire*, 71.
- 11 Quoted by Dennis Porter in *The Pursuit of Crime* (New Haven: Yale University Press, 1981), 128–9.
- 12 Quoted by Dennis Porter in *The Pursuit of Crime*, 128–9.
- 13 Lennard Davies, *Resisting Novels: Ideology and Fiction* (New York: Methuen, 1987), 24.
- 14 Ibid. 25–6.
- 15 Ibid. 3–18.
- 16 Ibid. 4.
- 17 Ibid. 17–18.
- 18 Fredric Jameson, *The Political Unconscious: Narrative as a Socially Symbolic Act* (Ithaca, NY: Cornell University Press, 1981), 287.
- 19 Jameson identifies the genre as both a product of ideology and 'a revolt against that reification and a symbolic act which involves a whole Utopian compensation for increasing dehumanization on the level of daily life'. Ibid. 42.
- 20 Parry, *Delusions*, 11.
- 21 See Eric Stokes, *The English Utilitarians and India* (New Delhi: Oxford University Press, 1982).
- 22 See Louis Althusser, *Essays on Ideology* (London: Verso, 1984), 7. This reading of literature's relationship with ideology may be seen as an extension of Althusser's point that 'the Ideological State Apparatuses may be not only the stake, but also the site of class struggle ... because the resistance of the exploited masses is able to find means and occasions to express itself there, either by the utilisation of their contradictions, or by conquering combat positions in them in struggle', Ibid. 21. Allowing for the fact that the colonial situation gave a peculiar slant to capitalism, my point is precisely that as a part of the ideological apparatus of the state, literature defined a unique *utilization* of the contradictions inherent there.
- 23 Sara Suleri, *The Rhetoric of English India* (Chicago: University of Chicago Press, 1992), 3.
- 24 David Spurr, *The Rhetoric of Empire* (Durham, NC: Duke University Press, 1993), 2.
- 25 Homi K. Bhabha, 'Of Mimicry and Man', in *The Location of Culture* (London: Routledge, 1994), 85–6. On theories of ambivalence and slippages also see his 'The Other Question', Ibid. 66–83.
- 26 Suvir Kaul, 'The Indian Academic and Resistance to Theory', paper presented at JNU, New Delhi, March 1990, quoted by Ania Loomba, 'Overworking the Third World', in Patrick Williams and Laura Chrisman (eds.), *Colonial Discourse and Post-colonial Theory* (New York: Harvester/Wheatsheaf, 1993), 309.
- 27 Ibid. 310.
- 28 Karl Marx, *Grundrisse* (Harmondsworth: Penguin, 1973), 410. Discussing this section of the work, Ranajit Guha glosses: 'the discrepancy between the universalising tendency of capital as an ideal and the frustration of that tendency in reality was, for him, a measure of the contradictions of western bourgeois societies of his time ... he used this measure to define and explain the uneven character of development in the contemporary bourgeois world.' In Ranajit Guha, *Dominance without Hegemony* (Cambridge, Mass.: Harvard University Press, 1997), 16.
- 29 Lucien Goldman, 'Towards a Sociology of the Novel', in Terry Eagleton and Drew Milne (eds.), *Marxist Literary Theory* (Oxford: Blackwell, 1996), 215.
- 30 Boyd Hilton, *The Age of Atonement* (Oxford: Clarendon Press, 1988), 3.
- 31 Michel Foucault, *Discipline and Punish* (Harmondsworth: Penguin, 1979), 14.

- 32 Quoted in Foucault, *Power/Knowledge*, 38.
- 33 'It was the instituting of this new local, capillary form of power which impelled society to eliminate certain elements such as the court and the king. The mythology of the sovereign was no longer possible once a certain kind of power was being exercised within the social body'. Foucault, *Discipline and Punish*, 39.
- 34 Hilton, *The Age of Atonement*, 21.
- 35 Foucault, *Discipline and Punish*, 24.
- 36 Ruth Paley, 'An Imperfect, Inadequate and Wretched System? Policing in London before Peel', *Criminal Justice History*, 10 (1989), 97.
