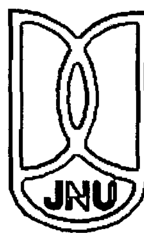
# NARRATING CRIME, RENARRATING HISTORY:
## SHOSHEE CHUNDER DUTT'S *REALITIES OF INDIAN LIFE*

Dissertation Submitted to the Jawaharlal Nehru University
in partial fulfillment of the requirements
for the award of degree of

**Master of Philosophy**

**SHINJINI BASU**

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**2009**

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This dissertation titled **"Narrating Crime, Renarrating History: Shoshee Chunder Dutt's *Realities of Indian Life*"** submitted by me for the award of the degree of Master of Philosophy, is an original work and has not been submitted so far in part or in full, for any other degree or diploma of any University or Institution.

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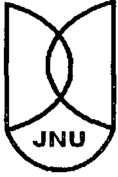

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# CERTIFICATE

This dissertation titled **"NARRATING CRIME, RENARRATING HISTORY: SHOSHEE CHUNDER DUTT'S *REALITIES OF INDIAN LIFE*"** submitted by **Miss. Shinjini Basu,** Centre for English Studies, School of Language, Literature and Culture Studies, Jawaharlal Nehru University, New Delhi, for the award of the degree of **Master of Philosophy**, is an original work and has not been submitted so far in part or in full, for any other degree or diploma of any University or Institution.

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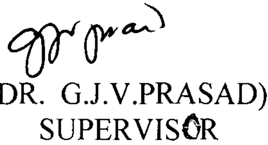

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## Acknowledgement

*I would be ignorant as the dawn*
*That has looked down*
*On that old queen measuring a town*
*With the pin of a brooch,*
*Or on the withered men that saw*
*From their pedantic Babylon*
*The careless planets in their courses,*
*The stars fade out where the moon comes,*
*And took their tablets and did sums;*
*I would be ignorant as the dawn*
*That merely stood, rocking the glittering coach*
*Above the cloudy shoulders of the horses;*
*I would be – for no knowledge is worth a straw –*
*Ignorant and wanton as the dawn.*

W.B.Yeats

Unfortunately the lines above mentioned are not expressions of my intellectual modesty but rather a statement of truth about the general state of affairs in my academic everyday. Yeatsian solemnity has helped it masquerade as a renunciation of knowledge while actually it is an acknowledgement of profound ignorance. However, Yeats is not the only one who should be thanked for helping me out in my camouflage. There are other, far more proximal luminaries who have helped with far more efficacy and affection.

I am grateful to my guide Prof. G.J.V. Prasad for believing the possibility of there being the semblance of a dissertation in the meaningless gibberish that I have often bored him with. I should offer my regards to him not only as my guide but also as my teacher since it was his MA course in Indian Writing in English that had helped me to look at this genre differently and induced interest in certain names that no one was interested in remembering. I am equally grateful to my co guide Prof. Saugata Bhaduri for being, well, Prof. Bhaduri. Let alone M.Phil dissertation, I think survival in this alien city and in this maddeningly demanding campus would have been impossible for us had he been anything less than what he is. And yes, I think I can speak for the collectivity in this regard.

I express my sincere gratitude towards the whole faculty of CES for adding little green patches to the boundaries of my vision, as a result of which, if nothing else, it has always remained open. There are not many people left in this world who can command love and respect without demanding them. I do not have enough and appropriate words to thank Rawatji for being one of them. He has always been the assurance that no matter how late we

are in submitting folios, adding or dropping courses, getting signatures, we would not be thrown out of the department.
I thank Malik Sir for helping me find books from the most impossible corners of the library, Mr Padmanavan for not only fishing out books from the often cryptic arrangement of the Sahitya Academy Library, but also for going out of his way in ensuring we get the books needed desperately. I would like to thank the staff of National Library, Kolkata for taking such good care of rare old books; my work would not have started in the very first place had they not done so and the library staff of CSSS, Kolkata for being so helpful towards students from other institutions.
My special thanks to Tarique for being the messiah without messianic hassles, taking care of all the technological crises pertaining to my laptop. You are truly the God of my Godless world. I am short of words to express my gratefulness towards Ishan for providing me with materials that would have otherwise taken a lifetime for me to procure. The interminably long and always unfinished discussions with him had helped me understand my topic from an interdisciplinary perspective. Thank god you were in the history department!

Be a little patient. There would be thanks galore!

Thanks Naiya for being the most patient and caring roommate ever. I know it has not been easy for you to share the room with as good-for-nothing a person as I am. Thank you very much for bearing with me. Thanks Dhrupadi for all the tea drinking sessions and all the discussions that we had; they have helped me, more than anything else to argue my case with conviction. Thanks Jeya for giving me company through some of the most dreadful films in the history of world cinema and for not breaking my head for unapologetic mispronunciations of her name. Thanks Gargi for the camaraderie of four long years. Thanks Sonali for all the Johnny Depp movies, Deboshree Di for always taking the opposite view and Odi, for thanking me in her acknowledgement. Thanks to Shaptorshi, Sudipto, Debaditya, Swati and the whole gang for all the gatherings at the dhabas.
Thanks to both Shiv Bhaiya and Raju Bhaiya for supplying the nightly tea and snacks so essential for intellectual meditation.
The very fact that I am where I am and not anywhere else in some godforsaken, recession-stricken IT company, tallying out brainless data is because of my parents who stood by me in all my failures, seldom redeemed by grand success. Thanks to Ma and Baba for not looking at me with condescension but with confidence.

I could gather the courage to take the plunge because I am in JNU which has been the first complete freedom and the last terrible fright of my life. Life would have been a lesser thing to live had it not been lived here.

Last but not the least, and I cannot believe these words coming out of my pen, I would like to thank the city of Delhi for giving me lessons in loneliness and preparing me for it. Thanks for giving me back to me.

> *I love thee, infamous city! Harlots and*
> *Hunted have pleasures of their own to give,*
> *The vulgar herd can never understand.*
>
> Baudlaire

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# Introduction

> *To be modern is to live a life of paradox and contradiction ... it is to be both revolutionary and conservative: alive to new possibilities for experience and adventure, frightened by the nihilistic depths to which so many modern adventures lead ... to be fully modern is to be anti-modern.*
>
> (Berman, 13)

The schizophrenic energy of modernity, often recognized, is even more often co-opted in the academic obsession with Grand Narrative(s). It seems that this obsession is not so much a legacy of modernity itself, as it is an ideological prosthesis for the comfortable survival of all the 'posties' in the halo of multiplicity. To quote Zygmunt Bauman, "All in all, postmodernity can be seen as restoring to the world what modernity, presumptuously, had taken away; as a *re-enchantment* of the world that modernity tried hard to dis-enchant" (Bauman, x); it is the 'dream of an order' in the face of inevitable disorder. The most common diagnosis of the chronic disease of modernity has been its teleological fixation, making the post-modern the sole sentinel of immanent chaos. What such neat bifurcation leaves untouched are the possibilities of more angular engagements with the telos – possibilities which are not post-facto but are endemic to the production of modernity. Nowhere are such possibilities clearer than in the formation of that regular and reviled target of the contemporary liberal academia – the colonial subject. Actually, the recognition of angularity could be seen as one of the most significant factors in the understanding of colonial modernity. The colonial encounter is habitually looked at as a phased displacement of a pre-existent mass of life. But this displacement is always already incomplete because, first of all, there is no one homogenous mass of life readily available, it is layered; thus the movement of modernity is also uneven, often serpentine, creating unexpected formations. Secondly, it is not only the object body that undergoes transformation through this encounter, the movement itself also gets transformed, resulting in the production of in-between spaces that emerge in the vacuum between the spectral extremes of a unitary subject and its complete disintegration. My endeavour is to explore this in-between space, through a critical engagement with Shoshee Chunder Dutt's *Realities of Indian Life; ; or Stories Collated from the Criminal Reports of India to Illustrate the Life, Manners and Customs of Its Inhabitants* (1885). I intend to investigate this in-betweenness not as a luxury of non-belonging but as an inevitable political necessity, a carefully laid down political project, played on the faultlines of cultural dislocations and generic ambiguities. These are the necessary by-products of the 'new heterogeneity' born out of the colonial encounter, seeking release through the

overlapping drives of assimilating and interrogating the constructed homogeneity of both western and indigenous influences (Panikkar, 13). My engagement with colonial modernity will largely take into account the machinery of cultural production and the produces of nineteenth century Bengal mainly because of my own academic comfort with and better understanding of Bengali language and literature.

Shoshee Chunder was born in 1824 into the highly literary and illustrious Dutt family of Calcutta and was educated at Calcutta's newly established Hindu College. The Dutt family were not only respectable stars of the intellectual constellation of nineteenth century Bengal, they were also active participants in the colonial market. Rasamoy Dutt, Shoshee Chunder Dutt's uncle, had made his fortune as a financial consultant for a British firm. It is this other occupational legacy of the family that initially prevailed over Shoshee Dutt's youthful aspirations to become a teacher or literary editor and instead he took up a comparatively lowly position as an apprentice accounts clerk, or *kerani*, after he graduated from Hindu College. Shortly afterwards he took a job in the colonial government treasury where his diligence earned him quick promotion. He started off with his career as a journalist simultaneously. Shoshee Chunder Dutt spent most of his subsequent career as Head Assistant at Bengal Secretariat, was awarded the title *Rai Bahadur* in recognition of his thirty-four years of service and ended his career as deputy magistrate. He died in 1886.

Shoshee Chunder's poetry and prose had featured regularly in newspapers and journals in Calcutta before the publication of his first edition of poems titled *Miscellaneous Verses* in 1848, which was also the first major publication in English by any member of the Dutt family of Ram Bagan. It comprises of poems thematically circling around what Alex Tickell commonsensically calls "Indian legends and episodes in medieval history" (Tickell, 12). Tickell's rather casual use of the terms 'legend' and 'history' might reveal a dangerous academic presupposition, particularly because he unwittingly attaches the epithet 'Indian' with the legends while 'episodes from medieval history' do not seem to have such clear nationalist claim. The poems of this compilation were later reprinted as *A Vision of Sumeru and Other Poems* (1878).

Dutt's first important prose work came out in 1845 in the form of a short narrative 'Republic of Orissa' published in *The Saturday Evening Harkaru*. He was also prolific as an essayist, historian and ethnologist. He published a collection of his journalistic articles called *Essays on Miscellaneous Subjects* (1854). These essays pre-empt the recurring themes of Dutt's later

prose like political reflections on his own generation (as in 'Young Bengal; Or the Hopes of India'), tracts on religious and social movements (as in 'Vedantism and Brumha Sabha' and 'Hindu Female Education'), and essays coloured with colonial ethnography (like 'The Rohilla Afgans'). These essays reappeared, often in revised form in a later collection called *Stray Leaves: Or Essays, Poems and Tables* (1864). As Tickell points out, in this collection "Shoshee develops his role as a largely pro-colonial legislator for 'native' Bengal, and provides commentaries on the 'Training of Native Youths in Europe' and tracts on Hindu caste and mythology" (Tickell, 12).

From the 1870s onward Dutt starts publishing simultaneously from Calcutta and London. At this stage of his career Dutt starts using very curious nom de plumes. The first of Dutt's pseudonymous works is his two-volume *Historical Studies and Recreations* (1879), which was originally published under the name of J.A.G. Barton, a nom de plume he seems to have favoured for the histories as he uses it again in his *Chronicle of Bengal* (1884), and in *The Great Wars of India* published in the same year. In contrast, his rambling three-volume bildungsroman *The Young Zamindar* (1883), as well as the ethnographical study *The Wild Tribes of India* (1882) were written under a more outlandish pseudonym, Horatio Bickerstaffe Rowney. *The Wild Tribes of India* could easily fit in the category of an anthropological discourse on the adivasis, with careful classification of different ethnological groupings. In *Bengal, an Account of the Country from the Earliest Times* (1884), his focus includes Bengal's economic history, its antiquarian relics and the 'classification of people'. *Realities of Indian Life* came out in 1885 with the subtitle *Stories Collated from the Criminal Reports of India to Illustrate the Life, Manners, and Customs of Its Inhabitants*. Another important text of this period was *Shunkur: A Tale of the Indian Mutiny* (1877) which was one of the earliest instances of Indian English fiction directly engaging with the revolt of 1857, and that too from the point of view of an insurgent. In *Bengaliana: A Dish of Rice and Curry, and Other Indigestible Ingredients* (1877/78), Dutt uses his fragmentary, journalistic style of writing which preempts the style of *Realities of Indian Life*. However, in some pieces of *Bengaliana*, like 'Reminiscences of a Kerani's Life' there are clear autobiographical touches which are replaced by a distant objectivity in the later text.

The existing critical work on Shoshee Chunder Dutt, almost without exception, treats him with a sense of critical obligation, more in terms of recognition of the fact that he wrote, and wrote in English, rather than of what he wrote. John B. Alphonso-Karkala makes a cursory reference to Dutt in *Indo-English Literature in the Nineteenth Century* (1970). Meenakshi

Mukherjee, in her *The Perishable Empire: Essays on Indian Writing in English* (2000) refers to Shoshee Dutt's 'Republic of Orissa' (1845) along with his cousin Kylas Chunder Dutt's 'A Journal of Forty Eight Hours in the Year 1945' (1835) as extant narrative texts in English in order to trace a genealogy of the later, more important literary works, chiefly novels like those of Lal Behari De, K.K. Sinha and Sarath Kumar Ghosh. Shubhendu Kumar Mund discusses Shoshee Dutt's works in his *The Indian Novel in English: Its Birth and Development* (1997), but again in terms of his influence on the later development of the novel as a genre. One of the basic problems regarding Dutt seems to be the identification of genre. This confusion seems apparent in Alex Tickell's introduction to *Selections from Bengaliana*, where he clubs all of Dutt's non-fiction prose as "covert appropriation of pseudo-scientific colonial descriptive modes" (Tickell, 13) and calls *Realities of Indian Life* "an early version of the Indian detective narrative" (ibid., 14).

The intention behind laying down this brief survey is not to foreground Dutt as a tragic figure of historical denial. Nor is the present thesis an exercise in redemption, bringing him out of the dungeons of critical amnesia. I would rather posit my limited academic venture as an attempt to displace the creation and consumption of this need for redemption that results from the luminary centricity of our critical engagement with the nineteenth century, still overburdened with the weight of an indigenous renaissance. My point of departure is neither Shoshee Chunder Dutt, the particular author, nor a particular text authored by him. As Walter Benjamin would put it, "rather than asking; what is the *attitude* of a work to the relations of production of its time", the more significant question to be asked is "what is its *position* in them" (Benjamin, 1986, 223). It becomes an even more important question when the author himself calls his project a kind of 'useful history', as Shoshee Dutt does in the context of *Realities of Indian Life*. The obvious question is whose history is he referring to? What kind of use-value does it have and for whom? In this context, I believe it to be a necessary task of the researcher to displace the text from the narrow pedagogy of Indian English Writing to provide it a broader historical and material context and to explore its complex dynamics with the people whose story it claims to tell.

I propose to look at Shoshee Chunder Dutt's *Realities of Indian Life* neither as a celebration of the colonial model (it could well be as he was a colonial official, he wrote in English and took up case studies derived from the English juridical documents) nor as its critique as he does not stick to such clear generic demarcations and shows many fissures in the questions of legality and justice. Neither do I mean to look at him as a classic case of appropriation of the

language of the colonizer, dearly venerated by the messiahs of post-colonialism. True that the slippages in Shoshee Dutt's text are emblematic of the anxieties of a nascent literary identity which was yet to find a name for itself, and which, decades later, would be tentatively named Indian English Writing, and the ambiguous genealogy of the writer, again tentatively and in retrospect named Indian English Writer. But rather than linking these anxieties irrevocably with the solipsistic search for identity, I would like to look into the sinews of the complex historical zeitgeist where the text is located.

With this stance in the critical locus of the thesis, the methodological priorities also have to be arranged accordingly. As I would not look at the text per se but at its position vis-à-vis the societal complex it is located in, the particular text by Dutt will be used not as an object of analysis in itself, but rather as an analytical tool to explore the vital interactions among the other forces that constitute this complex. The 'position' of this text can only be ascertained through an approximation of the disposition of other textual and metatextual factors that occupy the same matrix. Stephen Greenblatt has stated, "the work of art is the product of a negotiation between a creator or a class of creators and the institution and practices of society" (Greenblatt, 12). I will try to establish the close connection between the expansive culturescape of nineteenth century Bengal – ranging from its eclectic reserve of history writing to its effervescent body of popular literature and the prevailing institutions – and production mechanisms of the colonial society in order to locate Dutt's text in this narrative of negotiations. An exposure to this narrative is important in order to subvert the easy equation drawn between the emergence of the category of the subject and the apotheosis of bourgeois individualism. This is the most overbearing legacy of the received discourse of Western Enlightenment that has sustained itself in the post-colonial academia, even if in the form of denial. Throughout my thesis I will try to look at the ontological inadequacy of this equation to generate knowledge about all modes of subject-status in the colonial situation, specifically in the context of India where one witnesses the curious paradox of colonial experience; the concept of bourgeois individualism was brought here by it, but it never fully materialized because of the same. As a result, one end of the equation always remained unfinished. The simple replacement of an individual self with a collective self is also doomed by the impossibility of attaining a coherent collectivity. That is why, instead of trying to foreground the individual text while using the collective cultural body as backdrop, I will try to look at both as parts of a complicated network, not giving either the individual text or its collective context any positional advantage. In fact, the intention is to expose the fallacy of assuming the sustainability of either of the two as a holistic presence.

The thesis would involve three spheres of interrogation – historicity, criminality and legality – with a third category – representation – being the axis around which these three objects of enquiry interact. The first chapter, 'Spinning Narratives, (Un)living Pasts: The Colonial Modern's Tryst with History' deals with the nature of historicity as it evolved in the nineteenth century through the shifting temporalities constantly colliding and colluding with one another across the battlelines of colonial intervention. It was not an epic battleline drawn between the pre-colonial and colonial notions of time, but an integrated chronograph of many timelines continually overrunning each other. Because of the volatile nature of this mise en scene, the generic purity of the discipline of history, that bases its claim to authenticity rigidly on its status vis-à-vis time, gets intersected by narrative elements. As Roger Chartier would have it, "All history, even the least 'narrative', even the most structural, is always constructed according to the same formulas that govern the production of narratives" (Chartier, 16). In this chapter, I look at the various dynamics between history and narrative and try to show how the colonial modern worked around these dynamics to put across its own angst for history. One of the greatest advantages of narrative interpolation is the resulting flexibility of time and space. This chapter would also look at how this flexibility was manipulated by the colonial modern in its search for identity; sometimes forging this identity in terms of a historical presence, sometimes by trying to historicize the present one is living in, and in the particular instance of *Realities of Indian Life*, by trying to fashion a negative identity. It is an identity based on the spatial absence of the self of the colonial modern since the locational paraphernalia of the modern has been completely relinquished in an apparent foregrounding of an internal other, an other who is interlocked with the modern in a vital relationship and yet not a legitimate heir to its legacy. This internal other, in this case the multiplicitous category of the criminal, has been given specific geographical locations. But it has been robbed of temporal specificities of its acts of crime, as if the crimes have taken place in an overarching time - the time of colonial law, in which the colonial modern sought to have active participation.

The next chapter, named 'The Grain of the Righteous and the Loyal Robber: Crime as the Site of Concurrent Alterities' investigates how the representation of crime could be a method for the textual production and sustenance of this internal other. According to Chartier, "What any history must think about is thus the *difference* that all societies bring into play ... to separate a particular domain of human activity from daily routine and, indissociably linked to that difference, the *dependencies* that inscribe ... aesthetic and intellectual inventions within their

conditions of possibility" (Chartier, 22). This chapter attempts to look into this web of difference and dependencies by examining the corpus of colonial legality and tries to reveal the interface of the so called main body of society, which could be called the civil society, and its underbelly, that is the criminal world. By exposing the relation of mutual difference and dependency between the two, it categorically plays down the benignity of this stratification. The ensuing ruptures release multiple discourses, appearing and existing simultaneously. As a result, the clinical segregation of an internal other from the bourgeois self gets problematized, rendering the possibility of arriving at even a negative subject position suspect.

The final chapter 'Narratives of and as Law: The Colonial Subject as an Elliptical Movement' traverses the relationship of law and representation. It explores, on the one hand, the colonial anxiety about participating in the narrative of law. The ability to participate in this discourse was for the colonial modern an opportunity to achieve the status of a legal subject who could be a claimant of citizenship since the narrative of law could provide a definition of citizenship by defining the non-citizen. But this possibility was always an anathema since citizenship remained an unachievable horizon for the colonial modern; a fiercely fought for but ever elusive cause. There is also another aspect of law, where law itself is constituted in and through narratives. Stories of deviance can be an entry point into this narrative field of legality. This final chapter tries to see how Dutt's text touches upon both of these aspects of law and while doing so, strives to achieve, not a new form of subjectivity but a new mode of subjectivisation where the position of the formative subject and its movement towards that position coalesce into one another. In fact, the movement becomes the only position available for the subject, never consolidating, nor ever disintegrating, but constantly shifting.

This dissertation has been attempted from a clear political motivation of redefining 'position' as an epistemological category before declining it as mere fixity, or even worse, an endemic fallacy in the face of the deluge of disintegration. In the current academic and political vocabulary 'position' is a suspect term that smacks of outdated ideological rigidity - complete misfit in a fluid world. I have tried to look at position not as an end point but as a 'movement towards' an ever beckoning but ever eluding point. This merger of movement and location in a single trail has deeper ramifications in terms of political praxis. My effort is too insignificant to comprehend the whole range of those ramifications but I would, within the limited scope of this dissertation, try to understand the logistics of such a merger.

# Chapter I

## Spinning Narratives, (Un)living the Past: The Colonial Modern's Tryst with History

This chapter sets out to explore exercises in history writing by the colonial bourgeoisie. The agenda of history writing in the nineteenth century was steeped in the political need for self-representation, which, according to Partha Chatterjee, was "necessarily constructed around the complex identity of a people–nation state" (Chatterjee, 1994, 2). This assumption of the representation of a newly constructed, integrated self through the people–nation dyad has been discursively settled into some kind of an academic common sense. This chapter however attempts to displace the almost mythical weight of this equation to see other discursive possibilities that emerge through the constant interaction and interpolation of history with narrative. Shoshee Chunder Dutt's *Realities of Indian Life* (1885) indicates such an alternative as Dutt, instead of searching for an imposing presence of the self to be placed vis-à-vis the nation, opts to map out the nation through the absence of the self. The chapter is divided into four sections. The first section deals with the significance of history's intimate relation with time especially in the context of the intricate temporal schema of a colonial situation. The second section deals with the nexus of history and narrative. The third section explores how this nexus manifests itself through the various forms of history writing undertaken by the colonial modern. The fourth and final section interrogates Dutt's specific engagement with historiography in the context of his self-proclaimed alignment with Voltaire's concept of 'useful history' along with the negotiations attempted by him in terms of both space and time.

I

> *Look in my face. My name is Might-Have-Been, I am also called No More, Too Late, Farewell.*
>
> Dante Gabriel Rossetti

Walter Benjamin introduces his 'angel of history' with an epigraph: "*My wing is ready for flight, / I would like to turn back. / If I stayed timeless time, / I would have little luck.*" He says,

> *[The] angel looking as though he is about to move away from something he is fixedly contemplating. His eyes are staring, his mouth is open, his wings are spread. This is how one pictures the angel of history. His face is turned towards the past*
>
> (Benjamin, 1968, 249)

The angel likes to stay on in the past if he is not propelled by a frenzied motion to be thrown into the present. The angel of history prefers to collect the tatters of the past ruin in order to "awaken the dead" (ibid., 249). He tries to make whole of what has been shattered in order to invoke a redemptive relation with the past through the saving power of remembrance.

The temporal demarcation between the present and the past is one of the foundational preconditions of human existence, in both its conceptualization and its practice. But a stubbornly non-negotiable movement of the past into the present patterns the typically 'modern' habits of thought.[1] Since the modern is self-styled as a temporal position; modern is that which is always already ahead in time:

> *In the regime of modernity, the thing called time, thus remains neither a philosophical irresoluble nor that which is variously, contingently perpetuated in life practices. Time itself becomes the universal parameter of judgement – that is, of judging of a society, a people or an act is modern or 'primitive', advanced or backward, historical or timeless, distant from or contemporary to the subject-author of knowledge.*
>
> (Banerjee, 2006, 4)

It is also a necessary postulate for the development of the discipline of history. As Bernard Cohn argues while theoretically consolidating the disciplines of history and anthropology, both the disciplines have a common subject matter – 'otherness', but while anthropology constructs otherness in space, history constructs it in time (Cohn, 1987, 19).

The relation between these two modes of constructing the other is an important theoretical component of my thesis. But right now, it is more important to recognize the significance of temporality for historical consciousness. According to Michelet, the pantheon of history reverberates with 'strange dialogues' with the dead, with the assurance "that never could anyone ever stir up again what life has left behind" (quoted in de Certeau, 1988, 1). Thus, continues de Certeau, "In the sepulchre which the historian inhabits, only 'emptiness remains'" (ibid., 1). Hence this intimacy with the other world poses no threat. Michelet admits "This security made me all the more charitable toward those who were unable to harm me" (ibid., 1-2). This secured closure of death is the adhesive that seals both the commonsensical and the classical understanding of history as a discipline as history's assured relation with the past defines its pedagogic existence.

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[1] If we want to give to this movement a more civilisational twist, then it is always already the movement of a less-developed past to a more-developed present and unquestionably to a better-developed future. But this civilisational twist might not have, and often does not have an exact echo in ethical indices. There, the ethical movement is often ideated as downwards.

Central to the creation, implementation and sustenance of the postulate is the grand belief in the predictability of the direction of time and its manipulability by discursive interventions. The post-Enlightenment linear, progressive notions of time have made its flow even more easily measurable. You could just build a barrage anywhere you like to separate the present from the past. Add to it the proverbial arrogance of colonial Europe that could easily concretize its fictive barrages in universal discursive formations. One obvious example would be the arbitrary imposition of a tripartite historical model of the ancient/medieval/modern in the delineation of Indian history. This kind of schematology was standardized in post-Renaissance Europe and was transplanted to India by James Mill. The result is a homogenous discursive past and present for the whole world. Your past might differ from mine in its content, but the deep structure remains the same.

