

Rechtsgeschichte Legal History

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<http://www.rg-rechtsgeschichte.de/rg31>
Zitiervorschlag: Rechtsgeschichte – Legal History Rg 31 (2023)
<http://dx.doi.org/10.12946/rg31/269-270>

Rg **31** 2023 269–270

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Exploring the Power of Victorian Narratives

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A fundamental question for scholars of colonial legal history is what role the law played in disguising the oppression of the coloniser. Writing from the juncture of the fields of law and literature, colonial Indian history and postcolonialism, Leila Neti demonstrates the link between the decisions of the Judicial Committee of the Privy Council (JCPC) – the final court of appeal for the colonies – and the legal and social narratives which were both reflected in and shaped by Victorian fiction. The JCPC was the setting for the meeting of colonial subjects with the power of the sovereign. By presenting three legal cases heard before the JCPC between 1836 and 1872 alongside prominent Victorian novels of the same era, Neti reveals fascinating insights into the relationship between the concepts of self, subjecthood and sovereignty, and how these were presented as colonial legal narratives.

Building on the work of Radhika Singha, amongst others, Neti demonstrates how »modes of narrativity« (1) were essential tools used by the colonial legal system to represent itself as »embodying a direct relationship to the sovereign on the one hand, and the colonial subject on the other« (6). Because the »objective rationality of colonial law« could not be based on »any [Indian] collective national or cultural interest« (9), Neti demonstrates the way in which Victorian »fictions of nationalism and selfhood« (8) were transferred between the metropole and India to create a sense of legitimacy for the colonial legal system. Thus, both law and Victorian literature had an important role to play in »imagining political subjectivity, of both subject and sovereign, into being« (9). Three themes – criminality, temporality and inheritance – are chosen as the framework for her arguments.

Neti sets out her analysis in a thematic rather than chronological order. The themes are discussed over three sections, each comprising two chapters, which examine cases and novels in turn, allowing for a comparative reading of the legal and social

narratives in both the case law and the fictional works. Under the theme of criminality, chapter 1 considers the case of *The Queen v. Eduljee Byramjee* (1846), in which the JCPC was asked to consider whether a right of appeal to the Privy Council for criminal convictions existed. In particular, Neti considers the exercise of sovereignty and the importance of the narrative of fear during the course of the case, in the context of fear as a means of biopolitical control. In chapter 2, the narratives of Indian criminality which emerged from cases such as *Eduljee Byramjee* are juxtaposed against those which appear in two novels of the *Bildungsroman*-genre: Charles Dickens' *Great Expectations* and Philip Meadows Taylor's *Confessions of a Thug*, which centre upon an English and an Indian criminal's story respectively, framed »within a normative teleology« (94). The development of a man's character through fatherhood, and questions of social versus individual responsibility are presented in each novel in a starkly different light.

Chapters 3 and 4 turn to the interactions between Indian religious notions of temporality and the temporality of the English court system. The case of *Ramaswamy Aiyar v. Venkata Achari* (1863) concerned two competing groups of Brahmins who disputed rights of access to a Hindu temple, as well as the distribution of profits with regard to the performance of certain priestly services for visiting pilgrims to the temple. This case is presented as a conflict between Hindu and English understandings of hereditary rights, and the legal question concerned the evidence which was required to prove these rights. Neti argues that, because the members of the JCPC lacked an understanding of the Indian legal traditions in which they were asked to operate, in order to reach their decision they recast the concepts of caste and temporality into a narrative which suited the colonial model. Whilst both parties referred to the »ancient hereditary origins of their rights« concerning the temple, Neti demonstrates how the Privy

* LEILA NETI, *Colonial Law in India and the Victorian Imagination*, Cambridge: Cambridge University Press 2021, 302 p., ISBN: 978-1-108-83748-4

Council reframed the debate in terms of »documentary proof: established over a recorded length of modern history« (110). In this way, Neti identifies the centrality of teleological narratives and systematised order in British attempts to interpret and streamline the »unwieldy pre-colonial legal system« of religious law which preceded them (100). The »biopolitics of bureaucracy« (107) and the development of the primacy of »British legal historicity« (120) as a linear history created by precedent are key themes in this analysis.

In chapter 4, the *Ramaswamy* case is explored as an example of teleological temporality and how the Victorian notion of »progress« was developed by the law. This case is then compared to the narratives in Wilkie Collins' detective novel *The Moonstone*, which centres on the theft of an allegedly cursed Indian diamond from a young English woman – a diamond which had itself first been stolen by East India Company men during the plunder of a Hindu temple. Our attention is drawn to the obvious parallels to this fictional diamond and the history of the *Koh-i-noor* diamond. Neti carefully traces the novel's »two narrative temporalities« (133) which run parallel to each other: firstly, the mystery of uncovering the perpetrator, which »places evidence and individual agency at the centre of understanding and narrating events« (123), and secondly, the historical narrative of the diamond itself. Neti argues that, in a similar fashion to the *Ramaswamy* case, the novel relies on characterisations of Indian history as »cyclical« and the Hindu past as »stagnant« when at the end of the novel the diamond is reclaimed by three Brahmins and returned to its original home in the temple.

Finally, the laws surrounding inheritance, private property and adoption are examined in the context of narratives of the »relationship between individualism and sovereignty« (149). Chapter 5 focuses on the case of *Troup v. East India Company* (1857), which concerned the complex story of the estate of the Begum Sumroo and her ultimately unsuccessful efforts to protect her land from being annexed by the East India Company upon her death by transferring them to her adopted son. Here, Neti argues that colonial law was able to claim »rational intentionality« by functioning as »a metaphor for the Crown« (149). The Begum's case is an example of a wider project of the British Raj to undermine forms of sovereignty which »were

not exclusively individual«. This included refusing to recognise »forms of kinship and affection that were more collective and less centred on biological reproduction« (150). Family politics and adoption are examined alongside those of *quid pro quo* relations between the Indian gentry and the East India Company, as evidenced in treaties.

In chapter 6, the ways in which English laws of property and inheritance were used as a tool of colonial expansion in the Begum's case are read alongside the role of adoption and its social connotations in Britain through two of George Eliot's novels, *Silas Marner* and *Daniel Deronda*. Both feature main characters who actively refuse to comply with certain legal and social norms regarding adoption. A comparative reading therefore reveals that whilst adoption in England at the time emphasised individualism, Indian narratives were »consigned to the collective« (182). This is reflective of the broader Victorian narratives of Indian people and their culture.

A minor criticism which might be levied against this work from a legal history perspective is that although the Sepoy Rebellion of 1857 and the subsequent transfer of colonial authority from the East India Company to the Crown in 1858 is alluded to at several points as a historical turning point, there is no in-depth analysis of how this might have changed the legal narratives. This omission is particularly noticeable when we consider the role of Queen Victoria as the personification of English legal ideals in India, which made appeals to the Privy Council appeals to the Queen herself as the »fountain of justice«. Similarly, the concept of the rule of law in a narrative context remains unexplored.

In all, by shining a light on the similarities between legal narratives in Victorian literature and culture and the case law of the JCPC, Neti is successful in her stated aim to add new dimensions to existing scholarship by illuminating new ways in which to view both the legal archive and works of fiction. Her work provides a useful framework for legal historians, and in particular for historians of legal transfer, to explore the extent to which popular social narratives of the Victorian era influenced the development the colonial judicial process in India.