- 37 See David Taylor, *The New Police in Nineteenth-Century England* (Manchester: Manchester University Press, 1997), 2–5.
- 38 Ibid. 5–10.
- 39 Gayatri Chakravorty Spivak, 'Can the Subaltern Speak?', in Williams and Chrisman (eds.), *Colonial Discourse*, 66.
- 40 Here I have hoped with David Spurr that 'the first step towards an alternative to colonial discourse ... has to be a critical understanding of its structures ... given the degree to which a colonising discourse penetrates Western writing ... I have suggested that this writing also contains at least the seeds of resistance ... to the temptations of a totalizing authority over the object of representation.' Spurr, *The Rhetoric of Empire*, 187.
- 41 See Stokes, *The English Utilitarians*, 1–80.
- 42 Ibid.
- 43 Ibid.
- 44 Ibid. 14–15.
- 45 Hilton, *The Age of Atonement*, 26, 205. The fervent proponent of police reform, Patrick Colquhoun's admiration of Robert Peel was often expressed in singularly evangelical terms like 'the prophet of God' and 'instrument of a kind providence'. Note how easily these terms were applied to numerous British 'heroes' of India from Dalhousie to Nicholson to legitimize their violence as a part of the 'divine plan'.
- 46 In addition to Stokes, see Javed Majeed's analysis of James Mill in his 'Orientalism, Utilitarianism and British India' (D. Phil, thesis, Oxford: 1988).
- 47 David Arnold, 'The Colonial Prison: Power, Knowledge and Penology in Nineteenth Century India', in Ranajit Guha (ed.), *A Subaltern Studies Reader* (Minneapolis: University of Minnesota Press, 1997), 141–2.
- 48 Ibid. 143.
- 49 Ibid. 172.
- 50 In a passage in *Capital* (vol. ii), Marx wrote: 'The obstacles presented by the internal solidity and organisation of pre-capitalistic, national modes of production to the corrosive influence of commerce are strikingly illustrated in the intercourse of the English with India and China.' Quoted in Anthony Brewer, *Marxist Theories of Imperialism* (London: Routledge & Kegan Paul, 1980), 38.
- 51 Rajnarayan Chandravarkar, *Imperial Power and Popular Politics: Class, Resistance and the State in India 1850–1950* (Cambridge: Cambridge University Press, 1998), 31. He goes on to say, 'the crude distinction made between pre-industrial and industrial societies frequently fails to advance our understanding of the former or even its transition to the latter. Pre-industrial societies are often taken to be predominantly agrarian societies in which large-scale industry has not been established. They are thus lumped together irrespective of their levels of technology, economic activity or social organization', Ibid. 34.
- 52 For the classic account of Marxist theories of imperialism and 'Dependency theories' see Brewer, *Marxist Theories*.
- 53 This is not the place to analyse the usefulness of such criticisms ranging across the diverse positions taken up by a variety of scholars from Spivak to Chandravarkar. But the latter's critique is a good example of the central thrust of such positions: 'Historians have been led on this terrain towards a preoccupation with a close reading of texts ... with the often Eurocentric question of colonial discourse ... overly concerned with how colonial discourse and its hegemonized agents represented their subjects, and seeking to liberate themselves from this discursive trap, scholars, rather like colonial ideologues, have increasingly assumed the mantle of representing the natives.' Chandravarkar, *Imperial Power*, 22.
- 54 See Guha, *Dominance*, pref. p. xii. Thus, for Guha, 'paradox' is the very condition of the colonial society: 'The consequence of this paradox for the political culture of colonial India was to generate an original alloy ... which has been witness to the historic failure of capital to realise its universalising tendency under colonial conditions, and the corresponding failure of the metropolitan bourgeois culture to dissolve or assimilate fully the indigenous culture of south Asia.'
- 55 Ibid. 25–7.
- 56 Ibid. 20.
- 57 Ibid. 4–5.
- 58 I have been using the term 'fiction of crime' not only to signify particular kinds of genres like novels, or sub-genres like Detective fiction, but, like Jon Thompson, 'to denote all the genres and sub-genres that concern themselves with violation of the law'. Thompson, *Fiction, Crime and Empire*, 3.