Such presumptuousness is the direct corollary of the immense faith in the power of the discursive capacity of the Enlightened (Western) consciousness that dictates the formulaic rules of the real and was disseminated across the globe through colonial, mercantile interventions. The problem is that such neat amputation of time into different pockets faces a situation of crisis when there are already existing understandings of temporality and its relation with human life. There is the classic conflict between the time of the colonizer and that of the colonized, manifested in the often absolutized contrast between the clock time and the cycles of the *yuga*-s. But, as Sumit Sarkar points out, this kind of binary cannot be taken as absolute, since duration and sequentiality are common to both. In High Hindu cyclical time, one *mahayuga* consists of a linear, irretrievable sequence of the four *yuga*-s: *Satya*, *Treta*, *Dwapar* and *Kali*. So there should not be generalizations about "'a myth of eternal return', supposedly characteristic of an undifferentiated Hindu world or even of 'traditional civilization'" (Sarkar, 1987, 9). Then, he also emphasizes upon the fact that it is often not a cleanly dualistic conflict as much of the post-colonial and almost all of nationalist historiography would make us believe. Often the conflict would have multiple nodes located in the multiple strata of the colonial society, as in the case in India where there was not only the pre-existing Brahminical conceptualization of cyclical time with one *mahayuga* succeeding another and the process played out till eternity, but also the task-based understanding of time, mostly emanating out of the pre-industrial agricultural workers' reading of the seasonal cycle. Sarkar also cites instances where a combination of both the cyclical and the linear understandings of time could be noticed simultaneously, in places as far apart, both temporally and spatially, as the present day Bali and the pre-colonial Yucatan.

The Mayans also had chronicles of ruling dynasties which were entirely linear (ibid., 8). Even many of the Brahminical texts also indicate the presence of multilayered temporal notions. Sarkar cites Raymondo Panikkar's reference to the concept of Kalavada, where time is given supremacy over gods and identified with death as the ultimate leveller of all discriminations and differences, both human and divine. Panikkar believes it to be a popular conceptualization of time, belonging to the less Brahmanic stratum of the Indian society (ibid., 9). When all these temporal indices collided with an equally heterogenous colonial clock time, it created a vortex of shifting temporalities in which it was very difficult to hold on to the neat division of the past and the present. The past of the colonized might stubbornly barge into the present of the colonizer. The present of the rural peasants might just ooze into the present of the bourgeois bhadralok. Partha Chatterjee points out the futility of looking at this vortex in terms of the mere co-presence of the times of the pre-modern with that of the modern. According to him, to look at the time of the modern universally in terms of homogenous, empty time is to pander to the utopianism of Western modernity since homogeneous time is the time of utopia, it does not have bearing in real place. The 'other' times are not mere survivals of the pre-modern, they are new products of the encounter with modernity itself (Chatterjee, 2001, 402). However, etymologically utopia may derive from either 'ou-topia', that is no place, or 'eu-topia', which is 'new-place'. While the former does connote the unreality of this place, the latter, with 'new' as a temporal concept, adds solid temporality to space. Thus the time of the colonial modernity is definitely 'utopian' but not necessarily for the unreality of space but rather because it fuses space with time. This fusion does not receive adequate importance in the ideological postulation of 'the' modern as a civilisational privilege. This postulation necessitates a discursive whitewashing of the heterogeneous aspect of modernity that has resulted into manipulations across the axes of time and space, leading to homogeneous generalizations for both the colonizer and the colonized.

Such diverse material manifestations and pragmatic significations of time undercut the notion of a unitary time of history. In the face of the recognition of the breakdown of the temporal backbone, the tall claims of discursive purity and generic authenticity also face serious questions which are usually sidelined in the narrative of the epic one-to-one battle between the colonizer and the colonized, or for that matter between tradition and modernity because in order to make the sweeping leap from the matrix of tradition to that of the modern, one has to somehow discursively accommodate the many contemporaneities that are lived in the sphere

of praxis. And any discursive attempt which tries to resolve its own definitional crisis has to work at the limits of such settled definitions. As Theodor Adorno points out in the context of Walter Benjamin's *Theses*,

> *If Benjamin said that history had hitherto been written from the standpoint of the victor, and needed to be written from that of the vanquished, we might add that knowledge must indeed present the fatally rectilinear succession of victory and defeat, but should also address itself to those things which were not embraced by this dynamic, which fell by the wayside – what might be called the waste products and blind spots that have escaped the dialectic. It is in the nature of the defeated to appear, in their impotence, irrelevant, eccentric, derisory.*
>
> (quoted in Beiner, 425)

The discomforting questions about the holistic definition and generic self-sufficiency of literary and historical discourses are not always post-facto, they are often part of the systemic production of discourses, but usually branded as the 'waste products' of the production process, 'the blind spots that have escaped the dialectic', the failed attempts of becoming either of the two, unable to attain the 'being' of any. I would take up such a 'waste-product' of the colonial dialectic, searching for its definition in the quagmire of its own existential crisis, resulting out of the dubious terrains of its socio-cultural and political belonging. I intend to trace the 'waste-product' back to the production mechanism, the material conditions of cultural production and the curious coagulation of the socio-political and historical forces in the formulation of those material conditions.

## II

Most philosophical discourses of history are cyclop-eyed, fixed either on the past or on future. The present is always the bed-rock, the stage and not the subject of historiography. Present can only frame the historiography with its politics and polemics but can never anchor the tide of discourse. Benjamin points out that there can be two ways of re-engaging with the past. One, which he calls 'historicist', has a futuristic vision of the past – like a soothsayer it is always already cementing pebbles of the 'homogeneous, empty time' to make a highway into the future. The past is a readily available necessity to give completion to the unilinear narrative of progress, unfolding within temporal coordinates stretched to eternity: "Historicism contents itself with establishing a causal connection between various moments in history. But no fact that is a cause is for that very reason historical. It became historical

posthumously, as it were, that may be separated from it by thousands of years" (Benjamin, 1968, 255). The other mode of re-engagement is what he terms as 'historical materialism':

> *A historical materialist cannot do without the notion of a present which is not a transition, but in which time stands still and has come to a stop. For this notion defines the present in which he himself is writing history. Historicism gives the 'eternal' image of the past; historical materialism supplies a unique experience with the past. The historical materialist leaves it to others to be drained by the whore called 'Once upon a time' in historicism's bordello.*
>
> (ibid., 254)

In his *Theses* Benjamin differs from the classical idea of historical materialism. Since Hegel onwards, historical materialism has always been associated with the notion of history as a rational process as well as a dialectical movement with a purpose, whereas for Benjamin history is radically fragmented and the job of a materialist historiography is to establish a redemptive relation among the fragments. Benjamin is a historical materialist in so far as he accords to history its due materiality, its throbbing physicality that resists every attempt at fossilization and in the process spills over the convenient temporal straight-jacketing of the present. Also, the sedimentation of the past in 'once upon a time' and the initiation of the present into the crowning halo of the 'now' are always decided in political battlegrounds which are never settled, since within every historical 'kaios' – the great event – there are always negotiations, repositioning of forces and rearrangements of factions. History thus cannot be a sealed text, carefully kept in the civilisational curio to be put to the frugal use of a utilitarian future. It has to be a mobius strip of temporal lines arranged to provide a certain meaning. But the meaning has to be always qualified in terms of the conflictual and often exploitative relation among different temporal schema consolidated through the seamless interventions of the prevalent political orders. According to Paul Ricoeur, it is in this contingent but meaningful arrangement of temporality that the discourse of history crosses road with the narrative discourse.

> *Whether it is a question of affirming the structural identity of historiography, including the philosophy of history, and fictional narrative ... or whether it is a matter of affirming the deep kinship between the truth claims of these two narrative modes ... one presupposition commands all the others, namely, that what is ultimately at stake in the case of the structural identity of the narrative function as well as in that of the truth claim of every narrative work, is the temporal character of human experience ... time becomes human time to the extent that it is organized after the manner of a narrative; narrative, in turn, is meaningful to the extent that it portrays the features of temporal experience.*
>
> (Ricoeur, 3)

The problem is that the discipline of history always already ratifies itself with a certain truth claim which cannot be sustained if its narrative arrangement is accepted. But that there is such an arrangement is no new notion. Descartes unleashed a certain amount of scorn for both history and fiction as opposed to philosophy: "I knew that the delicacy of fiction enlivens the mind ... [and] that famous deeds of history ennoble it" (Descartes, 4). But these merits are futile against the odds: "... fiction makes us imagine a number of events as possible which are impossible, and even the most faithful histories, if they do not alter or embroider things to make them more worth reading, almost always omit the meanest and least illustrious circumstances, so that the remainder is distorted" (ibid., 5). Interestingly, as the quotation would clearly reveal, the basic allegation against both is one of discursive impurity, of alien intervention 'distorting' the 'events' themselves. The other significant commonality is of an inclination towards attaining a certain kind of readability. Thus both fiction and history imply a certain readership and a whole matrix of relationships and social positions and dispositions which instigate the 'distortions' apprehended by Descartes. Hayden White challenges the counterpositioning of history and narrative along with history's sole claim to reality. He draws from R.G. Collingwood to suggest that the past is not available to us as story. It is the historical sensibility that offers plausible, post-facto stories out of facts which are incongruent and always already incomplete. White refers to Collingwood's idea of "the constructive imagination" which functions in the lines of the Kantian a priori imagination that tells us that though two sides of a tabletop cannot be perceived simultaneously, that there are *two* sides can be ascertained from the fact that it has at least one (White, 223). The very concept of one side ensures the presence of an-other. Now the obvious problem here is that which one is going to be the 'other' side of the table depends on which side we are looking from, because the angle of our vision will decide the configuration of the narrative. The meaning comes out of specific 'emplotments' of generic elements; it is the different formulaic structurings of the factual elements that give rise to 'competing narratives'. Noticeably, as White also points out, in all such theorizations, the 'facts' remain inviolable because they are all premised upon a pivotal difference between 'the facts', considered to be a product of object-language, and the 'stories' told about them, considered as a product of one or more metalanguages. The 'competitive narratives' are supposed to be various 'interpretations' of the same set of facts. But White questions this very inviolability of facts as he points out "Our explanations of historical structures and processes are thus determined more by what we leave out of our representations than by what we put in. For it is in this brutal capacity to exclude certain facts in the interest of constituting the very constitution of a set of events in such a way as to make

a comprehensible story out of them, the historian charges those events with the symbolic significance of comprehensible plot structure (White, 229)". The exclusionary mechanism is inalienable to historical conclusions. However, exclusions do not take place in the simple sense of holding back information, since there is no pure unadulterated information to be held back. The exclusion, according to White, takes place in the very formulaic body of facts, through the manipulation of the coordinates that localize the facts in the received body of knowledge, rooted in language itself.

But if history is nothing but metalinguistic configuration of generic elements, based on the thumb rule of purely semantic exclusions, then what are the stakes of the discipline of history, vis-à-vis the society it claims to represent, vis-à-vis the 'real' that it seems to be obsessed with? The stake of the discipline of history, according to Michel de Certeau, has to be understood in terms of its (a)positional liminality:

> *History would fall to ruins without the key to the vault of its entire architecture: that is, without the connection between the act that it promotes and the society that it reflects; the rupture that is constantly debated between a past and a present; the double status of the object that is a "realistic effect" in the text and the unspoken element implied by the closure of the discourse. If history leaves its proper place – the limit that it posits and receives – it is broken asunder, to become nothing more than a fiction (the narrative of what happened) or an epistemological reflection (the elucidation of its own working laws). But it is neither the legend to which popularization reduces it, nor the criteriology that would make of it merely the critical analysis of its procedures. It plays between them, on the margin that separates these two reductions*
>
> (de Certeau, 1988, 44-45)

Thus historicity emerges neither from a past nor from a present but from the limits of its own production, where it simultaneously packages and camouflages the real, because, to quote de Certeau again,

> *the "real" that determines its production ... a mise en scene of a (past) actuality, that is, the historiographical discourse itself, occults the social and technical apparatus of the professional institution that produces it. The operation in question is rather sly: the discourse gives itself credibility in the name of the reality which it is supposed to represent, but this authorized appearance of the "real" serves precisely to camouflage the practice which in fact determines it. Representation thus disguises the praxis that organizes it.*
>
> (de Certeau, 1986, 203)

De Certeau looks at the insurmountablity of the distance between past and present as a carefully, ideologically constructed distancing of praxis and representation. The factor that plays the pivotal role in such 'configuration' is time. History, for de Certeau, erupts along the furrows drawn between the time of praxis and the time of representation. The time of praxis is plagued with a sense of contingency that often catches knowledge unaware. It surprises and shocks all attempts of mapping any veritable progressive journey. The time of praxis is also irreversible, a quality that goes against the synchronic intent of knowledge and the reconstructive intent of narratives (Bourdieu, 112). De Certeau considers historiographical practice to be a form of 'ideology': "History is entirely shaped by the system within which it is developed. Today as yesterday, it is determined by the fact of a localized fabrication at such and such a point within this system.... Denial of the specificity of the place being the very principle of ideology, all theory is excluded" (de Certeau, 1988, 69). Ideology for de Certeau is the absence of place, the disavowal of the site of writing, the renunciation of the institutional practices that enable historiography (Poster, 100). The radical contingency of practice provisionalises all forms of experience and thwarts the possibility of drawing sustainable inferences that can be consolidated into any form of historical knowledge.

However, conclusions are non-detachable from historical thinking, corroborating its truth claim whereas narrative mode (dis)continuously evades the entrapments of conclusions, opening up reserves of residual meanings always already daring and exceeding the limits of conclusivity. But Louis Mink underplays the enormity of this discrepancy by subverting the overburdening fear of conclusion. According to him, the act of narrativisation cannot be detached from the act of making conclusions. The act of making sense continuously is an act of continuous conclusions, not beginning with proposition and ending with conclusion as is the case with natural sciences. He also admits writing itself to be a cognitive act. Thus narrativisation is not only necessary for understanding, it is understanding.

Mink refers to W.B. Gallie's observation that history is "a species of genus story" (Gallie, 12-13). But he specifies that in order to understand the genus of story, it is imperative to know what to follow in a story. This 'what' question cannot be answered as a quidity, as a commodity given since "what discontinuities we are willing to accept or able to follow depends partly upon the set or orientation of our sympathy ... and partly upon the intrinsic nature of the kind of sympathy that has been established" (ibid. 44-45). From this Mink draws the conclusion that, "The features which enable a story to flow and us to follow, then are the clues to the nature of historical understanding" (Mink, 46-47). But the problem with such an

understanding of the relation between history and narrative is that, in its overemphasis on 'following', it imposes a certain linearity, which, though flexible, remains within the Enlightenment purview of progressive temporality. For Mink, the core of the relationship is in the nature of comprehension. For him, the act of comprehension is the mental act of seeing together that have happened over and across time, making sense of events that were not experienced together.

> *... it is a necessary truth that we could not even form the concept of the specious present were we not able to hold in mind, through this sequence of presents, right now, the thought of past and future, of past futures and future pasts. Memory, imagination and conceptualization all serve this function, whatever else they do: they are ways of grasping together in a single mental act things which are not experienced together, or even capable of being so experienced, because they are separated by time, space or logical kind. And the ability to do this is a necessary (although not sufficient) condition of understanding.*
>
> (Mink, 1987, 49)

Historical narratives are produced through what Mink calls 'configurational mode of understanding' (Mink, 2001, 215), which proceeds by configuring the past in a synoptic way, drawing provisional conclusions in a larger cognitive structure. The problem with Mink's stipulations is that he takes it for granted that experiences of the past are discrete and it is the historian, the high priest of supine cognitive reverie, who makes the connections. By doing so, he distances experience from comprehension. He excludes the possibility of pre-empting life simultaneously while living it, which is a necessary offshoot of the kind of cross-temporal vortex that colonial modernity ushers in. On the one hand, the colonial time being taken to be the overarching temporal frame for the historical consciousness of the modern, the distance between experience and comprehension is minimized. On the other hand, it is the journey from experience to comprehension that shapes the narrative subject. The history-writing attempts of colonial modernity seem to constantly wrestle with these two conflicting claims in their act of producing truth and they are strewn with the scars of the production process.

III

A sudden eruption into a historical consciousness and production of historical discourses with unparalleled immediacy is looked upon as the unmistakable insignia of colonial modernity. According to Sudipta Kaviraj, "History comes to be the great symbol of the new age. It is a

symbol with a double significance. In that culture, it is the name of despair and hope" (Kaviraj, 107). History was the symbol of despair in so far as it provided a civilisational justification for colonial subjugation. The whole edifice of colonialism as a civilising mission was premised upon the historical terra nullius, both from the orientalist perspective and from the more self-congratulatory administrative perspective. By placing the colonized outside the contours of historicity, it simultaneously places him in eternity and in erasure. A typical explanation can be found in Teilard de Chardin's stress on the other-worldly outlook of Indians which made them indifferent to recording and preserving the events of this world and life, which were both in a sense, unreal, the creation of *maya* (cited in Kejariwal, 6). Similarly Amaury de Reincourt writes in his *Soul of India*:

> *Aryan India had no memory because she focussed her attention on eternity, not on time ... To the Indian the supreme spiritual reality was a transfiguration of space and not of time, of Nature and not of History ... since suffering is caused by man's obstinate craving for the unreal, history and suffering are synonymous; suffering can come to an end only when history does ... What sense of history, of the significance of the flow of time can there be for people who use the same expression for yesterday and tomorrow (kal, in Hindi).*
>
> (ibid. 7)

Equating history with memory and ahistoricity with amnesia provides the colonizer with an irretrievable mnemonic privilege and the colonized with irredeemable cognitive handicap:

> *We have therefore to admit that the literary genius of India, so fertile and active in almost all conceivable branches of study, was not applied to chronicling the records of kings and fall of states and nations. It is difficult to give a rational explanation of this deficiency, but the fact admits no doubt.*
>
> (Majumdar, 1951, 47)

Sudipta Kaviraj, however, makes the pertinent point that if a linear trajectory of temporality is the foundational requirement of a sense of history, then the absence of precolonial historical discourses is an anomaly since the traditional thought had some commonsensical notions of linear time (a la Sumit Sarkar). Even while keeping in mind the fact that the working idea of history here is extremely constricted, Kaviraj calls this lack the lack of the idea of history itself (Kaviraj, 109).

According to Sumit Sarkar "... it remains undeniable that the impact and imposition of Western historiographical models through English education and British Indian scholarship created a widespread sense of a tabula rasa. Pre-colonial texts, since then, have always

figured as 'sources' to be evaluated by modern Western canons, not as methodological influences" (Sarkar, 1987, 6). This sense of tabula rasa, a vacant pre-colonial historical space created the temporal anxiety of the colonial modern, resulting into his (in this case unambiguously 'his') repeated attempts at history writing. As illustrated by Ranajit Guha (Guha, 1988, 10-11), the precise complaint of the colonial Bengali literate middle class was that they have been objectified by the colonial knowledge discourse and were robbed of their own right at historicity. Since all the pre-colonial texts were turned into textual material, they could be easily accused of not having produced any history of their own. The colonial histories castigated all Bengalis to a past of passive victimhood, of being repeatedly conquered by outsiders, as if the history of the colonized is always already determined as well as documented from outside. Being backward to the time of the modern, they could never be present in the modern, and could only be re-presented by the modern. The response of the nineteenth-century Bengali intelligentsia to such accusations was the emphatic claim at historicity and the agenda of history-writing, in both Bengali and English.

Symptomatic of what Ranajit Guha calls a "shotgun wedding of language and colonialism" (Guha, 1997, 177) are the very initial attempts at history-writing in Bengali – Ramram Basu's *Raja Pratapaditya Charitra* (1801), Rajiblochan Mukhopadhyay's *Maharaj Krisnachandra Rayasya Charitram* (1805) and Mrityunjoy Bidyalankar's *Rajabali* (1808), all three written by pundits of Fort William College, teaching Bengali to the colonial officers. In fact Bidyalankar was commissioned by the British authorities to write the first overall historical survey in Bengali prose, to serve as a language text for Company officials being trained at Fort William College. That the first historical texts written in Bengali were all chronicles of kings and kingships is no surprise considering the imminent need of drawing pre-colonial historical lineages and pre-colonial existence of functional statehood in order to place themselves at the end of some kind of developmental movement, ratifying their claim to the realm of the modern. However, both Pratapaditya and Krishnachandra could be seen more as examples of counter kingship than of kingship per se. Theirs' are stories of sub-governmental local feudatories who could resist the official governmental discourse of a central royal regime. Foregrounding of this counter-royal history that undercuts the Mughal–Bengal Sultanate rule was a necessary device for the legitimation of the Hindu Bengal's claim to statesmanship over Bengal. The ideological currency of the spiritual inside world as opposed to the political outside is yet to be fully formulated though one can already see the initial possibilities in these texts All the three books precede the widespread installation of the

colonial educational system and the standardization of Western historiography. All the three books set up a conflictual relation between the archaic and the modern, commemorating the usherance of the British rule as an initiation into the modern. All the three texts corroborate the high Brahminical worldview as they either take up the patron saints of Hindu orthodoxy or, as is the case with *Rajabali*, reproduce the moral fabric which has direct temporal manifestation in the *yuga* cycle:

> *The moral trajectory across the four yuga-cycle was always imagined as invariably retrogressive, and the present (invariably, in the texts, the Kaliyuga) was the worst of times, characterized by overmighty Shudras and insubordinate women. Time, in other words, was never abstract, empty duration: it was relevant primarily for moral qualities assumed to be inseparable from its cyclical phases. The principal role of the yuga-cycle in Brahmanical discourses, from the* Mahabharata *down to Mrityunjoy, was to suggest through dystopia the indispensability of right caste and gender hierarchy.*
>
> (Sarkar, 1987, 7)

Rajiblochan interestingly takes up the relatively minor figure of Krishnachandra and turns him into a champion of the Brahminical cause against Muslim tyranny, a narrative technique foreshadowing more complex renditions of the same by Bankimchandra Chatterjee. However, the same kind of tabulatory history with *yuga*-centric temporal schema continued even after the initiation into the standard western periodization of time. The subtitle of Govin Chunder Paul's *Abstract Observation of the History of Bengal* (1856) enlists its following contents "A descriptive Table of the Rulers included within nineteen sections, as in J.C.Marshman's *History of Bengal* together with a vocabulary of the history of Bengal, and a list of the Latin derivations, and figures of speech for the facility of the young beginners" (Paul, 2). The preface locates Bengal in its highly specific geographic latitude and longitude but the temporal coordinates are set across four *yuga*-s with hundred and nineteen Hindu kings ruling over this period. The western temporal schema has been applied as micro-divisions within the 'Kullee yoog' which is a period of sins "according to the shastras. The obvious course of its history is divided into three periods viz. the Hindus, the Mohommedan and the British periods". Another distinct trend, set up by early examples such as Dewan Kartikeochandra Roy's (1820-85) *Skitish Banshaboli Charita*, which marks a shift from both compendiums of kings and biographies of particular heroic individuals, and involves recording the history of a particular aristocratic family, finds recurrence in the preoccupations of the more 'professional' historians of the late nineteenth and the early twentieth century in the attempt at tracing genealogies, as observed by Gautam Bhadra:

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> *From the latter half of the nineteenth century till the first third of the twentieth, one of the most significant areas of debate in the historiography in Bengali language was that of assessment of genealogies (kulaji-bichar). Not just the historical veracity of Adisur or Kulinism but various stories and traditions of persons, jatis, provinces named after particular gotra – all these were thought to constitute the social history of Bengal. The considerations of caste (Jatpat), groups (daladali), and derogatory narratives (kechcha) of the nineteenth century added to the debate around the accuracy of these genealogies. Many illustrious historians of Bengal were involved in these discussions.*
>
> (Bhadra, 137, translation mine)

Later examples would include *Rajamala ba Tripurar Itihasa* (1896) by Kailash Chandra Singha, published by Reverand James Long as '*Rajamala* or the Analysis of the Chronicles of the Kings of Tripura' in *Journal of Asiatic Society*. Both Dewan Kartikeochandra Roy and Kailashchandra Singha posit their claim of authenticity on their personal relation with the respective families they were documenting. The first writer was the Dewan of the Krishnanagar zaminder family and in the case of the second writer, not only he but his two previous generations had served the Tripura royal family. The claim to authenticity is substantiated by their personal access to the archival material as in the family libraries. Interestingly, the Dewan was initially commissioned to write the history of the royal family of Krishnanagar so that it could be produced during the property dispute of the family. After the death of Maharaj Satishchandra, the property went under the purview of the Court of Wards and it was the deputy collector of the court who commissioned the dewan with the supervisory duty of this particular ward. In fact, all the supervisors were ordered by the court to write the histories of the respective families they were responsible for. Kailash Chandra, on the other hand, after leaving his job with the royal family served in the Archaeological Survey of India for nearly twenty years. But in spite of these clear signs of the European rationalist lineage, one can find both emulation and refutation of the received form of colonial historiography in both cases. This is apparent in the preface written by the Dewan, "It is well known that even if one is serious, it is not easy to write historical discourses (*purabritta*) in this country. There was no tradition of history writing in our country; thus, in order to compile historical accounts, one has to depend, to a large extent, on the traditional heresies" (Roy, 2002, 17-18). However, the inevitability of the heresies has been accepted more as an apology than as an ideological necessity of his project and he hastily confirms that such discursive impurities have been kept to the minimum and "only those heresies which are well known in the family and handed down through generations, have been included in the absence of written proof". *Rajamala* is also a combination of two different forms of knowledge – patrimonial insider

status on the one hand and the archival knowledge on the other which according to Bhadra is a result of the fuzziness of the borderline between history and literature. This fuzziness is consolidated into a political agenda through ideologues like Bankimchandra Chatterjee, Bhudev Mukhopadhyay and others.

If "the lack of the idea of history" created the despondency of the bourgeois intelligentsia of the colonized, it also opened a possibility of recovery on a narrative plane by investing history with a functionality different from that of European rationalism.

> *To discover the truth of historical objects and connections is the ironical privilege of the subaltern. One of these truths was the constructedness of history, what we today with a language full of finer insults would express as history being ideological; in all history, there is a contamination of interest. Colonial intellectuals spontaneously discovered this truth about historical 'truth'.... The past was an image created in the interest of the present. History was, in major respects, the myth of a people, its construction of is self.*
>
> (Kaviraj, 108)

Thus the project of writing history itself becomes an exercise in displacement – a thinly-veiled political project of writing 'us' into selfhood. Kaviraj follows Partha Chatterjee's diagnosis of the schism between 'inside' and 'outside', central to the colonial discourse (Chatterjee, 1993, 6-7) in detecting parallel tectonic movements in the discourse of history writing – the history of the 'real' that would involve painstaking academic labour to excavate the events of the past and the history of the imaginary where a fictive/imaginative turn is taken to the historical subject. If the first movement takes its cue from European rationalism, then the second one is a political improvisation of the colonial bourgeoisie, and the colonial tradition of history writing is a myriad permutation of both. The asymptomatic coexistence is apparent in Bhudev Mukhopadhyay's *Swapnalabdha Bharatbarsher Itihas* (*The History of India Received in a Dream*) (1895), where history and dream, reason and unreason can easily move into one another, as a result of which "... Bengalis, and later Indians, become great history writers, though not necessarily great historians" (Kaviraj, 111).

Bankimchandra Chattopadyay was one of the most vocal proponents of the necessity for Bengalis to write their own history. He was also one of the earliest to comprehend history not as an objective scientific discourse but as a subjective political one, "The creation or development of the history of a community is the cause of national pride: history is the foundation of social science and social ambition. A nation (*jati*) without history is doomed. There are a few unfortunates who do not know the name of their forefathers; and there are a

few unfortunate communities (*jati*) which are unaware of the achievements of their distinguished predecessors. The Bengalis are one of those" (Chattopadhyay, 330, translation mine). Therefore, one of the first nationalist acts, imagined by Bankim and his contemporaries, was the act of history writing –

> *Bengalis need history. Otherwise Bengalis will never become proper human beings.... Those Bengalis who think that our forefathers were always weak and ineffectual, our forefathers had no pride, would not venture to attain any other state... Do Bengalis have any history? The foreigners have written piles on the history of Bengal.... But is there any historical information of Bengal in those? According to us the real history of Bengal is not present in a single book written in English. If there is anything at all, then it is the meaningless documentation of the indolent life led by the Muslim Badshahs and Subadars.*[2]
>
> (Chattopadhyay, 336, translation mine)

Then Bankim gives a clarion call – "Who will write (the history of the Bengalis)? You will write, I will write, everybody will write. Whoever is a Bengali has to write.... Come, let us all search for the history of Bengal. Let us do according to our abilities.... It cannot be done by one, everybody has to work together" (Chattopadyay, 337, translation mine). It is clear that history should not be restricted to professional endeavour – all and sundry have to participate in the project of (re)writing the history of the *jati*. In that sense he is trying to take history away from its constricting academic contours and to give it a more popular turn. It is not only an attempt at self-assertion, integral to it is also the necessity of redeeming one's own past of the 'obnoxious lies' perpetrated by the colonizer. Bankim himself vigorously participates in the project through his historical novels. Romesh Chunder Dutt is another practitioner of these simultaneous modes of historicization. There are on the one hand, *Maharastra Jivan Pravat* (1879) and *Rajput Jivan Sandhya* (1879) by Romesh Chunder Dutt, along with his *Economic History of India* (1902, 1904), epitomising the simultaneous histories of the real and the imaginary, as discussed by Sudipto Kaviraj, forging strategic fictive lineages which are otherwise impossible to draw, paving way for the formation of a national identity on the narrative plane. However, Romesh Chunder Dutt's pan-Indian vision of a broader, 'Indian' Hindu paradigm is a thematological departure from Bankim and his predecessors' concern

[2] The use of the first person plural in this passage is interesting. It immediately establishes the engagement with history as a communal project. The pronoun is at the same time fluid but exclusive, indicating a conscious disruption of the seamless homogeneity of the space of the colonized, since the very next line says "Those who accept the words of the boastful, equivocal, Hindu hating Muslims without proper reasoning as history are not Bengali". Definitely the 'us' implies a 'they' within the matrix of the colonized, not the colonizer who is outside the matrix.

with a Bengali historiography. Pyarichand Mitra, a former Derozian and one of the founder members of the Derozian Society for Acquisition of General Knowledge (1838-43), in his *State of Hindustan under the Hindoos*, combines an exoneration of the 'Xattries' (Kshatriyas) as 'great warriors', akin to the "the Rajpoots and Marathas who are but their descendents" (Sarkar, 1987, 20). Shoshee Chunder Dutt's *Bengal: An Account of the Country from the Earliest Times* (1884) also starts with the standard lament for the lack of history "There is no readable account of Bengal that we know of. This is rather curious, as Bengal is one of the earliest English possessions in India.... It is, moreover the cradle of much intelligence, and, at this moment, happens to be the focus from which all the political aspirations felt by the Hindus are radiating" (S.C. Dutt, 1884, 22). One can sense a shift already from Bankim. Whereas Bankim's preoccupation with history is because of its instrumental value in instigating a political awareness, for Dutt the political awareness is already a reality which makes him aware of the historical value of his contemporaneity. However, the text still retains the same combination of contempt for and convergence with the mythical, formulating the same complex layering of the real and imaginary, characteristic of so many of contemporary historical endeavours, so that a history of Bengal starts with a listing of the kings of Mithila, the chief of them is obviously Janak, the father of Sita. Interestingly, Dutt relocates almost the whole of *Ramayana* in Bengal – Sita being born in Mithila and banished in a part of Anga, which according to him is contemporary Dinajpore. Bali, the demon-king also famously ruled the state. His son Banasur worshipped Shiva and introduced Charak festival, a religious festival and an important part of the Bengali folk culture. Thus the mythological lineage of governance has been traced back to the non-Aryans, which seems to be mimicking Bankim's recurrent emphasis on the assumption that Aryans reached Bengal much later than the Muslim invasion, in a desperate attempt to prove that those conquered by the heathens (*bidharmi*, Muslims in this case) were not Aryans. However, the mythological ancestry goes hand in hand with the standard Western temporal schematization of ancient, medieval, modern with the usual religious parallels.

One of the central theoretical concerns of history writers, Bankim onwards, was with what constitutes the foundational tenet of historical search – what can claim to be the 'true history' of Bengalis, a question that proves the self-consciousness about the constructed nature of the history they are searching for. One approach is definitely of Bankim, that of fermenting a displaced and condensed historical centre by the heady concoction of the factual and imaginary elements of history. Rabindranath Tagore later clearly divides the domain of

history between the political and the spiritual, the first one being superficial and thus, easily perturbed by contingencies, while the later remains uninterrupted and thus both morally and discursively purer. He locates the 'true' site of historicity in the latter:

> *... Even on that day, under the dust laden sky, the stream of life and death, sorrow and happiness that flows through the homes of villages – though covered, is of principal concern for men. But for the foreign traveller, it is the storm which is the primary reality. This cloud of dust gobbles up everything else for him because he is not inside the home, he is outside. That is why, in the history written by foreigners one finds only tales of the dust-storm and nothing about the home.*
>
> (R.Tagore, 1940, 4, translation mine)

But there was another, slightly different approach as well. Hur Chunder Dutt, in his lecture read at the Bethune Society in 1853, titled 'Bengali Life and Society: A Discourse' locates the epicentre of the historical moorings in far more proximal and shifting grounds as the following extensive quote would prove,

> *The saying that 'no man is a hero in the eyes of his valet', is applicable to individuals all over the world and as it is my purpose to view the Bengali with and without his mask, to praise him as he struts about in tawdry and tinsel for all that is praiseworthy, as well as to follow him behind the scenes, and there point out to him his faults and shortcomings, I shall have occasion to be 'grave as well as gay, lively as well as severe'.... You shall not be, I hope, then, be disappointed, if, in the course of this essay, I dwell at times, on matters comparatively trivial and laughable, and at others on topics which demand our serious and earnest consideration. I shall have to deal with subjects interesting perhaps, but multifarious. The habits and mode of living of the people of Bengal, their feasts and merry-makings, games and amusements, their popular superstitions, and the superstitions which exercise an influence even on their moral character, their legends, songs ... ballads, the present state of their education, and the social position of Bengali women, must all be noticed and a few cursory remarks on each is all that I can promise.*
>
> (H.C. Dutt, 1853, 1-2)

Clearly, the preferred historical vantage point is an indeterminate present, because the temporal axes of the present have not been specified, but his description of the social life of the Bengali people is based on lived memory. The other interesting aspect is the new found historical interest in a strictly caste and class defined everyday as these tracts provide minute details of customary rites marked by these factors. The conscious discursive engagement with everyday practices exposes an urge to minimize the gap between the time of representation

and the time of praxis,[3] leading to a more angular historical vision. Sooresh Chunder Mitter, another contemporary of Hur Chunder Dutt, writes in a surprisingly similar vocabulary,

> *My object is, not to view the Bengali as he appears in buskins on the great theatre of social life and there struts about in tawdry and tinsel, but to pursue him behind the screen, and view him there as he sits without his mask, without his cap and without his belt.... You will not therefore, I hope, be displeased if in the course of my essay I dwell on things trivial, for the things that I have to relate, the trivial, are far from being altogether uninteresting.*
>
> (Mitter, 10)

If Hur Chunder concentrates on the social life of the contemporary Bengali Babu, complete with his sites of socialisation – nautch girls, jatras, sports (guli-danda, bulbul-fights), superstitions, idolatry, polygamy etc. – then Sooresh Chunder zooms in on closer quarters, not only conceptually but topographically as well, as he elaborately dwells on the architecture of a Bengali household, its modus operandi, the patriarchal system of the family, the condition of its women etc. Significantly, in these ventures, there seems to be a renewed engagement with those very aspects of contemporaneity that earlier effected a turning away to an 'imaginary history'. Instead of the consolidation of a unitary past, it seems to register the need for narrativising the present, in spite of its potentially disruptive contingencies and making it the suo moto vantage point for the project of history writing. That both the writers were primarily writing in English could give us some clue as to their specific needs of looking for a footing in the present, since only the colonial present can legitimize their claim on a shared history otherwise circumscribed by their nubile literary identity. There are also attempts at redefining the category of Young Bengal, an epithet once venerated by many of these writers, but now approached with ethical ambivalence, the earlier professed radicalism being tempered with moderate reformism.[4] To quote Hur Chunder:

> *Let every young and educated Bengali... determine to act upto his own notions of what is right and becoming, and success is certain. Let him prove to the shame and confusion of his detractors, that forbidden food and forbidden drink*

[3] According to de Certeau, as one explores the terrain of practices, one finds that "something is constantly slipping away, something that can be neither said nor 'taught' but must be 'practiced'". Thus practice is all about seizing an irretrievable moment of time which is inimitable, consumed by the act itself. On the other hand, de Certeau derives the concept of the time of representation from the Kantian concept of aesthetic judgement wherein the act is spoken of, it is explained by a discourse that "places itself, at a distance of an evaluating observation" (de Certeau, 1984, 77).

[4] According to Sumit Sarkar, the radicalism of the Young Bengal was always a contained political project, trying to forge a middle ground between received tradition and European rationalism. They never took their proclaimed rationalism to its logical extreme, and the complete careerscope of most of the Derozians mark a systematic retreat from their earlier claims of radicalism in matters concerning religion and philosophy (Sarkar, 1985, 18-36).

*are not the inciting causes of liberalism. Let him shun indolence and cheerfully place his shoulder to the wheel.... No nobler object can occupy the heart and energies of Young Bengal than reforms in Bengali life and Society, and the consequent exultation and prosperity of his native land.*

(H.C. Dutt, 1853, 15)

Sooresh Chunder echoes the same, perhaps giving it a more concrete political form:

*Young Bengal is, unlike his old countrymen, educated and refined. Of his superior intellectual abilities and moral characters superior to those of his old countrymen it is needless to speak ... They have knowledge, and 'Knowledge', says the great father of Inductive philosophy, 'is power' – so Young Bengal have the power to raise their country...*

(Mitter, 20)

Problems however arise as and when this project tries to contain the radical contingency of the present in the neat contour of bourgeois reformism, also because it necessarily has to traverse a twilight zone of historical time, flooded by the counterflows of past and present.

IV

The general preoccupation with the construction of the historical subject usually covers the scars of its own production with the carpeting narrative of the self and the nation. That there was the emergence of the historical self, consolidated around the nucleus called the nation, making the two conceptual categories of the self and the nation the two ends of subjectivisation gives precedence to comprehension over experience. But we have been a little too taken in by the comfort of the cushion of the self–nation paradigm, also because it is supported by the mattress of a stable relationship between the self and the other where the other always appears as the prosthesis for the materialisation of the self – "... a real history of its [nation's] own people, of its collective self, must also include historical narratives about others – those who are different, strange, unfamiliar, subordinate, threatening" (Kaviraj, 117). This is the precise reason, according to Kaviraj, for somebody like Romesh Chunder Dutt to write historical romances in Bangla about communities other than Bengalis while often endowing them with identifiable Bengali characteristics so that the self is opened up to the others, a necessary step at creating a more accommodative and cohesive self.

Then there are some texts that have tried to make the knowledge of the everyday the ground zero of the consolidation of the nascent historical self. But the problem with all such attempts is that they are self-defeating in the very first place. Because the everyday is always already in excess of knowledge, it baffles knowledge and surprises it. The contingency of experience is not retainable in its knowledge. However, these alternative theoretical arrangements surely disrupt the enticing discursive comfort of displacing the extremely problematic and politically volatile self–other dynamics to an originary past. Shoshee Chunder Dutt's *Realities of Indian Life* actually runs counter to the whole preoccupation with the self since it locates the site of practice not in the self but in the other: an other constructed and pruned by the colonial modern; and, moreover, not just any other but a delinquent other. He apprehends the nation not through the self but through the other. What he clearly recognizes is the fact that the colonial modern subject can only be a negative subject, it can sustain only in its negation. However, this is not to say that the other is the subject-agent of the project of the nation; far from it since the other has been robbed of its own time as the acts of delinquency have been placed within the ubiquitous time of colonial legality, which is a distinctly modern intervention. So those acts really cannot exist anywhere else but in the time of the modern. The time of the other being outside the theoretical and the representational comes closest to the time of practice as it interrupts and exceeds chronology. According to Prathama Banerjee "this distinction between pure practice, based on a misapprehension of time, and thoughtful practice, based on the understanding of time as history – was a distinction generated by the primary dichotomy of colonial modernity, namely that between the 'primitive' and the historical" (Banerjee, 2006, 21). In nineteenth-century historical discourses, this contradistinction has been made an epistemological inevitability. Bankim explicitly states that the 'first question' of national (*jatiya*, deriving from *jati*) historiography was to ask why there were two *jati*-s in Bengal: one historical and the other primitive (Chattopadyay, 344). In order to thematize the 'primitive within' the originary event of the national historiography was imagined to be the foundational battle between the non-Aryans and the Aryans; the primordial and the civilisational. This schism was centralized in the whole narrative of the nation and was looked upon as the greatest hindrance in the formation of a unified temporal narrative.

I would extend this argument to claim that there is a necessity of making the category of the internal other a little more expansive than simply equating it with the primitive. It should rather be seen as that quintessential other to history which history has to temporally temper and spatially accommodate as a necessary obligation of autogeneration. Colonial modernity

makes constant and often localized adjustments to affect such accommodations so that in its complete spatial absence the colonial modern can impose its absolute temporal presence over the other within and thus extend its absolute historical hegemony. In case of Shoshee Dutt's *Realities of Indian Life* the category is not the primitive but the deviant. It cannot work in the same fashion as the primitive since the cutting edge of this category is far more provisional than that of the tribal who is more easily mappable in terms of the physical space it occupies, the space–time division that Banerjee talks about works more effectively in case of the tribal. But the cartography of criminality is far more unstable and unsettling, as the case studies in Dutt's book show. It constantly threatens the neatness of boundaries between the primitive and the modern as it includes the tribal chieftain along with metropolitan white collar criminals, the rioting rural peasant with the duelling *sahiban* or British officers. Their accommodation in the time of the colonial modern is even more difficult since many of them are typical products of colonial modernity. What marks them out of the colonial modern is their praxicological deviance, the 'act' of a moment that is in excess of the totalitarian temporality of the colonial modern. That moment not only disrupts the chronology of progression but also corrupts the temporal hierarchy that modernity premises itself on. In *Realities of Indian Life* one finds the cooption of the 'act' in foliages of narrative, carrying forward the project of the spatialization of the time of the other, not only outside historicity but in the underbelly of historicity.

Dutt provides this underbelly with titular significance as the complete title reads as 'Realities of Indian Life; Or Stories Collated from the Criminal Reports of India to Illustrate the Life, Manners and Customs of Its Inhabitants'. The title might sound like "another of the stock descriptive modes of colonial writing, often combined with 'manners and customs' accounts: the area-study" (Tickell, 13). According to Tickell, Dutt at this stage, "relies increasingly on the discursive authority of academic genres such as the historical textbook or the ethnographic 'manners and customs' account" (Tickell, 12). But the contrapuntal correlation of the title and the subtitle exposes the subterranean ambiguities of the colonial modern's historical consciousness. So far as history has its stakes in the real, by entrusting that stake to the documentation of deviance, the text seemingly unsettles the ideological edifice of colonial history writing. If the sole functional improvisation of colonial modernity is 'construction' of origins for the sake of the consolidation of a molecular self of the nation, then realization of the idea of the nation around the nucleus of criminality quite literally delegitimizes the historical claims of that self. This central ambivalence exposes a labyrinthine complex that,

rather than subserving, subverts stock rules of colonial history writing and the ethnographic thrust of area studies, questioning, rather than conforming to the very 'discursive authority' of genres. More than relying on the oppressive originary thrust of history or the ethnographic obsession of area studies, Dutt tries to play around with them, forging a narrative dynamics that would be able to accommodate both history and ethnicity in order to sustain the project of colonial modernity since the authority of the colonial modern could be consolidated not so much through reliance on the generic authorities as through their dissipation.

There are certain features of the text which might firmly fix it in the field of anthropology, and as a corollary, in an oppositional relation with history. Bernard Cohn looks upon these two polarized positions in terms of 'historyland' and 'anthropologyland'. Both the lands are preoccupied with something 'out there', but while for the anthropologist, the 'out there' is in the "heads of the natives in the field", for the historian it is "in what purposely or accidentally the natives have put down on paper" (Cohn, 1987, 31), a distinction that basically goes back to the spatial nature of anthropological imagination and the temporal nature of the historical imagination. However, it also corroborates the importance of archival authenticity for the historian. Shoshee Dutt on the other hand, though claims to have collected his material from 'criminal reports', does not provide any source for the reports, any specifications of dates or time of the individual 'cases'. Though he himself was in the justice department and thus could have had official access to the records, unlike Dewan Kartikeochandra or Kailash Chandra Sinha, he does not overtly claim the authenticity of an insider. Further, the case study mode of writing also smacks of an anthropological bias. To quote Bernard Cohn:

> *Events in anthropology are converted into 'cases', a word of many evocations in English, not the least of which are wooden boxes, or the way lawyers and doctors organize the flow of individual instances by the application of some predetermined criteria by which they make meaningful to themselves incident and event. Action cannot be taken by lawyers or doctors until they have a 'case', a box into which to cram the events. The anthropologist's analysis cannot proceed until the events are converted into 'cases', extended or otherwise.*
>
> (ibid, 20)

But the easy labelling of Shoshee Chunder's text as another imitation of colonial anthropology becomes difficult when we try to read the text against the context of Cohn's own definition of the features of an anthropologist;

> *The anthropologist posits a place where the natives are authentic, untouched and aboriginal, and strives to deny the central historical fact that the people he or she studies are constituted in the historically significant colonial situation, affirming instead that they are somehow out of time and history. This timelessness is reflected in the anthropologist's basic model of change.... The anthropologist follows in the wake of the impacts caused by the Western agents of change, and then tries to recover what might have been. The anthropologist searches for the elders with the richest memories of days gone by.... The people of anthropologyland, like all God's children got shoes, got structure.... These structures the anthropologist finds have always been there, unbeknownst to their passive carriers, functioning to keep the natives in their timeless, spaceless paradise.*
>
> (ibid., 19-20)

As Prathama Banerjee points out, the colonial modern could not deal with the other as easily as its colonial master. The colonial master, who had one homogeneous colonial other to deal with, could accord the other a merely different temporality in the same temporal scale and thus in the same historical schema. The time of the colonized is just behind the time of the colonizer, so it is yet to reach the historical modern and it becomes a significant validation for the colonial civilising mission to bring the colonized into the fold of the modern. This was the precise argument of early orientalists like Charles Grant:

> *We cannot presume from the past state of any people, with respect to improvement in arts, that they would, under different circumstances forever continue the same. The history of many nations who have advanced from rudeness to refinement, contradicts such hypothesis; according to which, the Britons ought still to be going naked, to be feeding on acorns, and sacrificing human victims in the Druidical groves. In fact, what is now offered, is no more than the proposal for the further civilisation of a people, who had very early made a considerable progress in improvement; but who, by deliberate and successful plans of fraud and imposition, were rendered first stationary, then retrograde.*
>
> (Grant, 36)

But, the problem with the colonial modern was that it had to constantly define itself against both the colonizer and its own internal other. It had to earn its right over the historical consciousness of modernity and yet, it had to be different to exist. As a result, the colonial modern could not afford its other a separate temporality, since the acceptance of the coexistence of different contemporaneities could distabilize the paradigm of the modern. The time of the other had to be co-opted completely within the time of the modern, by bending the axis of time to the degree where it collapses into the axis of space. The disciplinary rigidity of neither history text books nor ethnographic 'manners and accounts' allows such axial

manipulation since time and space constitute the vertebral columns of the respective genres. For this, one needs the cutting edge of history and narrative, where the genres enter an even more overarching representational territory to accommodate such 'ideological' interventions.

Integral to this project was the need to disrupt the seamless space of the colonized and relegate one part to the pre-modern to give the other an instantaneous leap into the historical modern. One fallout of detecting the 'other' within was to discover the 'primitive' within as evident in much history-writing of this time. For this internal disruption the project could not be one of continuous presence, there had to be the play of spatio-temporal presence–absence. Prathama Bannerjee draws upon the curious parallel of Newtonian law whereby two 'bodies' cannot exist in the same space at the same time. Newtonian meta-physics was socialized into commonsense; if both the modern man and his other had to inhabit the same space, then the latter must be seen as inhabiting another time, or else one has to be spatially absentified, while being a temporal presence. Thus, instead of fixing the 'native' in a 'timeless spaceless paradise', the space of the native is fractured through a temporal dislocation whereby the internal other is not transfixed in timelessness, but is transpostitioned into the time of the modern. He is 'spaced in' to the schema of colonial time, while the colonial modern, staying outside the textual space as the representational apparatus becomes the sole arbiter of its temporality. This trans-temporal dis-spacement takes place through the narrative infiltration of the rigid territorialities of history and anthropology. This narrative-land, languished across and in-between the historyland and the anthropologyland causes the dissipation of the generic purity of what otherwise could have been a 'customs and manners book'.

The ontology of this dissipation shapes itself around the juxtaposition of the erudite and the profane, the high-brow and the popular, the European and the indigenous; and all such volatile coexistences are sustained by the broader juxtaposition of history and narrative. Throughout the text, Dutt is extremely particular about the places where the incidents take place. So, in 'The Spirit-Voice', the story revolves around Sreenibas, an inhabitant of Manbhoom; the incident of 'The Bloody Festival' happens in Bhagalpore; 'The Sister-Suttee' takes place in Etawah and 'The Irresolute Suttee' is from Gorakhpore. The 'reality' of India that has been evoked is, on one level, a purely geographic reality as stories have been collated from all regions that, put together, can create the collage of a nation. However, no such specificity has been maintained in the recognition of temporal markers. One is not sure exactly when these incidents took place, or for that matter, whether there is any chronological arrangement of the stories. But interestingly, such temporal abstraction does not create a sense

of timelessness but an overarching sense of time; a time which is so ubiquitous that it does not require the markers of date or year. This omnipresence of the time of the modern is sustained through the colonial juridical discourse. Each and every individual story, irrespective of its spatial eventuality, is rounded up through this discourse and all the stories are also strung together by this discourse. It is the order of colonial legality that marks the temporal boundaries of the disparate geographical occurrences. It becomes the metaphor for the time of the modern which becomes the only time available for them to happen at all.

Shoshee Chunder Dutt himself calls this particular endeavour a form of 'useful history', in a certain sense ratifying the imposition of functionality to the project of history-writing that Kaviraj talks about. But then, the term 'useful history' also undercuts the esoteric claims of history, giving it a more functional, praxicological twist; a twist that has ramifications in the correlation achieved between history and crime; the first a form of Enlightenment knowledge discourse and the second, the raw material for certain forms of popular literature. But the source of the term with which he justifies such sacrilegious mergers has its roots in the works of one of the greatest epitomes of the tradition of European Enlightenment as Shoshee Chunder quotes Voltaire from the preface of *Dictionary of Philosophy*, "What would constitute useful history? That which should teach us our duties and rights, without appearing to teach them" (quoted by S.C.Dutt, i) However, the use-value of the project remains ambiguous, both in its application and its relational dynamics. There could be some moral value of these tales, but what could be the possible historical 'use' of these narratives of delinquency? One definite use is the textual confirmation of the rule of law as the ultimate normative mechanism since each story ends with the re-establishment of the normative as the criminal is punished and punished according to the standards and procedures of the rule of law. But an unambiguous confirmation of the same would merely confirm the colonial narrative of a progression from barbarism to legalism, jeopardising the possibility of a 'national history' that Shoshee Chunder Dutt himself talks about. In his *The Ancient World*, Dutt explores the paradigm of national history as one of difference rather than confirmation:

> *... In all inquiries of this nature, it should rather be laid down as a fundamental rule that the annals of each nation concerned are prima facie entitled to credence where they are not outrageously unworthy of belief; because it only stands to reason that each country should be the best custodian of the records relating to itself.... We would not reject national traditions even when they are contradictory, or to some extent gross or absurd, since there may be a great proportion of truth in them, mixed up with possibly a greater proportion of what is mythical and untrue; and even if it should be impracticable to separate the*

*pure metal from the dross, we would rather receive the whole compound under a protest then throw it away altogether.*

(S.C. Dutt, 1885, 123)

This 'national history', constructed in and around a differential matrix cannot take place through mere conformity. Also, the subject and the consumers of these narratives are unmistakably different; most of the narratives cannot bear any direct moral impact on their perceived consumers, either the metropolitan readership or the English-educated urban bourgeoisie of the late nineteenth century because of the unbridgeable gap in social positions. The Reang chief looking for human sacrifices, the ethnic blood feud among tribal groups, the sacrificial rituals at remote temples cannot possibly contain immediate moral parables for them.

One has to then decode the significations of the 'usefulness' that he talks about. His invocation of Voltaire is an indication to the fact that what he has in mind is not a utilitarian concept of usefulness, firmly grounded in the discourse of rationalism. Voltaire's own relation to the discourse of bare reason is ambivalent. It was Voltaire himself who gave the title of 'philosophy of history' to the first part of his *Essai sur les Moeurs et L'Esprit des Nations*. An analysis of this work discloses that Voltaire used the term "philosophy of history" in two senses. In the first place it stood for an examination of some of the facts recorded and of the views entertained in traditional books of history concerning the past life of humanity. In the second place it represents an attempt on the part of Voltaire to reinterpret the moral, aesthetic, and religious views, the customs and practices that prevailed in ancient civilisations. Following these two goals, on the one hand, he wrote history as 'philosophé' – a kind of social and cultural treatise contributive to the development of human society by preserving certain great historical moments. And so he writes the history of the rule of the Swedish king Charles XII, *The Age of Louis XIV* (1751), where, he says "I have painted the age, and not the person of Louis XIV" (quoted in Fitzsimons, 455). On the other hand, even these standard texts of Enlightenment historiography are full of anecdotes with dubious authenticity like that of Charles XII's last battle and the eccentric French engineer Captain Megret, who had promised the king victory within eight hours. In *Philosophical Dictionary* Voltaire professes an even more fragmentary, anecdotal mode of historiography. He writes in the preface, "This book does not demand continuous reading; but at whatever place one opens it, one will find matter for reflection. The most useful books are those of which readers themselves compose half; they extend the thoughts of which the germ is presented to them; they correct what seems defective to them, and they fortify by their reflections what seems to

them weak" (Voltaire, 5). The preface, while underplaying the intellectual demands of so called serious historiography, puts emphasis on 'use'. His concept of usefulness is composed of an inviting textual openness, trying to elicit both response and judgement from the readers. However, in the very next paragraph, he undercuts the tone of familiarity as he blatantly comments,

> *It is only really by enlightened people that this book can be read; the ordinary man is not made for such knowledge; philosophy will never be his lot. Those who say that there are truths which must be hidden from the people, need not be alarmed; the people do not read; they work six days of the week, and on the seventh go to the inn. In a word, philosophical works are made only for philosophers, and every honest man must try to be a philosopher, without pluming himself on being one.*
>
> (Voltaire, 5)

The claim of an apparently more popular, interactive stance has been made simultaneously with the arrogant proclamation of the intellectual supremacy of the text, brushing aside the category of 'people' with bitter cynicism. While 'people' could pretty well be the objects of the philosophical endeavour, its consumer space has limited entry only for philosophers or potential philosophers. It is this circumspect consumption pattern that has been used to justify the liberties that have been taken with the usual Enlightenment historical texts,

> *This alphabet is extracted from the most estimable works which are not commonly within the reach of the many; and if the author does not always mention the sources of his information, as being well enough known to the learned, he must not be suspected of wishing to take the credit for other people's work, because he himself preserves anonymity, according to this word of the Gospel: "Let not thy left hand know what thy right hand doeth".*
>
> (Voltaire, 5)

Dutt follows Voltaire not only in his definition of 'useful history' but also in execution, in his easy anecdotal style, in his complete disregard for the fetish with sources, in his fragmented narrative technique. He adopts the complete ideological toolkit of 'usefulness' from Voltaire, as he intermingles the popular and the philosophical while making clear demarcations between the objects of the discourse and its consumers.

The 'usefulness' of the specific historical journey is to be understood then not so much in terms of a function but a process; as a strategic device to both question and contain. On the one hand, the colonial modern's participation in the discourse of legality contemporanizes him with the colonialist. On the other hand, by redrawing the contours of the received discourse with narrative

excess, he places himself in a differential relation with the colonial master. Shoshee Dutt consciously disrupts the purity of his received form as he uses indigenous narrative materials as well as provincial imaginations about criminality in a structure borrowed directly from Voltaire. But this differentiality is not only exterior to the space of the colonized; deviance also creates an interior differentiality that fractures this space along the lines of the act and its representation. It is the framework of law that makes the otherwise diverse, contingent, curious 'acts' reproducible under the rubric term of crime (better still, colonial crime, since some of them became crime only through colonial legal measures). The colonial modern, by completely obfuscating his presence from the field of representation, consolidates the sole power to represent the other.

The official efforts of simultaneously containing crime and manipulating cultural productions find a symbolic expression in Macaulay's Minute of 1835, on one hand, which shaped British education and cultural policy in India in the years to come and in the almost simultaneous measures at legal codification on the other. The Charter Act of 1833 created the Indian Law Commission to rectify perceived deficiencies in India's legal system then operating in territories under the Company's control. With the help of James Mill, who canvassed on his behalf, Macaulay was appointed to the Commission and set sail for India soon after. For its first task, the Commission decided to codify India's criminal law. Forced to write the bulk of the Code himself due to the illness of his fellow Commissioners, it took Macaulay until 1837 to finish. It was this draft of 1837 which later became the Indian Penal Code in 1862.

In the next chapter I would try to see how crime and culture cross roads with each other both in terms of the legal framework and literary representation. I have tried to show in this chapter that for Shoshee Chunder Dutt, crime works not as an object of enquiry but as a methodological tool – a narrative frame for exploring and consolidating a certain sense of historicity – as well as an instrument for the formation of an identity-in-difference, distancing the colonial modern both from its European counterpart and its internal other. The next chapter would deal with crime and criminal policy in the nineteenth century to see the various historical moorings endemic to the discourse of colonial crime. It would also try to show, through its engagement with the text, how these moorings find their way into the web of representation as concurring and often competing narratives.

# Chapter II

## 'The Grain of the Righteous and the Loyal Robber': Crime as the Site of Concurrent Alterities

This chapter explores the myriad spaces of colonial crime as comprising a site of contamination and contestation; contamination because of the constant counterflows of diverse discourses emerging out of the colonial imbroglio, and contestation because of the intense competition among them to invade the field of representation. This chapter is divided into three sections. The first section undertakes a limited survey of the corpus of colonial approaches to law, particularly criminal law, to detect various shifts and adjustments therein and to show how all attempts at arriving at a universal legal code seem to breakdown in the face of contradictions surfacing out of the essentially pluriform nature of the matrix of colonial legality. The second section deals with crime and criminality and the repositioning of both the categories vis-à-vis the specific reality of a ruptured colonial society. The third section is constituted of a close reading of the text to show how those ruptures make inroads into the narratives, challenging and often dissipating the secured contours of a stable historiography.

### I

One of the central debates amid the otherwise unperturbed ethical sanguinity of the early days of colonial expansion during the sixteenth, seventeenth and the eighteenth centuries was regarding the stake of the colonizer in the legal mechanism of the colonies vis-à-vis their increasing political control. The debate boiled down to the more applicational dilemma of whether to leave the prevalent juridical systems of the colonies as they found it, with minimal supervisory power for themselves, or whether to replace them by European legal agency. This question was related to both substantive and procedural law. Again, the introduction of European law could either mean adaptation of the legal framework of the colonizing country or the development of a new law, attuned to the special needs of the colonial situation but built on European legal thoughts and principles. The time lapse between the Battle of Plassey in 1757, the procurement of the Diwani of Bengal Presidency in 1772, and the take over of the administration of criminal justice in 1790 should not be seen as mere historical data, or as the natural restraint of a nascent order. For that matter, in case of criminal law, this restraint

has been visibly less. In civil matters, the Company did not usually try to introduce their own law but more or less took care to administer the laws of those they governed. But, as J. Fisch points out, it has always been different with criminal law: "There never seems to have been a consistent effort to administer a criminal law other than of European origin". In fact, the Company did not mind overstepping the stipulated responsibilities of Diwani to exercise closer supervisory power over the administration of criminal justice, which was not included in the grant of Diwani but belonged to the nizamat, that is, the criminal department, still under the jurisdiction of the nawab of Bengal. 'Supervisors' were appointed for several districts to 'keep an eye' on the criminal courts and their sentences (Fisch, 3). In those initial, cavalier days of colonial intervention, instead of an overarching Foucauldian gaze of legality, one encounters a refracted gaze – a gaze looking at crime through the stained glass of the existing legal order. This gaze already started territorializing colonial delinquency as a chequer board of both deviance and its punishment, both occupying the space of the colonized, thus differentiated by a very porous ethical boundary in the eyes of the colonizer. It is this particular angularity of the colonial gaze that consolidated into its legal vision, manifest in its institutional structures. This consolidation was not only in terms of a clear shift from the Mughal to the English form of legal insitutionalism, but also in terms of an internal shift from a more plural legal vision to a rigidly codified, uniform notion of crime and justice. When the legislative council was convened in 1834 for the sake of codification of the colonial legal order in India, the existing body that it wanted to sweep was itself a hybrid body, an Anglo-Islamic legal construct assembled over the preceding half-a-century through various modifications of Islamic law along with Company regulations and extremely contingent circular orders. Macaulay and the other law commissioners criticized this legal mechanism for its inconsistency from one province to another, for its imprecision and general lackadaisical attitude. Also, for them as well as for the other utilitarian policy makers, among the major defects in the Indian Judicial system, as established by the East India Company, the greatest was that there existed at that time two concurrent, and often conflicting, systems of judicature – the Company's Courts and the Supreme Courts, an anomaly that had been pointed out by James Mill to the British Parliament (Srivastava, 3). The same fear of heterogeneity is apparent in Mill's other, more outrageously utilitarian, pronouncements: "[N]ot only were the British apparently bent on codifying and thereby preserving the confused and barbarous legal conceptions of the natives, they were also introducing an alien system of their own, among people whose disorderly habits and low moral standards could only aggravate its faults" (quoted in Raman, 757). According to Lauren Benton:

> *The colonial legal order was by its very nature a plural legal order. Multiple legal authorities were created out of the imposition of colonial law and the persistence, protection, and invention of indigenous legal practices. Less obvious but critically important, too, was the plural nature of European legal systems themselves - a complexity that carried over into, and was sometimes exacerbated by, conditions of colonial rule. Broadly speaking, we can trace a historical shift over three centuries of European overseas expansion from a relatively fluid legal pluralism in which semi-autonomous legal authorities operated alongside state law, to a hierarchical model of legal pluralism in which state law subsumed in one way or another all jurisdictions, including "traditional" forums given special status by the state.*
>
> (Benton, 563)

This apparently smooth narrative of transition from degenerate plurality to reassuring state authority dovetails a highly conflicted, contestatory field, strewn in complex interactions between emerging models of governance in the West and local challenges outside it. When one hears Macaulay's enthusiastic voice as the chief architect of the Indian Penal Code, announcing that it was a project which had interested "reflecting and reading men" in Europe since Beccaria's treatise and describing it as an enterprise "which specially belongs to a government like that of India: to an enlightened and paternal despotism" (Macaulay, 252), it sounds like a reverberation of the same baritone of assumed Victorian self-assurance charting the cultural roadmap for India. J.F. Stephen, one of the most celebrated nineteenth century British legal minds praised the 'simple natural' style of legalization in the Indian Penal Code while admitting that it could not be employed in England: "It is useful only where the legislative body can afford to speak the mind with emphatic clearness, and is small enough and powerful enough to have a distinct collective will and to carry it out without being hampered by popular discussion" (Stephen, 302). The edifice of the colonial rule of law was thus based on curious parallel movements of structurally accommodating pre-colonial legal mechanisms and culturally streamlining notional variations of legality. It was the result of

> *... the range of social transactions which shaped the process of colonial state-formation. Law-making is treated as a cultural enterprise in which the colonial state struggled to draw upon existing normative codes – of rule, rank, status and gender – even as it also reshaped them to a different political economy with a more exclusive definition of sovereign right ... the legislative initiative cannot be traced only to various crises of colonial order, not only to the inadequacy of particular laws, but that it also sprang from a constant reworking of the ambitions and perspectives of political authority and the forms in which this was to be communicated.*
>
> (Singha, viii)

The hagiography of colonial legality thus grew out of an intimate yet differential interaction between the metropolitan centre and its colonized periphery. The intimacy is revealed through the deep influence of two major metropolitan factors in the materialization of the characteristic rhetoric of crime and justice. The first factor, as Boyd Hilton points out, is the methodical ascent of evangelism as a clinical element of the British society from the 1790s onwards. The 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 distributive light – and this priority in turn led to an emphasis on sin…" (Hilton, 21).[1] The second factor was the struggle to define the precise course of the empire, frequently conducted through the language and practices of crime-justice and policing (Mukherjee, 2003, 9). Thus 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" (quoted in Stokes, 80). With this vocabulary, legality became the most effective exposition of the colonial civilizing mission, particularly when this comment of Cornwallis is kept side by side with the early British historiographer Robert Orme's comparison between the "unhappy system of oppression" prevailing in Mughal India and the enlightened government of England: "The sons of Liberty may here behold the mighty ills to which the slaves of a despotic power must be subject: the spirit darkened and depressed by ignorance and fear; the body tortured and tormented by punishments inflicted without justice and without measure: such a contrast to the blessings of liberty, heightens at once the sense of our happiness, and our zeal for the preservation of it" (quoted in Mann, 5). Juridical formation thus becomes an effective synecdoche for the problematic of the empire.[2] The proud proclamation of both mildness and measurement as two non-negotiable parameters of European justice is the Benthamite legacy manifested in the graduation from a Burkean rhetoric of reconciliation with the existing laws and customs of the indigenous people[3] to the utilitarian overdrive of the mid-nineteenth century. The vocabulary of

[1] Hilton's point is significant in understanding the impact of evangelism in formulating the metropolitan attitude towards crime and justice and its long term influence in shaping the colonial juridical policy. However, though evangelism was at the rise in England from the 1790s, it was banned in the Company territories till the Charter of 1813, because of which evangelists, including the Baptist Mission of William Carey had to take refuge in and operate from non-British territories like Danish Serampore. Thus evangelism does start in Bengal in the 1790s, but not in British Bengal.

[2] It is in this constant search for juridical legitimacy that the doctrinal legacy of the older form of empire was carried over into newer imperial orders. See Hardt and Negri, 2000.

[3] Radhika Singha puts forth J.H. Harington's argument that the framers of the Bengal 'code' of 1793 had approached colonial legislation with the spirit of Burke, with a reconciliatory attitude with the past rather than a radical break from it. Singha points out that this rhetoric was particularly suitable to the commitments of a mercantile corporation (Singha, 7).

'mildness' and 'measurement', when read through a Foucauldian prism should be translated as "all those rules that authorize, or rather demand, 'leniency', as a calculated economy of the power to punish. But they also provoke a shift in the point of application of this power: it is no longer the body, with the ritual play of excessive pains, spectacular brandings in the ritual of the public execution, it is the mind or rather a play of representations and signs circulating discreetly but necessarily in the minds of all" (Foucault, 1975, 101). This economy should be ultimately read in terms of the needs of production: "The ideal would be for the convict to appear as a sort of rentable property: a slave at the service of all. Why would society eliminate a life and a body that it could appropriate? It would be more useful to make him serve the state in a slavery that would be more or less extended according to the nature of his crime" (ibid., 109). It works on the assumption of a direct equivalence of the seriousness of the crime committed and the value extracted out of it which could also be read as a less-insulting explanation for Bentham's unmatched brazenness, "if a man killed your pig, you get the value of it", whereas if he killed your child, "you get nothing" (Bentham, 171).

If this be the cognitive framework of the juridical doctrinaire of nineteenth century Europe, then it seems welded into the demands of capital and since in all possible graphs of power, capital is taken to be the determining axis, there is a general critical tendency of transplanting the Foucauldian model to the understanding of colonial legality, resulting into the narratives of swift transformation from a refracted to a consolidated gaze of power. But, as Dipesh Chakraborty points out, "In the calculus of modernity, power is not a dependent variable and capital an independent one. Capital and power can be treated as analytically separate categories" (Chakraborty, 2002, 12). Any differential equation concerning both could result not only in variation in the operations of power but in the operations of capital as well. Thus capital and power can interrelate into labyrinthine nexuses which are contingent not only upon the movement of capital but on movement through other presences, often remnants of a pre-colonial social order but definitely re-formed into new shapes by the specific colonial encounter. Capital seeks to override these formations but finds itself incapacitated to overwrite them, creating a heterotopic terrain of modernity. As Marx would put it: "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" (Marx, 1973, 410). Colonial modernity finds its habitation in these deep ravines of contradiction, and draws its character not in the straight

lines of either identification or negation but in the fascinatingly twisted lines of paradoxes. For Ranajit 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 realize its universalizing tendency under colonial conditions, and the corresponding failure of the metropolitan bourgeois culture to dissolve or assimilate fully the indigenous culture of South Asia.*
>
> (Guha, 1997, xii)

This failure of capital manifests itself in the reorientation of the Foucauldian model. On the one hand, the punishment for crimes was made non-arbitrary and analogical because "if punishment is to present itself to the mind as soon as one thinks of committing a crime, as immediate a link must be made between the two: a link of resemblance, analogy, proximity" (Foucault, 1975, 105). On the other hand, the more pictorially analogous aspects of Islamic law were done away with for want of abstract justness. For example, the Hanafi school of jurisprudence, followed by the Mughals, does not hand out death penalty on the abstract premise of life for life, but on the more graphical premise of blood for blood. So only those forms of murder which take recourse to the use of weaponry with the intension of spilling blood were liable to capital punishment, not means such as poisoning or drowning (Singha, 15), though both were equally fatal, making the crime and punishment visually analogous. Also, Bentham should have ideally been infinitely happy to know that Mughal jurisprudence did provide one with the opportunity to extract value out of one's child's death since cases of homicide were dealt as offences where the family of the deceased could set the culprit free in exchange of blood money. In its sheer reserve at pronouncing capital punishments, the Mughal judicature was milder than its British counterpart whose rhetoric of mildness stands contested in the face of the statistical evidence of increased number of death sentences and the tendency of punishing by example. In fact, spectacular punishments were retained long into the initial stage of colonialism, starting from the much discussed public hanging of Maharaja Nand Kumar. Sri Pantha provides a vivid description of the spectacle, "The hanging will take place. The residents of the Black Town are fear-struck. Where will the hanging take place? As is the custom, in an open public place. In front of many people. People are pouring in to see the spectacle. On today's Fancy Lane and Wellesley Place there used to be many trees. People used to gather under them. The event used to happen there. The people would watch, some of them would cry and some would sing praises of the justness of the sahibs" (Sri Pantha, 51, translation mine).

Much of these contradictions could be rendered intelligible through the two most radical conceptual shifts from Mughal jurisprudence that had already taken place during the early days of Company dominance - the complete separation of the erstwhile *faujdari* from its military associations and its reshaping as criminal jurisdiction under the Company rule in Bengal and the colonial state's exclusive claims on judicial and punitive authority, irreversibly distinguished from its fiscal rights. According to Radhika Singha:

> *Contemporary European views on the greater efficacy of fixed and immutable penalties, as against ancien regime practices of discretionary selection of punishment and 'cruel spectacles' were posed in India as a contrast between the arbitrary justice of the oriental despot and the due process of law under the company.... The Company's early regulations began to extend the punitive jurisdiction of the state against the punitive and restitutive claims of its subjects. The result was the emergence of a sharper distinction between criminal process of offences against 'public justice' and civil process to compensate for 'personal injury'.*
>
> (Singha, 3-4)

The geopolitical displacement of the Enlightenment rhetoric could never be as transparent as the colonial masters would have liked it to be due to the ennui in the movement of capital. The unanimity of the temporal schema helped in the uniformity of the shift in its European avatar. But since in the colonial situation, industrial capital could never completely monopolize the time of production and had to share it with contending productive temporalities, the transition remained incomplete and ambiguous, providing the colonial penology with an altogether different characteristic where 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"(Arnold, 165). Prison, the centrepiece of the Foucauldian 'new order' to produce docile bodies, takes an altogether different character in the colonies: "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", so much so that by the mid-nineteenth century "the colonial authorities felt obliged to recognize a continuum between the prison and the wider community and so abandoned any pretence at individualizing or reforming the prisoner" (ibid.). The Mughal legal order was stratified, with the individual subject, the state and the theological order with its moral control over individual libidinal space creating layers of jurisdiction. Colonial legality tried to subsume all these layers into a seamless abstraction, resulting into deep slippages through which one could witness the emergence of the criminal in the colonial society as an internally conflicted social formation and a new representational category.

## II

> *The criminal produces not only crime, but also criminal law, and with this also the professor who gives lectures on criminal law. The same professor throws his lectures onto the general market as 'commodities'. This brings with it the augmentation of national wealth.... The criminal moreover produces the whole of the police and of criminal justice, constables, judges, hangmen.*
>
> (Marx, 1969, 387-88)

These words of Marx, when kept side by side with his more common view on crime, expressed in *Economic and Philosophic Manuscript, 1844* that "crime, too, is governed by competition.... Society creates a demand for crime which is met by a corresponding supply ... crime pressed on the means of punishment, just as the people press on the means of employment" (Marx, 1977, 190-91), paint a complex picture of the interrelation between crime and society. The criminal, on the one hand, is the producer of a penal economy, a chain of production relations creating the paraphernalia of governmentality. On the other hand, the criminal is also a commodity, resulting out of the existing conditions of production. In the second instance, Marx relates crime proportionally with the extension of the factory system, whereby the gap between demand and supply, "created by the arrest, transportation or execution of a certain number is at once filled by others..." (ibid.). The definitional crisis hereby cannot be addressed merely through economic reductionism. One has to look into what E.P. Thompson calls the 'moral economy' of the times, which includes and exceeds the pure economic rationalism of crime with its communal and cultural moorings (Thompson, 1971, 87). Thompson has shown that the English food riots of the eighteenth century were not unthinking reactions to economic hardship; the rioters were legitimized by "the belief that they were defending traditional rights and customs, and ... that they were supported by the wider consensus of the community" (ibid., 88). Their particular grievances were based upon "popular consensus as to what were legitimate and ... illegitimate practices in marketing, milling, and baking, etc. [which was] in its turn ... grounded upon a consistent traditional view of social norms and obligations, of the proper economic functions of several parties within the community, which taken together can be said to constitute the moral economy of the poor" (ibid., 88-89). This particular definition of the 'moral economy' cannot serve as an overarching model to fit all forms of criminality, because not all crime can be traced back to the 'moral economy of the poor', but crime can be definitely traced back to some moral economy in so far as it is a highly interspersed field of social forces which accommodates all dialectics but sublates their polarities into what Thompson otherwise calls "the discipline of

historical context" whereby "each fact can be given meaning only within an ensemble of other meanings" (Thompson, 1972, 45). It opens up the conceptual ennui in the construction of criminality; its irreducibility within the accepted semantic order and the necessity to look upon it as an existential category, entrenched in the circumstantial thickness that produces it but at the same time is resisted by it and often reshaped by it.

It is therefore clear that this moral economy draws its meaning from the geopolitical position and disposition of other social integers. The movement of industrial capital can be one such integer, but clearly not the only one. Both the popular and governmental accounts of the eighteenth and the nineteenth century English crime scene, almost invariably locate it in industrial squalor, displacing it within a moral landscape as a metaphor of degeneration. If one looks at the criminal statistics of Victorian England, one finds a curious anomaly between the quality and quantity of crime. "The criminal statistics that began to be published annually from 1805 onwards, painted a disturbing if not frightening picture. Between 1805 and 1842, the numbers of persons committed to trial for indictable offences ... had risen nearly seven fold, far outracing the growth of population" (Weiner, 14). But these alarming accounts of supposed 'crime waves' are misleading not only because they are often grossly inflated, but also because the crimes were much more "prosaic and undramatic" compared to the excitable implications of the reports, "involving small amounts being stolen, squalid robberies, burglaries and assaults, in which roughness was common, but not fatal violence, and in which the items taken were usually small amounts of coal, metal clothing, food, money or personal possessions" (Philips, 287). Clearly, the outrage was much more representational than legal. Jelinger Symons, a member of the official commissions that investigated the plight of handloom weavers and miners contended that the central problem of the age was not material deprivation, but the relaxation of moral restraint (Weiner, 16). Rapid industrialization and expanding market economy seem to have played a determining role in the constitution of the criminal in terms of age, class and social setting. The extending market and the growing economy started undermining the long-standing controls of apprenticeship and other forms of prolonged youth dependence. Symons observes, "the tendency of manufacturing machinery has been to throw the social importance of industry, in great measure, into the hands of children, investing them with consequence before their minds are schooled in self-government. Hence the precocity of passions and the growth of juvenile vice in manufacturing places" (Weiner, 17-18).

As a corollary to market and industry, the rapid growth of towns with their fast paced, youthful crowd, jostling together within such closed spaces that would give them the disturbing graphic form of a crowd, brought the fear of overturning of the status quo into dangerous physical proximity. The public health reformer, Edwin Chadwick warned not just of physical but moral danger from these unruly 'communities':

> *The noxious physical agencies depress the health and bodily condition of the population, and act as obstacles to education and to moral culture; that in abridging the duration of the adult life of the working classes they check the growth of productive skill, and abridge the amount of social experience and steady moral habits in the community: that they substitute for a population that accumulates and preserves instruction and is steadily progressive, a population that is young, inexperienced, ignorant, credulous, irritable, passionate and dangerous.*
>
> (Chadwick, 268)

There were also the simultaneous attempts at detecting the locus of crime within the social rung of the working class yet distinguishing it from the main body of the labour force, and lumping it with other equally fluid elements of the cityscape. To quote from Henry Mayhew's journalistic account in *London Labour and the London Poor* (1862), "I am anxious that the public should no longer confound the honest, independent working men, with the vagrant beggars and pilferers of the country; and that they should see that the one class is as respectable and worthy, as the other is degraded and vicious" (quoted in Weiner, 23). The fear of the possible confluence of the lowest possible rungs of the social and moral order seemed to have loomed large for quite some time now, "... that indigent class that begins with petty bourgeois in embarrassed circumstances and descends through levels of misery past the lowest strata of society until it reaches those two creatures with whom all the things of material civilization ends, the sewer sweeper and the ragpicker" (Hugo, 595). It is this curious metastasis of the development of industrial capital, which finds the new name of the lumpen proletariat in Marxist vocabulary; a classless class, a strange presence-absence that bears the class-marks of the proletariat, yet refuses to be so by not directly participating in the relations of production. They remain a precarious excess of the industrial order which can potentially destabilize the class equation due to the fluidity of the space it occupies.

However, in the colonial condition, the relation between crime and industrialization is far more uncertain. The history of industrialization in the West is often taken, perhaps without enough theoretical sophistication, as 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. This narrative itself is a positivist legacy, often lapped up by Marxist critics in order to propagate what Partha Chatterjee calls the 'utopia of capital' (Chatterjee, 2001, 410). But, in a colonial situation, all these forces were working simultaneously (Chandravarkar, 31). The result was often divergent. Arun Mukherjee points out:

> *A recent study of crime in nineteenth century France and Germany shows that violent crimes increased in both countries during the early stages of urbanization and industrialization. No such rising trend is observed in Bengal even during the initial phase of industrial and urban growth...One possible explanation for this difference between the experience in Bengal and that in some Western countries may perhaps be found in the basic characteristics of the migrant population which formed the hardcore of industrial labour. In the Bengal context, such migrants never really severed their rural roots and as such were not totally alienated from social control. Their habits, customs and behaviour patterns continued to be substantially influenced by the fact that their* ***home*** *was in the village from which they had come and not in the town in which they worked. A related factor which provided a form of security, and hence some insulation against crime which their Western counterparts lacked, was the operation of the joint family system.*
>
> (Mukherjee, 1984, 162)

One also has to keep in mind that the appearance and growth of capitalist industrial organization and methods came into being in the colonies without 'dynamic industrialisation', but within the framework of a stunted industrial change subservient to British imperial interests. An uneven and highly localized penetration of capital resulted in a 'complex multiplicity of market structures' rather than self-sufficient, autonomous markets (Das Gupta, 1782). The labour of these fractured markets consisted of peasantry as well as tribal population, with diverse caste/subcaste, regional, religious, cultural and linguistic locations. Thus it was difficult to construct a uniform main body of labour in the very first place in order to segregate it from an assumed underbelly.

The singular correlation between the urban space and the rising graph of crime cannot be sustained for long in the colonial context in India, since the colonial legal authority was literally rooted in land. It was the Permanent Settlement and the new land-relations that necessitated the first attempt at codification of law in 1793. The dynamics of the rural elite with the rural community as well as its gradual transformation into the urban middleclass had remained a determining factor in the formulations of colonial legality throughout the eighteenth and the nineteenth centuries. For instance, as the Raj started consolidating its land revenue-based form of imperial state, the British administrators began using members of the

elite stratum of the landed society as their informants: "The resulting system of legal values thus reflected an amalgam of sedentary South Asian values and British priorities" (Freitag, 229) effecting a social complex in which crime, rather than being a form of disruption, became an important constituent. The implications were manifold. British efforts to contain and domesticate the sedentary elite gave that elite a character different from what it previously possessed (although not entirely the one intended by the British). This conservative agrarian elite formed an increasingly important core for the British construction of a social order historically counterpoised against the challenges to the agrarian-based cultural hegemony coming from its new, urbane and Western educated counterpart. The creation of such a social order marginalized certain groups, which responded by reconstructing elements of their own cultural subsystems to protect themselves against the encroachments of an alien state (ibid.). Anand A. Yang calls the nature of official power and control in the nineteenth and early twentieth centuries as a 'Limited Raj' system because landholders were effective rulers and administrators for many of the day-to-day decisions in local community (Yang, 290).

The functional significance of this 'Limited Raj' was nowhere more apparent than the other important organ of the penal economy – the local law enforcers in the form of *chowkidar*-s, village watchmen, pykes and so on. These people were never formally assimilated into the official system and yet worked as the dubious front-line of police control in villages. According to the Bengal code of 1793, they were supposed to be nominated by the zamindar and registered by the darogah. With their allegiance assuredly lying with the zamindars, they traversed a very shadowy region of a legally sanctioned extra-legal body. That this body played an increasingly notorious role in several cases of dacoity and robbery with the not-so-subtle indulgence of the zamindars was officially accepted when in the amendment act of 1851, as a measure for the repression of dacoity and other crimes in the lower provinces of Bengal, the unbridled right of the zamindars to maintain personal militia was circumscribed. The vested interest of the zamindars in keeping such a non-state coercive apparatus becomes evident if one takes a close look at the petitions of the British Indian Association against what they saw as state encroachment on the rights of the landholders, with several luminaries of the liberal, urban bourgeoisie including Debendranath Tagore, registering fiery protest. These peculiarities of the 'Limited Raj' render certain notional givens about crime conceptually redundant. For example, it becomes a self-defeating task to separate an internally coherent criminal underworld from the main body of civil society, in the same way as it becomes

impossible to separate a self-sufficient, emerging, urban bourgeoisie from a residual rural elite since their economic subsistence might come from the same sources, tenuously supported by quasi-legal economic means. However, this complex structure of the colonial penal economy also challenges the assumption that colonial rule was "an absolute externality with no mediating depth, no space provided for transactions between the will of the rulers and the ruled" (Guha, 1989, 240). In fact, the narrative of the colonial rule should be read in terms of negotiations between its own definitional demands and its fractured 'reality'.

## III

Shoshee Chunder Dutt travels across the uneven plateau of this fractured terrain – a plateau that spreads across the dotted cartography of a nation that is yet-to-be. His text encompasses a bookmarked chart of colonial legality with the 'types' of crime clearly pointed out. In its textual organization, it follows the pattern of criminal case studies so common both in ethnographic as well as in legal scholarship. The whole text has been divided into chapters titled according to the nature of crimes like 'Robbery', 'Thuggee', 'Feuds and Fightings', 'Murder' etc. Each chapter has stories of crime according to its heading but with specific and more explanatory names. For example, under 'Treason and Sedition' there are two stories – 'The Sanctimonious Rebel' and 'The Tempest in Tea-pot'; under 'Human Sacrifice', there are stories like 'The Reang Chief', 'The Spirit-Voice', 'The Sacrifice to Mahadeva' etc. This clinical segmentation and tabulatory arrangement of the text replicates the structure of the Indian Penal Code itself. The Penal Code is the apotheosis of a whole range of utilitarian concerns starting with its ideological obsession with semantic neatness, a quality it used interchangeably with structural simplicity. Codification was thought to be the only remedy for all the defects of the English legal system in India. Only by codifying the common law would justice be "efficient, swift, intelligible, and available" (Stokes, 225). Bentham and Mill envisioned a series of codes in every area of law so that the complete corpus of legal knowledge could be written down in the body of a single text, in a concise, easy to read form, resulting in a potential democratization of legal knowledge. In 1887, Whitley Stokes, an English barrister and member of the Indian Law Commission, wrote that Macaulay's Code reflected to the letter the form of code Bentham himself could have written for India. He identified the following Benthamite practices that found their way into his Code: the use of separate chapters for various classes of offences, numbered paragraphs, precise definitions of

terms followed by the consistent use of those terms to the exclusion of any others, the allocation of separate paragraphs for each distinct idea or proposition, and the use of the third person masculine singular to denote either sex or number of persons (Skuy, 524). The same segmented, chapterized format with very specific legal terms along with an objective, third person voice in Dutt's text would seem to re-enact the Benthamite spirit. The same spirit also informs the movement of the particular stories that invariably end with the vociferous pronouncement of order being restored. However, the very fact that these techniques have been re-located into a narrative space makes room for readjustments. Having taken recourse to the mode of story-telling, and also perhaps because of the ethical pressure of representing the 'realities' of Indian life, Dutt could not possibly do away with the differences of gender and number. Even while upholding the rule of law, the text exposes its internal fissures. But the most ironic overturn seems to be in the effect achieved by the mechanical imitation of the legal tabulatory mode in the telling of tales. The structural organization turns out to be a grotesque mask for ethical randomness as stories of the most macabre crimes of massacres and bloody feuds are followed up with petty crimes. The unperturbed objectivity of the narrative voice, embodying the spirit of the Rule of Law, rather than establishing the tall claims of the Rule of Law, exposes the limits of its discursive monopoly over moral gravity and ethical distinction that goes back to the ideological foundations of the colonial state.

Any search for the narrative epicentre of the text should not miss the fact that its foundation is unmistakably tilted by the sheer numerical imbalance between crimes committed by the individuals and those committed by collectivities, as the former is clearly outnumbered by the latter. Most of the crimes deemed fit for representation, such as sedition, rioting, ethnic feuds, thuggee, robbery, banditry, are by nature collective. There are other forms of crimes such as suttee, which have complex collective roots in a 'moral economy' sustained through issues which are social, economic, political, religious, customary. The Raj treated what it perceived as crimes committed by individuals as 'ordinary crime' and those committed by collectivities as 'extraordinary crimes'. The categorization is based on a sense of order which is not only legal, but significational – the bipolar order of the individual subject and the collective that forms the basis of the post-Enlightenment logos. But Dutt's tales consistently test the permanence of the membrane that separates the two. In the story called 'The Bloody Festival', a well-dressed young man enters a rural aristocratic household of Bhagalpore during a festive celebration and with the whole community as witness, starts off on a killing spree. He is captured and a judicial procedure is initiated. "The evidence against the prisoner

was overwhelming, and he was convicted; but the motive for his crime was not understood. At first it was suspected that he was insane; but a medical examination could detect in him no trace of mental infirmity" (S.C. Dutt, 1885, 22). If this is an individual crime, then it lacks all the prostheses of individuation as we know of it; it is not a rational act driven by individual motives that has its roots in the psyche of the individual criminal. The very mise-en-scene of the crime, with the individual facing the community through death, disrupts the chain of signification. In this moment of absolute silence, a silence which is not merely the result of absence of words, but a silence beyond words, the community becomes (in)operative in the acknowledgement of the absolute exteriority of death to the semantic order of law:

> *Community is revealed in the death of others; hence it is always revealed to others. Community is that which takes place always through others and for others. It is not the space of the egos – subjects and substances that are at bottom immortal – but of the 'I's, who are always others (or else are nothing). If community is revealed in the death of others it is because death itself is the true community of 'I's that are not egos. It is not a communion that fuses the egos into an Ego or a higher We. It is the community of others. The genuine community of mortal beings, or death as community, establishes their impossible communion. Community therefore occupies a singular place: it assumes the impossibility of its own immanence, the impossibility of a communitarian being in the form of a subject.*
>
> (Nancy, 15)

In this moment of the unadulterated performance of death, the individual and the community relate not in identification but in strangeness that remains outside comprehension. Law tries to apprehend it through medical terms, through the discourse of insanity but the strangeness remains irreducible to stable meanings. The stability of the order of representation is also interrupted by what Nancy would call co-appearance/compearence of subjectivities. There is the narratorial voice, trying to impose the given discourse of law over the space of the text. On the other hand, there are ruptures like this particular moment of pure spectacle, ones that overwhelm the constitutive meanings of the given discourse with their performative excesses. These moments unwork the semantics of legality with the discourse of narrativity. They are "evasively consecrated to the always uncertain end inscribed within community itself" (Blanchot, 25). It is through such moments of contingent and continuous transgression that the text talks back differentially to the text it structurally replicates.

This compearence of discourses has been made possible by the co-appearance of what Benedict Anderson would call two kinds of serialities. One is the 'unbound seriality' of the everyday universals of modernity, such as nations, citizens, bureaucrats, intellectuals etc. The

other is the 'bound seriality' of governmentality. The unbound serialities are typically imagined and narrated by the products of print capitalism, providing scope for political imagination to imagine solidarities beyond available integers, while bound serialities cannot operate without them (Anderson, 360). In the continual trans-formation of the two serialities by one another, narratives erupt. In 'Tempest in a Tea-pot', there is a particular set of followers of a Muslim fakir in Sherepore of Mymensing district. Due to their ritual peculiarities, these people were called 'paguls' or madmen. After the fakir's death, they are mobilized into the act of sedition against the British by the fakir's son Tipoo. Finally, a military force is sent against the paguls and Tipoo is brought unto the court of law. Here, in Dutt's narrativisation of the actions of the fakir and his followers, one witnesses a confluence of the two seralities that Anderson talks about. On the one hand, the narrative records the trans-formation of a religious cult into a political one. On the other hand, this trans-formation takes place with the transgression of both the received rhetorics of theology and politics as each is transfused into the other. The 'paguls' rally behind Tipoo saying "We are willing to obey you in everything, master, if you will only get us relieved from the zamindari exactions called the mathot, khurcha and begari. Assume the 'raj' by all means, and sweep out the whole revenue system with a bold new broom" (S.C. Dutt, 1885, 36). This is a political discourse, and syntactically, a clear imposition of the colonial modern subject. But, the mobilization takes place with an internal transformation of the received body of myths as the fakir established his political influence through his communal influence as a god man, probably taking advantage of the name Tipoo which was already mythologized in popular imagination: "They are propagating widely that the British government is drawing to a close, and that Tipu fakir has been chosen by God to be His especial vice-regent in the district of Sherepore and the hills" (ibid., 37). However, unlike the Andersonian presumption, these two serialities do not have to occupy different sites but can coexist in the splintered time of the modern, and can constantly move into each other to form alternative discourses. The very space of discursivisation that emerges from and is sustained through colonial modernity can accommodate the compearence of the performative and the narrative, of the rural and the urban in the fragmented time of the modern without any Manichean splintering of space. However, such compearence does not necessarily challenge the premises of the colonial modern, but is often co-opted in heavily ironic semantic arrangements. In this particular instance, the gravity of the act of sedition is juxtaposed against a dismissive and parodic title – 'Tempest in a Tea-pot'. Such ironic framing of the narrative neutralises the potentially radical implications of the compearence of multiple discourses. This equivocation of irony has helped Dutt to maintain the unyielding economy of difference which is the typical insignia of the colonial modern.

C.A. Bayly points out the paradoxical coincidence of the serious attempts at legal codification by the British and the increased emergence of errant peripatetic groups in the decade of the 1830s (Bayly, 265). Most instances of collective crimes narrated in *Realities of Indian Life* are taken either from frontier regions or from areas under the jurisdiction of independent kingdoms, unceremoniously trying to relate their existence with the absence of the authority of the colonial state. But one has already seen that the liminality of the Raj was not an exception but an integral node in its network of authority. According to Sandria B. Freitag, "Critical in initiating changes in perceptions of peripatetic groups was the economic chaos of the 1830s, induced by increasing product competition and cyclical weather instability, and accompanied by a 'crisis of the Indian political economy'. This crisis, resulting from a 'disturbance of the links between state, commerce and agrarian society', upset the system of coexistence established after 1740 between the British imperial structure and courtly service elites" (Freitag, 233). This decade could be seen as one of 'conjunctural crises' in Northern India prompting the needs for 'criminal alternative societies' (Bayly, 301). The economic subtext of rural crime is often reflected in some of the stories of Dutt, particularly in the section named 'Ryots and Agrarian Disturbances'. The first story 'The Enhancement of Rents' deals with the ryots' disagreement to pay enhanced rent to the talookdar. The ryots take up the path of violence and as a result are punished by the rule of law and order is restored with an ominous economic fatality: "'There is nothing more to be done on my part, my friends', returned the talookdar, with a smile, 'The rents have been enhanced. Don't create difficulties in paying them, and everything will go on smoothly as before'" (S.C. Dutt, 1885, 72). As Amalendu De points out, this attitude reflects the Bengali intelligentsia's common response towards the Permanent Settlement, which was one of ethical allegiance with the system with occasional moral outrage at 'stray' instances of brutality on the part of the zamindars (De, 18-19). However, a glaring absence from Dutt's purview is the larger economic subtext of crime in the nineteenth century. Arun Mukherjee has shown the crime graph in the nineteenth century Bengal to be synchronous with the graph of economic scarcity which included famine, crop failure and/or abnormal rise in the prices of essential commodities. During the second half of the nineteenth century, Bengal suffered three major instances of food scarcity and attendant economic distress: in 1866, 1873-74 and 1896-97. He takes up the crime data of Midnapore district to show that dacoity and robbery admittedly increased from the later part of 1865, "owing to the general distress and to a rumour, if not a prospect, of impending famine". In April 1866 the district magistrate of Midnapore drew attention to a new trend: thefts from granaries were becoming more frequent

and "one or two [granaries] have been certainly burnt down ... the crime is spreading towards the plains". In Bankura, there were also instances where inhabitants of two or three villages joined together to attack houses having stocks of grain, sometimes equipping themselves with baskets and bags for carrying the looted grain. Obviously, these dacoities were "committed by starving people chiefly for the purpose of obtaining food" (Mukherjee, 1993, 238). In many places they scarcely took any precaution against detection and little or no trouble to escape after they were recognized; several confessed their crime freely before the sessions court, pleading starvation of whole families as an "excuse for their offences" (ibid., 239). This very important 'type' of rural crime, which could be easily seen as food riots, does not find any place in Dutt's 'Realities of Indian Life'. This exclusion is not only symptomatic of the urban comprador's silent detachment from the subversive sites of subaltern resistance; it is also a glaring omission of some of the most significant facets not only of Dutt's own time, but of the overarching colonial contemporaneity that the text seeks to represent.

But what has to be understood from this data is the fact that the vector of criminality does not always direct towards an alternative social conglomeration which is outside the main body of society. These alternative societies, on the contrary, maintained seamless relations with the community. One case in point could be the romanticized and sensationalized cult of the thugees. Though they gathered together in gangs to roam across much of the subcontinent for three or four months every year, usually in the months of scarcity, they spent the rest of the year in their respective villages as ordinary peasants. In fact, among organized criminals, the thugs seem to be the group most thoroughly embedded in local society. Sir H.W. Sleeman who headed the government committee for the control of thuggee suggests the nexus between the landlord and the thuggees to be an open secret (Sleeman, 32-33). Their use of popular Hindu rituals and validation of martial exploits helped their integration into agrarian life. However, thuggee has been more helpful in the formation of a literary subgenre than as a terminological tool. As Stewart Gordon notes, while there has been a ritual consecration of the thugs both in the sensational literature of the time and often equally sensationalist official reports, as those who strangled their robbery victims, the same description could have been applied equally to many others who simply robbed and killed, people who poisoned their victims, or even those who stole children (Gordon, 413). It seems to have encompassed a wide range of collective crime with limited geographical mobility, sustenance over time and belief systems rooted in popular Hinduism, particularly the cult of Kali as common factors. This last aspect is particularly interesting in the face of the fact that most of these gangs were

constituted by lower caste Hindus and Muslims; it does not only signify the ritualization of the secular space of crime, but also secularization of the ritual space. The exploration of the cult of the mother goddess in terms of its fluid iconography of sacred-secular nature cannot be seen as a carnivalesque twist to available religious symbols, characteristic of the inverted order of the underworld. Examples of the same kind are available from the eclectic literary oeuvre of the time as well, the most obvious one being the Mother Goddess of *Anandamath*, arguably the first and inarguably the most prominent iconization of the nation. As Tapan Raychaudhuri has recently shown, in spite of being taken from the repertoire of Hinduism, Bankim's symbols are highly unorthodox (Ray Chaudhuri, 54) and Sudipto Kaviraj takes it up as a classic instance of the transference of a traditional form of emotionalism to a modern identity (Kaviraj, 141). It seems that communities were being 'imagined' in both the dominant and subaltern strata of the colonized society with the same cultural ammunitions and adjustments and both modes of community formation were the indisputable outcomes of their trysts with their respective colonial destinies. They also challenge the theoretical propensity of defining banditry and peasant unrest as 'pre-capital' and 'pre-political', as Eric Hobsbawm would have us believe, "They are pre-political people who have not yet found, or only began to find, specific language in which to express their aspirations about the world" (Hobsbawm, 1978, 2). The imaginative (dis)continuities between the supposed upper and lower halves of the social body reveal not a segmented but a polemic constellation of the political. They dissipate the utopia of a uniform doxa of modernity with the schizophrenic possibility of heterodoxy, a fear that has to be textually co-opted by the strategic manipulation of time and space.

Hobsbawm extends his conceptualization of the 'primitive rebel' to the formation of a new sociological category of the 'social bandit'. The almost oxymoronic term accepts banditry as a part of the peasant community. But while doing so, it embarks upon gross generalizations, "Social banditry is universally found, wherever societies are based on agriculture (including pastoral economies), and consist largely of peasants and landless labourers ruled, oppressed and exploited by someone else – lords, towns, governments, lawyers, or even banks" (Hobsbawm, 2000, 22). After dealing with several aspects of social banditry, Hobsbawm distinguishes three main types of bandits: the noble robber, the primitive resistance fighter and the terror-bringing avenger. Such typology seems visibly inadequate for the complex power dynamics of a colonial society: "Arrangements of power in which peasants and other subaltern classes found themselves in colonial India contained two very different logics of

hierarchy and oppression. One was the logic of the quasi-legal and institutional framework introduced by the British. Imbricated with this was another set of relationships in which hierarchy was based on the direct and explicit domination and subordination of the less powerful through both ideological-symbolic means and physical force" (Chakraborty, 2002, 14). Endemic to this complex tapestry of overt and covert domination is the emergence of many forms of brigandage outside the Hobsbawmian categorization; "In a sense, all bandits are 'social' in so far as they, like all human beings, are linked to other people by various ties. We cannot understand the behaviour of bandits without reference to other groups, classes, or networks with which bandits form specific configurations of independent individuals" (Blok, 498). Shoshee Dutt's text, while trying to formulate the rubric vocabulary of law exposes the heterogeneous matrix of its other. In 'The Adventurous Zamindar', the zamindar himself acts as a robber, confiscating mercantile boats. He can easily come under the category of 'bandit gentry' that Hobsbawm mentions but excludes from social bandits, although they seem to occupy the other end of the same social order. Then there are instances of robbery not only by the personal militia of the zamindar but also by local robber gangs under the patronage of the zamindar. A very curious group of stories are the ones on 'Planters and Zamindars', stories that deal with the collision of interest between the zamindars and the indigo planters, both taking recourse to local criminal gangs to resolve land issues. In 'Waylaid and Murdered', Revierse, the manager of the Buttergunj factory had an old standing enmity with the petty landowners around his factory. One of them was Narain. Revierse hired a group of nugdees, local hooligans, to murder Narain on his way back home. One can sense a rural circuit of mercenary crime, with professionals without any kinship ties. Not only are the European planters and the Indian zamindars shown to be bound by their landed interest, but they speak the same language of the malcontent and receive similar rhetorical treatment in the discourse of law. 'Club-Law and the Law Courts' concerns a dispute between Brojonath Sen, a zamindar and Mr Clever, an indigo-planter, both of Dacca. Both of them resolve to "club law" and send their respective bands of miscreants to forcefully occupy the disputed territory. Indeed, at one point in the story, a bystander remarks, "There is no badmash in Dacca to equal the renown of Mr Clever", to which the zamindar answers, "Indeed, Pratap! Do you really think so? .... Surely he cannot be a greater badmash than I am? It would be odd, indeed, if I allowed his badmashi to frighten me from asserting my right to what belongs to me" (S.C. Dutt, 1885, 52-53). Clearly, while projecting the colonial time as an uninterrupted aura of 'homogeneous, empty time', the text unwittingly exposes the temporal displacements therein. Evidently, the text belongs to a different time than the story itself, a time for which the indigo

planters have become as opprobrious, if not more, as the zamindars of an earlier time. Both of them could be castigated to the myriad space of collective criminality, as part of the pre-modern that has been overcome by modernity; "We may speculate that the ideological challenges presented by a newly emerging Western-educated elite, and the alternative social and political structures of the cities, that prompted the last intensive efforts to define collective criminality in a way that demonstrated the state's ability to control large numbers of people – while, at the same time, lending credence and legitimacy to the value system of a now-domesticated landed elite" (Frietag, 241). So, neither the zamindar nor the planter gains anything from the dispute and the story ends in the fashion of moral fables with Brojonath realizing "I am afraid that the club law could not help us in the matter much.... There is no way for it now but to have recourse to the law courts" (S.C. Dutt, 1885, 55).

Such fabulous discursive composure is overbearing, but necessarily transient, as it leads to a closure of the circuit of signification that provides the colonial modern with the simultaneous possibilities of both identification and differentiation. If the overt rhetorical obligation to the discourse of legality opens the site of identification, then the pathology of difference is grounded in the entropies of that rhetoric. One such entropic region is that of suttee which has been a constant debate throughout the colonial rule and continues to draw much critical bad blood among the post-colonial intelligentsia. In Dutt's text, only the suttee related stories have a kind of negative temporal specificity since suttee became legislatable only after 1829. So, the two instances definitely belong to the period after that. Both the stories have been located in North Indian provinces, 'The Sister Suttee' in Etawah and 'The Irresolute Suttee' in Gorakhpore. The choice of the sites is interesting in the context of the available statistical data of the period between 1815 and 1829 showing the concentration of the practice in and around Kolkata and mainly among the elites, so much so that Ashish Nandi speaks about an 'epidemic' of suttee in nineteenth century Bengal as an outcome of the 'pathology of colonialism' and the 'anomic' situation, as "one of the by products of the entry of modern values into India" (Nandi, 1975, 182). The theoretical inferences may be disputable but the bare numbers remain undisputed. Thus the spatial dislocation of the post-prohibition locale of the stories is clearly a result of tactical deliberation, far from the self-proclaimed site of modernization, at a safe physical distance from the colonial bourgeoisie. However, Ashis Nandi seems to take 'modern values' as symmetric and, for that reason, with geographically and socially restricted impact. According to Vasudha Dalmia, one of the most significant impositions of the colonial encounter is an "inverse sanskritisation – norms imposed from

above on castes and groups originally outside the scope of jurisdiction of high caste Hindu law" (Dalmia, 60). She cites the *Parliamentary Papers* for instances, as in Chandernagore, a French possession, from where people willing to perform suttee were removed to British territories to ensure non-interference. So the British were more than willing to offer protection, if not encouragement, to the practice. In Farrukhabad, in the Upper Provinces, a suttee took place in front of the bewildered family that had never witnessed the rite before. A 'chandala' woman, though belonging to an unclean caste, was permitted to ascend the social scale by performing suttee, as the local pundit gave the dictate that she belonged to the fourth caste or the 'shudras' and thus to the shastric hierarchy. The subject of the discourse was never the woman but "a complex and competing set of struggles over Indian society and definitions of Hindu tradition" (Mani, 2), since the question of shastric authority over an invented unified Hinduism had inescapable caste and class ramifications. In 'The Irresolute Sati', a girl from a lower caste volunteers to become suttee even in the face of initial reluctance from her family. However, once set on fire, she loses her composure and tries to escape, but then her family tries to push her back into fire and finally a Muslim bystander is asked to cut her into pieces. The last twist is interesting as it simultaneously panders to the post-1857 British paranoia regarding Muslims as the initiators of disorder and subverts the rigid behavioural codes vis-à-vis the defilement of the body.

The geographical displacement of the narratives follows the trail of a shift in the theoretical focus of the debate. The first narrative belongs to the Rajput community. The image of suttee constructed in the debates between Rajput princes and their British advisors radically differed from the one prevalent in Bengal. While in Bengal, it is religion that formed the core of the debate, among the Rajputs, it was honour, social prestige and family tradition (Tschurenev, 85). Though suttee was legally prohibited in 1829, the debate over suttee was far from over; in fact, it received a new lease of life after the revolt of 1857. So, to the indigenous readers of Dutt, the implications of the geographical shift could not be lost. However, the narrative itself, instead of sticking to either of the two channels of argumentation, remains ambiguous by making the instances of suttee bizarre cases of personal choice, not even sanctioned by rituals. 'The Sister-suttee' tells the story of Sita, a loving sister who, out of her own volition climbs the funeral pyre of her brother since she claims that the rite "is not less sacred to me, father, for that. My brother loved me; never brother loved sister more. He is now alone in the spirit-land, and I must join him there, for I was his constant companion at home. It is not an unholy wish, father, but a sacred duty to me" (S.C. Dutt, 1885, 25). The narrative dislodges

the settled corridors of the tradition versus modernity dispute constructed around the question of suttee. The semiotic co-incidence of the name of the sister being Sita, completely overturns the culturally sanctified boundaries of filial and marital loyalties. The interpolation of the libidinal economics of cultural sanctions with the fearful shadow of incest 'impurifies' the symbolic order as the narrative plays around received cultural meanings. This undoing of the transcendental meaning takes place along with the vital assertion of the transcendental value of the order of law. The colonial subject formed through the kinetic movement of these simultaneous alterities cannot become a product; it always remains a process in the borders of textual presence and absence. In fact, it is in the fluidity of being a process that the bourgeois subject draws the veracity of his subjectivity while rendering the internal 'others' of the site of the colonized as products of the order they belong to, objectified and made intelligible by the only legitimate heir of colonial modernity.

However, this does not mean that the formative subject remains suspended in a textual vacuum without the immanent markers of its societal being; only those markers are reinstated through their radical absences rather than obligatory presences. In fact, the text, through its semiotic manoeuvres of exclusion, defines the location of the legal subject not only vis-à-vis the criminal but also vis-à-vis the coercive organs of law enforcement like the local police and its functional rural organs like the darogah, chowkidar, habildar and others. In spite of theoretically occupying the site of the law, they have often been portrayed as closer to the criminal for being products of the same social order. A riotous situation is created in 'A Dussera and Mohurrum Fight' when in a town in Myrpoory, a clash takes place between the processions of Mohurrum and Dussera and the Muslim thanedar complicates the issues by taking advantage of the miscomprehension of the English magistrate. In 'The Zealous Chowkidar', a policeman is directly engaged in highway robbery. The most interesting story of this group is 'The Bidyaratna or Gem of Learning'. An English traveller, while passing by Nawabgunj sees a man suspended from a bamboo rafter near the local thana. It is revealed that the man is a suspect in a theft case and has been held and tortured by the darogah –

> *a high caste Brahmin, and a man of education having obtained the title 'Bidyaratna', a 'Gem of Learning', from an assembly of learned pundits, after close examination he had then accepted the office of a darogah, but only as a stepping stone to the higher office of a deputy magistrate ... but though he was well educated, he did not appreciate fully the difference between right and wrong, not having fare share of common sense as distinguished from book learning.*
>
> (S.C. Dutt, 1885, 308)

This darogah is perhaps the only character who has been given such elaborate background in an ensemble of mere faceless names and acts. However, the scathing irony is not meant for this particular darogah but for his ilk that the colonial modern wants to maintain a distance from. The minutest details of his quirks reaffirm those absentee values that the cultural hegemony of the modern must uphold.

The post-colonial historical angst has found a politically valid channel of expression in this economy of absence. "The tendency to read Indian history in terms of a lack, an absence, or an 'incompleteness that translates into 'inadequacy'..." (Chakraborty, 1992, 5) has become an academic altruism. For Chakraborty, this trope is an old one that goes back to the initial ideological conquests of colonialism. However, because of this all engulfing discursive nadir of a historical lack, the literary representations have always been seen as recuperative measures of constructing and foregrounding presences. In the eyes of the post-colonial, the colonial writer's sole anxiety and sole imperative has been to create historical presences when they were told that there were none. This mock heroism of searching presences in the face of destined absence becomes the colonial intellectual's indubitable but unflattering ticket to modernity's hall of fame, which by default, reserves a gallery for us in the psychedelia of post-modernity. But Shoshee Dutt shows a third option for the survival of the colonial modern. He ravages the carefully maintained certainties of both presence and absence by reducing the insulatory cocoon of presence into a mere trace left by absence and also by marking absence with haunting presences of economic and political variants. The cultural metatext of this presence-absence opens up an ambivalent field of narrative where the nation and its fragments enter into shadowy negotiations.

In the next chapter I will try to decode the hieroglyph of this metatext as I look at different modes of representation of crime and try to locate Dutt in his acknowledged and often-not-so-acknowledged cultural legacy. I will take up the ends of the discursive threads left open in this chapter whereby one has seen how the discourse of crime in the colonial context gives rise to compearing narratives that challenge and displace one another, as a result of which, the formative narrative subject is always already in the making, never a finished product. If it questions the possibility of a well-formed presence, then it also renders the category of complete absence suspect as a device to achieve a subject position. The next chapter takes narratives as its point of departure trying to show how they erupt on the faultlines of a heterogeneous matrix of the modern and accommodate the imperceptible interplay of presence-absence therein.

# Chapter III

## Narratives of and as Law: The Colonial Subject as an Elliptical Movement

This chapter attempts to read into the relationship(s) between crime and narrative and their correlation with the formation of the historical subject. The movement from the act of crime to its representation, in literature or in the court of law, is often seen as a unidirectional movement from the disruption caused by deviance towards restoration of order through the prevalence of the discourse of law. What this view does not take into account is the fact that there cannot be any one 'true' discourse of law as it is itself founded on various narrative and performative acts. This chapter tries to locate the points of contact and divergence between the assumed linearity of the narrative of law and the unpredictable routes of narratives that construct law. The chapter is divided into four sections. The first one explores the narrative of law as it is imposed from above through the institutions of legality as well as theoretical expositions on the narrative and performative dimensions that constitute legality. It also tries to show how the colonial modern struggles to participate in these institutions in its search for the status of a legal subject, a search which is doomed to failure because the colonial state never provides its bourgeoisie with any positive definition of citizenship. The second section foregrounds the colonial modern's attempts to enter the performative aspect of legality through narratives of crime. It traces various trends of narrativisation of crime both in the metropolitan centre (in this case, Victorian England) and various provisional units of its colonies (in this case, nineteenth century Bengal). The third section comes back to Shoshee Chunder Dutt's text to illustrate how he assimilates all these trends as his *Realities of Indian Life* showing inclination to participate both in the narrative of law and narrative(s) which are law. The final section tries to map a trajectory for the historical movement of the colonial modern towards subjectivisation that touches both these ends of legality.

### I

> *Our case becomes rounded off and difficulty after difficulty thins away in front of us ... I shall soon be in the position of being able to put into a single connected narrative one of the most singular and sensational crimes of modern times.*
>
> Sherlock Holmes, in *Hounds of the Baskervilles*[1]

[1] See Conan Doyle, 615.

To a great extent, solving crime is all about transcending the event of crime by (re)writing its narrative. Since crime erupts in the time of practice as an irretrievable moment, its recovery in the time of representation is always a proximate re-working. At the same time, it is also a movement towards 'the' narrative from the realm of many possible narratives. According to Byomkesh Bakshi, the fictional detective and self-proclaimed 'satyanweshi' (discoverer of truth), evidence is nothing but a string of logical assumptions. In fact what is touted as circumstantial evidence could actually be analytically reduced into a couple of interrelated hypotheses (Banerjee, 1970, 20). The movement from multiplicity to unanimity has to be substantiated by a referential framework of other equivalent 'cases'. For example, in the particular instance of the Baskerville case Holmes says, "Students of criminology will remember the analogous incidents in Grodno, in Little Russia, in the year '66 and of course there are the Anderson murders in North Carolina, but this case possesses some features which are entirely its own" (Conan Doyle, 616). As is evident here, Foucault's ideation of an analogous representation of crime works not only in terms of its relation vis-à-vis punishment, but on a more essential level, as a means of categorical substantiation. One of the main reasons behind the creation and conservation of case studies is the construction of this reference frame in order to streamline the heterogeneous matrix of crime into the singular narrative of law. By singling out who cannot be citizens, this narrative provides a negative definition of citizenship. Thus, one finds an insurmountable angst for participating in this narrative of law among the citizenship aspirants of the nineteenth century Bengal. This angst usually found release through a top-down channel, that is, through vociferous claims of participating in the law-making procedure and its administration. The secretary of the British Indian Association, Debendranath Tagore, in a petition to the governor-general of India in council in the legislative department in 1851, shows gratitude to the government for the regular publication of drafts of laws and orders in 'vernacular' languages along with the publication of the Government Gazette in Bengali so that "the large portion of the natives, particularly of the Mofussal to whom English is not familiar, have had the opportunity of becoming acquainted with the measures contemplated by the government (D. Tagore, 1851, 46). Thereafter he moves on to register his concern about the fact that the natives are merely informed about the drafts of new laws, they are not given enough time to react. Manmath C. Mallik in 1913 writes, "Both in the West and in the East 'our power' of course, has to be asserted, sometimes openly but generally in quiet administrative measures, to keep all potential mischief makers under control – to guard authority from insult and assault, to protect wealth from being robbed by needy muscles, to restrain privilege from tyrannizing

over the helpless and to silence incitement to hatred as well as to crime" (Mallik, iv). The confident proclamation of a common share in power comes from the assurance of equality endemic to the idea of citizenship. But if citizenship ensures allocation of power, then reciprocally, only a constitutive role in the discourse of power can guarantee a berth of citizenship, in so far as the discourse would entail assumption of an ideological link between the cultural codes, such as language, education, values, and the actual institutions of the colonial society. A curious example of the apparently random but internally constellated galaxy of social bodies could be seen in the first advertisement of the first Bengali weekly newspaper, *Samachar Darpan* that came into circulation from 23rd May, 1818:

> *This newspaper will come out every week with the following news.*
> 1. *The appointment of the judges, collectors and other administrative officers for this country.*
> 2. *All the new laws and orders issued by the governor general.*
> 3. *The news that comes from England and other European states along with the news of this country.*
> 4. *The news regarding mercantile.*
> 5. *The news regarding birth, marriage and death of important people.*
> 6. *The new discoveries by the Europeans will be published from the original books and the details of all the new machines and industry from the monthly editions of new English books.*
> 7. *The ancient history of India, the description of its scholars and scholarly books.*
>
> (*Samachar Darpan,* 1935, 11, translation mine)

This list of the important news items to be conveyed by the newspaper reveals that one of the most significant driving forces behind the publication of the first newspaper in Bengali was the need to communicate the latest developments in the formulation and administration of law along with the latest mercantile and industrial news from Europe and renewed introduction to ancient Indian history. The three tenets move in a seamless continuity and look every bit part of the same discourse, addressed to similar readership, which has now started to demand common share in both power and its knowledge.

The success of the efforts at citizenship depended on a hegemonic dissemination of this knowledge of law so that it simultaneously attained the twin goals of consolidating 'our power' and incapacitating 'needy muscles'. The importance of a specific model of institutionalized, 'modern' education system can be seen as the semi-permeable membrane that could help in the synchronization of the twin movements of expansion and exclusion. According to Antonio Gramsci, "The complexity of the intellectual function in different states can be measured objectively by the number and gradation of specialized schools: the

more extensive the 'area' covered by education and the more numerous the 'vertical' levels of schooling, the more complex is the cultural world, the civilization of a particular state" (Gramsci, 12). The 'complexity of intellectual function' depends not only on its exclusionary tactics, but also on discursive stratification of the site of education giving it a pyramidal structure and connecting it with the idea of civility which becomes the basic criterion for a justified claim upon citizenship. In the context of colonial Bengal this had resulted in an esoterization of the understanding of education, obfuscating its material moorings as far as possible. Behind the democratic dissemination of information through newspapers in regional languages, an eclectic and abstract idea of education was canonized by the same newspapers. To quote an editorial from the *Reformer*, owned and supervised by the Tagores:

> *Education when applied in the sense we are now using the term, does not mean the knowledge of English or any particular language; but the cultivation of the understanding, the improvement of the moral sense and of good and correct principle. It is not 'the art of speaking any language correctly' but the science of the mind, dependent on no particular pursuit.*
>
> (Ghosh, 47-48)

According to Tithi Bhattacharya, the historiographers of the so called Bengal Renaissance have taken this aggrandizing self-portrait of the colonial modern rather too seriously. The result is a culturization of the question of education, making it "the hallmark of bhadralok status" (J.H. Broomfield quoted by Bhattacharya, 2). According to her, by turning bhadralok merely into a cultural marker and by diluting its complex class negotiations into the rather loose term of a 'new middle class', we are downplaying the internal heterogeneity of the category of bhadralok. As a consequence, our available theoretical equipments remain insufficient to comprehend many aspects of colonial subject formation; they posit constant discursive unease to the otherwise settled understanding of the colonial bourgeoisie.

The eclectic façade of 'education' also correlates to notions of civility that became the point of contention for greater participation in the narrative of law, both functionally and ideationally. To quote from an article titled 'Indian Universities – Ideal and Actual III', published in *Calcutta Review* (1897), "The great need of 'education' in our colleges ... is to stimulate and foster, in all ways possible, the growth of a real University life, which may develop in those who share its loyalty, disinterestedness and public spirit, together with what, in default of a recognized name, we might, perhaps call, 'civility' (quoted in Roy, 1). It is the claim of the inculcation of civility that had been the motor of the Macaulayan education policy. But as Anindyo Roy has shown, the view point became different since the 1870s,

following the opening up of the covenanted civil services, hitherto reserved exclusively for the British, enabling the entry of the university-educated Indians to posts. One of the ways through which this new threat materialized in the cultural manifestations of the colonizer is through the figure of the 'competition *baboo*' – the educated Indian vying for the same privileges as the British along with the perception of a "growing class of the discontented", to quote from 'Teaching of English', published in *Calcutta Review*, 1893 (ibid., 3). According to Roy, it is "the deep discrepancy that lay within the order of civility that had been the basis for defining citizenship. In fact, it is this discrepancy that forces our attention back to this particular historical moment as a way to rethink the question of 'civility' that emerges in relation to the colonial state and the latter's efforts to define citizenship" (ibid.). If the bhadralok was a necessarily conflicted category, then in itself, it was not a sufficient discursive tool to reach a positive definition of the citizen. The negative definition is the only option available since it is elusive enough to camouflage the potentially disruptive inflections of the term, by foregrounding a temporally coopted and spatially flattened congregation of non-citizens. Criminology could be of great avail to this end:

> *Criminology is thus concerned with establishing criminal types by drawing connections between them and, at the same time, drawing clear lines between the criminal and the noncriminal. Traditional crime fiction operates in a similar fashion: the narrative begins with a disruption of bourgeois order (the crime) and ends with the restoration of bourgeois order, as the detective pieces together the "single connected narrative" that explains the "singular" events and distinguishes the criminal from the innocents, clearly locating guilt in a single offender or a small group of offenders.*
>
> (Herzog, 34-35)

Herzog claims that during the days of Sherlock Holmes and his ilk, these 'mechanisms of distinction' were largely intact, they were eroded by the modernist narrative intervention. But were they ever actually there? Or, were those merely the water babies of modernity, conceptualized programmatically to assuage the greatest terror of the modern: the impossibility of maintaining those mechanisms? If there is, on the one hand, the narrative of law, imposed from outside as a structuring device, then there is also the narrative that is law, always overreaching such structures of meaning. In the first book of Plato's *Republic* the question "where ... would justice and injustice be" is played upon in the 'city of speech'. It is part of the inner structure of the city, but not merely the production and satisfaction of the needs "to live" but "to live well" (Plato, Book I, 332-33). Aristotle corroborates this definition of justice by comparing 'bare life' and 'good life' in *Politics*, "we may say that

while [the *polis*] grows for the sake of mere life, it exists for the sake of a good life" (Aristotle, 1.2.8). The ceremonious embracing of the narrative of law becomes a rite of initiation into political existence, "Justice belongs to the *polis*; for justice, which is the determination of what is just, is an ordering of the political association" (ibid., 1.2.66). However, according to Giorgio Agamben, rather than looking at the movement from bare life to good life as one of complete transition, one should rather look at it in terms of a liminal moment, a 'threshold', as a rite of passage that has to be undertaken but cannot be completed:

> *Politics ... appears as the truly fundamental structure of Western metaphysics insofar as it occupies the threshold on which the relation between the living being and the logos is realized. In the "politicization" of bare life – the metaphysical task par excellence – the humanity of living man is decided.... olThere is politics because man is the living being who, in language, separates and opposes himself to his own bare life and, at the same time, maintains himself in relation to that bare life in an inclusive exclusion.*
>
> (Agamben, 8)

For him, this threshold is the limit of language which is also in language. Since this transition is never a completion but is quintessentially a movement, it concerns displacements, derangements, tectonic shifts and unreleased kinetic energy.

The truth claim of the narrative of law was also undermined in Greek metaphysics by its dependence on rhetoric which acted as a source of constant suspicion for the Greek philosophers. Rhetoric, to put it simply, is the power of discursive persuasion which is an ambiguous partner of truth. Winning the argument is the exegetic purpose of rhetoric. In fifth century B.C. Greece, there were three forms of rhetoric – assembly, law court and theatre. Plato with his insistence on the knowledge of truth finds rhetoric 'vulgar' which also has the connotation of being 'popular'. But for Aristotle, the very notion of truth is performative and not logical when the goal is to extract a form of conduct from the listeners/spectators based on a particular kind of wisdom. There is always a certain amount of inexactitude about rhetoric that keeps it away from any form of discursive stasis. That is why, every time Aristotle begins a discourse on rhetoric, he begins with the word 'esto' which in Greek means 'let'. This element of performative becomes a crucial indicator of the narrative which is law. It gets embodied in the performance of sovereignty, with the King's two bodies, the mortal body of 'bare life' and the king's body as 'Christo-mimetic', establishing the king as the sole actor of Christ (Kantorowicz, 153). Through this performative doubling of the sovereign, he gains the legal right to frame law based on the logic of 'exception', "For a legal order to

make sense, a normal situation must exist, and he is sovereign who definitively decides whether this normal situation exists.... A state of emergency is the product of the collapse of the normal order; but the normal order is only the absence of a state of emergency" (Schmitt, 5). As Agamben observes, "The sovereign decision of the exception is the originary juridico-political structure on the basis of which what is included in the juridical order and what is excluded from it acquire their meaning (Agamben, 18-19). He concludes from this that "What emerges in the limit figure is the radical crisis of every possibility of clearly distinguishing between membership and inclusion, between what is outside and what is inside, between exception and rule" (ibid., 25). The ironic liminality of law gets co-opted as "The constitutional law construction of the political democratic sovereign as the top layer of law's hierarchy has allowed the law to externalize its threatening paradox and to hand it over to politics where it is 'resolved' by democracy" (Teubner, 766). However, the cooption is not complete because its dwelling is in language as acts of narration, such as testimony, witnessing, evidence, are embedded in the discourse of law. Testimony is the deliverance of a statement of truth at a given point of time. There is a certain insitutionality that circumscribes testimony, a statement becomes testimony only in a particular set-up, against a particular framing which brings it closer to fiction which also works within lingual framings. On the other hand, the same testimony cannot be repeated since the frames are never stable, but move from moment to moment. The performative moments of testimony are as irreversible as the moments of theatre. They gain legitimacy through the frame and yet constantly overcome the frame. According to Derrida, "discourses on double affirmation, the gift beyond exchange and distribution, the undecidable, the incommensurable or the incalculable, or on singularity, difference and heterogeneity" are "obliquely" concerned with justice (Derrida, 7).

## II

Obliqueness is the birthmark of colonial legality which is seeped in language, or rather in the breakdown of language, from the moment of inception. Bernard Cohn has shown how the whole corpus of translated texts of indigenous legal knowledge was necessitated by the inability of the British to comprehend the complex network of titles, ranks, allegiances, so central to the Mughal legal mechanism. The acts of translation are rooted not only in fears of strangeness but also in the fear of the potential subversive intensions of the local interpreters. Cohn quotes William Jones,

> *The servants of the company received letters they could not read and were ambitious of gaining titles of which they could not comprehend the meaning; it was found highly dangerous to employ the natives as interpreters, upon whose fidelity they could not depend; and it was at last discovered that they must apply themselves to the study of the Persian language…The languages of Asia will now perhaps be studied with uncommon ardour; they are known to be useful, and will soon be found to be instructive and entertaining.*
>
> (Jones quoted by Cohn, 23)

The colonial modern enters this performative, representational circuit of narrative which is law through a bottom-top channel, that is, through the narrativisation of crime and criminality. Apart from the tomes of legal and sociological treatise, crime influenced products of 'high' culture of the nineteenth century like Thomas De Quincey's 'On Murder Considered as one of the Fine Arts' (1827). On the other hand, the popular fiction of the 1830s and 1840s, including famous examples such as Dickens' *Oliver Twist* (1838), dealt with the so called criminal underworld as sort of an inverted, nightmarish image of the fragile respectable world of daylight. Accounts of criminality in the mid-Victorian decades, like those of prostitution, usually took the form of melodrama which as a genre always confronts basic anxieties, "the sense of an enemy, the loss of control, the apparent triumph of anarchy" (Hughes, 175). The genre of the Newgate novels that flourished during this period exhibited a fascination with all of these as they intensified the act of crime itself through a foliage of narratives. The characteristic objection against Newgate novels, epitomized by Thackeray, was not that they justified or excused crime but that they glamourized it. To quote Thackeray, "We have our penny libraries for debauchery as for other useful knowledge; and colleges like palaces for study – gin-palaces, where each starving Sardanapalus [king of Nineveh who was the symbol of luxurious effeteness] may revel until he dies" (quoted by Himmelfarb, 409). There was G.W.M. Reynolds with his enormously popular *Mysteries of London* (1844) and its sequel *Mysteries of the Court of London* (1848-56), apart from Bulwar Lytton, Wilkie Collins and others who occupied the vast and highly asymmetric field of Victorian popular literature between Dickens and the penny novels. Even the journalistic writings of the period took a sensationalist turn when it came to crime reportage, quite evident in Henry Mayhew's *London Labour and the London Poor* (1862) and *The Criminal Prisons of London* (1862). In the 1850s and early 1860s, there were bouts of panic about street robbery known as 'garrotting'. While the number of garrotte robbers was insignificant, public sensation was created through virulent press campaign. Then during the last quarter of the century, the murders of Jack the Ripper, though topographically restricted only to London's East End, provoked a nation wide panic whipped up by press sensationalism.

There was often a distinct 'oriental' flavour in much of the crime fiction and crime reporting, made profitable by the publication scene in London since the first half of the nineteenth century. Print media, which would include a vast and varied field of newspapers, literary journals issued in various time lines constituted the mass media of Victorian Britain particularly after the reduction of newspaper taxes in the 1830s and after the abolition of all taxes on print material in the 1850s. These initiatives encouraged the production and circulation of a wide range of periodicals, from the illustrated weekly *Penny Magazine* to Dickens' *Household Words*. Newspapers and magazines seeking stories for their ever increasing readership could not afford to avoid India. Yet, as Finkelstein and Peers point out, "while India did figure in contemporary literary production, it was not the all pervasive constant that we have sometimes assumed it to be. Instead, it grew fitfully, rising ... during times of war, and falling back during peacetime" (Finkelstein and Peers, 6). The contents of the India-centric stories were also determined by the available sources. Before the era of telegraph, information from India was secured through a number of sources that included official, semi-official and unofficial letters sent from India via sea or overland, officials who were kept as retainers, gossip from returned civil and military officials, the occasional 'leaked' reports of government sources and so on. Naturally crimes, particularly crimes that suited the consumption patterns of the orient-hungry metropolitan reading public, occupied a large chunk of newspaper reports. In the 1820s, during the most heated period of the debates around the same, a leading newspaper like *Times* addressed subjects like suttee and thuggee. Its Indian correspondent was Philip Meadows Taylor, who served as the Assistant Superintendent of Police in many districts of North India and was the author of *Confessions of a Thug* (1839). From mid-nineteenth century onwards, with the railways, information became more widely available and by the 1860s, there was already a long tradition of British writing that used 'criminal India' as a sellable literary commodity, the most obvious example being Wilkie Collins' *The Moonstone* (1868) which has three Indian priests as its culprits, who commit murder in order to take a precious gem back to their temple in India.

Like the city literature of the metropolitan centre, a well nourished body of indigenous crime literature could be found in the colony as well. Due to the constriction of both scope and space of this thesis, one can only undertake a very brief survey of popular crime literature in the Bengali of the time. It seems that in using his capacity as an administrator to vindicate the authenticity of the narratives, Shoshee Dutt had both predecessors and contemporaries. From mid-nineteenth century onwards one finds a whole body of autobiographical writings by

Bengal policemen. According to Basudev Chatterjee, till the first half of the nineteenth century, police service was not a preferred career option for educated young Bengalis. It is only 1850s onwards that better educated and upper caste Hindu youth started to join the police force (Chatterjee, 1981, 22). The first of the memoirs of policemen is *The Confessions of Meanjahn* (1869). The uncanny titular similarity with *Confessions of a Thug* is proof of the blurred lines of the criminal and his double, the policeman. The authenticity of Meanjahn's identity is disputed but in his own 'confessions' he comes across both as a swindler and a reservoir of worldly wisdom, gifted with a subversive sense of humour and laughter, a figure like '*Thag Chacha*', common in popular narratives of Bengal. Without any moral scruples he takes bribe, takes advantage of his sister's illicit relation with the orderly of the collector – "It only made me believe more strongly that all the world was corrupt, and that it was no great sin for a darogah, on twenty-five rupees per month, to take bribes, when judges on the bench, like the moulavie, took them" (Meanjahn, 91). Then there was Priyonath Mukhopadhyay, who wrote *Detective Police* (1887), *Banamali Daser Hatya* (1891) and most famously *Darogar Daptar* (1893), all drawing from his own experiences in police service. Later he also wrote his autobiography *Tetris Batsarer Police Kahini ba Priyonath Jiboni* (1912). Another very interesting text is *Bankaullar Daptar* (1896). The veracity of Bankaulla's identity is also disputed. According to Sukumar Sen, who brought out a new edition of the text in 1982, the name of the real historical character is Barkatulla but the author of the text is Priyonath Mukhopadyay (Sen, 1). Bankaulla was supposed to be a detective of the Special Detective Force formed in 1863-64. This text also encapsulates the fluidity of binaries between the criminal and the detective as both would often employ the same tactics to get better of the other. Among all of these texts and authors the one that comes closest to Dutt, both in the social location of the author and his narrative technique is Girish Chandra Bose's *Sekaler Darogar Kahini* (1888). Unlike Bankaulla or Meanjahn, Girish Chandra's identity is not disputed and unlike any of them, he took up pen with a clear awareness of the historical significance of his work:

> *There is a dearth of history in our country. Let alone the knowledge of earlier times, we would not even get the narratives about the conditions of the country during the youth or the middle age of the living elders of our time. So many educated and efficient natives have been involved in the administration under the British rule and have gained so much knowledge of their respective fields. Yet they have not thought it important or desirable enough to write down their experiences in their native tongue ...*
>
> (Bose, 209).

Like Shoshee Dutt, Girish Chandra was also a student of Hindu college and like Dutt again, he started his career as a clerk and later moved into police service. He bears the unmistakable emblem of modernity in his acute consciousness of the historic relevance of his contemporaneity, "People say that the clock runs faster than the horse. Truly this has been the condition of Bengal for last half a century. Politics, sociology, manners, religious beliefs, mercantile, education, sanitation, art, architecture, every field is charged. Like Kartyabirjarjuna, change has spread its hands to overwhelm the three worlds by destroying their stasis" (ibid.). However, unlike Dutt, Bose gives his personal history in the introduction itself. His text also has specific temporal markers which can be traced back to his own life which serves as the point of reference as he delineates only those incidents where he was personally involved as the darogah. The spatial panorama is also restricted since he was the darogah of Nadia-Shantipore-Krishnanagar area from 1853 to 1860. These are crucial differences between the two authors indicative of their locational dissimilarity.

III

In Shoshee Chunder Dutt's text, one finds a ready confluence of both the unitary narrative of law, imposed from the top and the diverse narratives around law erupted from the bottom. Nowhere is the eagerness to participate in the first more apparent than in the few stories related to the 1857 Revolt that the volume contains. However, the Revolt has very limited mention in the text and the rhetoric of an unapologetic collaborator that has been used comes as a surprise specially in the light of the two previous narratives of revolt by Dutt: *The Republic of Orissa* (1843) which was written even before 1857 and is a futuristic account of a rebellion of a certain hill-tribe of Orissa, named the Kingaries, and 'Shunkur: A Tale of the Indian Mutiny of 1857' which deals with the 1857 revolt itself. However, one can detect a shift in tone even as one moves from the rendition of a comfortably distant future to a proximally past reality; the unbridled enthusiasm of the first is replaced by a cautious moderation, as Dutt transplants the volatile political implications of the revolt in 'The Republic of Orissa' to the libidinal space of the individual, telling a saga of love and revenge in *Shunkur*. In 'Realities of Indian Life', this movement reaches its logical end in the complete dismissal of the revolt as a law and order problem. 'The Large Grey Beard' narrates an instance of robbery in Cawnpore where Mr Gore, a merchant and an indigo planter is robbed by a group headed by a person with grey beard. This person is a doctor named

Rooshun, a resident of Bithoor which was the seat of Peshwa Baji Rao, "necessarily the refuge of all the budmushes who lived in his neighbourhood" (S.C Dutt, 1885, 251). Rooshun turns out to be one of the accomplices of Nana Saheb, "We know to our cost how many budmushes ... Nana Saheb, was able to muster around him when he stood up as a rebel during the sepoy war of 1857" (ibid. 251). 'The Hindu Patriot' narrates an act of sedition by a sepoy in 1856, just after the annexation of Oudh. The incident takes place in a jail in 24 Parganas of Bengal where this man, hailing from Chupra and an erstwhile member of the Calcutta Native Militia, attacks the magistrate but is caught and brought to law in time. The very fact that this man has been painted as a Hindu zealot is emblematic of the narrative technique of communalizing the revolt which started to be used for its depoliticization. Unlike many other stories of the collection, in these particular cases Dutt does not show any ambiguity regarding which side of the fence he belongs to. However, in both cases, instead of taking recourse to the fear psychosis and the sensationalist attitude common in the depiction of 1857 in popular English literature of the time, he adopts the tone of benign objectivity of the legal arbiter, as if to prove both his access and allegiance to the higher discourse of legality as opposed to the cheap sensationalism of popular literature.

Even while doing so, Shoshee Dutt borrows heavily from both Victorian high and low cultures, as most of his other contemporaries. Meenakshi Mukherjee has pointed out, not without a touch of irony, that "The Watt who helps us to understand the beginnings of the novel in India is not Ian, but Sir James, the inventor of the steam engine" (Mukherjee, 4), because the might of the steam not only made India more readily available for the British consumer, but also made the West consumable for the Indian reading public, even if he (An unambiguous HE!) is not the target reader. She quotes an anonymous article published in *The Calcutta Review* in 1846 extolling the 'virtue of steam' – "Thanks to our splendid steamships ... every month brings to our shores a fresh supply of European literature, scarcely six weeks old" (ibid., 5). While in this avalanche of literary material the expatriate Englishman was searching for contemporaneity, for the Western educated Indians, it all came in a 'timeless continuum' (ibid., 6). They were simultaneously exposed to Western classics in their university curriculum and to Western popular fiction outside the classroom. The result was often an indiscreet influence of both Latin texts and popular novelists like Edward Bulwar-Lytton or G.W.M. Reynolds. In *Realities of Indian Life*, these parallel influences are clear in both the form and the content. On the one hand, there is delineation of sensational crimes, minute detailing of the so called ethnographic peculiarities of indigenous people such as human sacrifice among the tribes of frontier regions or

blood feud among the Kookies, the sacrificial rituals in front of the deity etc. which would seem to be tailor-made for the India news column of any popular London journal. Many of them are permeated with the voice of an ethnographer rather than a story teller, as these opening lines of 'The Kookies' Blood Feud' show: "There are many wild tribes settled on the frontiers of Assam, of whom the Nagas and the Kookies are not the least important. The two races differ widely from each other in outward appearance; the first being well formed and lofty in stature, while the second are short sized and active and muscular. They are also both equally wild and barbarous ..." ( S.C. Dutt, 1885, 106). The story is complete with vivid details of their "mysterious religious rites, from which strangers are always very carefully excluded" (ibid.). On the other hand, the manipulated fragmentation of form along with a certain journalistic objectivity has its allegiance to the writings of Addison and Steele, as obliquely accepted by Dutt in the choice of his outlandish nom de plume – Horatio Bickerstaffe Rowney, since Issac Bickerstaffe was the pen name of both Richard Steele and Jonathan Swift. However, Dutt's choice of Swift as the guru is surprising since Dutt's historical discourses have none of the biting satire and bleak irony of the Swiftian world (dis)order. Probably, the allegiance is not so much in terms of content and style but in terms of genealogy. By taking up the name Bickerstaffe, Dutt pays homage not only to Swift, but to the whole tradition of eighteenth century English non-fiction prose, epitomised in the figures of Addison, Steele, Swift and Dr Johnson.

Adoption of the stylized mixture of impersonal objectivity and a geniality of tone, so characteristic of the eighteenth century English prose writers, helped Dutt to maintain a strategic exteriority vis-à-vis the popular Victorian literature on Indian crime scene. The need for such mechanisms of distancing is obvious keeping in mind his soaring claims on historicity. Meadows Taylor's *Confessions of a Thug* could be an interesting point of comparison. While Taylor claims the incidents of the book to be true, he does not deny authorial intervention: "The tale of crime which forms the subject of the following pages is, alas! almost all true. What there is of fiction has been supplied only to connect the events, and make the adventures of Ameer Ali as interesting as the nature of his horrible profession would permit me" (Taylor, i). While Taylor's claim to authenticity is based on personal acquaintance, Dutt erects an atmosphere of authenticity by completely erasing his person. Taylor's text can be easily placed in his oeuvre that includes historical romances on Indian themes such as *Tippoo Sultan*, *Tara*, *Seeta* and *A Noble Queen*, whereas Dutt refuses such generic settlement, as the diversity of his oeuvre would vouchsafe. In his introduction to the first edition of *Confessions*, C.W. Stewart informs that a 'thugee romance' was suggested to Taylor by Bulwar Lytton who "had he possessed any knowledge of India or its

people would have written one himself' (Stewart, xiv). He also goes on to comment that "His [Meadows Taylor's] narrative has the merits which endeared the *Newgates Lives* to borrow". This reference provides a metatextual hint about the target readership intended by the author himself who tries to familiarize 'the system of thugee' "to the majority of the English public, not conversant with the peculiar construction of Oriental society" (Taylor, i). Dutt, on the other hand, keeps both ends of the circuit of production, that of the author and the reader equally ambiguous, opening up the circuit to differential possibilities which are kept alive by maintaining a tensile equivocality in relation to his western influences, absorbing them while not dissolving into them.

The vortex of equivocation also includes the influence of indigenous crime narratives which had their roots in Bengali popular literature and art forms. However, this has not received much critical attention. When Meenakshi Mukherjee talks about the co-existence of the European past and present as well as high and low in the consciousness of the colonial modern within the homogenous regime of colonial time, she forgets to mention the continuous presence of indigenous popular culture, whether or not in the consciousness, but definitely in the commonsense of the colonial modern. This strategic historical evasion has been addressed by Sumanto Bannerjee. He draws on Robert Redfield's classification of 'Great Tradition', "cultivated in schools and temples", and 'Little Tradition' bred among "the unlettered in their village communities" to show that the "The Great Tradition can freely borrow from the Little Tradition as and when it suits its purpose, but the Little Tradition does not have any entry into the Great Tradition" (Banerjee, 2008, 19). Crime has had its myriad manifestations in the cultural forms of the Little Tradition of colonial Bengal, among which were the tales of legendary local bandits, retained in popular memory through their recantation in popular narratives. Interestingly, these narratives of grave crime have acted as a source of children's literature in many later compilations such as Jogendra Nath Gupta's *Banglar Dakat* (1958). In the introduction of the first edition of the book, the writer says:

> *In every country we find stories of dacoits from the very early age. The great poet Valmiki was also a murderer, then he became saint Valmiki – created Ramayana.... You will get to know the stories of dacoits in both Mahabharata and the Puranas. You will also find mention of great robbers in history who were kings and emperors. Many have heard the story of Robin Hood of England. There was no dearth of dacoits in Bengal in those days, neither is there any scarcity now.... The stories of my book Banglar Dakat have been collected from the old documents of the offices of the Government of Bengal, the old newspapers and history books, there are no imaginary stories.*
>
> (Gupta, preface, translation mine)

In his introduction, Gupta refers only to his archival material, not the popular stories of Raghu Dakat, Bishe Dakat, Chite Dakat and so on, though they appear all the same in his stories and though he has tried to draw a narrative lineage of banditry, claiming continuities across times and spaces. This silent appropriation of the Little Tradition has earned his work the coveted title of historicity[2] – a feat rarely achieved by a children's book. The stories as they stand follow a pattern similar to that of Dutt, the riveting delineation of the act of crime followed by a reiteration of the rule of law. It should also be noted that like many of the bandit heroes of Gupta, some of Dutt's criminals also have a place in collective recollection. For example, the first story of *Realities of Indian Life*, 'The Reang Chief' tells the story of Joodho Moni, the notorious bandit chief, an outlaw both in the British territory and in that of the Rajah of Tripura. He appears in many folk legends and stories of Tripura. In Gupta's text, the largely local mode of functioning of many of these bandits with their networks of information, resources, coercion or cohabitation with the local communities are redrawn according to the allocated boundaries of the macro-identity of 'Banglar Dakat' (The Bandits of Bengal). However, this identity is not sweeping enough; it still retains the insignia of alterity, with its titular reference to 'Dakat'. Thus Gupta's tryst with history can only be tangential as it has to traverse the impregnable density of a foregrounded other. But Dutt tries to dissolve all alterity in the pageant of the 'real'. In Gupta's narratives, there are intermediary figures between the criminal and the law enforcer, often justice is attained even before the intervention of law, through the bravado of a common housewife or a poor snake charmer whereas no such intervention is solicited in Dutt's narratives; only the narrative of crime enveloped within the narrative of law. In a story like 'The Publican and Her Customers', Kudum, a liquor selling publican is set on fire as some of her customers try to rob her house. However, she takes her revenge by becoming a witness for the state and recognizing her victimizers in the court. Thus, though there is definitely internal friction, often questioning the premises of justice itself, no other narrative model of justice is available but the one through the intervention of colonial law. This could be read as a direct repercussion of Dutt's role as a colonial administrator.

[2] The review of *Anandabazar Patrika* said that the book presents "a picture of the social life of Bengal". According to the reviewer of *Desh*, "As a mixture of information and truth, *Banglar Dakat* deserves acknowledgement in every Bengali household". *Yugantar* also emphasizes upon the archival work done by the author. *Shishushathi* remarks, "In the stories of *Banglar Dakat* one gets acquainted with the contemporary socio-economic life of Bengal". According to *Krittibas*, "Even in order to know about the history of a specific period of Bengal, one has to read Jogenbabu's book" (All these reviews have been cited from the back cover of Jogendranath Gupta's *Banglar Dakat* [1988]).

However, even a very limited, cursory survey of the corpus of literature penned by people in the administration themselves would reveal a shift in the socio-economic location of the authors and its cultural ramifications. One can trace the transition from the poor, uneducated, Muslim darogah of the early nineteenth century to one from the upper strata of the Hindu caste society and one educated in Hindu college in terms of the text's relation with its authorship, from the dubious individuality and clear popular, collective roots of Meanjahn and Bankaulla to the indisputable authorship of Girish Chandra Bose. But Shoshee Dutt departs from this whole textual tradition in his maintenance of an objectivity vis-à-vis the 'cases' narrated by him. Unlike the others, he does not draw his authenticity from the assurance of personal involvement but from his involvement in the higher discourse of law as a deputy magistrate. This stratified notion of authority proves the fallacy of equanimity of the narrative of law. Mere participation in it does not determine authority; it is determined by an internal locational dynamics. Only education cannot disrupt this dynamics and bring Bose, the rural darogah, and Dutt, the Rai Bahadur in the same league. As rightly noted by Sumit Sarkar, "English education brought reasonable success in professions and services for some, though even there the highest rungs would be occupied by Englishmen. For many more, it came to connote only humble clerical jobs (chakri) in government or mercantile offices, once again usually British-controlled" (Sarkar, 1992, 1544). Often this world of 'unsuccessful bhadralok' is tactically forgotten to maintain the discursive hegemony of colonial modernity. This internal fractionalism within the bhadralok community dictated an individual bhadralok's specific relation with time and space. To quote Sarkar again, "Chakri thus became a 'chronotope' of alienated time and space, late 19th century Kaliyuga's heart of darkness, the principal format through which awareness of subjection spread among colonial middle-class males" (ibid., 1550), as they were subjected to the servitude of clock time under the Victorian disciplinary regime, in the literally boxed up space of an office building. In *Kolikata Kamalalay* (1823), a foreigner to the city defines the bhadralok in these words: "I hear that many in Calcutta have forsaken all customs and rituals. They have a meal and leave their *bashas* early in the morning and go to work where the entire day is subsequently spent. Some even return as late as *dui danda*, *chari danda* at night, some even at *ek prahar*, whence they have another meal and just go to bed" (Bandyopadhyay, 1992, 81). His education would often intensify this alienation as Shoshee Chunder Dutt himself would recount in 'Reminiscences of a Kerani's Life',

*I appeared before Mr Pigeon, the managing clerk of Smasher, Mutton and Co., and made as stiff a salaam as any Young Bengal has rendered either before or after that era. Mr Pigeon received the obeisance with a smile. Of course he did not return it; no one has ever returned the salaam of an apprentice. "What did I know? What would I wish to learn? Did I understand accounts? Did I know what a ledger was? Could I docket a letter or draft a reply?" – these and many other equally impertinent questions were launched out with mortifying volubility. They were all Greek to me; I had learnt English, but no Greek; I had never come across such uncouth words as 'ledger', 'docket' or 'draft'!*

(S.C. Dutt, 2005, 26)

Dutt, having undertaken quite a social journey from being a clerk to a Deputy Magistrate had access to the complete colonial chronotrope. That is why, whereas his abovementioned contemporaries could not but stick to the specificity of their disciplinary time, Dutt could evade and erase those suffocating particularities of time which, though offsprings of modernity, could not get respectable entry into the Grand Narrative of the modern.

It seems that the millenarian search for modernity makes its way through erasures of not only the uncomfortable symptoms of the modern but also its own corporeal site. The whole movement of modernity, which in a colonial situation is seen as equivalent to colonial expansion, is always looked upon as a movement from village to city: "Our stories of the temporal displacements caused by colonialism had to begin in the country side not only because the conquest which started it all was fought in a mango grove, but also because rural society was the first to be seriously affected by the East India Company's mercantile time and its fiscal time table. Yet the signs of the resulting discrepancies were far less obvious to the villagers than to those living closer to the urban and semi-urban seats of British power in the subcontinent" (Guha, 329). The colonial reality as a present continuous was happening in its presidency towns in so far as that 'reality' included the close knit network of power at the centre of colonial administration on the one hand and the effervescent bourgeois cultural production on the other. When Jadunath Sarkar compared Bengal with 'Periclean Athens',[3] he used Bengal as a metonym for the city of Calcutta, as the 'central body' of the so called Bengal Renaissance. But in Dutt's *Realities of Indian Life*, this central body is a glaring

[3] "If Periclean Athens was the school of Hellas, the eye of Greece, mother of arts and eloquence that was Bengal to the rest of India under British rule, but with a borrowed light, which it had made its own with marvelous cunning. In this new Bengal originated every good and great thing of the modern world that passed on to the other provinces of India. From Bengal went forth the English educated teachers and the Europe inspired thought that helped to modernize Bihar and Orissa, Hindustan and Deccan. New literary types, reform of the language, social reconstruction, political aspiration, religious movements and even changes in manners that originated in Bengal passed like ripples from a central body across provincial barriers to the furthermost corners of India". (quoted in Majumdar, 1960, 5)

absence, which is a striking departure from the body of Western crime literature that was available to him and which always tried to build a carnal relation between the city and crime. This is not to say that there is no city in Dutt's text. As Ashis Nandi points out, with the expansion of the colonial state, a new kind of city emerged. This 'new city' was usually a presidency town, a centre of colonial political economy unlike the 'old cities' like Varanasi or Ajmer, which emerged around pilgrim places (Nandi, 2001, 11). *Realities of Indian Life* has mention of small towns like Gorakhpore, where the incidence of 'The Irresolute Suttee' takes place, or Etawah, where 'The Sister Suttee' is located. It also has stories of crimes taking place in 'old cities' as per Nandi's definition, often having roots in the older forms of life. 'The Fight for Pilgrims' takes place in Gwalior and delineates the strange customs of Gyawal priests who were of the habit of meeting pilgrims half-way from their destination and extracting money for the performance of certain customs. Every Gyawal priest thus had a large number of servants and henchmen on his pay. However, what remains a conspicuous absence in the text is the 'new city', the presidency towns, and especially Calcutta.

This absence is in itself not unusual. In fact, it is in tandem with the general literary current of the time. To quote Swati Chattopadyay,

> *Long before the explicitly political domain became an arena of nationalist performance, Bengali literary imagination and spatial practice began the painstaking and paradoxical task of negotiating the dominance of the colonial city. The paradox resided in the refusal to explicitly acknowledge one's creative location in the city. In nineteenth century Bengali literary imagination, the city is rarely privileged as the place of creativity and 'originality'. Predominantly portrayed as an imposition, a constraint, the city seems to be made bearable by imagining a blissful countryside that performs as the ideal home. Such idyllic imaginings of the home-as-village life was a peculiarly urban discourse. If such nationalist longings elicited a refusal to accept the dictates of Western modernity, such 'anti-modernity' was itself a process of becoming modern.*
>
> (Chattopadyay, 5)

It is however an overarching statement made from a specific vantage point of 'Bengali literary imagination' that does not take into account the rich body of city-centric literature where crime often comes across as the central motif of city life. In Kedarnath Dutt's *Sachitra Guljarnagari* (1871), the criminal substratum of the city has been temporally displaced to the foundational period of the history of the city of Calcutta and has been termed 'guljarnagari', quite literally the netherworld. It provides a paranoiac picture of the city at its fringes, exploring the nexus of the red light area of the city and the layered criminal network of

extortionists, cut-throats, pick-pockets and the most sensational murderers, "the kingpins of the streets after sunset" (K. Dutt, 1992, 424) who would find representation in the popular 'Buttola' fiction which shared the same locale. There is the curious character of Bakna Pyari, a Madame of the brothel cum a local godmother, embodying the two modes of excess in a single form which is the source of visible fear and disturbance. Apart from that there is a gamut of auxiliary characters, Dakubabu, a clerk in a British merchant house, Bherakanto Nag 'B.A.B.L (Big Ass + Bedlamite at Law)', an educated lackey of the Babu, and the Babu himself, together providing the pathology of perceived urban moral decay, which lurks disturbingly in the vicinity of the boundaries of the city. All these people have been given equally extreme physical presences in the text along with characteristic names, making it an urban fable that can unfold only at its limits. A similar urban space has been explored by Prankrishna Dutta's 'Badmais Jabdo' (1869), which basically deals with the effect of the law of registration of prostitutes in the everyday life of Sonagachi. As Sumanto Banerjee has noted, the term *badmais* (bad character) started to gain a specific meaning with the expansion of the city, which would mean "unidentified bad characters of disturbed areas" who could at any point of time join large crowds, dissolve their religious identity and target their common enemy, the police (Banerjee, 2006, 123-24). Prankrishna relates these bad characters directly with the red-light area. With the implementation of the law in the city of Calcutta "The trouble making of the bad characters of Chandannagar [a French settlement where the law was not implemented] doubled while the badmais of Calcutta became completely ineffectual for lack of chance" (Dutta, 10). The relation between urban crime and prostitution was also explored and obviously sensationalized in the Bengali chap books, brought out by the cheap printing presses of Battala. The killing of Golap, a prostitute at Sonagaji, which is better known today as Sonagachi, the old red light area of north Calcutta, in 1875 was the topic of many such chapbooks, two of them being *Sonagajir Khun* (Murder at Sonagaji) and *Sonagajir Khuner Fansi* (Death Sentence of the Sonagaji Murderer) by Akhil Chandra Dutta. Unlike the penny novels of Victorian England, these chapbooks were not prose fictions but written in *payyar*, the old metrical form that Krittibas had used for his *Ramayana*. As Sumanto Banerjee has noted, in order to romanticize the everyday reality, which was in any case, though consumable, not very palatable for either the uber or the underclasses of the city, the characters had to be transposed, if not in content at least in form, to a world borrowed from pre-colonial literature (Banerjee, 2008, 171).

Shoshee Chunder Dutt's text too deals with the closeness of sexual excesses and crime. In 'The Doctors Household' for example, the incidents take place in a mixed household, a typical legacy of the colonial encounter that has not received much scholarly attention. In the whole collection, this particular narrative comes closest to a detective story where Dr Davidson, the civil surgeon of Saugur and his whole family are killed under mysterious circumstances. His household consisted of Mussamut Gunga, a Rajput woman who was in his keeping, her mother Mussamut Keria, Mussamut Kushia, the daughter of Gunga by a former husband and her husband Chutter Sing, besides two of Gunga's children by Dr Davidson. Chutter Sing turns out to be the culprit who killed the rest of the family to establish his highly complex and distant right over the doctor's property. 'The Lady Errant' has Victoria Hussey as its central character whose escapades with her two lovers, one European and the other Muslim, is at the bottom of the crimes delineated. She chooses the Muslim over his European competitor but wants to make best use of the Englishman before dumping him. She slips out of her mother's grip with the help of the Englishman and then together with her lover poisons him. The two virtually lead the life of outlaws. Finally they are caught; the man receives capital punishment and the woman transportation. That many of these stories deal with such mixed relations reveals the anxiety over the implications of racial intermixing, an anxiety which was more immediate for somebody of Dutt's social position than the prolific authors of the Battala novels. However, these remain sporadic instances of transgression, geographically too scattered to emerge as a consolidated picture of the pathology of sex and crime. Only the boundary walls of the city could provide the space for such a graffiti of excesses.

Taking the rhetorical obfuscation of the city as a given would also negate its importance as the site of the colonial market, and as a result the pure mercantile significance of its non representation, which becomes particularly problematic with the literary imagination's turning towards crime. With the absentification of Calcutta, many new forms of crime which were not part of any pre-existing social order but typical products of the vibrant colonial market also do not find any mention. According to Sumanto Bannerjee, "the trend-setters in the art of crime during the early days of the life of the city were not the poor rogues from the city's underworld, but the British lawmakers and the Bengali privileged classes who struck deals with each other and made money" (Bannerjee, 2003, 2046), epitomized by the financial scandals of Warren Hastings and his rival Philip Francis. In *Realities of Indian Life*, the stories under the section termed 'Saheban' do allude to the criminal activities of the Westerners, mostly of financial nature, as in 'The Duel' where a duel is fought between two

residents of Chandernagore over a disputed transaction of money. The case would immediately remind the readers of the famous Calcutta duel of 1780, fought between Hastings and Francis. But none of these incidents take place in Calcutta and apart from the indigo planters, most of the foreign criminals are non-British westerners.

Apart from quite literally the 'master' thieves, criminals included indigenous luminaries as well, like the corrupt and cruel deputy collector of Calcutta (1720-1756) Govindaram Mitra. It was under his aegis that the first police force of Calcutta was formed as club-wielding paiks and naiks, not far from the upholders of the 'club law' who find derogatory mention in Dutt's account. These were the predecessors of later abundance of urban white collar crimes in the integrated clerical network of British administration and financial firms. Dutt himself recounts them in his more autobiographical 'Reminiscences of a Kerani's Life'. But here, this whole superstratum of high profile criminal activity goes completely unnoticed. So does the substratum of urban criminality with its erstwhile-peasant-turned-urban-vagabonds, the multiracial gangs operative across the city, the extortionists, blackmailers, the cosmopolitan crime syndicates and so on. As the terminology itself would suggest, these crimes were new discoveries of the city in its formative days. Is it this aspect of these crimes that disqualifies them for a place in the heralded canon of 'realities' of Indian life? Are they not considered to be 'rooted' enough in those realities to assume a representative role? But they are the unique products of the same colonial broth that produced the celebrated list of cultural elements in Sir Jadunath Sarkar's catalogue; in fact physically and materially, they are more proximal to the production machinery of those discourses than the highway robber or the rural henchman of Dutt's 'realities'. So, is it this disturbing proximity which is the real point of contention?

The representation of crime and the city share a relation of extremity. In a sense crime is morality taken to its limits, where morality becomes its double – it is the theatre of moral extremes which finds graphic representation in the ever expanding physical horizons of the city. For the same reason, crime becomes the most potent metaphor for the city. Shoshee Dutt derives much of his form and content from this complex mosaic of crime and culture. But by erasing them from the body of his text, he distances his narrative from these fringe-forms of cultural coagulation in order to inculcate a new literary identity in between high and low culture. By erasing the city, Dutt also tries to co-opt the excessive aspects of crime while pruning them to establish the candidature of his narrative as an account of 'reality' in so far as reality is a stabilizing discourse culturally produced and strategically maintained for hegemonic purposes. City, being the coroneted site of the modern is always in movement,

and so it is dangerously volatile as a representational category, while village is fossilized in the imagination of the modern as stagnant, and for that reason stable. With the same logic, rural crime would be seen as more embedded in social continuity, though we have seen the complex unworkings of that myth of stability as a result of the intervention of the modern. Rural crime, rather than being a harbinger of disorder, could often be seen as the anomic aspect of the order and thus ideologically more useful for the representation of the real.

With the erasure of the city space, the colonial market-place also gets physically erased. And yet, it remains a phantasmagoric presence since it is the rule of that market that shapes the contours of the text. The city itself being always already a process, never a finished product, is the closest metaphor for the colonial subject. It is also his physical locale. Thus the textual non-existence of the cityscape would quite literally make the colonial subject spatially absent, asserting his presence only in and through time so that when he sets out to provide the geographic ideation of the nation, he has the advantage of a singular homogeneous time which could become the time of the nation. It would also earn him a seat in the regime of 'the Bengali literary imagination', searching for a nation rather than a city. According to Ashis Nandi "certain core concerns and anxieties of Indian civilization have come to be reflected in the journey from the village to the city, and from the city to the village. Travel through space and time, the known and the unknown and, ultimately, the self and the non-self, get subsumed under these two humble forms of journey" (Nandi, 2001, 7). The physical and conceptual journey to the city pre-empted a reverse journey as well, a journey from self to non-self. Often this journey is seen as an ahistoric, atavistic search for a pristine 'national' past, uninterrupted by the ravages of history: "Nationalists have always pictured their chosen nation in florid, even glowing images, waxing lyrical over the beauties of the national countryside and national heroes" (Smith, 10). However, this countermovement is as much grounded in the historical angst of the colonial modern as his absorption into the 'new city' with much economic and political implication. It need not necessarily be a movement from self to non-self, but an alternative mode of identity formation that attempts to subsume the contradiction of multiple 'presences' with the energy of absence. Absence could be a useful narrative tool in the face of the continuous upsurge of heterogeneity. There was on the one hand the literary legacy of the stereotype of the *Babu*, inextricably conjoined with the urban spectre, "established as a new species in the literary landscape of Bengal, a species obeying its own 'law of existence'" (Harder, 361). This stereotype has been further complicated in the latter half of the nineteenth century with the crystallization of the two ends of the spectre as

'competition babus' and 'keranis'. The chronotopic proximity of such a diverse bourgeoisie, with their specific temporal sensibility closely linked to the time of production in the colonial market, was too vivid to neglect (the result is their self-reflexive appearance in what Harder calls "oblique mode(s) of satirical dissent" [p. 363]), yet too multiplicitous to synchronise in the historical project of the nation. Thus, instead of putting the claim on the nation through the creation of the forbearing presence of the subject, Dutt tries to achieve the same goal by creating a forbearing absence of the same. As one has already seen, the colonial modern's battle to reclaim time was difficult because of its ambiguous relation with European modernity on the one hand, and the lack of a singular contemporaneity on the other. The solution attempted by Dutt is rendition of the nation in terms of a flattened spatiality, represented through the 'internal other' of the colonial modern and yet spread across the time of the same. The spatial absence thus becomes a mode of ideating the nation in homogeneous time without risking the sudden interjection of alternative temporalities.

English could be particularly helpful to achieve this chiaroscuro of absence-presence. English itself being spatio-temporally dislocated gives the advantage of dislocation, necessary for the narrative manipulation of categories. The writer in local languages is often faced with strategic dead-points where because of his indisputable locatedness, he cannot envelop himself in complete absence. He has to merge categories in order to overwrite their demanding specificities. The search for specificities is apparent in Akshaychandra Sarkar's 'The Bengali's "National Life" and Hemchamdra', where he explains his dissatisfaction with what Bengalis understood as '*jatiya jiban*' or national life:

> *First of all, we do not properly understand this term, The National Life of the Bengali. Perhaps the leaders of the Congress understand the term The National Life of the Indian, we certainly do not comprehend it. If the national life of the Bengali is a constituent part of the national life of the Indian, then that is even more incomprehensible. Instead of saying this, if we say the national life of the Bengali is a part of Hindu life that too does not help much. How much a part? Only that part which is geographically in Bengal? In Bengali history? Then is Kashi (Benaras) not a part of our national life? And Ram-Lakshman? Are they too nothing? What sort of a national life is that? I don.t understand it. The real thing is that the time has come when we must understand what we mean exactly when we use terms such as nationalism (jatiyata), national life. (jatiya jiban), or the welfare of the country (desh-hitoishita).*
>
> (quoted in Chaudhuri, 2005, 235)

It is this ambiguity of meaning that leads to a fluidity of the terminology, opening up the narrative possibilities of an identity-in-formation. According to Sudipta Kaviraj it is "an index of a historical difficulty of discourse" resulting in attempts "to stretch its meaning in an unaccustomed direction; making it spell something which it was not accustomed to spelling out" (Kaviraj, 129).[4] English, on the other hand, could sustain the topographical palimpsest attempted by Shoshee Chunder Dutt because it could preserve the angularity of local dialects and yet remain perceptibly alienated from the paraphernalia of locatedness. One often finds a sudden eruption of Bengali terms in a dialogue constituted of otherwise perfectly structured English sentences. The text abounds in conversations such as this one "'O, Baba Eshan!' said Mohima Chunder, 'I will not allow you to go till you have partaken of the prosad'" ('The Uncle and His Nephews', S.C. Dutt, 1885, 150). What Tabish Khair calls the problem of 'mapping' for Indian English fiction is the problem "of English as a language that, due to abrupt and late introduction as well as its distance from other Indian languages, remains impaired in its bid to provide a full vocabulary for Indian cultural and physical 'geographies'" (Khair, 101). However, the same problematics of 'mapping' could also chart out dotted territories to produce alternative maps of the nation. The absorption of local cultural influences was also a standard literary practice as suggested by Meenakshi Mukherjee (Mukherjee, 1985, 15). However, her generalization that the Indian writer in English undertook the broad assumption of an Indian identity only to emphasize "otherness and exoticity" (Mukherjee, 2000, 16) overlooks the complex process not only of historical but of historiographic negotiations. Mere exoticity cannot ensure a ticket to historical modernity because it does not necessarily exude an economy of difference, vis-à-vis both the metropolitan centre and the internal other. The writers in English also participated in a more decentred geopolitics of publication. As Mukherjee points out,

> *... unlike the novelists in Bangla, Marathi or Malayalam, who were confident about a sizable readership within their specific geographic region, the writer in English suffered from an uncertainty about his audience. From clues embedded in the text, the implicit addressee seemed to be situated outside the culture, possibly in England, or among colonial administrators living in India who were concrete representatives of the abstract Other as far as Indians were concerned. This does not necessarily mean that these people were the actual consumers of this fiction.*
>
> (ibid. 14)

[4] Kaviraj makes this remark in the specific context of Bankim Chandra Chatterjee and his supposedly ambiguous use of the term '*jati*' which, according to Kaviraj, might simultaneously mean a people, a community or a nation (Kaviraj, 129). However, the strategic implications of this supposed confusion regarding the term '*jati*' is a little suspect. Although '*jati*' may mean caste in some of the Indian languages, it has no such connotation in Bengali, as opposed to '*jat*' which is the unambiguous term for caste in Bengali. Thus, when Bankim speaks of '*jati*' whether he has any federal Indian vision in mind or for him nation is equal to Bengal can be a point of critical contention.

She suggests that there are no a priori addressers or addressees, both are constructed by the logic of the discourse. With texts like *Realities of Indian Life*, this mutual act of construction gets further problematized with the parallel and geographically distant loci of publication. The surviving editions of Shoshee Chunder Dutt's works from the late 1870s onwards bear the imprints of London publishers. For example, in 1877-78, Shoshee Dutt's *Bengaliana: A Dish of Rice and Curry, and Other Indigestible Ingredients* was published by Thacker, Spink and Co. in Calcutta but was printed in London. *Bengal: An Account of the Country from the Earliest Times* (1884) was published from London by Gilbert and Rivington Limited. *Realities of Indian Life* itself was published by Lovell Reeve and Co. from London. The particular trend of simultaneously publishing from Calcutta and London, with alien nom de plumes is a change noted in another context by Rosinka Chaudhuri in her study of the 'gentleman-poets' of nineteenth-century Bengal where she points out that by this time London "has become the primary choice for any poet writing in English ... as publications from India were no longer assured the attention accorded to them in the earlier days of East India company rule" (Chaudhuri, 2002, 133). She talks about the new awareness of an expanded trans-cultural readership. Thus, unlike the writer in Bangla, Dutt was not bound specifically to the colonial urban market and so unlike him, Dutt could construct an authorial subject by stretching its positional signifiers to the point where they become mere dispositional indices malleable according to the needs of the project of the nation.

However, the important question remains whether this is a sustainable project or not. Can the temporally levelled cartography of the nation remain politically viable if it is constantly threatened through the construction of other spaces? Further, this space-time manipulation is based on an obsessive bonding of time and modernity, implying the idea of space in an antithetical relation with the modern, as the abode of pre-modern communities. According to Timothy Oaks, 'place' as a theoretical concept should be distinguished both from the micro-locale of organic communities and the abstract topology of the nation. It is derived from "linkages across time and space which make place more of a dynamic web than a specific site or location" (Oaks, 510). It is the terrain to play out the contradictions and ambivalences of modernity. *Realities of Indian Life* also takes place in the 'place' that, while trying to exonerate a unified geography of the nation, exposes the tension between the fractured locations of communities and the ensuing political abstraction of the nation. The text is not a simple idyllic invocation of the countryside. The very fact that the discursive adhesive that creates the map out of mere dots is crime, is itself a shadow on the idyll. One finds new spatial

dynamics coming up with the relation of the village communities with the roads surrounding them. These roads are often harbingers of change as the alien influences of modernity come through them, often shown in terms of an English administrator or missionary. However, the relation of the road with the community is frequently rooted in miscomprehension as is the case in the story 'The Possessed Child', where the parents of a child, apparently 'possessed' by evil spirits, decide to deliver the child to those very spirits. They put the child in a basket and hang the basket from a tree. If the child remains there for a whole day, it should be deciphered that he has been returned to the parents. However, a missionary, passing by the village, mistakes the whole incident as one of 'exposure', that is abandoning a child, which was a criminal offence and complains to the magistrate resulting in the parents being arrested. Thus the road could be a 'place' of potential ambiguity, emblematic of both the connection and disruption between the micro-community and the macro-discourse of modernity. Crime also explores its own heterotopic spaces like the road, the prison or the meeting places of criminal gangs, the sites of their ritual performances and so on, which create separate spatial sensibilities, not reducible to the evened out imagined territoriality of the nation.

## IV

So far, one has tried to chart the probable moorings of the colonial modern in its axiomatic search for its own specific historical arrival as a subject. Michel Foucault claims that politics of modernity is constituted by disciplines of normalization and subject-formation, what he calls 'bio-power'. According to him, it could be called the "threshold of modernity" which is reached when "the life of the species is wagered on its own political strategies. For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for political existence; modern man is an animal whose politics places his existence as a living being in question" (Foucault, 1978, 143). Thus while for Aristotle, political existence could remain an added appendage, it is the essence of the experience of modernity. However, this essence could never be a given for the colonial modern as it would always be haunted by the "fear of looking unoriginal" (Chakraborty, 1994, 50). This fear would be subsumed by the nationalist rhetoric in its search for a different origin which would nevertheless remain amicable to the European construction of modernity. Yet, since the political search for origins takes place on a cultural plane, the play of difference cannot be contained to a single and authentic origin. It is inescapably shrouded in ambiguity. Also, in the face of the

unavailability of a positive concept of citizenship for the colonial modern, his political existence always balances itself on a shifting ground vis-à-vis the colonial state. Although he participates in the narrative of law, he is unable to secure a settled identity of a legal subject. The economy of difference that he has ushered in is in excess of his originary project:

> *... the Bengali modern, implicated as it is in the structures and relationships of power that produce the social-justice narratives of the public sphere, is constituted by tensions that relate to each other asymptomatically. There cannot therefore be any one unitary history of its becoming.... Questions of its history/modernity have to be situated within a recognition of its 'not-oneness'.*
>
> (ibid., 81)

One has seen in Shoshee Dutt's *Realities of Indian Life* an attempt to traverse the elastic distance between a consolidated subject-position and a complete dissipation of the same. This travail is in constant touch with extremities. It carries itself out through the maze of both presences and absences. It partakes off the narrative of law which is its sole passport to become a legal subject, and the narrative which is law, which is its sole resource to maintain the economy of difference. The invisible web that makes this journey between extremities possible is one of narrative. The opacity of narrative also ensures a journey from subjectivity to subjectivisation. Subjectivity relies on existent forms of subject, and so is inescapably static, whereas subjectivisation is a shift from given forms of subject to newer forms. This web becomes the marked path of the colonial subject, who is, as one has seen, always a process, not a finished product. Thus he has to constantly undertake the journey between the narrative of law and the narrative that is law, he has to move along the fictional frame and keep on questioning it. Crime itself, in terms of representation, having an elliptical trajectory touching both the high and low ends of the cultural echelon, provides a suitable track for this journey. The space between the two ends is not an in-between space where all locational yardsticks of subject formation completely disintegrate; neither is it a fixed centre of the progressive growth of the modern subject. It is rather an elliptical circuit, bound at both ends and yet in continuous movement. This circuit, which is both the orbit of the movement of the colonial modern and also itself a movement, could be "the place that cannot be mapped" (Hillis Miller, 6). However, this circuit does not float in the interminable play of signifiers, but is grounded in the historical zeitgeist of the colonial encounter. The colonial subject is thus in a constant state of un-making, always moving to and fro between both the ends but never quite reaching either. The identity-in-between that I have talked about in the first chapter is a quasi-hegemonic formation that materializes along the lines of this ellipse, its

hegemonic aspirations constantly thwarted by the contesting materialities and temporalities of the colonial quagmire. The conflicted class identity of the bhadralok along with its contingent relation with the colonial production-time makes the project of achieving a positive definition of the subject brittle. It becomes doubly untenable because of the radical multiplicity of time itself, not always convergent with the time of capital. The sustainability of a negative definition remains equally suspect in the face of emerging alterities that refuse to be co-opted in the fabricated role of an internal other. The in-betweenness herein is not an eclectic choice, but the trail of a historical failure of arrival that has to be continuously endured and continuously overcome in order to maintain a circuitous tryst with modernity.

## Conclusion

This dissertation has tried to look into the fractured politics and performative of colonial subject formation through a close reading of Shoshee Chunder Dutt's *Realities of Indian Life*. Here performative would imply the provisional modifications in the construction of the subject as it emerges, not merely as a received discourse but as a performed category, constantly redefined against the volatile crust of colonial topology. That the production mechanism and production relations of the colonial subject are often at variance with its metropolitan counterpart and are mired in the colonial broth have been contended by much of recent scholarship on the topic. What remain constant among these varied academic assertions are the fetishization of the historical subject as an all engulfing 'presence' and the staging of the whole colonial culturescape as a linear graph of progression towards that presence. However, the recognition of the performative in the colonial context can be significant to demystify the imposing integrity of this narrative. Performance, by definition is different at every instance of its own occurrence and thus, is potentially undermining for the authority of a single and singular presence. The result is not a complete denial of presence as a political goal but various latent approximations of the same leading to different discursive formations. This is not to say that the performative can be posited as a site for the unburdening of the cross of historicity. On the contrary, this thesis has been an attempt to look at these performative elements in vital interaction with history through narrative mediation. Different modes of this interaction have had various implications on the subjective moorings of colonial modernity. I have tried to dig into the nodes of negotiation among history, deviance and narratives of law. I must admit that the choice of the area of investigation was prompted by the naïve assumption of an almost geometric pattern created by the three pivotal points that constitute and circumvent the area. While history seems to inhabit the upper half of the cultural body as a knowledge discourse, crime occupies the lower half as a major preoccupation of popular literature. Narratives of law not only touch both the ends, but actually run through them, shaping their contours and setting the limits of the same, rendering the whole in-between space as a veritable triangle. However, what had escaped me then has later become the vantage point of my survey – the fact that not only is this triangle fraught with contradictory kinetic currents, constantly redrawing its boundaries, but the points themselves are mobile and vulnerable. Deviance has its own narrative to tell, which manifests itself in official documents, policy decisions and subsequent juridical models imposed from above on practices that have been relegated a position below. One has tried to

show how fallacious the assumed separation between the main social body and its deviant metastasis is, particularly in the colonial context, where the social body is unevenly pockmarked by new forms of state intervention as well as colonial capital. Usually capital is read as a global phenomenon and even while accepting its changing nature, the changes are assumed to be not synchronic but transtemporal. It has often been thought that the nature of capital is the same all over the world; the local variations result out of the workings of capital on pre-existing life forms. Lately, a lot of scholarship has taken place challenging this view while foregrounding the uneven penetration of capital in colonies that has resulted into various adjustments in the character of capital itself. However, most of such scholarship has looked at the implications in terms of policy shifts and structural changes. The bourgeois cultural preferences and products have always been looked upon as attempts to whitewash those internal dissents through a hegemonic consolidation of the colonial subject. The colonial subject has remained a reaction to the workings of colonial capital. Seldom are those dissents viewed as constituent elements in the generation of the subject. As a result, certain ontological possibilities of the subject are not adequately addressed. In my dissertation a central concern has been to understand the nature of capital, its mode of infiltration in both agrarian and mercantile regimes, and its implication on the production of the colonial subject. In doing so, my intention has been to put a scanner on the premise of assuming the class identity of the colonial subject as a given. I have tried to show that the ambiguity around the question of citizenship was not merely because of the reluctance of the colonial state to provide any political definition to the hegemonic aspirations of the colonial bourgeoisie, but also because of the fractured nature of the colonial bourgeoisie, its internal variations of class based on layered participation in the time of capital.

The constant and multidirectional friction between capital and the social body has resulted in the absence of a single time of capital. This has opened the possibility of the reorientation of both time and space. One has tried to place Dutt's text within these changing indices while investigating how the need to participate in the temporal regime of the modern gets manifested and thwarted in it. In the first chapter I have shown how Dutt has tried to cull out the space of deviance as an internal other to modernity, something that has localized spaces marked out, but has only one overarching time which is the time of the modern, imposed and regimented through the discourse of colonial law that normalizes the contingency of deviance through its codification of delinquency. In the second chapter I look closely at Dutt's text to detect the constantly 'compearing' narratives, often contrapuntal to the sweeping narrative of

law, questioning the possibility of a singular narrative regime that could translate itself into a singular temporal regime. The final chapter destabilizes the claustrophobic solidarity of the narrative of law itself by analysing the swift movement between the narrative of law and the narrative(s) of deviance in Dutt's text as it is located at the confluence of the so called high discourse of the Rule of Law and the presumed low discourse of popular stories of crime.

The first half of the title of my thesis pre-empts a sweeping scope which gets limited in the titular significance given to the particular text. However, as I have mentioned in the introduction as well, my intention has not been to provide critical compensation for the years of ignorance about Dutt. This dissertation is not an analytical study of Dutt's literary acumen or the lack of it. It tries to address a particular problematic and both Dutt and his text have provided a point of entry into it. That is why I have not dwelled sufficiently on many of the texts of Shoshee Chunder Dutt's eclectic oeuvre but restricted myself to the single text with occasional substantiation from some of his other fictional and non-fictional works. While this rather limited study could have benefited from a more thorough archival research of colonial judicial and police documents, such a study was ot possible because many of these documents are not available here. For example, *Papers Relating to East India Affairs*, House of Commons, *Bengal Criminal and Civil Judicial Consultations, Indian Legislative Consultations*, *Bengal Criminal Judicial Consultations*, *Bengal Revenue Judicial Consultations* etc. are available at India Office Records and Library, London. Important manuscripts and private papers such as Auckland Mss, Warren Hastings Additional Mss etc. are available at British Museum and Library, London, as well as in many other libraries in London. Some of the restrictions were, however, self-chosen according to the orientation of the thesis. Being a student of literature, I wanted to keep my focus more rigorously on cultural productions rather than on official documents. But even this narrowed down pedagogic field entails scope for scrupulous archival work. For example, it would have been fruitful to compare Dutt's text with other contemporary texts in English produced by bureaucrats or high ranked judicial officers, both British and Indian, such as John Beams' *Memoirs of a Bengal Civilian* (1961), in order to locate converging and diverging patterns of legal and historiographic perspectives. Many of the texts produced by the early civil servants and judges are scattered in various libraries across India. These were not accessible due to the constraint of resources as well as the single most devastating impediment – time – the most testing antagonist of any long term academic endeavour that appears as a tiresome but inevitable repetition in a confessional journey through one's own limitations.

There have been many other, significant forms of representing crime, for example crime reportage in both English and Bengali newspapers of nineteenth century Bengal, crime in popular doggerels and songs etc. But these could not be incorporated due to the stipulations of length. I had to keep most of them outside the purview of this thesis in order to avoid redundant references, not substantiated by the spacious analyses that they demand and deserve. Most of the limitations listed above are of logistic rather than conceptual nature and I intend to overcome them in my next, more expansive research project. However, this is not to preclude the possibility of conceptual shortcomings, resulting out of the enthusiasm of taking the first step into academic research not tempered by deep and thorough scholarship. In one sense, this handicap is incurable as I cannot quite fathom the depth of the pedagogy that would be sufficient to make the knowledge of such a complex historical process satisfactorily comprehensive. But so far as the handicap originates in possible shallowness of vision and scope, I intend to rectify it through more informed review and reengagement.

I am more comfortable about listing my drawbacks than drawing a conclusion to something which has not even been finished. In fact, the limitations themselves are indicative of a process in continuum and of the impossibility of reaching a conclusive ending. If the thesis at all tries to achieve anything, it is a space beyond the fixation with completion, either in terms of the absolute presence of it or in terms of its 'complete' absence, making the presence dissolve into decentred fragments. It has set its camera eye on the movement between the two extreme points, movement of a special kind which is structured but not static, which touches the end points but never stagnates there, generating new forms in between.

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